

PART E

DEVELOPMENT TYPES

PREFACE

Part E of the DCP contains objectives and development control provisions applying to particular land uses and types of development. Part E applies to development together with sections in Part B, Part C, Part D and Part F of this DCP as relevant to the development.

Part E of the DCP comprises the following sections:

Section 1:	Residential
Section 2:	Development in Employment and Mixed Use Zones
Section 3:	Non-Residential Development in Residential Zones
Section 4:	Boarding Houses and Co-living Housing
Section 5:	Sex Services and Restricted Premises
Section 6:	Advertising and Signage
Section 7:	Telecommunications



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SECTION 1 RESIDENTIAL DEVELOPMENT

1.1 INTRODUCTION

1.1.1 General Objectives

The general objectives of this Section of the DCP are to ensure that residential development:

- O1 reinforces the local planning priorities and actions of Council’s Local Strategic Planning Statement;
- O2 reinforces the actions and targets of Council’s *Local Housing Strategy*;
- O3 is consistent with the principles contained within the *Integrated Land Use and Transport Policy*;
- O4 provides a range of living opportunities that attract and cater for a diverse population;
- O5 does not have significant adverse impacts on residential amenity or environmental quality;
- O6 is in context with surrounding development;
- O7 contributes to the garden setting, scale and character of North Sydney’s residential neighbourhoods;
- O8 provides safe and comfortable accommodation;
- O9 is consistent with the desired character that is described in the relevant Planning Area Character Statements and Locality Area provisions;
- O10 incorporates innovative sustainable design to reduce energy and water consumption, and meets or exceeds sustainability requirements, and
- O11 minimise stormwater runoff, maintain or improve stormwater quality and encourage recycling where possible.

1.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications for all forms of residential accommodation, including residential components of mixed use development.

1.2 SOCIAL AMENITY

A diversity of people contributes to the popularity of an area. Diversity also extends the usefulness of an area and contributes to the sustainability of both community and the environment. A range of residential accommodation in terms of built form, tenure and affordability is needed to sustain a diverse population and to ensure that a range of services and facilities continues to be provided in the area. Council aims to maintain the existing diverse mix of residential accommodation in North Sydney, not lose this residential mix to other land uses and to allow for some increase in both the dwelling stock and population, in accordance with the NSW State Government policy of urban consolidation.

The aim of urban consolidation is to accommodate a certain proportion of Sydney’s residential growth within existing urban areas. To implement urban consolidation in North Sydney, Council has identified areas where growth can be accommodated in a range of dwelling types including attached dwellings, dual occupancies, dwelling houses, multi dwelling housing and residential flat buildings. Additional living space can also be created through alterations and additions to existing dwellings and residential growth the mixed-use areas.



1.2.1 Population Mix

Objectives

- O1 To provide a mixed residential population in terms of age, gender, household type and size, education, income and employment, and including households with children, households on low to moderate incomes, households with aged or disabled persons.
- O2 To ensure that dwelling yield achieves a density that contributes to energy efficient design and residential amenity.

Provisions

- P1 Multi-dwelling housing and residential flat buildings containing less than 20 dwellings must include, at least two of the following dwelling types:
 - (a) studio;
 - (b) 1-bedroom;
 - (c) 2-bedroom; and
 - (d) 3-bedroom.
- P2 Despite P1 above, no more than 55% of all dwellings must comprise a combination of both studio and 1-bedroom dwellings.
- P3 Residential flat buildings containing 20 or more dwellings should provide a mix of dwelling sizes in accordance with Table E-1.1.

Dwelling Size	% of Total Dwellings
Studio	10-20%
1 bedroom	25-35%
2 bedroom	35-45%
3 bedroom+	10-20%

- P4 Variations to the dwelling mix within P2 or P3 will not be considered, unless the applicant can adequately demonstrate by an authoritative analysis of current and future market demand that the suggested mix is not reasonable.

1.2.2 Universal Design and Adaptable Housing

Objectives

- O1 To encourage the incorporation of universal design features and the provision of adaptable housing in new developments to meet the diverse needs of a variety of occupants.
- O2 To encourage greater housing choice for seniors, families and people with disabilities.
- O3 To enable residents to age in place.



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Provisions

P1 All new dwellings must satisfy the Silver level performance requirements of the *Livable Housing Design Guidelines*. The incorporation of Gold and Platinum level universal design features is strongly supported.¹

Note: For details on the universal design features and performance requirements of the *Livable Housing Design Guidelines* visit https://livablehousingaustralia.org.au/wp-content/uploads/2021/02/SLLHA_GuidelinesJuly2017FINAL4.pdf.

P2 A minimum of 20% of dwellings in multi-dwelling housing, residential flat buildings and shop top housing that contain more than 5 dwellings must comprise adaptable housing².

P3 Where universally designed and adaptable dwellings are proposed, those dwellings must be clearly identified as such on the submitted development application plans.

P4 Developments requiring adaptable housing must also satisfy the provisions of Part D: Section 3 – *Accessibility* of this DCP.

1.2.3 Maintaining residential accommodation

Objectives

O1 To ensure that developments do not result in the loss of residential accommodation.

Provisions

P1 Development, whether it comprises new buildings or alterations/additions to existing buildings, should ensure that the existing residential density on site is not reduced (i.e. that the number of dwellings, or the number of rooms/bed spaces in a boarding house, that existed on the site is not reduced).

1.3 QUALITY BUILT FORM

In response to their local context, buildings need to be designed to respect the existing topography and relate to the rhythm and pattern of characteristic buildings in the prevailing streetscape. A comfortable and memorable street will be one where no one building or feature dominates.

Kerb and guttering, footpaths, fences, front gardens and the street frontage of buildings all contribute to the appearance of a street and influence how people feel in them and about them. Streets where people feel comfortable will exhibit consistency in these elements and relationships between the scale of these elements.

1.3.1 Subdivision pattern

Objectives

O1 To ensure that the characteristic subdivision pattern remains apparent in the siting and design of new buildings, even if lots are subdivided or amalgamated.

¹ This provision applies to residential development which requires development approval and does not apply to alterations and additions to existing homes or complying development under NSW State Codes.

² Adaptable housing is designed with accessible features that can be modified to meet changing needs of residents over time. Typical adaptable features include level and wider doorways and corridors, slip resistant floor surfaces, reachable power points, lever door handles and lever taps. When designing adaptable housing consult AS 1428, 4299 and 4586.



Provisions

- P1 Design and locate buildings to reinforce the characteristic subdivision pattern in the neighbourhood (i.e. walls of buildings are generally built parallel to the property boundaries).
- P2 Where lots have been amalgamated, the bulk of larger buildings must be articulated through the use of bays or indents on the original lot line.

1.3.2 Streetscape

Objectives

- O1 To ensure that footpaths, kerb and guttering and street trees contribute to a consistent streetscape.

Provisions

- P1 All works within the road reserve must be undertaken in accordance with the [North Sydney Council Performance Guide](#) (refer to Part D: Section 7 – *Public Infrastructure* of the DCP).
- P2 All existing sandstone kerb and guttering must be retained and maintained.
- P3 Existing street trees are to be retained and protected by avoiding excavation or building within the drip line of the tree (refer to Part B: Section 3.1 - *Tree and Vegetation Management* of the DCP).
- P4 Plant new trees of the same species that are present in the street, or in accordance with guidelines or strategies adopted by Council.
- P5 Maintain a nature strip on-street if one exists.

1.3.3 Laneways

Objectives

- O1 To ensure that laneways are functional, attractive, safe and comfortable places for use by residents as part of their public space and pedestrian network.

Provisions

- P1 Where a laneway is the principal frontage to a property, dwellings are to address the lane (i.e. do not conceal the front façade of such buildings behind high walls, fences or garages).
- P2 The height of buildings facing laneways should respect the width of the lane (i.e. a 1-storey building generally provides the most appropriate scale). A 2-storey building ancillary to the main dwelling may be permitted adjacent to the laneway, but only if:
 - (a) the laneway does not comprise the site’s primary frontage; and
 - (b) the building does not result in any adverse impacts in terms of visual and acoustic privacy, overshadowing, heritage and an area’s character.
- P3 Where a site has a sole frontage to a laneway, any 2-storey component of a building must be set back at least 10m from the laneway boundary.
- P4 Dwellings addressing laneways are to be provided with a reasonable level of privacy through design and landscaping (e.g. the use of obscure glazing and medium height shrubs that partially obscure windows).
- P5 Where car parking is only capable of being located at the boundary to the laneway, only open car spaces or carports will be permitted (i.e. roller doors are not permitted).
- P6 No more than 50% of the width of a laneway frontage may be allocated for car accommodation of any kind, or car park entrances.



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- P7 Front fences are to be softened by planting trees and shrubs that hang over or through fences.
- P8 Existing trees on land that abut the laneway should be retained.
- P9 All new and rebuilt fences and structures (including car parking spaces) must be setback at least 1.2m from the laneway frontage. This setback is to be landscaped with appropriate low maintenance plants.

1.3.4 Siting

Objectives

- O1 To maintain the characteristic building orientation and siting.

Provisions

- P1 Buildings are to be sited in accordance with that described in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP), or if not identified for the relevant Planning or Locality Area, is to be consistent with the siting of neighbouring buildings which share the same street frontage.
- P2 Site buildings within a single building form, addressing the street.
- P3 Orient each external wall parallel to the corresponding boundary of the site, unless another orientation is characteristic.

1.3.5 Setbacks

Objectives

- O1 To reinforce the characteristic pattern of setbacks and building orientation within the street.
- O2 To control the bulk and scale of buildings.
- O3 To provide separation between buildings.
- O4 To preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access.

Provisions

Front

- P1 The front setback must match the alignment of the primary facades of buildings on adjoining properties. Where different setbacks occur, the average of the setbacks of those primary facades is to be used.

Side

- P2 Building setbacks are to comply with the requirements set out in Table E-1.2.

TABLE E-1.2 - Side Setback Requirements			
Zone	Development Types	Minimum Setback Requirement	
C4 Environmental Living	Dwelling houses; Group homes; Seniors housing	1st storey (up to 4m)	900mm
		2nd storey (up to 7m)	1.5m
		3rd storey or higher (greater than 7m)	2.5m
R2 Low Density Residential	Boarding houses; Dual occupancies; Dwelling houses; Group homes;	1st storey (up to 4m)	900mm
		2nd storey (up to 7m)	1.5m



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TABLE E-1.2 - Side Setback Requirements

Zone	Development Types	Minimum Setback Requirement	
	secondary dwellings; Semi-detached dwellings; Seniors housing	3rd storey or higher (greater than 7m)	2.5m
R3 Medium Density Residential	Attached dwellings; Boarding houses; Dual occupancies; Dwelling houses; Group houses; Multi dwelling housing; Secondary dwellings; Semi-detached dwellings; Seniors housing	1st storey (up to 4m)	900mm
		2nd storey (up to 7m)	1.5m
		3rd storey or higher (greater than 7m)	2.5m
	Residential flat buildings	3m; and The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure E-1.1).	
R4 High Density Residential	Attached dwellings; Dual occupancies; Dwelling houses; Group Homes; Secondary dwellings; Semi-detached dwellings;	1.5m; and The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure E-1.1).	
		Boarding houses; Multi-dwelling housing; Residential flat building; seniors housing	On land with a height limit of 12m or less
	On land with a height limit greater than 12m		1st to 3rd storey (up to 10m)
		Above 3rd storey	6m
E1 Local Centre	Boarding houses; shop top housing	0m, up to 4 storeys, but only where no window or other openings are provided on the side elevation of the building. Otherwise, the setbacks are to be as follows:	
		1st to 3rd storey (up to 7m)	4.5m
		Above 3rd storey	6m
E2 Commercial Centre	Residential accommodation permitted by NSLEP 2013 or other EPIs	Refer to Part E: Section 2 - <i>Development in Employment and Mixed Use zones</i> and Part F - <i>Area Character Outcomes</i> to this DCP.	
E3 Productivity Support	Boarding houses; Dwelling houses; Dual Occupancies; Attached dwellings; Group homes; Multi dwelling housing; Semi-detached dwellings; Seniors housing	0m, up to 4 storeys but only where no window openings are provided on that elevation of the building, otherwise the setbacks are to be as follows:	
		1st to 3rd storey (up to 7m)	4.5m
		Above 3rd storey	6m
MU1 Mixed Use	Residential flat buildings; Shop top housing	Refer to Part E: Section 2 - <i>Development in Employment and Mixed Use zones</i> and Part F - <i>Area Character Outcomes</i> to this DCP.	

