



# Statutory Compliance

Florida Street, Sylvania, State Significant Development

SSD-83258708

29 Florida Street, Sylvania

Prepared on behalf of Homes NSW

**Revised 20 July 2026 (RFI 2)**

## Document control

### Authors

|                    |                           |                                |
|--------------------|---------------------------|--------------------------------|
| <b>Reviewed by</b> | Michael File, Director    | michael@fpdplanning.com        |
| <b>Prepared by</b> | Katrina Burley, Associate | katrina.burley@fpdplanning.com |

### Project summary

|                              |                                                                                                                                                        |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Prepared on behalf of</b> | NSW Land and Housing Corporation operating as Homes NSW                                                                                                |
| <b>Land to be developed</b>  | 29 Florida Street, Sylvania                                                                                                                            |
| <b>Legal description</b>     | X DP411212, Y DP411212, Lots 2-9 & Lots 10-13 DP22661, Lot 104 DP 733063                                                                               |
| <b>Project description</b>   | Construction of eight residential buildings ranging in height from seven to nine storeys, accommodating 325 market dwellings and 159 social dwellings. |

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# 1 Statutory requirements

This document forms part of the EIS for a State Significant Development Application (SSDA) for residential development for a mix of social, affordable and private housing at 29 Florida Street, Sylvania and addresses all statutory requirements relevant to the proposed development, including:

- *Environmental Planning and Assessment Act 1979* (EP&A Act)
- *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation)
- *Biodiversity Conservation Act 2016* (BC Act)
- *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP)
- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP)
- *State Environmental Planning Policy (Housing) 2021* (Housing SEPP)
- *State Environmental Planning Policy (Hazards and Resilience) 2021* (Hazards SEPP)
- *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP)
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP)
- *Sutherland Shire Local Environmental Plan 2015* (Sutherland LEP)
- *Sutherland Shire Development Control Plan 2015* (Sutherland DCP)

## 2 Statutory Compliance

Section 1.3 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) sets the objectives of the Act which have been addressed in Table 1 below.

### 2.1 Environmental Planning and Assessment Act 1979

*Table 1 Objectives of the EP&A Act*

| Relevant provisions                                                                                                                                                                              | Consideration                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 1.3 – Objects of the EP&amp;A Act</b>                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,      | The site is suitable for the residential development. The proposal will have a positive impact on the social and economic welfare of the community and natural environment and will enable the delivery of 484 apartments, including 159 social dwellings, within 400m walking distance of the Southgate Shopping Centre Town Centre.                                                                                                    |
| (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, | The EIS is consistent with the principles of ecologically sustainable development as addressed in the ESD Report at Appendix M.                                                                                                                                                                                                                                                                                                          |
| (c) to promote the orderly and economic use and development of land,                                                                                                                             | The proposed development promotes the orderly development of land which is suitable for residential development, as confirmed through the recent low and mid rise housing reforms which apply to the site, as well as through detailed site analysis and assessment of impacts as detailed in the EIS and accompanying reports.                                                                                                          |
| (d) to promote the delivery and maintenance of affordable housing,                                                                                                                               | The proposal directly responds to this objective as it will deliver new social housing.                                                                                                                                                                                                                                                                                                                                                  |
| (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,                              | The proposal would not have any impacts on threatened and other species of native animals and plants, ecological communities and their habitats as demonstrated in the BDAR Waiver Request.                                                                                                                                                                                                                                              |
| (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),                                                                               | This is addressed in the Aboriginal Archaeological Due Diligence Report (Appendix O) and Baseline Archaeological Assessment (Appendix P).                                                                                                                                                                                                                                                                                                |
| (g) to promote good design and amenity of the built environment,                                                                                                                                 | <p>The proposal is supported by a Design Report (Appendix E) which outlines the design principles and design response to demonstrate good design and amenity of the built environment that will benefit future residents and users of the proposed development.</p> <p>The proposal has also been reviewed by the State Design Review Panel on two occasions with the design being refined to address comments provided by the SDRP.</p> |

| Relevant provisions                                                                                                                                 | Consideration                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,          | construction and maintenance of the buildings through compliance with all relevant building standards to be further addressed in the future detailed design.                                                                                                                                                                                                                                                                               |
| (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, | The proposed development is to be assessed as SSDA in accordance with the provisions of the Planning Systems SEPP.                                                                                                                                                                                                                                                                                                                         |
| (j) to provide increased opportunity for community participation in environmental planning and assessment.                                          | Consultation has been carried out to inform the SSDA as detailed in the Consultation Report (Appendix Q). Further consultation will be carried out as part of the SSDA assessment.                                                                                                                                                                                                                                                         |
| <b>Section 4.15(1) – Matters for consideration</b>                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Relevant Environmental Planning Instruments                                                                                                         | Addressed in this document.                                                                                                                                                                                                                                                                                                                                                                                                                |
| Relevant proposed Environmental Planning Instruments                                                                                                | Not applicable. No draft instruments applicable to the site.                                                                                                                                                                                                                                                                                                                                                                               |
| Relevant planning agreements                                                                                                                        | Not applicable. No planning agreement is proposed.                                                                                                                                                                                                                                                                                                                                                                                         |
| Relevant Development control plans                                                                                                                  | Section 2.7 within this Statutory Compliance Table includes consideration of the Sutherland Shire DCP 2015, noting that DCP's do not apply to state significant development in accordance with Section 2.10 of the Planning Systems SEPP.                                                                                                                                                                                                  |
| The EP&A Regulation (where they prescribe matter related to Section 4.15).                                                                          | <p>Section 61 of the EP&amp;A Regulation sets out additional matters for consideration. The only relevant matter is that a in determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.</p> <p>Demolition will be carried out in accordance with Australian Standard AS 2601—2001: The Demolition of Structures.</p> |
| The likely impacts of the development                                                                                                               | The likely impacts of the development have been assessed in detail in the EIS.                                                                                                                                                                                                                                                                                                                                                             |
| Suitability of the site                                                                                                                             | The site has been demonstrated to be suitable for the proposed development through previous rezoning as well as through detailed site analysis and assessment of impacts as detailed in the EIS and accompanying reports.                                                                                                                                                                                                                  |
| Any submissions made in accordance with the EP&A Act                                                                                                | Any submissions received during the exhibition of the EIS will be considered as part of the assessment process.                                                                                                                                                                                                                                                                                                                            |
| The public interest                                                                                                                                 | The proposed development is in the public interest as it will deliver a new housing including social housing which is consistent with the State and local planning policies.                                                                                                                                                                                                                                                               |

## 2.2 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

A BDAR Waiver Request has been prepared to accompany this SSDA (Appendix R) which sets out that the proposed development is not likely to have any significant impact on biodiversity values.

A BDAR Waiver was issued by DPHI on 8 December 2025 confirming that a DBAR is not required as the proposed development is not likely to have any significant impacts on biodiversity values (Appendix S).

## 2.3 Roads Act 1993

Section 138 of the Roads Act 1993 requires the approval of the appropriate roads authority for works within a public road reserve.

A new driveway is proposed from Pembroke Street, and vehicular access is proposed Florida Street which are both local public roads. Public domain works are also proposed within the Pembroke Street and Florida Street road reserves, and within Princes Highway and Port Hacking Road road reserves which are classified roads. No vehicle access is proposed from Port Hacking Road or Princes Highway.

The proposed works are detailed in the Design Report (Appendix E), Landscape Plans (Appendix H) and Civil Plans (Appendix L).

Approval from Sutherland Shire Council and Transport for NSW under Section 138 as the roads authority is required. In accordance with Clause 4.42 of the EP&A Act, a consent under Section 138 of the Roads Act cannot be refused if the project is approved and must be substantially consistent with the approval.

Consultation will be carried out with Transport for NSW and Council as part of the assessment of the SSDA.

## 2.4 Environmental Planning and Assessment Regulation 2021

The Environmental Planning and Assessment Regulation 2021 (the EP&A Regulation) sets out requirements for the environmental assessment of compliance of SSD applications, which are considered in Table 2 below.