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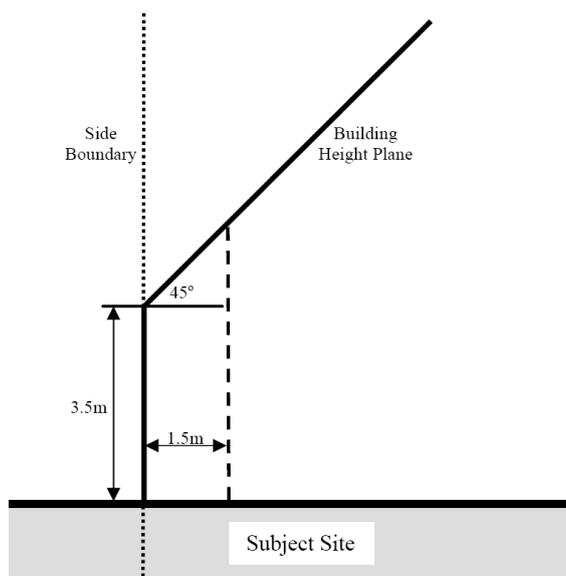


Figure E-1.1:

Setback and building height plane controls for the R4 High Density Residential zone, where the height limit is equal to 12m or less.

Note: The actual setback of the building may need to be increased to satisfy building separation requirements within Section 6 – Visual Privacy to Part B of the DCP.

- P3 Despite P2 above, Council may grant consent to a development with a 0m setback to a side boundary for attached dwellings, semi-detached dwellings and multi dwelling housing (e.g. villas and townhouses). However, Council must not grant consent, unless the applicant has satisfactorily addressed the questions identified in the Land and Environment Court Planning Principle “Building to the side boundary in residential areas” established in Galea v Marrickville Council [2005] NSWLEC 113 and consideration has been given to that statement. The Planning Principle is available to view on the Land and Environment Court’s website (<https://www.lec.nsw.gov.au/practice-and-procedure/principles.html>).
- P4 Where possible, side setbacks should match those on adjoining properties, or, if side setbacks on adjoining properties are not characteristic, with setbacks identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).

Rear

- P5 Provide rear building setbacks that match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).
- P6 Despite P5 above, buildings within the R4 High Density Residential zone:
 - (a) must be setback a minimum of 1.5m from the rear boundary; and
 - (b) where the land is restricted by a height limit:
 - (i) of 12m or less, must not exceed a building height plane commencing at 3.5m above ground level (existing) rear boundary and projected at an angle of 45 degree internally to the site (refer to Figure E-1.1); or
 - (ii) in excess of 12m must be setback at least 4.5m from the rear boundary for the 1st to 3rd storeys of the building (no more than 7m above existing ground level) and 6m for any part of the building above the 3rd storey.

Note: The actual setback of the building may need to be increased to satisfy building separation requirements within Section 6 – Visual Privacy to Part B of the DCP.

Laneways

- P7 Despite P1, P5 and P6 above, all buildings and structures must be setback at least 1.2m from a laneway. This provision does not apply to side setbacks.



1.3.6 Form, massing & scale

Objectives

- O1 To ensure the size of new buildings are consistent with surrounding, characteristic buildings and they are not significantly larger than characteristic buildings.

Provisions

- P1 In addition to compliance with the maximum heights stipulated under NSLEP 2013, the number of storeys within a building should be consistent with that identified in the relevant Planning Area Character Statement or Locality Area provision (refer to Part F of the DCP).
- P2 The finished floor height of the ground floor level should not exceed 1m above ground level (existing), measured vertically at any point.
- P3 Finished floor to ceiling heights are a minimum of 2.7m. A lesser height may be permitted by Council, but only where the applicant can satisfactorily demonstrate that the dwelling is capable of receiving satisfactory natural daylight and ventilation (e.g. shallow apartments with large amounts of window area).
- P4 Facades of buildings which face any public street should not be dominated by large expanses of glass (i.e. facades should incorporate smaller door and window openings, so that glass does not dominate the façade).
- P5 Ancillary buildings (e.g. garages, carports, garden sheds, etc) are a much smaller scale than the residential building.

1.3.7 Built form character

Objectives

- O1 To ensure that the design of new buildings reflects and reinforces, or is complementary to, the existing character of the locality.
- O2 To ensure that alterations and additions to or the rebuilding of residential accommodation relying on existing use rights and that existing residential accommodation exceeds the key built form controls applying to that land, that the new development does not result in increased negative impacts on the character of the locality or the amenity of adjoining dwellings.

Provisions

General

- P1 Where a building is part of a uniform group of buildings of similar character, locate any additions or alterations to the rear and not visible from the street or any public place. Council may permit alterations and additions to the front of a building, but only where those alterations and additions contribute to, or are sympathetic to the character of those buildings.
- P2 Where a building is to be located amongst buildings having a consistent façade, repeat the size, location and proportions of window, door openings and other distinctive features such as roof form.
- P3 Balconies are to be incorporated within the building envelope.
- P4 Where alterations and additions to or rebuilding of any residential accommodation relying on existing use rights are proposed, they must not result in the:
- (a) material loss of views from other properties or public places, or
 - (b) material overshadowing of other properties or public places, or
 - (c) material loss of privacy to other properties, or

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- (d) increasing of the overall building height, or
- (e) landscaped area of the development being below the requirements set out in the DCP, or further decrease the landscaped area where the landscaped area is already below the requirements of the DCP, or
- (f) site coverage of the development exceeding the requirements set out in this DCP or further increase the site coverage where the site coverage is already above the requirements of this DCP.

Attached Dwellings / Multi-dwelling Housing

- P5 The layout of the development must not result in a “gun-barrel” form (e.g. long perpendicular driveways flanked by dwellings).
- P6 Where practical, each dwelling should be provided with an individual entrance from a public street or public place.
- P7 Developments should invoke a traditional row housing form fronting the street.

Residential Flat Buildings

- P8 Building facades should be modulated in plan and elevation and articulated to reduce the appearance of the building’s bulk and to express the elements of the building's architecture.

1.3.8 Dwelling entry

Objectives

- O1 To provide a sense of address.
- O2 To provide safe access to dwellings and security for residents.

Provisions

- P1 The front door of dwellings and at least one window to a habitable room must be oriented to the street.
- P2 Dwelling entries should be clearly identifiable from the street, have adequate lighting and have direct access from the street frontage (e.g. do not conceal or substantially recess dwelling entries).
- P3 Street numbering must be clearly visible from the primary street frontage.
- P4 In multi-dwelling developments, each dwelling must be clearly marked by number and indicate at communal entry points (e.g. a stair or lift lobby) the numbers of the dwellings that are accessed from that entry point.
- P5 Where multiple external dwelling entries are provided to a single building, the building should be detailed or articulated so that individual dwellings can be easily identified from the street and avoid unintentional entry.
- P6 Multi-dwelling developments should provide disabled access through the principal entrance to the building, in accordance with Part D: Section 3 – *Accessibility* of the DCP.

1.3.9 Roofs

Objectives

- O1 To ensure the provision of a characteristic roof typology though the use of similar forms, shapes and materials.



Provisions

- P1 Buildings should incorporate a pitched roof, except for multi-storey residential flat buildings or residential accommodation in a mixed use development and where another roof form is identified in the relevant Planning Area Character Statement or Locality Area provision (refer to Part F of the DCP), or as being compatible with the characteristic roof form for the neighbourhood.
- P2 Roofs should be similar in form and utilise similar materials to those identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP), or if not identified for that relevant Planning and Locality Area, that it is compatible with the prevailing roof forms on neighbouring buildings in the immediate streetscape.
- P3 Roofs should be pitched generally between 25 degrees and 36 degrees, and preferably within the lower end of this range at an angle of 27-28 degrees.
- P4 Despite P3 above, Council may grant consent to a building with a roof pitch less than 25 degrees to maintain views or to correspond with a particular building design.
- P5 Flat or skillion roofs may be considered, where they are provided to the rear of buildings and not seen from the primary street frontage.
- P6 Use terracotta tiles, slate or corrugated iron where appropriate.
- P7 Solar panels should be integrated into dwelling design where possible.
- P8 Avoid locating solar panels on the street elevation of a roof. They should be located towards the rear of the property as far as possible.
- P9 Minimise roof projections and internalise roof access.
- P10 If an attic is proposed, it must not exceed more than 50% of the floor area of the storey, immediately below.
- P11 Wherever possible, buildings are designed to include a north facing roof where a solar hot water system or photovoltaic solar panel may be installed.

1.3.10 Dormers

The roof line of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch cladding or ornament of a roof is very carefully considered. This is particularly important within heritage conservation areas, where the change to one property can have an adverse affect on the appearance or character of a whole street.

Traditionally, dormers were conceived and constructed as part of the original building design, but many have been added at a later date to allow the better use of attic space. Whether by design or accident, dormers were usually accommodated without generally upsetting the balance of the roof. Recently however, dormers have been incorporated with the sole purpose of maximising of floorspace as the primary consideration.

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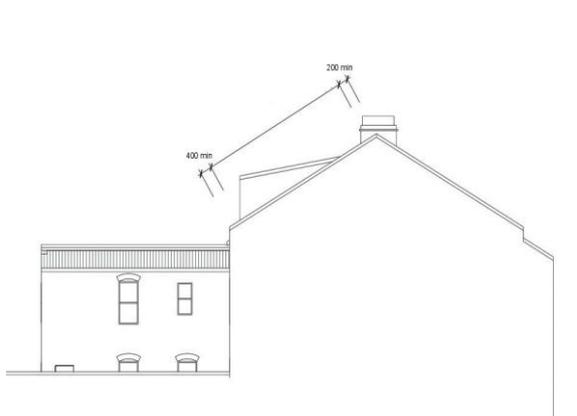


Figure E-1.2
Dormers are to be set below the main ridge line.

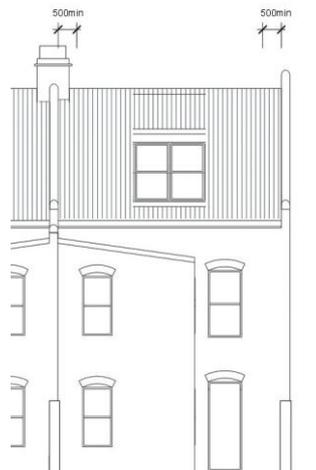


Figure E-1.3
Dormers should be inset from party walls.

Objectives

- O1 To ensure that the location, design, pitch and scale of any dormer is appropriate to the building and roof form to which it is attached, is in character with the area and does not result in any negative impacts on the amenity of adjoining properties.

Provisions

- P1 Dormers must be appropriate to the style of building to which it is attached, and their style should reflect that which is characteristic of the neighbourhood.
- P2 Dormers may be permitted, where it can be demonstrated that:
 - (a) there will be no significant impacts on privacy to adjoining properties;
 - (b) it will not result in any adverse impacts to the significance of any heritage item or heritage conservation area;
 - (c) the existing ridge line will be maintained, and any additions will be set below the ridge line.
- P3 Dormers on the street elevation of a building must not comprise more than $\frac{1}{3}$ of the width of the roof plane upon which they are placed, excluding laneways.
- P4 Rear dormers or roof additions must be set back a minimum of 200mm from the ridge line, 500mm from party walls and 400 mm from the rear wall as shown in Figures E-1.2 and E-1.3.
- P5 Dormers will not be permitted, if it results in the need to alter the pitch or ridge height of the roof to accommodate the dormers.
- P6 Dormers must not exceed a height of more than 1.5m from its base to its ridge where it faces the street.
- P7 Dormers must be contained within the relevant building envelope applying to the land.
- P8 Balconies are not permitted off dormers which are located on any street elevation, excluding rear laneways. Balconies off dormers may only be considered in any other instance, providing there are no privacy impacts.
- P9 The sides of dormers must not contain glass.



1.3.11 Colours and materials

Objectives

- O1 To ensure new buildings reflect and reinforce the existing and desired character of a locality.

Provisions

- P1 Buildings should use colours, finishes and materials identified in the relevant Planning Area Character Statement and Locality Area provisions (refer to Part F of the DCP), if provided.
- P2 Natural colours and muted and earth tones should be used for major areas of the building, such as walls and roof, with stronger colours restricted to smaller features, such as window frames, doors and decorative features.
- P3 Avoid the extensive use of reflective glass, reflective metal and plastics on the exterior of buildings.
- P4 Buildings should incorporate a high proportion of masonry to glass as follows - if a vertical or horizontal line is drawn in any position on any façade it should not pass over more than 50% of glass, or 75% of clear opening and glass.

1.3.12 Balconies

Objectives

- O1 To ensure the provision of functional private open space for apartments.

Provisions

- P1 Balconies must be incorporated within building envelope (as specified by setbacks and or building height plane) and should not be located on roofs, podiums or be cantilevered.
- P2 Balconies should be integrated into the overall architectural form and detail of the building.
- P3 No balconies, verandahs or the like are to project over the public domain.
- P4 Where a proposal involves the conversion of an existing commercial building, and that commercial building's envelope does not comply with the setback and/or building envelope controls for the site, any new balcony must not project beyond the existing building's envelope.
- P5 Balconies should not be enclosed.
- P6 Notwithstanding P5, Council may permit the enclosure of a balcony, but only if:
- (a) the building is predominantly characterised by enclosed balconies; or
 - (b) if the building is not predominately characterised by enclosed balconies, subject to the approval of a balcony strategy for the building.
- P7 A balcony strategy should:
- (a) include details outlining the size, scale and choice of materials of the proposed enclosure(s); and
 - (b) be adopted by the body corporate before being submitted to Council.

1.3.13 Front fences

This subsection of the DCP applies to fences which are located between the front property boundary and the street elevation of the building.

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Objectives

- O1 To ensure that front fences contribute to a characteristic pattern of fences.
- O2 To enable causal surveillance of the public domain, minimising the potential for criminal activities to occur.
- O3 To provide visual and acoustical privacy.
- O4 To minimise their dominance on the street and contribute to a garden setting.

Provisions

- P1 Front fences and side fences located between the street frontage and its respective building line are not to exceed 1m in height. Where sites have a dual street frontage, consideration may be given to higher side fences to provide privacy.
- P2 Fences should be designed and constructed with materials similar to those identified in the relevant Planning Area Character Statement or Locality Area provision (refer to Part F of the DCP), if provided.
- P3 The design of the fence should not obscure views of the building and garden areas from the street.
- P4 Transparent fences (i.e. comprising no more than 50% solid construction – measured vertically across its entire length) must not exceed 1.5m in height, unless otherwise indicated in this DCP.
- P5 Solid fences (e.g. masonry, lapped and capped timber, brushwood) must not exceed 1m in height, unless otherwise indicated in this DCP.
- P6 Despite P4 and P5 above, Council may permit a higher fence in the following instances:
 - (a) Where the scale and or heritage value of the property are appropriate for a higher fence, Council may allow a fence up to 1.5m in height but only where that part of the fence over 1.2m is of open construction.
 - (b) Where traffic noise is likely to cause an adverse impact on the privacy of the residence, Council may permit a fence up to 1.8m in height of solid construction on land fronting the following streets:
 - (i) Bannerman Street;
 - (ii) Belgrave Street;
 - (iii) Brook Street;
 - (iv) Chandos Street, between Oxley and Brook Streets;
 - (v) Clarke Street;
 - (vi) Ernest Street;
 - (vii) Falcon Street;
 - (viii) Gerard Street;
 - (ix) Harriette Street;
 - (x) High Street, between Warringah Expressway and Clarke Road;
 - (xi) Kurraba Road, between Clarke and Wycombe Road;
 - (xii) McPherson Street;
 - (xiii) Miller Street;
 - (xiv) Military Road;
 - (xv) Murdoch Street;
 - (xvi) Pacific Highway;



- (xvii) River Road;
- (xviii) Shirley Road between, River Road and the Pacific Highway;
- (xix) Wycombe Road; or
- (xx) any other street where the traffic volume exceeds 5,000 movements a day.

- P7 Fences should incorporate setbacks from the boundary of the site and be articulated to minimise their visual impact.
- P8 Must not reduce the significance of any heritage item or heritage conservation area.
- P9 Soften the appearance of solid fences by:
- (a) providing a continuous landscaped area of not less than 600mm wide on the street side of the fence or
 - (b) the use of openings, variation in colour, texture or materials to create visual interest.
- P10 Match the height of transparent fences (such as metal grille) to the characteristic height in the street.

1.4 QUALITY URBAN ENVIRONMENT

The design, site layout and facilities of residential development should meet the needs of future residents and allow them to enjoy a reasonable standard of living, without having adverse effects on those residents, on residents of existing development or on the wider community and environment.

1.4.1 High quality residential accommodation

Objectives

- O1 To provide a high level of internal amenity for those who reside in the building.

Provisions

- P1 Residential flat buildings are to be designed consistent with the Apartment Design Guide including, but not limited to, minimum unit sizes, communal corridor widths, room dimensions, natural ventilation and solar access.
- P2 Dwellings within multi dwelling housing must be designed to provide the following minimum internal areas³:
- (a) Studio 35m²
 - (b) 1 bedroom 50m²
 - (c) 2 bedrooms 70m²
 - (d) 3+ bedrooms 90m²
- P3 Include courtyards, balconies and gardens as the principal open space area for residents.
- P4 Communal corridors must have a minimum width of 2m to facilitate movement (i.e. no right angled corners).
- P5 No more than 8 dwellings are to be accessible from a single common lobby space.
- P6 Avoid the use of double loaded corridors.

³ Minimum internal space excludes balconies, garages and ancillary storage space. For multi-dwelling developments with one predominant dwelling type strict compliance with minimum space is required.

Section 1 - Residential Development

- P7 The depth of a habitable room from a window, providing light and air to that room, must not exceed 10m.
- P8 Apartments must provide a minimum width of 4m. An apartment's width should increase relative to an increase in its depth.
- P9 The depth of a single aspect apartment must not exceed 8m from a window.
- P10 The habitable space serviced by a window is no more than 10 times the glazed area of the window.
- P11 At least 60% of apartments are to be provided with cross ventilation (i.e. window openings that face different directions). Refer to Figures E-1.4 - E-1.7). For apartments with no cross ventilation, ceiling fans must be provided.

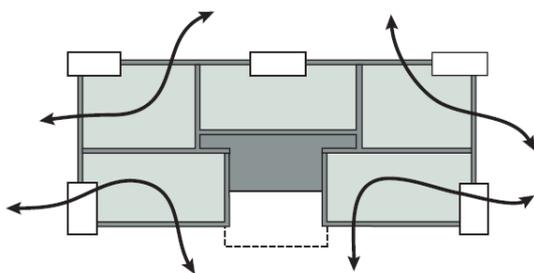


Figure E-1.4:
Corner apartments can achieve effective natural cross ventilation

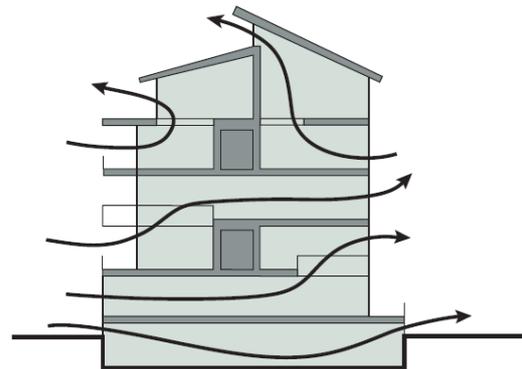


Figure E-1.5:
Good cross ventilation can be achieved with cross over apartments, maisonette apartments and semi-basement carparks

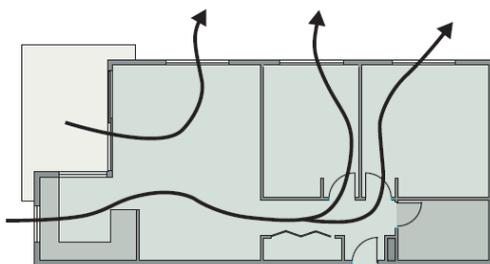


Figure B-1.6:
Natural ventilation in this corner apartment is drawn through windows having different orientation. This layout works well in upper floor apartments

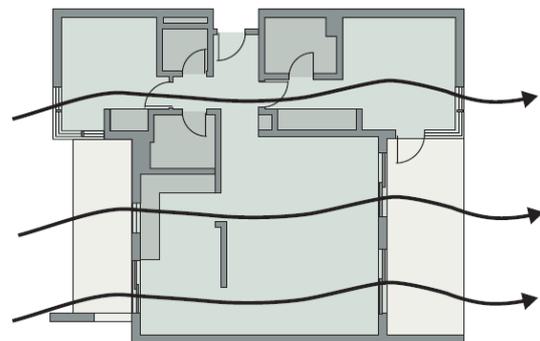


Figure B-1.7:
This optimal layout allows air flow directly from one side of the apartment to the other

1.4.2 Solar access

Objectives

- O1 To ensure that all dwellings have reasonable access to sunlight and daylight.



Provisions

P1 Developments should be designed and sited such that solar access at the winter solstice (21st June) provides a minimum of 3 hours between the hours of 9.00am and 3.00pm to:

- (a) any solar panels;
- (b) the windows of main internal living areas;
- (c) principal private open space areas; and
- (d) any communal open space areas.

Note: Main internal living areas excludes bedrooms, studies, laundries, storage areas.

P2 Despite P1 above, solar access to dwellings within residential flat buildings and shop top housing should meet the requirements of the Apartment Design Guide which includes:

- (a) at least 70% of dwellings should receive a minimum of 2 hours of solar access to living rooms and private open spaces between the hours of 9.00am and 3.00pm at the winter solstice (21st June).
- (b) Avoid providing apartments that have a sole orientation to the south. Where south facing apartments cannot be avoided, ensure that:
 - (i) no more than 15% of all dwellings in the development receive no direct sunlight between 9am and 3pm at mid-winter; and
 - (ii) those south facing dwellings are provided with adequate access to natural light (e.g. by providing enlarged windows, skylights and the like).

P3 The use, location and placement of photovoltaic solar panels should take into account the potential permissible building forms on adjacent properties.

1.4.3 Acoustic privacy

Objective

O1 To ensure all residents are provided with a reasonable level of acoustic privacy.

Control

P1 New dwellings shall be designed and constructed to comply with the criteria specified in Table E-1.3 for all noise intrusion from external noise sources (including mechanical services noise from within the development itself), with windows and doors closed:

TABLE E-1.3: Noise intrusion criteria from external sources		
Internal Space	Time Period	Max 1hr noise level (LAeq 1 Hour)
Living areas	Day or Night	≤ 40 dBA
Sleeping Areas	Day or Night	≤ 35 dBA

Note: Readings are to be LAeq (1hour), when measured during the noisiest 1 hour period between Day 7am to 10pm; and Night – 10pm to 7am.

P2 Where multiple dwellings are provided within the same building, the building shall be designed and constructed to comply with the requirements in Table E-1.4 regarding acoustic insulation of walls and floors.



Section 1 - Residential Development

Item	Criteria
Field Sound Reduction Index R'w of walls, floors services and ducts	BCA as amended. Except that Field Noise Reduction Index of all inter-tenancy walls shall be designed to achieve $\geq R'w55$ and the intent of the BCA requirements.
Field Sound Reduction Index R'w of Doors	Any door (including the effects of its frame and any edge gaps) in a wall between a dwelling and a stairwell or other internal common area shall be designed to achieve an $\geq R'w28$.
Impact Isolation of Floors	Where the floor of a dwelling separates a habitable room of one dwelling and a habitable room, bathroom, toilet, laundry, kitchen, plant room, stairway, public corridor, hallway and the like of a separate tenancy, the floor shall be designed to achieve a weighted standardised impact sound pressure level, $L_n'tw$ not more than 55dB.