**Table 2: Consideration of the EP&A Regulation**

| Relevant provisions                                                                                                                                                                                                        | Consideration                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 29</b><br>Requires development applications for residential apartment development to be accompanied by a statement addressing the design principles in Chapter 4 of the Housing SEPP and objectives of the ADG. | This is addressed in the Design Report at Appendix E.                                                                                                     |
| <b>Section 190</b><br>Sets out the requirements for the form of the EIS                                                                                                                                                    | The EIS is consistent with the requirements of Section 190 and has been prepared in accordance with the <i>State Significant Development Guidelines</i> . |

| Relevant provisions                                                                                                          | Consideration                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 191</b><br>Requires compliance with the environmental assessment requirements                                     | The EIS has been prepared in accordance with the SEARs issued on 2 May 2025.<br><br>Appendix A outlines how the SEARs have been addressed in the EIS.               |
| <b>Section 192</b><br>Sets out the required content to be included in an EIS                                                 | The content of the EIS is consistent with the requirements set out in Section 192.                                                                                  |
| <b>Section 193</b><br>Outlines the principles of ecologically sustainable development, which are to be addressed in the EIS. | The proposed development is consistent with the ESD principles. The ESD Report at Appendix M, has been prepared in accordance with the requirements of Section 193. |

## 2.5 State Environmental Planning Policies

### 2.5.1 State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) sets out development that is SSD along with State Significant Infrastructure and regional significant development. The relevant provisions of the Planning Systems SEPP are considered in Table 3 below.

**Table 3: Consideration of the Planning Systems SEPP**

| Relevant provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Consideration                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 2.6</b><br>Chapter 2 of the Planning Systems SEPP sets out that development specific Schedule 1 or 2 of the SEPP is declared to be state significant development (SSD).<br><br>Schedule 1, Section 26 declares that development carried out by Land and Housing Corporation with an Estimated Development Cost (EDC) of more than \$30 million, or development that will result in more than 75 dwellings is SSD.<br><br>Schedule 1, Section 26A declares that development for the purpose of in-fill affordable housing to which Chapter 2, Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021 applies, with an EDC of more than \$75 million is SSD. | The proposed development will be carried out by NSW LAHC (operating as Homes NSW), with an EDC of more than \$30 million and will result in development containing more than 75 dwellings.<br><br>The proposed development is also for in-fill affordable housing with an EDC of more than \$75 million.<br><br>The proposed development is therefore SSD. |
| <b>Section 2.10</b><br>Establishes that development control plans do not apply to state significant development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Although DCPs do not apply to SSD the proposal has been prepared consideration of the relevant provisions of Sutherland Shire DCP 2015 are detailed at Section 2.7.                                                                                                                                                                                        |

## 2.5.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) sets out controls relating to public infrastructure. Controls relevant to the proposed development are considered and addressed in Table 4 below.

**Table 4 Consideration of the Transport and Infrastructure SEPP**

| Relevant provisions                                                                                                                                                                                                                                                                                                                                                               | Consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 2.48 Electricity Infrastructure</b><br>This section requires a referral to the relevant electricity supply authority for development within 5m of overhead electricity power lines or adjacent to a substation.                                                                                                                                                        | Consultation will be carried out by Department of Planning, Housing and Infrastructure (DPHI) with the relevant energy authority during the exhibition period.                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Section 2.119 Development with frontage to classified road</b><br>Sets out that development consent must not be granted to development with frontage to a classified road unless the safety, efficiency and operation of the road has been considered, and the development is appropriately designed and located to minimise any potential traffic impacts on the development. | <p>Traffic impacts are addressed within the Transport Impact Assessment at Appendix J and Section 6.7.</p> <p>The proposed development proposes vehicular access and servicing from local streets (Pembroke Street and Florida Street) and the Transport Impact Assessment at Appendix J demonstrates that the proposal will not result in any unacceptable impacts to the surrounding road network including Port Hacking Road and Princes Highway.</p> <p>Consultation with Transport for NSW (TfNSW) will be undertaken as part of the assessment of the SSDA.</p>                        |
| <b>Section 2.120 – Impact of road noise or vibration on non-road development</b><br>This section requires compliance with relevant noise criteria and consideration of the Development near Rail Corridors and Busy Roads Interim Guideline for development on land in or adjacent to a road corridor with an annual average daily traffic volume of more than 20,000 vehicles.   | Potential road noise and vibration impacts have been addressed in the Noise and Vibration Impact Assessment at Appendix T which demonstrates the proposal can achieve the minimum noise criteria.                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Section 2.122 Traffic-generating development</b><br>Sets out that development of 75 or more dwellings on a site with access to a classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road) is traffic generating development requiring referral to Transport for NSW (TfNSW).              | <p>The site adjacent to Princes Highway and Port Hacking Road which are classified roads. The SSD will be referred to TfNSW as traffic generating development.</p> <p>Access is proposed from Pembroke Street and Florida Street which are local streets.</p> <p>The Proposal is defined as traffic generating development as it proposes 484 dwellings, with access to a road (Florida Street and Pembroke Street) that connects to a classified road (Port Hacking Road and Princes Highway).</p> <p>Consultation will be carried out by DPHI with TfNSW during the exhibition period.</p> |

### 2.5.3 State Environmental Planning Policy (Housing) 2021

Chapter 2, Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) sets out provisions relating to the development of in-fill affordable housing.

Chapter 4 of the Housing SEPP sets out provisions relating to the design of residential apartment development and requires consideration of the quality of the design in accordance with specified design principles and consideration against the Apartment Design Guide.

Chapter 6 of the Housing SEPP sets out provisions relating to low and mid rise housing. The site is located in a low and mid rise housing inner area as it is within 400m walking distance of the Southgate Shopping Centre which is identified as a Town Centre on the Town Centres Map.

The relevant provisions of these chapters are considered and addressed in Table 5 below.

**Table 5: Consideration of the Housing SEPP**

| Relevant section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Consideration                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 2 Affordable housing</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Section 15A Objectives of division</b><br/>Sets out the objectives of this division which is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low-, low- and moderate-income households.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>The proposal will provide new affordable and social housing that will assist in providing housing for very low, low and moderate income households.</p>                                                                                                                                                                            |
| <p><b>Section 16 Definitions</b><br/>Relevant definitions in this division include:</p> <p><i><b>affordable housing component, of development, means the percentage of the gross floor area used for affordable housing.</b></i></p> <p><i><b>residential development means development for the following purposes—</b></i><br/>           (a) attached dwellings,<br/>           (b) dual occupancies,<br/>           (c) dwelling houses,<br/>           (d) manor houses,<br/>           (e) multi dwelling housing,<br/>           (f) multi dwelling housing (terraces),<br/>           (g) residential flat buildings,<br/>           (h) semi-detached dwellings,<br/>           (i) shop top housing.</p> <p>In this division, residential development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation is taken to be used for the purposes of affordable housing.</p> | <p>The development will be carried out by Homes NSW (Land and Housing Corporation) and will be developed and used for the purposes of affordable housing.</p>                                                                                                                                                                         |
| <p><b>Section 15C Development to which division applies</b><br/>This division applies to development that includes residential development if -</p> <ul style="list-style-type: none"> <li>the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</li> <li>the affordable housing component is at least 10% and</li> <li>all or part of the development is carried out</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Residential flat buildings are permitted with consent in the R4 High Density Residential zone in Sutherland Shire LEP 2015.</p> <p>As per Section 15B of the Housing SEPP, residential development carried out by or on behalf of the Land and Housing Corporation is taken to be used for the purposes of affordable housing.</p> |