- P3 An acoustic report prepared by a certified acoustic consultant must be submitted and address the requirements to P1 where the proposal involves the construction of 4 or more new dwellings.
- P4 Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings.
- P5 Bedrooms should be designed so that wardrobes provide additional sound buffering between rooms within the dwelling or between adjoining dwellings over and above the requirements in P2 above.
- P6 Windows and doors should be located away from external noise sources, or buffers used where separation cannot be achieved.
- P7 Materials with low noise penetration properties should be used where practical.
- P8 Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreation areas.
- P9 Where dwellings are located on busy roads the following construction techniques are to be considered for incorporation into the design of the development to reduce traffic noise within the dwelling:
 - (a) cavity brick walls;
 - (b) double glazing;
 - (c) solid core doors;
 - (d) concrete floors; and
 - (e) recessed balconies.
- P10 Where possible, avoid the use of high brick fences on busy roads. High fences present a harsh and bland appearance to the street, obstruct views from the footpath to gardens and dwelling entries, reduce amenity for pedestrians and reduce casual surveillance of the street. Try to reduce acoustic impacts through other acoustic reduction measures.
- P11 Development on land which is on or is within 100m of a railway corridor, a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the Transport for NSW) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.s 2.100(2) and 2.120(2) of [SEPP \(Transport and Infrastructure\) 2021](#). An acoustic report may be required to be

prepared to demonstrate compliance with this Guideline and the acoustic requirements within cl.s 2.100(3) and 2.120(3) of the [SEPP \(Transport and Infrastructure\) 2021](#).

1.4.4 Vibration

Objectives

- O1 To ensure that dwellings are not unreasonably impacted upon by vibrations caused by the operation of railways and roadways.

Provisions

- P1 Development on land which is on or is within 60m of a railway corridor, or is adjacent to a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the Transport for NSW) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.s 2.100(2) and 2.120(2) of [SEPP \(Transport and Infrastructure\) 2021](#). In particular, consideration should be given to the vibration criteria contained within the NSW Environment Protection Authority's *Assessing Vibration: a technical guideline*. A vibration assessment report may be required to be prepared to demonstrate compliance with these Guidelines.

1.4.5 Lightwells and Ventilation

Objectives

- O1 To ensure that dwellings are provided with sufficient natural solar access and ventilation, where the provision through conventional means (i.e. windows) is adversely restricted or compromised.

Provisions

- P1 Council does not support the use of lightwells for the provision of light and ventilation to dwellings. However, Council may consent to the use of lightwells, but only if the following criteria are satisfactorily met:
- (a) the lightwell does not provide the primary source of natural daylight and ventilation to any habitable room of a dwelling within the development; and
 - (b) the dimensions of the lightwell comply with the building separation requirements set out in Section 6 – *Visual Privacy* to Part B of the DCP (e.g. if non-habitable rooms face into a lightwell under 12m in height, the lightwell should measure 6m x 6m in plan); and
 - (c) the lightwell is directly connected at ground level to streets or lanes in buildings greater than 30m in height to allow air movement in the lightwell; and
 - (d) all building services (e.g. utility installations, pipes, cabling and the like) are concealed and not overlooked by principal living rooms or bedrooms; and
 - (e) the lightwell is fully open to the sky.
- P2 Despite P1(b) above, a lesser dimension may be considered, but only if it can be satisfactorily demonstrated that acoustic privacy, visual privacy and daylight access to all dwellings can be provided.
- P3 Alternative methods of ventilation of dwellings may be considered, but only if it can be satisfactorily demonstrated that there is no impact on privacy, noise, and fire safety.
- P4 If an alternative method of ventilation is proposed, submit a ventilation report by a certified ventilation consultant in accordance with the AS 1668, which recommends that the minimum natural cross ventilation rate of airflow should be 60L/s and the minimum removal of excess heat should be 10 air changes per hour, to provide reasonable comfort to occupants.



Section 1 - Residential Development

1.4.6 Site Coverage

Objectives

- O1 To ensure that development is balanced and in keeping with the optimum capacity of the site with no over development.
- O2 To ensure that development promotes the existing or desired future character of the neighbourhood.
- O3 To control site density.
- O4 To limit the building footprint so as to ensure adequate provision is made for landscaped area and private open space.

Provisions

- P1 Maximum site coverage must be in accordance with Table E-1.5.

TABLE E-1.5: Maximum Site Coverage Requirements		
Residential Development Type	Lot Size (m ²)	Site Coverage (max)
Detached dwelling, Semi-detached dwelling, Attached dwelling (including any secondary dwelling if provided)	0 to <230	60%
	230 to <500	50%
	500 to <750	40%
	750 to <1000	35%
	1000+	30%
Dual occupancy	All	45%
Multi-dwelling housing	All	50%
Residential flat building, Shop top housing	Within zones R2, R3, R4	45%
	Within zones E1, E2, MU1	N/A
	Within zone SP2	As per the most restrictive adjacent zone

- P2 For the purposes of P1, the following items are considered to constitute site coverage:
 - (a) buildings as defined by the [EP&A Act 1979](#);
 - (b) garages and carports;
 - (c) sheds;
 - (d) enclosed / covered balconies, verandahs, decks, pergolas and the like;
 - (e) swimming pools, spa pools and the like;
 - (f) other structures including:
 - (i) permanent BBQ structures;
 - (ii) cabanas;
 - (iii) external staircases;
 - (iv) gazebos;
 - (v) greenhouse/glasshouse;
 - (vi) plant rooms;
 - (vii) rainwater tanks;



- (viii) ramps;
- (ix) garbage storage facilities.

However, site coverage excludes:

- (g) any basement;
- (h) any part of an awning that is outside the subject site;
- (i) any eaves;
- (j) unenclosed balconies⁴, decks, pergolas and the like;
- (k) paving and patios (porous and non-porous) and front entry terrace / portico;
- (l) driveways and car stand areas (porous and non-porous);
- (m) water features; or
- (n) anything else defined as landscaped area.

P3 For the purposes of P1, the area of any access handle, access way or right of carriageway is to be excluded from the calculation of site area and site coverage.

1.4.7 Landscape Area

Objectives

- O1 The specific objectives of the landscaped area controls are to:
- (a) promote the character of the neighbourhood;
 - (b) provide useable private open space for the enjoyment of residents;
 - (c) provide a landscaped buffer between adjoining properties;
 - (d) maximise retention and absorption of surface drainage water on site;
 - (e) minimise obstruction to the underground flow of water;
 - (f) promote substantial landscaping, that includes the planting of trees that when mature will have significant canopy cover;
 - (g) control site density;
 - (h) minimise site disturbance;
 - (i) contributes to streetscape and amenity;
 - (j) allows light to penetrate between buildings;
 - (k) encourage the provision of space for biodiversity conservation and ecological processes; and
 - (l) provide a buffer between bushland areas and development.

Provisions

- P1 Provide minimum landscaped area and un-built upon areas in accordance with Table E-1.6.

⁴ Balconies which are open on more than 1 side and are not located under the roof line of the building or a balcony directly above.

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Residential Development Type	Lot Size (m ²)	Landscaped Area (min)	Un-Built Upon Area (max)
Detached dwelling, Semi-detached dwelling, Attached dwelling (including any secondary dwelling)	0 to <230	20%	20%
	230 to <500	30%	20%
	500 to <750	40%	20%
	750 to <1000	45%	20%
	1000+	50%	20%
Dual occupancy	All	40%	15%
Multi-dwelling housing	All	30%	20%
Residential flat building, Shop top housing	Within zones R2, R3, R4	All	15%
	Within zones E1, E2, MU1	All	N/A
	Within zone SP2	All	As per the most restrictive adjacent zone

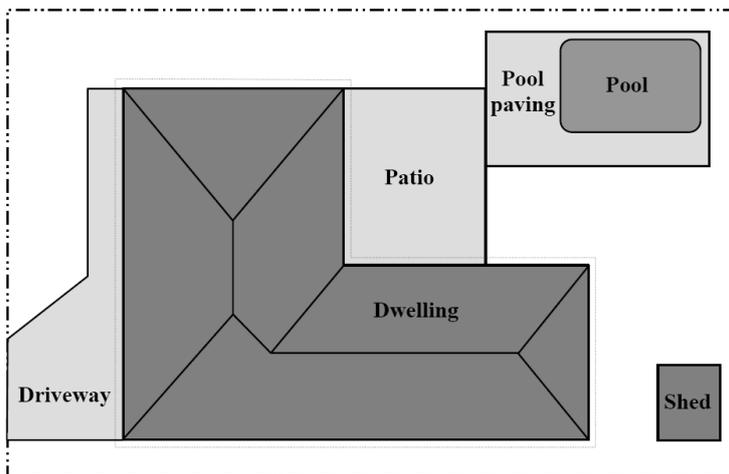


Figure E-1.8:

Areas of "landscaped area", "site coverage" and "ancillary hard surface area".

LEGEND

- Site
- Landscaped Area
- Site Coverage
- Un-built upon area

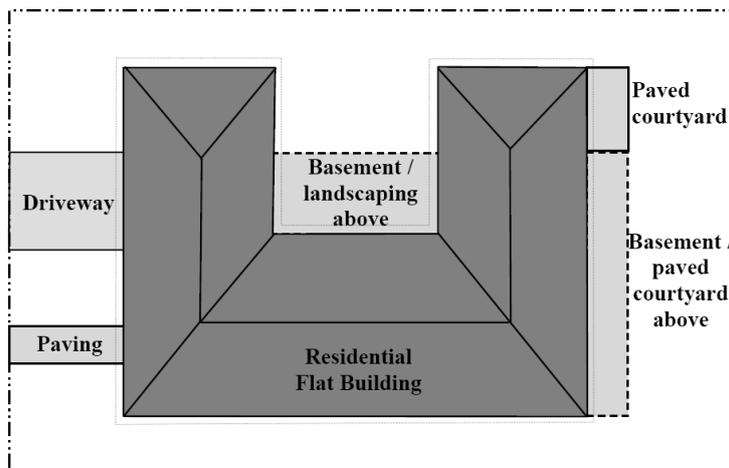


Figure E-1.9:

Areas of "landscaped area", "site coverage" and "ancillary hard surface area".

LEGEND

- Site
- Landscaped Area
- Site Coverage
- Un-built upon area



- P2 For the purposes of P1:
- (a) Landscaped area is considered to comprise all parts of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area⁵;
 - (b) The area of any access handle, access way or right of carriageway is to be excluded from the calculation of site area, landscaped area and un-built upon area; and
 - (c) the following items are considered to constitute un-built upon area:
 - (i) any part of a basement which does not comprise site coverage;
 - (ii) unenclosed balconies⁶, decks, pergolas and the like;
 - (iii) paving and patios (porous and non-porous);
 - (iv) driveways and car stand areas (porous and non-porous); or
 - (v) water features.
 However, un-built upon area excludes:
 - (vi) anything else defined as site coverage; or
 - (vii) anything else comprising landscaped area.

1.4.8 Private and Communal Open Space

Objectives

- O1 To ensure residents are provided with a reasonable level of outdoor amenity.
- O2 To ensure private open space is of sufficient size to be useable.

Provisions

- P1 Must provide minimum private open space areas in accordance with Table E-1.7.

TABLE E-1.7: Minimum Private Open Space Requirements				
Residential Development Type	Lot Size (m ²)	Minimum area at ground level (m ² /dw)	Minimum area above ground level (m ² /dw)	
Detached dwelling, Semi-detached dwelling, Attached dwelling, Secondary dwelling	0 to <230	40m ²	NA	
	230 to <500	40m ²	NA	
	500 to <750	50m ²	NA	
	750 to <1000	50m ²	NA	
	1000+	70m ²	NA	
Dual occupancy	All	40m ²	NA	
Multi-dwelling housing	All	35m ²	8m ²	
Residential flat building, Shoptop housing	All	25m ²	Studio	4m ²
			1 - Bed	8m ²
			2 - Bed	10m ²
			3 + -Bed	12m ²

⁵ Landscaping located above a basement or on the roof of a building does not constitute "landscaped area".

⁶ Balconies which are open on more than 1 side and are not located under the roof line of the building or a balcony directly above.

Section 1 - Residential Development

- P2 Usable private open space areas should be located to the rear or over the northern portion of the site to maximise privacy and solar access.
- P3 Where private open space areas are to be provided at ground level, it must have a minimum dimension of 4m, or a minimum dimension of 2m where provided above ground level, or 2.4m where it applies to a 3+ bedroom apartment.
- P4 In mixed use development where apartments are proposed without private open space, the size of the apartment must be increased by the minimum private open space requirement.
- P5 Private open spaces should be located such that they are directly accessible off a main living area of the dwelling.
- P6 In addition to the requirements of P1, multi-dwelling developments are encouraged to provide communal open space areas to encourage social interaction.
Note: It is considered best practice to provide communal open space areas in the order of 25% to 30% of the site area. A reduction in this requirement could be considered acceptable where private open spaces in excess of the minimum requirements are provided.
- P7 In mixed use development, communal residential spaces:
 - (a) should comprise a mixture of indoor and outdoor spaces (such as gymnasium, pool and meeting rooms for residents);
 - (b) must be provided in developments containing more than 15 bedrooms, with a minimum area of 20m² or 1m² per bedroom, whichever is the greater;
 - (c) may be provided in form of an internal room as long as it has a minimum area of 75% of the total residential communal area requirement (as required in P7(b) above), with the remainder appropriately located in the external recreation area; and
 - (d) must be provided with access to natural light and not be located in basements.

1.4.9 Outdoor swimming pools and spas

Objectives

- O1 To minimise the visual impact of swimming pools and spas.
- O2 To minimise the acoustic impacts on residents of adjoining properties.
- O3 To minimise the use of potable water supplies.

Provisions

- P1 Pools, spas and any associated structures (such as pool coping levels, surrounding decks and the like) are not to exceed 500mm above ground level (existing). Compliance with this requirement requires the applicant to illustrate the proposed RLs against spot RL's provided on the site survey plan.
- P2 The application must be accompanied by cross section plans of the proposed pool through both axis demonstrating proposed finished levels of the pool and surrounds in relation to existing ground levels, the boundaries of the site, and the ground levels (existing) on adjacent sites.
- P3 Pools and any associated structure must be set back a minimum of 1.2m from any property boundary.
- P4 Pools and any associated structures must be set back a minimum of 6m from any habitable room within a dwelling on an adjoining property.
- P5 Where illumination of the pool is proposed, use low level lighting only and direct away from adjoining properties.
- P6 Locate any associated pool equipment in close proximity to the principal dwelling.



P7 A water tank must be installed and be of sufficient capacity to ensure that the pool can be topped up to the manufacture’s recommended level without the need to rely on potable water supplies. This requirement is over and above any additional requirements associated with Section 4 - Water to Part B of this DCP relating to water conservation and water tanks. The tank must be fed by down pipes from a minimum of 50m² of roof area of the dwelling on the site. The size of the water tank must be provided in accordance with that specified in Table E-1.8.

TABLE E-1.8: Rainwater tank requirements for swimming pools	
Pool Size (litres)	Rainwater tank size (litres)
<20,000l	1,500l
20,000-40,000l	3,000l
>40,000l	Complies with BASIX

P8 A pool cover must be installed where a proposed development includes a swimming pool or spa.

1.4.10 Tennis courts

Objectives

O1 To minimise adverse effects on residents of adjoining properties.

Provisions

- P1 Must be setback a minimum of 1.5m from any property boundary.
- P2 Must be setback a minimum of 6m from any habitable room of a dwelling on an adjoining property.
- P3 A landscape screen should be provided between a tennis court and adjoining properties and the colour of any associated fencing should be black to blend with landscaping and to minimise disruption to views.
- P4 Must not be floodlit.
- P5 All stormwater run-off should be detained on-site before draining to Council’s stormwater system.
- P6 The surface of the tennis court should not be located more than 500mm above or below ground level (existing).

1.4.11 Site facilities

Objectives

O1 To ensure that site facilities are unobtrusive, integrated into developments, provide for needs of residents and reduce impact of development on the environment.

Provisions

- P1 Provide open air clothes drying facilities in a sunny location, which is adequately screened from streets and public places and receives no less than 2 hours of direct sun per day.
- P2 Provide a lockable mailbox, for each dwelling, close to the main pedestrian entry to the dwelling or building.
- P3 Provide no more than one telecommunications/TV antenna per residential building.



Section 1 - Residential Development

- P4 Provide ancillary storage facilities within residential flat buildings and shop top housing at the rates outlined in Table E-1.9 and linked to each dwelling through provisions of the relevant Strata Plan (at least 50% within the apartment).

TABLE E-1.9: Residential storage	
Dwelling Size	Minimum Storage Rate
Studio	4m ³
1 bedroom dwelling	6m ³
2 bedroom dwelling	8m ³
3+ bedroom dwelling	10m ³

- P5 Basement storage facilities will not be permitted for conversion to car parking spaces, either informally or by means of lodging a development application or a s.4.55 application to modify a development consent.



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SECTION 2 DEVELOPMENT IN EMPLOYMENT AND MIXED USE ZONES

2.1 INTRODUCTION

2.1.1 General Objectives

The general objectives of this Section of the DCP are to ensure that non-residential development in the *E1 Local Centre*, *E2 Commercial Centre*, *E3 Productivity Support*, *MU1 Mixed Use* zones and the *SP2 Infrastructure* zone where located wholly within existing employment centres:

- O1 can meet the aims and employment targets as outlined in the State Government's Regional Plan and District Plan,
- O2 is consistent with the principles contained within the *Integrated Land Use and Transport Policy*;
- O3 provide various grades and sizes of commercial floorspace to accommodate a mix of business, service, high tech industry, retail and recreational uses,
- O4 are designed to contribute positively to their surroundings and particularly to diversity, vitality, social engagement and 'a sense of place',
- O5 provide active street frontages both during the day and night,
- O6 are designed to mitigate against the extreme impacts of the sun, wind and rain,
- O7 provide adequate natural light to buildings, public places and streets,
- O8 creates safe and high quality urban environments through careful design of buildings and use of materials, and a well designed and maintained public domain,
- O9 encourages the provision of adaptable office development which meets the requirements of new office technology and caters for variations in office layout and use,
- O10 soften the highly urbanised landscape by introducing water and greenery,
- O11 minimise stormwater runoff, maintain and improve stormwater quality and encourage recycling where possible, and
- O12 contribute to attractive and well designed public open spaces to service increased population of the area.

2.1.2 When does this section of the DCP apply?

This section of the DCP applies to:

- (a) development for any non-residential purpose on land zoned:
 - (i) *E1 Local Centre*,
 - (ii) *E2 Commercial Centre*,
 - (iii) *MU1 Mixed Use*,
 - (iv) *E3 Productivity Support*,
- (b) development for any non-residential purpose on land zoned *SP2 Infrastructure*, except where any adjacent or adjoining land is zoned:
 - (i) *R2 Low Density Residential*,
 - (ii) *R3 Medium Density Residential*,
 - (iii) *R4 High Density Residential*, or



Section 2 – Development in Employment and Mixed Use Zones

(iv) *C4 Environmental Living.*

Where the subject land is zoned *SP2 Infrastructure* and any adjacent or adjoining land is zoned *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential* or *C4 Environmental Living*, development applications will be required to comply with Part E: Section 3 – *Non-residential development in residential zones* of the DCP.

If land zoned *SP2 Infrastructure* is located adjacent to one or more of the following zones:

- (a) *E1 Local Centre*,
- (b) *E2 Commercial Centre*,
- (c) *MU1 Mixed Use*,
- (d) *E3 Productivity Support*.

then the controls of the most restrictive zone will apply to the subject site. For example, if the subject site is located adjacent to land zoned *E1 Local Centre* and *MU1 Mixed Use*, then the provisions of the *E1 Local Centre* would apply.

This Section is applicable to mixed use developments incorporating components of both non-residential development and residential accommodation. For mixed use development, this Section applies to the non-residential component. The residential accommodation component of mixed use development is required to comply with the relevant requirements under Part E: Section 1 – *Residential Development* of the DCP.

2.2 FUNCTION

The main financial and business activities are complemented by a variety of other supporting infrastructure, activities and services located in and around the area which are essential to its functioning as a place where people work, live and visit.

Diversity of people, environments and experiences encourages activity and contributes to the popularity of areas. Diversity attracts many users, extends the usefulness of the area and contributes to the sustainability of both community and environment.

2.2.1 Diversity of activities, facilities, opportunities and services

Objectives

- O1 To ensure a diversity of activities, facilities, opportunities and services is provided, including high grade business accommodation, community services, employment, entertainment, government agencies, health and welfare, recreation and retail.
- O2 To ensure that streets are appropriately activated to encourage pedestrian use.

Provisions

- P1 Non-residential buildings or components of buildings should incorporate a variety of different sized spaces that reflect a site's location in the commercial centre hierarchy (i.e. large floor plates should be provided in higher order centres with small floor plates in lower order centres).
- P2 Consideration should be given to incorporating community and entertainment facilities within a development.
- P3 A variety of uses should be provided at street level, which contributes positively to economic and social vitality.
- P4 Avoid blank walls that face streets and laneways at the ground level.
- P5 Enhance the amenity of the public domain to meet the needs of the workforce, residents and visitors.
- P6 Mixed use developments should have the non-residential uses located at least on the ground floor, and any residential uses located on floors above the non-residential uses.

Section 2 – Development in Employment and Mixed Use Zones

2.2.2 Design of tourist and visitor accommodation

Objectives

- O1 To ensure that hotel or motel accommodation and serviced apartments are not used or converted for permanent residential accommodation.
- O2 To minimise impacts on the operation of other uses, where the short term visitor accommodation is provided within a mixed use development.

Provisions

- P1 No more than 50% of rooms to hotel or motel accommodation must be provided with kitchens or kitchenettes.
- P2 Rooms to hotel or motel accommodation must be provided in accordance with the dimensions indicated in Table E-2.1.

TABLE E-2.1 - Minimum and maximum room sizes		
Number of persons	Minimum Size	Maximum Size
1	10.5m ²	27m ²
2	16m ²	27m ²
3	21.5m ²	27m ²
4 (max)	27m ²	27m ²

- P3 All tourist and visitor accommodation developments must provide common facilities such as conference rooms, restaurants and bars.
- P4 Balconies to hotel or motel accommodation rooms are not permitted.
- P5 Where tourist and visitor accommodation is to be provided within a mixed use development, it must be provided with separate and secured access from other land use activities accommodated within the building.

2.2.3 Tourist and visitor accommodation management

Objectives

- O1 To ensure that tourist and visitor accommodation are appropriately managed.

Provisions

- P1 Hotels or motel accommodation is to be operated as one entity with a central management structure.
- P2 A Management Statement, stating that the premise is a hotel or motel with common facilities, or a serviced apartment should be submitted with the DA to ensure that the premise operates as a hotel or motel or serviced apartment.
- P3 Prior to the granting of any development consent, the Management Statement should be conjointly signed by Council and applicant.
- P4 Maximum period of tenure for guests must not exceed 13 weeks.
- P5 Hotel or motel accommodation rooms are to be serviced daily.

2.2.4 Centre-based Child Care Facilities – Capacity and Composition

Objectives

- O1 To ensure that impacts from child care facilities can be appropriately controlled.
- O2 To ensure that a reasonable distribution of child care places is provided for all age groups.



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Provisions

- P1 A centre-based child care facility should not provide more than 90 child care places.
Note: To ensure a reasonable level of amenity is achieved for adjoining properties, a maximum provision of 75 child care places is considered to be best practice.
- P2 Where a centre-based child care facility provides more than 75 child care places, the facility must provide for small group care (i.e. provision must be made for separate entrances and playgrounds for different age groups).
- P3 Due to the desirability of providing additional child care places for children under the age of 2 years, a component of child care places in Long Day Care services must be allocated to children under the age of 2 years.

2.3 ENVIRONMENTAL CRITERIA

2.3.1 Awnings

Objectives

- O1 To provide adequate weather protection for people using streets and other public spaces.