| Relevant section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>– for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area – in an accessible area,</li> <li>– or development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</li> <li>• affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>The site is located in the Eastern Harbour City, which forms part of the Six Cities Region and is in an 'accessible area' as the site is within 400m of a bus stop used serviced by regular bus services.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>Section 16 Affordable housing requirements for additional floor space ratio</b></p> <p>Applies bonus floor space for development that includes residential development which is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with the below:</p> $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} + 2$ <p>The minimum affordable housing component must be at least 10%.</p> <p>If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted.</p>                                                                                                                                                  | <p>The proposed maximum floor space ratio (FSR) control and maximum building height under the current Sutherland Shire LEP is 1.6:1 and 16m, respectively.</p> <p>The site is located in a low and mid rise housing area, therefore the standards under Chapter 6 of the Housing SEPP apply, whereby the maximum building floor space ratio for the site is 2.2:1 and the maximum building height is 22m.</p> <p>With the 30% bonus FSR applied under the Housing SEPP a maximum FSR of 2.86:1 and a maximum building height of 28.6m applies to the site.</p> <p>The proposed FSR is 2.05:1, which is compliant with Section 16 of the Housing SEPP.</p> <p>The proposed development exceeds the maximum height of buildings and is justified through a Clause 4.6 Report at Appendix D.</p> |
| <p><b>Section 19 Non-discretionary development standards – the Act, s 4.15</b></p> <p>Sets out development standards that prevent the consent authority from requiring more onerous standards for the relevant matters of residential development which applies to this division:</p> <ul style="list-style-type: none"> <li>• A minimum sites area of 450m<sup>2</sup></li> <li>• A minimum landscaped area of 35m<sup>2</sup> or 30% of the site area (whichever is the lesser)</li> <li>• A deep soil zone on at least 15% of the site area where each deep soil zone has a minimum dimension of 3m and if practicable at least 65% of the deep soil zone is located at the rear of the site. Does not apply to development which Chapter 4 applies.</li> <li>• Living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter. Does not apply to development which Chapter 4 applies.</li> <li>• The following number of parking spaces for dwellings <u>used for affordable housing</u> –</li> </ul> | <p>The proposed development complies with the non-discretionary standards as detailed below:</p> <ul style="list-style-type: none"> <li>• The total site area is 21,792 sqm, which meets the minimum site area of 450 sqm.</li> <li>• A total of 50% landscaped area is proposed across the site.</li> <li>• Non-discretionary standards for deep soil do not apply to development to which Chapter 4 applies. Notwithstanding, the proposal provides for 30% deep soil.</li> <li>• Non-discretionary standards for solar access do not apply to development to which Chapter 4 applies.</li> <li>• Car parking exceeds the minimum requirements of the Housing SEPP.</li> <li>• All apartments are compliant with minimum internal areas specified in</li> </ul>                             |

| Relevant section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Consideration                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>1 bedroom – at least 0.4 spaces</li> <li>2 bedrooms – at least 0.5 spaces</li> <li>3 bedrooms at least 1 space</li> <li>The following number of parking spaces for dwellings <u>not used for affordable housing</u> - <ul style="list-style-type: none"> <li>1 bedroom – at least 0.5 spaces</li> <li>2 bedrooms – at least 1 space</li> <li>3 bedrooms at least 1.5 spaces</li> </ul> </li> <li>A minimum internal area as specified in the Apartment Design Guide.</li> </ul>                                                                                                                                                                                                             | the ADG. Refer to the Design Report at E                                                                         |
| <p><b>Section 20 Design requirements</b><br/>Sets out that consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide.</p> <p>Consent must not be granted to development unless the consent authority has considered whether the design of the residential development is compatible with –</p> <ul style="list-style-type: none"> <li>The desirable elements of the character of the local area or</li> <li>For precincts undergoing transition – the desired future character of the precinct.</li> </ul>                                    | Not applicable. Instead, Chapter 4 applies to the proposed development.                                          |
| <p><b>Section 21 Must be used for affordable housing for at least 15 years</b><br/>Sets out that consent must not be granted unless the consent authority is satisfied that for a period of at least 15 years commencing on the day of occupation certificate is issued for the development that -</p> <ul style="list-style-type: none"> <li>the development will include the affordable housing required for the development under Section 16, 17 or 18 and</li> <li>the affordable housing component will be managed by a registered community housing provider.</li> </ul> <p>This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</p> | Does not apply as the development is carried out by Homes (operating as Land and Housing Corporation).           |
| <p><b>Section 22 Subdivision permitted with consent</b><br/>Sets out that land on which development has been carried out under this division may be subdivided with development consent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Approval is sought for subdivision as part of this SSDA.                                                         |
| <b>Chapter 4 Design of residential apartment development</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |
| <p><b>Section 146 Referral to design review panel for development applications</b><br/>A consent authority must refer the residential apartment development applications to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</p>                                                                                                                                                                                                                                                                                                                                                                                     | Does not apply to SSD, however the proposal has been reviewed by the State Design Review Panel on two occasions. |

| Relevant section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Section 147 Determination of development applications and modification applications for residential apartment development</b></p> <p>Sets out that consent must not be granted to residential apartment development unless the consent authority has considered the following –</p> <ul style="list-style-type: none"> <li>the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9.</li> <li>the Apartment Design Guide</li> <li>any advice received from a design review panel within 14 days after the consent authority referred the development application to the panel.</li> </ul>                                                                                                                                                                                   | <p>Refer to the Design Report at Appendix E for an assessment against the Apartment Design Guide.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>148 Non-discretionary development standards for residential apartment development – the Act, s 4.15</b></p> <p>Sets out development standards that prevent the consent authority from requiring more onerous standards for the relevant matters of residential development which applies to this division:</p> <ul style="list-style-type: none"> <li>Car parking must be equal or greater than the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide</li> <li>The internal area for each apartment must be equal or greater than the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide</li> <li>The ceiling heights for the building must be equal or greater than the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</li> </ul> | <p>Car parking is provided in accordance with non-discretionary rates in Section 19 of the Housing SEPP. Refer to detail above.</p> <p>As detailed in the Design Report at Appendix E, all internal areas of apartments and ceiling heights for the building comply with Part 4C and Part 4D of the Apartment Design Guide.</p>                                                                                                                                                                                                                                                                                               |
| <b>Chapter 6 – Low and mid rise housing</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>175 Development standards—low and mid rise housing inner area</b></p> <p>(1) This section applies to land in a low and mid rise housing inner area in Zone R3 Medium Density Residential or R4 High Density Residential.</p> <p>(2) Development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer.</p> <p>(3) Development consent must not be granted for development for the purposes of a building containing shop top housing with a building height of up to 24m unless the consent authority is satisfied the building will have 6 storeys or fewer.</p>                                                                                                                                                  | <p>The site is zoned R4 High Density Residential and is in a 'low and mid rise housing inner area' as the site is within 400m walking distance to the Southgate Shopping Centre which is identified as a 'Town Centre' on the Town Centres Map.</p> <p>The site is located in a low and mid rise housing area and is subject to the 22m height control.</p> <p>With the 30% bonus height applied under Chapter 2 of the Housing SEPP, the maximum permitted building height is 28.6m.</p> <p>The proposed development exceeds the maximum height of buildings and is justified through a Clause 4.6 Report at Appendix D.</p> |
| <p><b>177 Landscaping—residential flat buildings or shop top housing</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>The proposal exceeds the minimum deep soil and tree canopy targets in the Tree Canopy Guide for Low and Mid Rise</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Relevant section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(1) This section applies to land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.</p> <p>(2) Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the Tree Canopy Guide for Low and Mid Rise Housing, published by the Department in February 2025.</p>                                                                                                                                                                                                                                                                                                                                                   | <p>Housing. The proposal provides 31.5% canopy cover and 30% deep soil.</p>                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>178 Minimum lot size for residential flat buildings or shop top housing</b></p> <p>(1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.</p> <p>(2) A requirement specified in another environmental planning instrument or development control plan in relation to the following does not apply to development that meets the standards in section 180(2) or (3)—</p> <ul style="list-style-type: none"> <li>(a) minimum lot size,</li> <li>(b) minimum lot width.</li> </ul>                                                                                                                             | <p>No minimum lot width or site area requirements apply.</p> <p>The non-discretionary development standards in Section 180(2) apply.</p>                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>180 Non-discretionary development standards—residential flat buildings and shop top housing in Zone R3 or R4</b></p> <p>(1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low- and mid-rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.</p> <p>(2) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing inner area—</p> <ul style="list-style-type: none"> <li>(a) a maximum floor space ratio of 2.2:1,</li> <li>(b) for residential flat buildings—a maximum building height of 22m,</li> <li>(c) for a building containing shop top housing—a maximum building height of 24m.</li> </ul> | <p>The site is located in a low and mid rise housing area, therefore the standards under 180(2) apply, being a maximum floor space ratio of 2.2:1 and a maximum building height control of 22m.</p> <p>With the 30% bonus height applied under the Housing SEPP, the maximum floor space ratio is 2.86:1 and the maximum building height is 28.6m.</p> <p>The proposed development exceeds the maximum height of buildings and is justified through a Clause 4.6 Report at Appendix D.</p> |