Provisions

- P1 Provide continuous, horizontal awnings on all street frontages which are activated by ground floor uses and those streets identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP), using materials that are sun, rain and wind proof.
- P2 Awnings must be provided as required in Table E-2.2.
- P3 New awnings should match the height of existing awnings on adjacent sites.
- P4 Weather seals are to be provided between new and existing awnings on adjacent sites and between the awning and the building.
- P5 Where appropriate, temporary shade structures such as retractable blinds, umbrellas and pergolas may be provided (e.g. to outdoor café and gardens).
- P6 Openings with a minimum dimension of 1.5m - 2m (measured from kerb) by 2.5m wide must be provided in awnings located over public footpaths to allow for the accommodation of street trees.

TABLE E-2.2 – Awnings			
Requirement		Zone	
		E2 Commercial Centre MU1 Mixed Use	E1 Local Centre
Minimum Width		2m (min)	2m (min)
Setback from kerb	General	1.1m (or 600mm where walkway is not of sufficient width)	600mm
	To accommodate street trees	1.5m	2.0m
Height above footpath level		3.2m - 4.2m	3.0m - 3.6m

2.3.2 Acoustic privacy

Objective

- O1 To ensure all occupants within noise sensitive commercial and other non-residential developments are provided with a reasonable level of acoustic privacy.

Control

- P1 Development comprising places of public worship, hospitals, educational facilities or child care centres on land which is on or is within 100m of a railway corridor, a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the Transport for NSW) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.s 2.100(2) and 2.120(2) of [SEPP \(Transport and Infrastructure\) 2021](#). An acoustic report may be required to be prepared to demonstrate compliance with this Guideline and the acoustic requirements within cl.s 2.100(3) and 2.120(3) of the [SEPP \(Transport and Infrastructure\) 2021](#).
- P2 Where possible, avoid the use high brick fences on busy roads. High fences present a harsh and bland appearance to the street, obstruct views from the footpath to gardens and entries, reduce amenity for pedestrians and reduce casual surveillance of the street. Try to reduce acoustic impacts through other acoustic reduction measures.

2.3.3 Vibration

Objectives

- O1 To minimise the impact on safety and the operation of road and rail tunnels.

Provisions

- P1 Development on land which is on or is within 60m of a railway corridor, or is adjacent to a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the Transport for NSW) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.s 2.100(2) and 2.120(2) of [SEPP \(Transport and Infrastructure\) 2021](#). In particular, consideration should be given to the vibration criteria contained within the Department of Environment Climate Change and Water's *Assessing Vibration: a technical guideline*. A vibration assessment report may be required to be prepared to demonstrate compliance with these Guidelines.

2.4 QUALITY BUILT FORM

Commercial centres and their skylines evolve. Well designed buildings respond to the environment of the centre in terms of the various scales at which they are experienced. They can also make a positive contribution to the character and identity of the centre and provide a benchmark for innovative design in building and environmental technology.

Buildings in centres should have a positive relationship with relevant topographical features, surrounding buildings and the townscape when viewed from all directions.

Proposals for large scale developments have the potential for dramatic impacts on the urban environment. They can harm qualities that people value about a place such as solar access and scale. For these reasons proposals for tall buildings are particularly subject to very close scrutiny.

Proposals will be assessed in terms of their positive contribution and any adverse impacts associated with their design and siting. They will be evaluated for the quality of their design and their response to their urban context.



The relationship of proposals to transport infrastructure will be considered in the assessment. This includes existing capacity available, the quality of links between transport and the site, and the feasibility of making improvements to those links.

Any building must be sustainable in the broadest sense taking into account its social and economic impact, based on whole life costs and benefits.

2.4.1 Site Consolidation

Objectives

- O1 To enable the creation of a human scale that also reflects a consistent subdivision pattern.
- O2 To enable the creation of suitably sized commercial floor plates that can be tenanted easily.

Provisions

- P1 Amalgamate lots to achieve lot frontage identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).
- P2 Break down the apparent length of buildings by incorporating articulation, design and detailing and or a change in materials, finishes and colours.

2.4.2 Setbacks

Objectives

- O1 To enable a reduction in the impact of scale.
- O2 To ensure adequate ventilation, solar access, sky views, privacy, view sharing and a reduction of adverse wind effects.
- O3 To improve pedestrian flow and amenity and allow a range of activities to be accommodated.

Provisions

General

- P1 Provide a setback for public space at ground level where indicated within the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).
- P2 New development must give consideration to the setbacks of adjacent buildings and heritage items.

Front

- P3 The entire building is to have a zero metre setback to all street frontages, unless an alternative setback is identified within the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).
- P4 If a podium form is required, that part of the building located above the podium must be setback from the street frontage by a weighted average (refer to Figure E-2.1) in accordance with the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).

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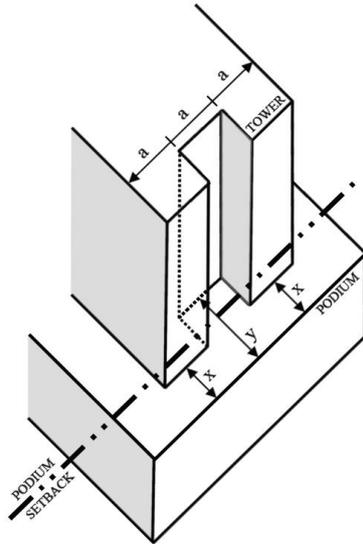


Figure E-2.1:

Weighted average is the average of projections and recesses from setback above podium (i.e. $x + x + y / 3 =$ podium setback)

Side & Rear

- P5 The entire building is to have a zero metre setback to all side and rear boundaries, unless an alternative setback is identified within the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).
- P6 Despite P5 above, buildings containing non-residential activities must be set back a minimum of 3m from the property boundary where the adjoining site has balconies or windows to main living areas of dwellings or serviced apartments located at the same level.

Note: Side setbacks may be affected by building separation requirements and or podium level setback requirements.
- P7 Despite P5 above, a development proposed on land adjoining or adjacent to a residential or recreation zone must not exceed a building height plane commencing:
 - (a) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from all boundaries that directly adjoin land zoned R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation, or
 - (b) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from the centre line of any adjoining road or laneway separating the site from land zoned R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, RE1 Public Recreation.

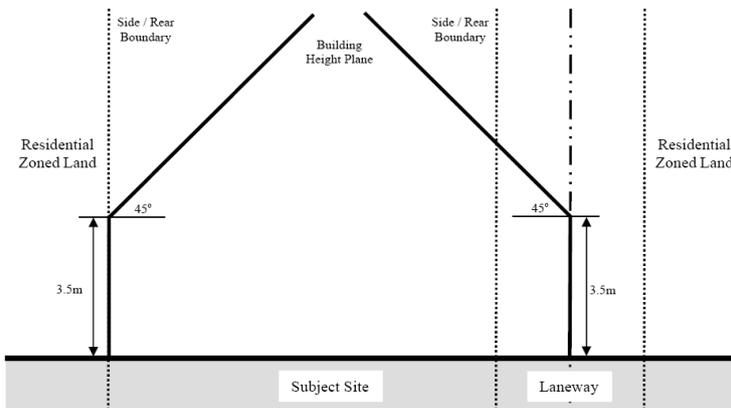


Figure E-2.2:

Building height plane requirements

- P8 Where setbacks are required from existing property boundary this should be clear of all structures above and below ground level, excluding awnings and other elements allowed by Council.
- P9 Where an applicant seeks a basement structure built to the property boundary fronting a laneway in the *E1 Local Centre* or *MU1 Mixed Use* zone for the purposes of underground car parking, Council may require a 1.5m setback at street level to be provided subject to an s.88B instrument application outlining public access rights, clear of any structure to 1.5m below ground level (existing) and 3m above ground level (existing) and requiring all maintenance, cleaning and the like to be the responsibility of the property owner. Applicants are advised to contact Council prior to the lodgement of any development application seeking a basement car park built to the property boundary fronting any laneway to determine if the setbacks in this provision are required to be met.
- P10 Stratum subdivisions will generally not be accepted for dedication of land/airspace to Council.

2.4.3 Podiums

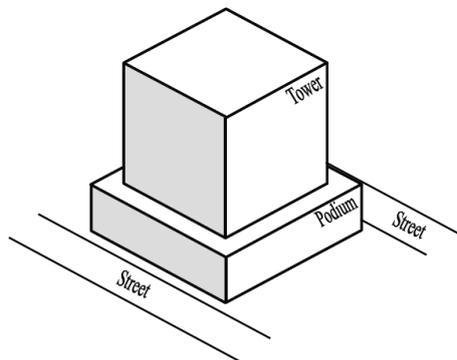
Objectives

- O1 For buildings to reinforce a human scale when read from the public domain.
- O2 To ensure that laneways are integrated into the pedestrian network.
- O3 To ensure that laneways are safe and comfortable for pedestrians.

Provisions

- P1 Where required, a podium must incorporate the required boundary setbacks, podium heights and above podium setbacks in accordance with the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).
- P2 Where there are no podium and above podium related controls in Part F of the DCP, podiums should match the height and setbacks of adjacent buildings or the average of the heights of the adjacent podiums having regard to their existing nature and/or their redevelopment potential.
- P3 Where the ground level changes across the width of a site, the podium should be stepped at an appropriate location to maintain a characteristic podium height.

Figure E-2.3:
Podium/tower form of development



2.4.4 Building design

Objectives

- O1 To ensure that buildings are designed to reinforce the urban character of a locality.

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- O2 To ensure that buildings clearly define streets, street corners and public spaces.
- O3 To encourage high quality, built form outcomes and achieve design excellence.

Provisions

- P1 A minimum floor to ceiling height of 3.3m is required for each level of a building containing non-residential floor space, unless an alternative height is identified within the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP). Where a single storey of a building is proposed to contain both residential accommodation and non-residential development, the entire storey is to provide the greater of the two minimum requirements.
- P2 Council may consider a variation to the minimum requirements in P1, but only if the applicant can demonstrate that the dwelling or non-residential floor space is capable of receiving satisfactory natural daylight and ventilation (e.g. shallow apartments / commercial tenancies with large amounts of window area).
- P3 The apparent length of buildings should be broken down through the use of articulation, design and detailing, changes in materials and colours.
- P4 High quality materials should be used throughout the building design.
- P5 Buildings should be built predominantly to setback alignment.
- P6 Buildings should be articulated and have a positive relationship with the public domain in terms of scale and setbacks.
- P7 Building elements, such as materials, finishes, and window dimensions should relate to neighbouring buildings.
- P8 Buildings are to respect the setting and curtilage of heritage items (refer to Part C - *Heritage Conservation* of the DCP).
- P9 Buildings should incorporate architectural detailing and ornamentation which provides a rich visual reference for pedestrians.
- P10 Where party walls are exposed or new developments result in a blank wall, a visually interesting treatment is required for that wall. The architectural treatment used should be sympathetic to the character of the area and any nearby heritage items or conservation areas.
- P11 Balconies are to be incorporated within the setback or building envelopes.
- P12 Within the *E1 Local Centre* zone, provide a traditional 2-storey shopfront parapet form along the primary street frontages, with any development above two storeys (where permissible) set back in accordance with the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).

2.4.5 Skyline

Objectives

- O1 To provide a distinctive and well designed skyline through the introduction of visually interesting elements in the articulation and detailing of the upper levels and roofs of buildings.

Provisions

- P1 Built form should step down to a comparable scale at the interface of any adjoining residential zone.
- P2 Roofs should be designed such that they are integral with the overall design of the building.
- P3 All roof top located building plant and services are to be contained within a single structure. It should be centrally located to avoid overshadowing and other impacts.



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- P4 If telecommunication aerials are to be provided, they must be incorporated into the roof top design, and not comprise ad-hoc additions.
- P5 With respect to buildings greater than 30m in height, and all buildings within the North Sydney Centre, the roof is to be designed with due consideration given to visual amenity and aesthetics in the context of the building being seen in a regional view catchment, minimising the visual scale and impact of roof plant, and inclusion of high quality architectural roof features.
- P6 All plant room equipment must not be visible from any location viewed from ground level.

2.4.6 Junction and termination of streets

Objectives

- O1 To ensure that the design and form of buildings reinforces the junction and termination of streets (excluding laneways).

Provisions

- P1 Buildings located on the corner of a street intersection or at the termination of a street should:
 - (a) be designed with increased emphasis to anchor primary vistas and nodal points;
 - (b) be designed such that the corner of the building addressing an intersection is reinforced through utilisation of splays, curves, building entries and other architectural elements;
 - (c) where located at a street intersection, incorporate a minimum 1.5m splay measured from the corner of the intersection along each property boundary; and
 - (d) be designed such that the building’s height is concentrated on that section of the building located at the corner of the street intersection or is centralised on the street façade where it is located at the termination of a street.

2.4.7 Through-site pedestrian links

Objectives

- O1 To increase pedestrian permeability through commercial and mixed use centres.
- O2 To increase linkages to facilities, outdoor spaces and public transport.
- O3 To provide safe and usable pedestrian spaces.
- O4 To increase the amenity for pedestrians.

Provisions

- P1 Provide linkages through sites to other streets and laneways as identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP) applying to the site or where enhancing pedestrian movement to public transport infrastructure.
- P2 Provide linkages to facilities, outdoor spaces and public transport.
- P3 Provide public access through pedestrian links from 6am to 10pm daily.
- P4 Pedestrian links must be lined with active uses along at least one side of the link to engage pedestrians.
- P5 Pedestrian links must be a minimum of 6m in width that is free from obstructions.
- P6 Escalators must be provided within the link where there is a substantial change in level.
- P7 The number of pedestrian entries to the link is maximised.
- P8 The extent of natural light to the link should be maximised where possible.

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- P9 Where a through-site link is to be provided along the side boundary of a property, it should be open to the sky.
- P10 Signage must be provided at the entry to the linkage, indicating public accessibility and the street to which the connection links.
- P11 Opportunities for integration of public art installations within the link are to be maximised.
- P12 The linkage is to be designed to positively respond to the “safer by design” principles.

2.4.8 Streetscape

Objectives

- O1 To ensure that footpaths, kerb and guttering and street trees contribute to a consistent streetscape.
- O2 To promote the creation of lively and active street and laneway frontages.
- O3 To create visual interest in the built form.
- O4 To create a feeling of safety both by day and night.
- O5 To minimise visual clutter associated with overhead infrastructure.

Provisions

- P1 The ground level of buildings should align with the corresponding level of the adjacent footpath, laneway or outdoor space.
- P2 Continuous active uses, such as shops and cafes, should be provided at the ground level of the building to all streets, laneways and public spaces.
- P3 Where practical, the building’s ground level façade to a laneway should be provided as an active frontage (e.g. has a retail or commercial premises fronting the laneway).
- P4 Landscaping and changes in level at building frontages is to be avoided where possible to facilitate natural surveillance of public areas and views into buildings.
- P5 All ground level windows fronting street, laneways and public spaces must be glazed with clear glass, to promote active surveillance of the public domain.
- P6 All ground level shopfronts are to have a zero metre setback unless specified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).
- P7 Introduce visually interesting elements to the building façade such as articulation, detailing and art works.
- P8 Streetscape elements, such as street furniture, lighting, paving, awnings, outdoor seating and umbrellas, are to be consistent with Council’s Public Domain Style Manual and Design Codes.
- P9 Undergrounding of overhead infrastructure should be provided in association with significant new development, consistent with the North Sydney Council Undergrounding Master Plan.

2.4.9 Entrances and exits

Objectives

- O1 To enable equitable access to all persons regardless of ability.
- O2 To ensure that entrances are clearly visible from the street and convey a sense of address.
- O3 To maximise safety and amenity of occupants to buildings containing a mixture of land uses.



Provisions

- P1 Main entrances and exits located at the front of the site must be directly visible from the street.
- P2 At least one main entrance to the building provides a continuous path of travel.
- P3 Entrances must not be obscured by landscaping or other obstacles and have clear sight lines.
- P4 Entrances are clearly identifiable to reduce confusion and unintentional entry.
- P5 If exits to the building are closed after hours, this must be indicated at the entrance of the building.
- P6 Entrance lobbies are well illuminated, with seating provided and a firm and level non-slip floor surface.
- P7 Places of safe refuge are incorporated into the overall design of buildings. Lift lobbies or toilets may be used as all or part of a safe refuge.
- P8 Access to the building must be designed in accordance with the provisions contained within Part D: Section 3 – *Accessibility* of the DCP.
- P9 Separated pedestrian entrances and lobbies are to be provided where it is proposed to accommodate within the same building, the following mixture of land uses:
 - (a) residential accommodation and non-residential development; or
 - (b) hotel or motel accommodation or serviced apartments and any other form of non-residential development.

2.4.10 Nighttime appearance

Objectives

- O1 To improve the visual interest of the street and cityscape by night.

Provisions

- P1 Encourage the use of large windows to enable internal illumination to spill onto public footpaths and public areas.
- P2 Decorative elements or prominent architectural features of a building should be illuminated, but only where they do not result in adverse impacts upon nearby residents.

2.5 QUALITY URBAN ENVIRONMENT

The design of buildings meets the needs of the widest range of people in the community from childhood to old age. This includes people with any form of disability. Commercial centres should be barrier free for the disabled travelling within the centre in the public domain as well as in the use of private property. Safe and enjoyable continuous paths of travel should be provided for pedestrians with rear lanes offering convenient short cuts.

Natural surveillance of areas lowers the likelihood of vandalism and crime. Clear sight lines and the proximity of dwellings and retail areas to the public domain assist in creating a safer environment. High walls and barriers obscure sight lines and can increase the likelihood of crime.

2.5.1 Site facilities

Objectives

- O1 To ensure that any site facilities are unobtrusive, integrated into developments, provide for occupants needs and reduce impacts on the environment.



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Provisions

- P1 Site facilities should be located in the most accessible and convenient location and, if possible, located near regularly staffed areas such as reception areas.
- P2 Direct access should be provided to site facilities. The use of long corridors and blind corners should be avoided. The use of lighting and mirrors should be used in problem areas.
- P3 Site facilities should be designed to encourage their use by keeping them clean and vandal resistant. Access routes should be clearly signed and information provided in facilities to report maintenance and vandalism.
- P4 Seating is open to view and well lit after dark.
- P5 Provide no more than one telecommunications/TV antenna per building.
- P6 Services such as ATMs, self service vending machines and telephones should be:
 - (a) located in areas of frequent activity,
 - (b) be well lit after dark,
 - (c) located away from concealed areas, and
 - (d) be well maintained and vandal resistant.
- P7 ATMs and self service vending machines must not be located in recesses and must be designed to incorporate mirrors or reflective material so users can observe people approaching from behind.
- P8 ATMs and self-service vending machines must be unobtrusive and sympathetically integrated into shop-fronts and are not to obstruct pedestrian access.
- P9 Where ATMs or self-service vending machines issue paper receipts, the machine must incorporate a rubbish receptacle which is integrated into the overall design of the machine.
- P10 To ensure that self-service vending machines do not distribute inappropriate material to minors, the applicant must demonstrate to Council’s satisfaction how the distribution of restricted material/s will be restricted.

2.5.2 Temporary structures

Objectives

- O1 To ensure that the location of temporary structures promotes public safety and amenity.
- O2 To encourage vitality, diversity and natural surveillance in the community without causing adverse effects on the streetscape.

Provisions

- P1 Temporary structures must not be located:
 - (a) in locations that hinder access to power or water access points;
 - (b) within 5m from front and/or side boundaries to facilitate pedestrian movement;
 - (c) which breach traffic signs or hinder pedestrian or vehicular movement (e.g. in driveways or doorway entrances.);
 - (d) in such a way as to impact on informal or formal through site links or areas formally designated for public access; and
 - (e) near fire protection equipment or exits.
- P2 Mobile carts or stalls:
 - (a) are not permitted on road shoulders;



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- (b) may be subject to a limited period of consent and hours of operation;
- (c) must not provide any live or amplified music or other sounds promoting the cart or stall;
- (d) must comply with the [Food Act 2003](#), the *National Code for Food Vending Vehicles and Temporary Food Premises* and the *Building Code of Australia*;
- (e) should use biodegradable materials for all coffee/drink cups, cutlery and/or packaging of pre-cooked food stuffs;
- (f) should be designed and use colours and materials that are compatible with the nature of Council's plazas; and
- (g) must obtain the relevant Council permit and display it during the hours of operation.

- P3 Temporary stalls on public footpaths will be generally limited to Mount Street Plaza and Elizabeth Plaza, Ernest Place.
- P4 Internal temporary structures should be compatible with the interior design of the building within which it is to be located.
- P5 Outdoor temporary structures are designed to be consistent with streetscape through their design and use of materials, colours and finishes.
- P6 Maximum of one coffee cart within a 200m radius.
- P7 Signage for any mobile cart is limited to one business identification sign affixed to the front panel of the cart and must not exceed 50% of that area.
- P8 Any ancillary equipment should not be visible from the street and should be stored directly inside the temporary structure.
- P9 Mobile cart/stall operators are responsible for the control of litter generated by the cart or stall.
- P10 Tables and chairs are not permitted to be provided for patrons. A stool may be permitted for the operator only.

2.6 PUBLIC DOMAIN

The public domain includes streets and laneways, parks, plazas and malls, as well as areas for café and restaurant seating, entries and foyers to buildings and the interface where buildings meet the street or an adjoining open space.

The quality of the public domain has an impact on how people relate to their surroundings, how they use the public domain, how comfortable they feel in it, how they feel about it, and what they think about it. The public domain allows for freedom of movement, access to a range of services and activities. It provides space to relax in, meet friends, 'hang out', congregate and be entertained in. It above all contributes to community identity and sense of place.

Design of the public domain is important - too often buildings relate poorly to the public domain and public spaces are just the left over spaces between buildings. A well designed public domain is one which is accessible to all, encourages a diverse range of activities and users throughout an extended period of the day, and is safe and comfortable for all users. Successful streets and public spaces are the ones we enjoy walking along, shopping at or sitting in.

All Public Domain design should be in accordance with the *North Sydney Centre Domain Strategy*, the *St Leonards Public Domain Strategy* and *North Sydney Council Infrastructure Manual*.

2.6.1 Public spaces, street furniture, landscaping works, and equipment

Objectives

- O3 To ensure that buildings contribute to external and internal public spaces and facilities nearby and inclusion of these areas as part of the public domain.
- O4 To ensure that buildings interact with and contribute positively to their surroundings at street level.
- O5 To ensure that buildings contribute to diversity, vitality, social engagement and “a sense of place”.
- O6 To ensure that street furniture, landscaping works, utilities and equipment positively contribute to the community’s enjoyment of the public domain, but does not impede pedestrian movement and safety or reduce visual quality.

Provisions

- P1 Where relevant, all works should be designed in accordance with:
 - (a) North Sydney Centre Public Domain Strategy;
 - (b) St Leonards Public Domain Strategy; and
 - (c) North Sydney Council Infrastructure Manual.
- P2 Development should not detrimentally affect the amenity of the existing area, having regard to its redevelopment potential.
- P3 A range of outdoor spaces should be provided. Larger spaces and deeper footpaths provide opportunities for a wider range of activities to be accommodated.
- P4 Locate facilities that attract people, such as public phones, seating and information kiosks, in public spaces to reinforce activity at ground level.
- P5 Avoid over-management of public spaces by security patrols or through the use of closed circuit television (CCTV).
- P6 Seating should be provided in public spaces that are not allocated to a specific use (e.g. a café) for people to ‘hang out’, take refuge and rest.
- P7 Seating or seating areas should be positioned at the edge of footpaths where through movement is not obstructed.
- P8 Pedestrian sight lines should not be obstructed by landscaping or other street improvements.
- P9 Public areas should be free from clutter and unclear level changes, having particular regard for accessibility.
- P10 Publicly accessible areas are to be provided with a high quality of lighting for security and amenity purposes.

2.6.2 Public entertainment and expression

Objectives

- O1 To ensure that venues for public entertainment and expression of community identity are provided.

Provisions

- P1 Formal and informal spaces for public entertainment should be provided.
- P2 Multi-functional street furniture should be incorporated into the design (e.g. a flat bench may become an informal plinth for performance artists).
- P3 At least one space within the North Sydney Centre must be provided that is large enough to hold an open air performance or market.