**Table 6 Consideration of Tree Canopy Guide for low and mid-rise housing**

| Relevant section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Consideration                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Where the Apartment Design Guide applies provide:</p> <ul style="list-style-type: none"> <li>• Minimum of 7% deep soil</li> <li>• 15% and tree canopy</li> </ul> <p>Where possible seek to enhance tree canopy outcomes for sites over 1500sqm by providing deep soil and tree canopy as per the below:</p> <ul style="list-style-type: none"> <li>• 15% deep soil</li> <li>• 20% and tree canopy</li> <li>• For every 575sqm of site, plant at least 2 medium trees or one large tree in the deep soil area</li> </ul> <ul style="list-style-type: none"> <li>• locate contiguous deep soil areas to maximise the number of trees that can be planted.</li> </ul> | <p>The proposed development exceeds the targets in the Tree Canopy Guide for Low and Mid Rise Housing.</p> <p>The proposal provides 31.5% canopy cover and 30% deep soil.</p> |

#### 2.5.4 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) includes Chapter 4 Remediation of Land which are relevant to the proposed development.

Chapter 3 Hazardous and Offensive Development applies to any development which fall under the SEPPs definition of 'potentially hazardous industry' or 'potentially offensive industry'. The proposed development is not considered to fall within the abovementioned definitions and therefore is not applicable to this application.

The relevant provisions of these chapters are considered in Table 7 below.

**Table 7: Consideration of the Resilience and Hazards SEPP**

| Relevant provisions                                                                                                                                                                                                                                                                                                                                                                     | Consideration                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 3 Hazardous and Offensive Development</b>                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                             |
| Chapter 3 Hazardous and Offensive Development applies to any development which fall under the SEPPs definition of 'potentially hazardous industry' or 'potentially offensive industry'.                                                                                                                                                                                                 | The proposed development is not considered to fall within the abovementioned definitions and therefore is not applicable to this application.                                               |
| <b>Chapter 4 Remediation of Land</b>                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                             |
| Section 4.6 sets out that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated, and if the land is contaminated that it is satisfied that it is suitable in its contaminated state or that it will be suitable after remediation, for the purpose for which the development is proposed to be carried out. | The site is suitable for the proposed residential development subject to remediation as confirmed in the Detailed Site Investigation (Appendix V) and Remediation Action Plan (Appendix W). |
| Further, the consent authority must consider if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.                                                                                                                   |                                                                                                                                                                                             |

#### 2.5.5 State Environmental Planning Policy (Sustainable Buildings) 2022

The State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP) came into effect from 1 October 2023 and sets out requirements for the design and construction of more sustainable buildings.

The relevant provisions of the Sustainable Buildings SEPP are considered in Table 8 below.

**Table 8: Consideration of the Sustainable Buildings SEPP**

| Relevant provisions                                                                                                                                                                                                                                                                                                                                                    | Consideration                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 2, Section 2.1</b><br>Applies to residential development and sets relevant standards for BASIX buildings relating to energy, water use and thermal performance.<br><br>It also sets out that <ul style="list-style-type: none"> <li>Development consent must not be granted to development to which the standards specified in Schedule 1 (BASIX</li> </ul> | The proposed development meets or exceeds BASIX targets as outlined in the ESD Report at Appendix M and BASIX Certificates at Appendix N. |

| Relevant provisions                                                                                                                     | Consideration |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------|
| buildings) apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. |               |

### 2.5.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) applies to land within a regulated catchment. The site is within the Georges River Catchment and therefore, the provisions in Division 2 of Chapter 6 are applicable to the site.

Chapter 6 requires the consent authority to consider potential impacts within regulated catchments, including potential water quality and quantity impacts and flooding impacts.

**Table 9: Consideration of the Biodiversity and Conservation SEPP**

| Relevant provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Consideration                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 3 Water Catchments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                        |
| <p>Chapter 6 of <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (Biodiversity and Conservation SEPP) applies to land within a regulated catchment.</p> <p>The site is within the Georges River Catchment and the provisions in Division 2 of Chapter 6 are applicable to the site.</p> <p>Chapter 6 requires the consent authority to consider potential impacts within regulated catchments, including:</p> <ul style="list-style-type: none"> <li>• Water quality and quantity</li> <li>• Aquatic ecology</li> <li>• Flooding</li> <li>• Recreation and public access</li> </ul> | <p>The Proposal incorporates water sensitive urban design measures and will not result in any unacceptable water quality impacts as outlined in the Integrated Water Management Plan (Appendix L).</p> |

## 2.6 Sutherland Shire Local Environmental Plan 2015

The site is zoned R4 High Density Residential under the *Sutherland Shire Local Environmental Plan 2015* (Sutherland LEP).

The proposed development is for residential flat buildings which are permissible with consent in the R4 High Density Residential zone.

Consideration of the relevant controls under the Sutherland LEP is outlined at Table 10 below.

**Table 10: Consideration of Sutherland Shire LEP 2015**

| Control                                                                                                                | Consideration                                                                                                                                              | Compliance |
|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>Part 2 Permitted and prohibited development</b>                                                                     |                                                                                                                                                            |            |
| <p><b>Land use zone – objectives</b></p> <p>The objectives of the R4 High Density Residential zone are as follows:</p> | <p>The proposed development meets the objectives of the R4 zone by providing a range of housing a high density environment, in an accessible location.</p> |            |

| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Consideration                                                                                                                                                                                                                                                                                                                 | Compliance |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a high density residential environment.</li> <li>To provide a variety of housing types within a high density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability.</li> <li>To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.</li> <li>To minimise the fragmentation of land that would prevent the achievement of high density residential development.</li> </ul> |                                                                                                                                                                                                                                                                                                                               |            |
| <b>Permissible uses</b><br>Residential flat buildings are permissible with consent in the R4 zone.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>The proposed development is for residential flat buildings which are permissible with consent.</p> <p>The R4 zone allows a wide range of residential uses including attached dwellings and multi-dwelling housing with consent.</p>                                                                                        | Yes        |
| <b>Section 2.7 Demolition requires consent</b><br>Requires development consent for demolition works.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Approval is sought for demolition of the existing buildings on the site.                                                                                                                                                                                                                                                      | Yes        |
| <b>Part 4 Principal development standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                               |            |
| <b>4.3 Height of buildings</b><br>The maximum height of buildings on the subject site is 16m under the Sutherland LEP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>The maximum building height control under the current Sutherland Shire LEP is 16m.</p> <p>However, the site is subject to height controls in the low and mid rise housing provisions and in-fill affordable housing provisions under the Housing SEPP as detailed in Section <b>Error! Reference source not found.</b></p> | N/A        |
| <b>4.4 Floor space ratio</b><br>The maximum floor space ratio on the subject site is 1.6:1 under the Sutherland LEP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The proposed maximum floor space ratio (FSR) control under the current Sutherland Shire LEP is 1.6:1.</p> <p>However, the site is subject to FSR controls in the low and mid rise housing provisions and in-fill affordable housing provisions under the Housing SEPP as</p>                                               | N/A        |

| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Consideration                                                                                                                                                                                                                             | Compliance |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | detailed in Section <b>Error! Reference source not found.</b>                                                                                                                                                                             |            |
| <b>Part 5 Miscellaneous provisions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                           |            |
| <b>5.10 – Heritage conservation</b><br>Requires consent authority to consider the effect of the proposed development on a heritage item, heritage conservation area or land within the vicinity of a heritage item or heritage conservation area.                                                                                                                                                                                                                                                                                                                              | The site is not identified as a heritage item, within a heritage conservation area or land within the vicinity of a heritage item or conservation area.<br><br>This is addressed in the Baseline Archaeological Assessment at Appendix P. | Yes        |
| <b>5.21 Flood planning</b><br>Requires the consent authority to consider whether the development is compatible with flood risk, whether it will adversely affect flood behaviour, the safe occupation or evacuation in a flood event, or the environment and incorporates appropriate measures to manage risk to life.<br><br>The consent authority must also consider projected changes due to climate change, the intended design and scale of the building, risk to life and evacuation measures or the potential to modify, relocate or remove buildings in a flood event. | Flood risk and potential impacts are addressed in the Flood Risk Impact Assessment at Appendix K.<br><br>All floor levels and the basement entry are located above the PMF flood level mitigating flood risk on Site.                     | Yes        |
| <b>5.22 Special flood considerations</b><br>Requires the consent authority to consider whether the development will affect the safe occupation and efficient evacuation of people in the event of a flood and incorporates appropriate measures to manage risk to life in the event of a flood, and if the development will adversely affect the environment in the event of a flood.                                                                                                                                                                                          | Flood risk and potential impacts up to the PMF are addressed in the Flood Risk Impact Assessment at Appendix K.<br><br>All floor levels and the basement entry are located above the PMF flood level mitigating flood risk on Site.       | Yes        |
| <b>Part 6 Local Provisions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                           |            |
| <b>6.1 Acid sulfate soils</b><br>Requires an acid sulfate soils management plan for certain development on land identified on the Acid Sulfate Soils map.                                                                                                                                                                                                                                                                                                                                                                                                                      | The site is mapped as containing Class 5 acid sulfate soils.<br><br>Acid sulfate soils are addressed in the Detailed Site Investigation (DSI) at Appendix V.                                                                              | Yes        |
| <b>6.2 Earthworks</b><br>Requires consent for earthworks.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Approval is sought for earthworks as part of this SSDA. The proposed earthworks can be appropriately managed and will not result in any unacceptable or significant environmental impacts. The earthworks                                 | Yes        |

| Control                                                                                                                                                  | Consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Compliance |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|                                                                                                                                                          | <p>will be undertaken in accordance with the Civil Plans and Integrated Water Management Plan. The Response to Submissions included revised civil, stormwater and flood information, including amended site levels and drainage arrangements, to manage stormwater and flooding and mitigate off-site impacts.</p> <p>Accordingly, the proposed earthworks are consistent with the provisions in Clause 6.2 as the proposed earthworks will not disrupt drainage patterns, will not impact the future use of land or adjoining properties, will not impact any waterways or water catchments, and incorporates appropriate mitigation and management measures.</p>                                                                                                                                                                                                                                                                 |            |
| <b>6.4 Stormwater management</b><br>Requires the consent authority to be satisfied that stormwater impacts have been addressed.                          | <p>Stormwater impacts have been addressed in the Integrated Water Management Plan at Appendix L, Civil Plans and Flood Impact and Risk Assessment at Appendix K. The proposed stormwater drainage system incorporates water sensitive urban design measures, on-site detention and appropriate drainage infrastructure to manage both water quantity and quality impacts associated with the development.</p> <p>The Integrated Water Management Plan demonstrates that stormwater can be appropriately managed without creating any unacceptable stormwater impacts on adjoining properties, or downstream waterways. The stormwater design will continue to be refined during detailed design in consultation with Council.</p> <p>The proposal is consistent with the requirements in Clause 6.4 as it minimises stormwater impacts, avoids downstream impacts and incorporates appropriate stormwater management measures.</p> | Yes        |
| <b>6.14 Landscaped areas in certain residential, employment, conservation and waterway zones</b><br>Requires 30% of the site area to be landscaped area. | <p>The proposal provides more than 50% of the site as landscaped area as detailed in the Landscaped Report at Appendix H.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes        |
| <b>6.16 Urban design—general</b><br>(1) In deciding whether to grant development consent for any                                                         | <p>Addressed in the Design Report at Appendix E.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Yes        |

| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Consideration                                                                                                                                                                                                                | Compliance |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <p>development, the consent authority must consider the following—</p> <ul style="list-style-type: none"> <li>a) the extent to which high quality design and development outcomes for the urban environment of Sutherland Shire have been attained, or will be attained, by the development,</li> <li>b) the extent to which any buildings are designed and will be constructed to— <ul style="list-style-type: none"> <li>(i) strengthen, enhance or integrate into the existing character of distinctive locations, neighbourhoods and streetscapes, and</li> <li>(ii) contribute to the desired future character of the locality concerned,</li> </ul> </li> <li>c) the extent to which recognition has been given to the public domain in the design of the development and the extent to which that design will facilitate improvements to the public domain,</li> <li>d) the extent to which the natural environment will be retained or enhanced by the development,</li> <li>e) the extent to which the development will respond to the natural landform of the site of the development,</li> <li>f) the extent to which the development will preserve, enhance or reinforce specific areas of high visual quality, ridgelines and landmark locations, including gateways, nodes, views and vistas,</li> <li>g) the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines and the extent to which the design of the proposed development applies those principles.</li> </ul> <p>(2) In this clause, Crime Prevention Guidelines means the publication, Crime prevention and the assessment of development applications (ISBN 0 7347 0184 5), published by the NSW Department of Urban Affairs and Planning in 2001.</p> | <p>Further, these matters have considered through the SDRP review process on two occasions.</p> <p>The proposal has been refined to address SDRP feedback to ensure the proposal achieves a high-quality design outcome.</p> |            |
| <p><b>6.17 Urban Design – residential accommodation</b></p> <p>In deciding whether to grant development consent for development for the purposes of residential accommodation the consent authority must consider the following—</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Addressed in the Design Report at Appendix E.</p> <p>Further, these matters have considered through the SDRP review process on two occasions.</p>                                                                         | Yes        |

| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Consideration                                                                                                                                                                                                                                                                                                                                            | Compliance |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| a) the extent to which recognition has been given in the design of the development to the needs of the diverse and changing population of Sutherland Shire,<br>b) the extent to which any adverse impacts of the development on adjoining land and open space, in terms of overshadowing, overlooking, views, privacy and visual intrusion, will be minimised,<br>c) the extent to which the quality of the streetscape concerned will be improved by the development,<br>d) the extent to which there will be private open space of a sufficient area and dimensions to enable proposed and required activities,<br>e) the extent to which any adverse impacts of the development on adjoining land, in terms of size, bulk, height, scale and siting, will be minimised,<br>f) the extent to which the residential accommodation concerned integrates with a well-designed landscaped setting,<br>g) any opportunities for the provision of affordable housing | <p>The proposal has been refined to address SDRP feedback to ensure the proposal achieves a high-quality design outcome.</p> <p>The proposal delivers a high level of residential amenity, maximises open space and landscaping on the site, minimise impacts to neighbours and provides a substantial proportion of new social housing on the site.</p> |            |

## 2.7 Sutherland Shire DCP 2015

The Sutherland Shire Development Control Plan 2015 (Sutherland Shire DCP) applies to the Site. Whilst the Planning Systems SEPP sets out that DCP's do not apply to SSD, the relevant development controls in the Sutherland Shire DCP have been considered for the purposes of this SSDA and included in Table 11 and Table 12.

**Table 11: Consideration of Sutherland Shire DCP (Chapter 6 – Residential flat buildings)**

| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Consideration / comments                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 6 – Residential Flat Buildings and Precincts</b>                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                             |
| <b>1. Streetscape and building form</b>                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                             |
| <ul style="list-style-type: none"> <li>A site of minimum frontage width of 26m is appropriate for residential flat development.</li> <li>Development must be designed and sited so that it addresses the street and must have a clearly identifiable entry. Where possible, ground floor units facing the street should have street access.</li> <li>The building form must be articulated to avoid large expanses of unbroken wall, and to visually reduce bulk.</li> </ul> | <p>Site width exceeds this requirement and is appropriate for residential development.</p> <p>All buildings are designed and sited to address all street frontages, with clear and identifiable building entries from the surrounding public roads or proposed internal access road as appropriate. Buildings on street</p> |

| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Consideration / comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <ul style="list-style-type: none"> <li>• Facades are to be composed with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired character of a locality.</li> <li>• Developments on street corners should be designed to define and address the setback and address both street frontages.</li> <li>• Where development has two (2) or more road frontages, vehicular access shall be from the lowest order road.</li> <li>• The finished roof levels of basements are to be located at or near ground level.</li> <li>• Basement roofs and walls and vehicular entries must not dominate the overall design of the building or streetscape and are to be integrated into the finished building design and landscaped treatment of the site.</li> <li>• A 1m landscaped setback to neighbouring properties is to be provided along the driveways to basement car parks.</li> <li>• Driveway walls adjacent to the entrance of a basement car park are to be treated so that the appearance is consistent with the external finish of the building.</li> <li>• Basement car park entry points are designed so as to reduce the visual impact.</li> <li>• Lift overruns and service plants must be integrated with well designed roof structures and architectural elements which are an integral part of the building design.</li> <li>• The need for additional building services must be resolved at design stage (e.g. electricity kiosk/substation &amp; fire services facilities) and must be co-ordinated and integrated with the overall design of the development without compromising building or landscape design.</li> <li>• Frontage works for all developments must be in accordance with Council's Public Domain Design Manual.</li> <li>• For residential flat buildings, shop top housing and commercial development where high voltage power lines are not located in the site frontage, frontage works must include the bundling of local distribution power lines and other utilities and the provision of street lighting to meet the requirements of the Public Domain Design Manual.</li> <li>• Where there are powerlines which are not 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.</li> </ul> | <p>corners have been designed to address both street frontages.</p> <p>The proposed buildings are carefully sited and designed to ensure visual bulk is reduced. The generous amount of communal open space and tree canopy also breaks down the perceived bulk and scale of the proposed development.</p> <p>Vehicular access is provided from secondary streets and a new private access road. A driveway to the Social Building is proposed from Pembroke Street, and a new vehicular access from Florida Street provides access to all market buildings with the site. The design of all vehicular entries is integrated into the design of the buildings and designed to respond to flood levels.</p> <p>The proposal provides substantial landscaped setbacks on all street frontages ranging from 7.5m to 15m.</p> <p>The lift overruns and plant are integrated into the roof and building design, and services have been integrated into the building and landscape design as detailed in the Architectural Plans at Appendix F.</p> <p>Public domain and frontage works will be undertaken in accordance with the requirements of Council's Public Domain Design Manual. This can be addressed as a condition of consent.</p> |

## 2. Streetscape and building form

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| <ul style="list-style-type: none"> <li>• A minimum 7.5m setback from the primary and secondary street frontages is required for all development, unless an alternative street setback is specified in a locality strategy.</li> <li>• Where a development has a street setback of 7.5m or greater, building elements may encroach 1.5m into the front setback for a maximum of one third of the area of the façade, forming an articulation zone.</li> <li>• Basement underground car parks may be allowed within the articulation zone of the street setback, provided the structure is considered in conjunction with the overall landscape design.</li> </ul> | <p>The proposal provides a 7.5m setback to all street frontages. A minor reduction is required for a small portion of the northern frontage due to the curved property boundary in this location. This is considered acceptable.</p> <p>Basement parking does not extend beyond the articulation zone.</p> |
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| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Consideration / comments                                                                                                                                                                                                                                                |
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| <ul style="list-style-type: none"> <li>Where private courtyards are located in the front setback, their design must not compromise the potential for large scale indigenous trees that will complement the scale of the building.</li> <li>At grade car parking must not be located within the setback area to a primary street.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                         |
| <b>3. Side and rear setbacks</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>Side and rear setbacks must result in a development that: <ul style="list-style-type: none"> <li>a. provides resident amenity- including privacy, solar access, ventilation, and landscaped setbacks;</li> <li>b. responds to the local context and provides streetscape amenity, including providing adequate separation from existing and future adjoining development;</li> <li>c. does not prevent a neighbouring site from achieving its full development potential</li> <li>d. has architectural merit.</li> </ul> </li> <li>Walls are to be articulated to prevent continuous linear walls and promote variation and interest to setback areas and these walls.</li> <li>That part of a basement construction which extends beyond the building footprint must be set back a minimum of 3m from side and/or rear boundaries.</li> <li>Variations to basement construction side boundary setback control may be considered if: <ul style="list-style-type: none"> <li>a. The basement construction does not protrude from the natural ground level, so potential overlooking of the neighbouring property is not increased by the development.</li> <li>b. Opportunities for the planting of trees are provided in the setback area.</li> </ul> </li> </ul>                                                                                                              | <p>Front setbacks have been applied to all street frontages as outlined above.</p> <p>Setbacks between buildings within the site has been guided by the recommended building separation requirements in the ADG.</p>                                                    |
| <b>4. Landscape design</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>The landscape design must include indigenous canopy trees that will achieve a minimum of 8 metres height at maturity within suitable setback areas. Where setbacks allow, the trees must be planted more than 3 metres from adjoining structures.</li> <li>Where there are no continuous overhead power lines, a minimum of 1 indigenous canopy street tree that will attain a minimum mature height of 6m must be planted at maximum spacing of 5m, planted at least 1m from the kerb and/or footpath and/or masonry fence or retaining wall. Informal clumping of trees is encouraged. Street trees must be selected from Council's technical specifications and Native Plant Selector available on Council's website. Turf must also be planted.</li> <li>A minimum rear boundary indigenous tree planting rate is set at 2 trees for every 15m of linear boundary. All indigenous tree species must be selected from the Native Plant Selector available on Council's website.</li> <li>The landscape design should achieve opportunities for deep soil landscape planting between buildings that provide a deep soil separation of more than 3m between trees and structures. Planting beds should be a minimum of 900mm wide to support shrubs and small trees.</li> <li>Existing canopy trees in good health in the front and rear setback must be retained.</li> </ul> | <p>Council's requirements are addressed in the Landscape Report at Appendix G.</p> <p>The site layout and design maximises deep soil and tree retention. The proposal achieves more than 36% communal open space and more than 50% landscaped area across the site.</p> |

| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Consideration / comments                                                                                                                                                                                                                                                    |
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| <ul style="list-style-type: none"> <li>Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.</li> <li>Ground floor courtyards must not extend into the 3m landscape strip along the frontage of development.</li> <li>Communal open space should have a minimum area equal to 25% of the site for residential flat buildings with a floor space ratio of 2:1 or greater and a minimum dimension of 3m.</li> <li>Planting is required on that part of a basement which extends beyond the building footprint to cover 30% of the exposed basement.</li> <li>Where planting is proposed on that part of a basement which extends beyond the building footprint, roof tops or within planter boxes, the space to be planted must be designed and constructed to contain a minimum soil depth of: <ul style="list-style-type: none"> <li>450mm for grass and ground covers</li> <li>600mm for shrubs</li> <li>900mm for small trees</li> <li>1200mm for large trees.</li> </ul> </li> <li>Where trees are proposed on roofs or planter boxes an area of 3m x 3m per tree must be provided. Planter boxes in this case must be stepped, mounded or set down in the slab to reduce their apparent height on the surface to 450mm.</li> <li>A communal rainwater tank and pump should be located underground in common open space. Common open space areas must be provided with a water efficient irrigation system and taps at a minimum 25m intervals connected to the rainwater tank. Each private open space must be provided with a tap connected to the rainwater tank.</li> <li>Internal driveways within the drip zone of existing trees should have a pervious surface treatment.</li> </ul> |                                                                                                                                                                                                                                                                             |
| <b>5. Building layout and private open space</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                             |
| <ul style="list-style-type: none"> <li>Suitable clothes drying facilities shall be provided which are not visible from a public place and have access to sunlight.</li> <li>Access to all levels of the development, including the basement, must be made available by a lift in order to facilitate access by people with disabilities.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Accessible access is available to all levels of the proposed development.</p> <p>Suitable clothes drying facilities are provided within apartments.</p>                                                                                                                  |
| <b>6. Solar access</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                             |
| <ul style="list-style-type: none"> <li>New buildings and additions shall be sited and designed to maximise direct sunlight to north-facing living areas, communal and private open space areas.</li> <li>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.</li> <li>New development is to be designed to ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.</li> <li>Skylights and lightwells must not be used as the primary source of daylight in habitable rooms.</li> <li>For neighbouring dwellings: <ul style="list-style-type: none"> <li>a. Direct sunlight to north facing windows of habitable rooms and 10m<sup>2</sup> of useable private open space areas of</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Solar access has been considered in accordance with the solar requirements in the ADG as detailed in the Design Report at Appendix E.</p> <p>Overshadowing to neighbouring properties has been considered in Section 6.3 of the EIS and Design Report at Appendix E.</p> |

| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Consideration / comments                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <p>adjacent dwellings should not be reduced to less than 2 hours between 9.00am and 3.00pm on 21 June.</p> <ul style="list-style-type: none"> <li>– b. Consideration will be given to reduced solar access where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms.</li> <li>– c. Overshadowing by vegetation should be ignored.</li> <li>– d. Overshadowing by fences, roof overhangs and changes in level should be taken into consideration.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>7. Visual and Acoustic Privacy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>• Locate, orientate and design new development to maximise the provision of visual privacy.</li> <li>• Use detailed site and building design elements to increase visual privacy without compromising access to light and air.</li> <li>• All noise generating equipment such as mechanical plant or equipment, air conditioning units, swimming pool filters, fixed vacuum systems, mechanical ventilation from carparks, driveway entry shutters, garbage collection areas or similar must be designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment must not exceed an LAeq (15min) of 5dB(A) above background noise at the property boundary.</li> <li>• Residential development adjacent to a rail corridor or a busy road as identified on the Road and Rail Noise Buffer Map should be sited and designed to include noise and vibration attenuation measures to minimise noise and vibration impacts. Refer to State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning's Development near Rail Corridors and Busy Roads – Interim Guidelines.</li> </ul> | <p>The proposed development has been designed in accordance with the recommended separation in the ADG and includes visual privacy measures including offset windows and screening to ensure a high level of visual privacy.</p> <p>The proposal achieves a high level of amenity with excellent privacy, cross ventilation and solar access.</p> <p>Noise impacts and mitigation measures are addressed in the Noise and Vibration Impact Assessment at Appendix T.</p> |
| <b>8. Adaptable and livable housing</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>Adaptable housing</b></p> <ul style="list-style-type: none"> <li>• All new residential flat buildings must provide dwellings designed in accordance with the Australian Adaptable Housing Standard (AS4299) to Class C Certification at a rate of 20% adaptable.</li> <li>• When the calculations for the number of dwellings results in a fraction, numbers <math>\leq .5</math> should be rounded down.</li> <li>• Variations will be considered where it can be demonstrated that site conditions would preclude achieving the controls.</li> <li>• 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 / NCC.</li> <li>• The design of adaptable dwellings must be integrated into the development with the use of consistent materials and finishes.</li> </ul>                                                                                                                                                                                                                          | <p>100% of all apartments have been designed to the Silver (minimum 80%) and Gold Level (minimum 20%) of the Liveable Housing Design Standards. Refer to the Architectural Plans at Appendix F.</p>                                                                                                                                                                                                                                                                      |
| <p><b>Livable housing</b></p> <ul style="list-style-type: none"> <li>• In addition to complying with the adaptable housing rates above, all new residential flat buildings must provide 'livable</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>100% of all apartments have been designed to the Silver (minimum 80%) and Gold Level (minimum 20%) of the Liveable Housing</p>                                                                                                                                                                                                                                                                                                                                        |

| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Consideration / comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p>dwelling (i.e., dwellings designed to Silver Standard Livable Housing Design Guidelines) at a rate of 10% of dwellings.</p> <ul style="list-style-type: none"> <li>When the calculations for the number of dwellings results in a fraction, numbers <math>\leq .5</math> should be rounded down.</li> <li>Dwellings provided in accordance with Clause 1 must incorporate the following Livable Housing Design Guidelines: <ul style="list-style-type: none"> <li>An accessible continuous path of travel from the street entrance and/or parking area to dwelling entrance.</li> <li>At least one level entrance into the dwelling.</li> <li>Internal doors and corridors width that facilitate comfortable and unimpeded movement between spaces.</li> <li>A toilet on the ground (or entry) level that provides easy access.</li> <li>Reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date.</li> <li>A continuous handrail on one side of any stairway where there is a rise of more than one metre.</li> </ul> </li> <li>On-site car parking spaces shall be in accordance with Australian Standard – AS 2890.1 (as amended) and Australian Standard – AS 2890.6.</li> <li>Variations to (1) will only be considered where it can be demonstrated that site conditions would preclude achieving the controls.</li> </ul> | <p>Design Standards. Refer to the Architectural Plans at Appendix F.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>9. Safety and Security</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <ul style="list-style-type: none"> <li>The design of development is to incorporate Crime Prevention Through Environmental Design (CPTED) principles.</li> <li>Development is to be designed to incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the appropriate landscaping of public areas.</li> <li>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.</li> <li>Driveways and fencing must provide adequate sight distance for the safety of pedestrians using the footpath area.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>The proposal development has been designed in accordance with CPTED principles, with all buildings fronting streets and communal open space for a high level of surveillance.</p> <p>The layout and design of apartments and balconies allow for passive surveillance of streets while ensuring a high level of privacy for residents.</p> <p>The proposed shared access road through the site allows for slow moving traffic, and new pedestrian paths through the site will increase permeability, safety and access.</p> <p>The landscape design allows for clear sightlines and direct connections through the site.</p> |
| <b>10. Car parking</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <ul style="list-style-type: none"> <li>Car parking shall be provided at the following minimum rates: <ul style="list-style-type: none"> <li>1 bed: 1 space</li> <li>2 bed: 1.5 spaces</li> <li>3 bed: 2 spaces</li> <li>Visitor: 1 per 4 units</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Car parking complies with the with the non-discretionary rates in the Housing SEPP for the social dwellings, and minimum DCP parking rates for the market dwellings as detailed in the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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| <ul style="list-style-type: none"> <li>Developments with 10 or more dwellings require one designated carwash bay with minimum dimensions of 3m x 7.6m. Additional carwash bays are required in development in excess of 30 dwellings at a rate of 1 per 20 dwellings.</li> <li>Where a development is on the lower side of the roadway or where basement car parking is proposed, the driveway is to be a maximum grade of 5% for 3 metres immediately inside the boundary to ensure driver visibility.</li> <li>The minimum vehicular crossing and driveway width for a combined vehicular crossing (entry/exit) is 5.5m and 4m for a separate vehicular crossing with a minimum spacing between driveways of 3m.</li> <li>The design of the all vehicle access ways shall enable all vehicles to enter and leave the site in a forward direction. Turning areas shall be provided to enable a maximum 3-point turn to achieve this egress.</li> <li>Car parking areas must be designed to minimise headlight glare onto the windows of dwellings within the site or neighbouring properties.</li> <li>As a minimum, developments must provide 1 bicycle space per 10 car parking spaces for the first 200 car spaces, plus 1 space per 20 car parking spaces thereafter.</li> <li>Bicycle parking facilities are to be installed in accordance with Australian Standard AS2890.3 – Bicycle Parking Facilities (as amended), Austroad's Guide to Traffic Engineering Practice – Part 14 Bicycles and the Austroads Bicycle Parking Facilities: Guidelines for Design and Installation (AP-R527-16).</li> </ul> | <p>Transport Impact Assessment at Appendix J.</p> |

## 11. Waste Management Requirements

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| <ul style="list-style-type: none"> <li>Provision must be made for waste management, including storage and collection, in accordance with Sutherland Shire Council's <a href="#">"Waste Collection Policy for Multi-Unit Dwellings and Residential Flat Buildings."</a></li> </ul> <p>Refer to waste Management Policy.</p> <p>Waste Management Policy notes that onsite collection may be required if:</p> <ul style="list-style-type: none"> <li>Street frontage is located on a Classified (Roads Act 1993) or Arterial Road with a</li> <li>speed limit equal to or greater than 70kmh; or</li> <li>Kerbside collection or councils wheel in/wheel out service does not ensure adequate</li> <li>traffic flow and pedestrian safety; or</li> <li>The development is a mixed use development or is located within a specific precinct.</li> <li>Development is being serviced by bins greater than 660L capacity.</li> </ul> <p>Access to a nominated collection point/s must be designed to ensure a Heavy Rigid Vehicle (HRV) can safely access and manoeuvre within the site.</p> <p>The nominated collection point may be a temporary bin holding area or driveway if gradients and surfaces allow fully laden bins to be collected safely and allow for a fully laden garbage truck to enter the site. However, manual manoeuvring of bulk bins or bins</p> | <p>Waste and servicing has been designed in accordance with Council's requirements as detailed in the Operational Waste Management at Appendix X and Transport Impact Assessment at Appendix J.</p> |
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| <p>containing compacted waste should be avoided wherever possible. If transfer of bins is required, it should be no more than 3m at a maximum surface gradient of 1:30.</p> <p>The onsite central collection area must be sufficient in size to accommodate the number of bins to be collected for all dwellings and should:</p> <ul style="list-style-type: none"> <li>integrated into the design of the development and does not dominate the streetscape.</li> <li>Be located behind the building alignment and in an area as not to comprise the amenity of the occupants and of adjacent properties in terms of noise, odour and aesthetic impacts.</li> <li>Discourage the dumping of other household waste.</li> <li>Include a loading area for the collection vehicle to stop on while emptying bins, that does not obstruct the public road and pedestrian movements.</li> </ul> <p>It is preferable for waste collection trucks to enter and exit a site in a forward direction. Where design and site conditions make it safe to do so, one reverse movement is permitted, subject to council approval and AS 2890.2. If the development is located on Classified (Roads Act 1993), waste collection trucks must enter and leave the development in a forward direction.</p> |                          |

**Table 12: Consideration of Sutherland Shire DCP (Chapter 36 – Vehicular Access, Traffic, Parking and Bicycles)**

| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Consideration / comments                                                                                                                                       |
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| <b>Chapter 36 – Vehicular access, traffic, parking and bicycles</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                |
| <b>2 Design of Car Parking Areas and Basements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                |
| <ul style="list-style-type: none"> <li>The dimensions of on-site car parking spaces shall be in accordance with Australian Standard – AS 2890.1 (as amended) and Australian Standard – AS 2890.6.</li> <li>All parking spaces shall be designed to comply with the dimensional and manoeuvring requirements of the 85th percentile vehicle as defined by AS2890.1 (as amended).</li> <li>Parking spaces shall have a minimum clearance of 2.2 m from the finished floor level of a parking space and adjacent driveway area to any structure over a parking space.</li> <li>Parking spaces adjoining walls and other structures or within single garages shall be 5.5 m long and 3.0 m wide with a clear garage opening of 2.75m. The garage opening (doorway width) may be reduced to 2.4m wide where the driveway leads straight into the garage. A double garage in a residential development shall be 5.5 metres long and 5.7m wide with a clear garage opening of at least 5m.</li> </ul> | <p>Basement parking is designed in accordance with the relevant Australian Standards as addressed in the Transport Impact Assessment at Appendix J.</p>        |
| <b>3. Vehicular Access and Driveways</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                |
| <ul style="list-style-type: none"> <li>Where development has two (2) or more road frontages, vehicular access shall be from the lowest order road shown on Sutherland Shire Council's Road Hierarchy Map.</li> <li>Where a site has more than one road frontage, an applicant may make a submission to Council to gain access from the higher order classified road shown on Sutherland Shire</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Vehicular access is proposed from lower order streets – Pembroke and Florida Streets.</p> <p>The proposed vehicle access and driveway location has been</p> |

| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Consideration / comments                                                                                                                                                                                                         |
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| <p>Council's Road Hierarchy Map. The submission shall demonstrate that the proposed access provides safe and convenient access; supports the defined road hierarchy; that the proposed access location fits well within the surrounding streetscape; and the proposed access location will not have any negative consequences for adjoining landowners.</p> <ul style="list-style-type: none"> <li>Where a development is on the lower side of the roadway or where basement car parking is proposed, the driveway is to be a maximum grade of 5% for 3 m immediately inside the boundary to provide suitable sight lines and stopping distance for pedestrian safety.</li> <li>Developments should minimise potential conflicts between pedestrians and vehicles in the design and use of driveways, roadways and footpaths, and by separating pedestrian and vehicles movements.</li> </ul>                                                                                                                                                                                                                                                                                                                                                     | <p>designed to minimise conflicts. The internal shared access way is designed as a slow traffic shared zone to minimise conflicts between pedestrians and vehicles (refer to the Transport Impact Assessment at Appendix J).</p> |
| <b>4. Loading and Unloading Facilities</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                  |
| <ul style="list-style-type: none"> <li>Ensure appropriately designed loading and unloading facilities that are easily accessible to delivery vehicles and provide efficient manoeuvrability for vehicles.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Loading and servicing is addressed in the Transport Impact Assessment at Appendix J. The proposal provides suitable access and servicing arrangements for all buildings.</p>                                                  |
| <b>5. Provision of Facilities for Cycling</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                  |
| <ul style="list-style-type: none"> <li>Bicycle parking facilities are to be installed in accordance with Australian Standard AS2890.3 – Bicycle Parking Facilities (as amended), Austroad's Guide to Traffic Engineering Practice – Part 14 – Bicycles and the Austroads Bicycle Parking Facilities: Guidelines for Design and Installation (AP-R527-16).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The proposal provides 90 bicycle spaces which complies with the DCP.</p>                                                                                                                                                      |
| <ul style="list-style-type: none"> <li>Bicycle parking facilities must address the following design principles: <ul style="list-style-type: none"> <li>a. Accommodate all usual types of bicycles such that damage to them is minimised during storage and retrieval.</li> <li>b. Not pose a hazard to bicycle users, pedestrians or motorists.</li> <li>c. Be well lit, safe and secure, easy to access and use.</li> <li>d. Cater for the different needs of residents, employees and visitors to the development.</li> <li>e. Be located in convenient and accessible locations within the development that allow for good passive surveillance; such as near key building entrances, the lobby and the lift core.</li> <li>f. When located within a car park, preferably be situated at street level and in a manner that provides the most direct, safe and convenient access while minimising conflict with vehicles and pedestrians.</li> <li>g. Where a bicycle parking and storage facility cannot be located at street level, it must be located no more than one level above or below street level. Access to street level entry and exits must be direct, safe and minimise potential conflicts with vehicles.</li> </ul> </li> </ul> | <p>Bicycle parking is designed in accordance with Council's requirements and relevant Australian Standards. Bicycle parking is safe and easy for residents to access.</p>                                                        |
| <ul style="list-style-type: none"> <li>Development and works in the public domain shall have regard to the Sutherland Shire Bicycle Network Map and the requirements of the Public Domain Design Manual.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Public domain works will be undertaken in accordance with the requirements of Council's Public Domain Design Manual. This can</p>                                                                                             |

| Control | Consideration / comments                |
|---------|-----------------------------------------|
|         | be addressed as a condition of consent. |