- P4 Public notice boards and kiosks should be provided in locations where people will be gathering.
- P5 Space should be provided within buildings for community facilities such as exhibition areas, recreational facilities or cinemas.

2.6.3 Public art

Objectives

- O1 To contribute to the cultural life and enjoyment of commercial areas.
- O2 To allow for community self expression.

Provisions

- P1 The design of public art should be in accordance with *North Sydney Centre Public Domain Strategy*.
- P2 Artworks should be integrated into the design of public spaces and the publically accessible locations of private developments (i.e. main entrances, lobbies, street frontages, gardens, walls and rooftops).
- P3 Council's Arts and Culture Officer should be consulted in the design and execution stages for any public artwork, prior to development consent being issued.
- P4 Community groups should be consulted in the design of artworks.
- P5 Consideration should be given to artworks that serve a dual role (e.g. as play equipment for children, informal seating or a marker for a meeting place).
- P6 Artwork should demonstrate its relevance to its location, reflecting the area's history, culture or local community.
- P7 Artwork should enhance a sense of place or the distinctive identity of the area.
- P8 Council's *Arts Plan* should be considered in the design of all public art. It documents the process for completing an Arts Plan submission where an Arts Plan is lodged with a development application.

2.6.4 Paving

Objectives

- O1 To ensure pedestrian surfaces are safe for all users.
- O2 To ensure that pedestrian routes are clearly identified.
- O3 To ensure that paving is constructed from materials that provide consistency and continuity of streetscape.

Provisions

- P1 Except where negotiated with the Council, all footpath paving along property frontages must be provided in accordance with Council's specifications (including requirements for disabled access).
- P2 The extent, nature and type of paving materials include tactile surfaces in appropriate locations to assist the visually impaired.
- P3 Paving may be considered as part of public art, but only in consultation with Council.

2.6.5 Native vegetation and water

Objectives

- O1 To increase the provision of native vegetation and water in the public domain and publically accessible areas within private developments.



Section 2 – Development in Employment and Mixed Use Zones

Provisions

- P1 Water features, utilising non-potable water, should be considered for inclusion within public spaces, building entrances, foyers, facades and rooftops.
- P2 Roof top gardens should be considered for incorporation where practicable and where they do not result in unreasonable amenity impacts to adjoining and neighbouring properties.
- P3 Trees should be planted where appropriate to provide shade, shelter and fauna.



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SECTION 3 NON-RESIDENTIAL DEVELOPMENT IN RESIDENTIAL ZONES

3.1 INTRODUCTION

Non-residential development in residential zones generally comprises, but is not limited to, the following types of uses:

- Early education and care centres;
- Educational establishments;
- Information and education facilities;
- Health care facilities (including health consulting rooms, medical centres and hospitals);
- Places of worship;
- Community facilities;
- Neighbourhood shops; and
- Entertainment facilities.

There are also some instances, where non-residential development occurs within residential zones that operate pursuant to existing use rights (refer to Division 4.11 of the [EP&A Act](#)) or are a permissible use pursuant to cl.2.5 and Schedule 1 – *Additional Permitted Uses* to NSLEP 2013.

The majority of these uses are primarily operated from large scale buildings which are often inconsistent with the scale of residential development occurring within the residential zones. They can also lead to additional impacts on residential amenity in terms of traffic impacts and noise.

The purpose of this Section of the DCP is to provide guidance to applicants for the development of non-residential development in residential zones such that the impacts on residential amenity is minimised.

3.1.1 General Objectives

The general objectives of this Section of the DCP are to ensure that non-residential development in residential zones:

- O1 is consistent with the principles contained within the *Integrated Land Use and Transport Policy*;
- O2 does not have adverse impacts on residential amenity or environmental quality;
- O3 is in context with surrounding development with regards to its bulk and scale;
- O4 contributes to the garden setting and lower scale character of North Sydney's residential neighbourhoods; and
- O5 is consistent with the character that is described in the relevant Planning Area Character Statements and Locality Area provisions.

3.1.2 When does this section of the DCP apply?

This Section of the DCP applies to:

- (a) all development, other than all forms of residential accommodation, on land within the *R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential* and *C4 Environmental Living* zones.

Section 3 - Non-Residential Development in Residential Zones

- (b) all development, other than all forms of residential accommodation, on land zoned *SP2 Infrastructure*, and where any adjacent or adjoining land is zoned:
 - (i) *R2 Low Density Residential*,
 - (ii) *R3 Medium Density Residential*,
 - (iii) *R4 High Density Residential*, or
 - (iv) *C4 Environmental Living*.

If land zoned *SP2 Infrastructure* is located adjacent to one or more than the following zones:

- (a) *R2 Low Density Residential*,
- (b) *R3 Medium Density Residential*,
- (c) *R4 High Density Residential*, or
- (d) *C4 Environmental Living*.

then the controls of the most restrictive zone will apply to the subject site. For example, if the subject site is located adjacent to land zoned *R2 Low Density Residential* and *R4 High Density Residential*, then the provisions of the *R2 Low Density Residential* would apply.

3.2 QUALITY BUILT FORM

In response to their local context, buildings need to be designed to respect the existing topography and relate to the rhythm and pattern of characteristic buildings in the prevailing streetscape. A comfortable and memorable street will be one where no one building or feature dominates.

Kerb and guttering, footpaths, fences, front gardens and the street frontage of buildings all contribute to the appearance of a street and influence how people feel in them and about them. Streets where people feel comfortable will exhibit consistency in these elements and relationships between the scale of these elements.

3.2.1 Streetscape

Objectives

- O1 To ensure that footpaths, kerb and guttering and street trees contribute to a consistent streetscape.

Provisions

- P1 All works within the road reserve must be undertaken in accordance with the [North Sydney Council Performance Guide](#) (refer to Part D: Section 7 – *Public Infrastructure* of the DCP).
- P2 All existing sandstone kerb and guttering must be retained and maintained.
- P3 Existing street trees are to be retained and protected by avoiding excavation or building within the drip line of the tree.
- P4 Plant new trees of the same species that are present in the street, or in accordance with guidelines or strategies adopted by Council.
- P5 Maintain a nature strip on-street if one exists.

3.2.2 Laneways

Objectives

- O1 To ensure that laneways are functional, attractive, safe and comfortable places for use by residents as part of their public space and pedestrian network.

Section 3 - Non-Residential Development in Residential Zones

Provisions

- P1 The height of buildings facing laneways should respect the width of the lane (i.e. a one storey building generally provides the most appropriate scale).
- P2 Where car parking is only capable of being located at the boundary to the laneway, only open car spaces or carports will be permitted (i.e. roller doors are not permitted).
- P3 No more than 50% of the width of a laneway frontage may be allocated for car accommodation of any kind, or car park entrances.
- P4 Laneway fences are to be softened by planting trees and shrubs that hang over or through fences.
- P5 Existing trees on land that abut the laneway should be retained.
- P6 All new and rebuilt fences and structures (including car parking spaces) must be setback at least 1.2m from the laneway frontage. This setback is to be landscaped with appropriate low maintenance plants.

3.2.3 Subdivision pattern

Objectives

- O1 To ensure that the characteristic subdivision pattern remains apparent, even if lots are subdivided or amalgamated.

Provisions

- P1 Design and locate buildings to reinforce the characteristic subdivision pattern in the neighbourhood.
- P2 Break down the bulk of larger buildings, where lots have been amalgamated, with bays or indents on the original building line.

3.2.4 Siting

Objectives

- O1 To maintain the characteristic building orientation and siting.

Provisions

- P1 Buildings are to be sited in accordance with that described in the relevant Planning Area Character Statement or locality Area provisions (refer to Part F of the DCP), or if not identified for the relevant Planning or Locality Area, sited to relate to neighbouring buildings.
- P2 Site buildings within a single building form, addressing the street.
- P3 Orient each external wall parallel to the corresponding boundary of the site, unless another orientation is characteristic.

3.2.5 Setbacks

Objectives

- O1 To reinforce the characteristic pattern of setbacks and building orientation within the street.
- O2 To control the bulk and scale of buildings.
- O3 To provide separation between buildings.
- O4 To preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access.

Section 3 - Non-Residential Development in Residential Zones

Provisions

Front

- P1 The front setback must match the alignment of the primary facades of buildings on adjoining properties. Where different setbacks occur, the average of the setbacks of those primary facades is to be used.
- P2 An increased setback may be required where there is a need to reduce the visual dominance of a large scale premises through the incorporation of landscaping or other screening and design treatments.

Side

- P3 Building setbacks are to comply with the requirements set out in Table E-3.1.

TABLE E-3.1: Side Setback Requirements			
Zone	Minimum Setback Requirement		
R2 Low Density Residential R3 Medium Density Residential C4 Environmental Living	1 st storey (up to 4m)	900mm	
	2 nd storey (up to 7m)	1.5m	
	3 rd storey or higher (more than 7m)	2.5m	
R4 High Density Residential	On land with a height limit of 12m or less	3m; and The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45 degrees (refer to Figure E-3.1).	
	On land with a height limit greater than 12m	1 st to 3 rd storey (up to 10m)	4.5m
		Above 3 rd storey (more than 10m)	6.0m

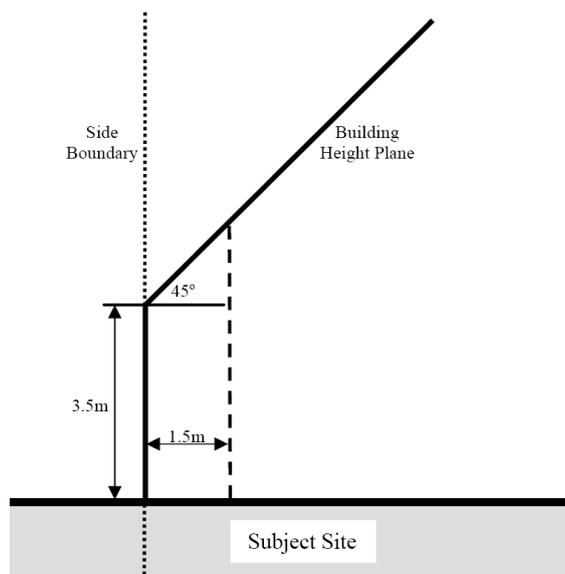


Figure E-3.1: Setback and building height plane controls for the R4 High Density Residential zone, where the height limit is equal to 12m or less.

- P4 Where possible, side setbacks should match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant

Section 3 - Non-Residential Development in Residential Zones

Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).

- P5 Despite P3 above, the building must be set back a minimum of 3m from the property boundary, where the adjoining site has balconies or windows to main living areas of dwellings or serviced apartments located at the same level.

Rear

- P6 Provide rear building setbacks that match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).
- P7 Buildings within the *R4 High Density Residential* zone:
 - (a) and where the land is restricted by a height limit of 12m or less, must not exceed a building height plane commencing at 3.5m above ground level (existing) from the rear boundary and projected at an angle of 45 degrees internally to the site (refer to Figure E-3.1); or
 - (b) and where the land is restricted by a height limit in excess of 12m must be setback at least 4.5m from the rear boundary for the 1st to 3rd storeys of the building (no more than 7m above existing ground level) and 6m for any part of the building above the 3rd storey.

Laneways

- P8 Despite P1 and P6 above, all buildings and structures must be setback at least 1.2m from a laneway. This provision does not apply to side setbacks.

3.2.6 Form, massing & scale

Objectives

- O1 The size of new buildings is consistent with surrounding, characteristic buildings and is not significantly larger than characteristic buildings.
- O2 The design of new buildings reflects and reinforces, or is complementary to, the existing character of the locality.
- O3 That buildings clearly define streets, street corners and public spaces.

Provisions

- P1 In addition to compliance with the maximum heights stipulated under NSLEP 2013, the number of storeys within the building should be consistent with that identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP).
- P2 The finished floor height of the ground floor level should be no higher than 1m, measured vertically at any point, above ground level (existing).
- P3 Finished floor to ceiling heights are a minimum of 3.3m for each floor. Council may consider a variation to the minimum requirements, but only if the applicant can demonstrate that the non-residential floor space is capable of receiving satisfactory natural daylight and ventilation (e.g. shallow commercial spaces with large amounts of window area).
- P4 Where alterations and additions are proposed to a development relying on existing use rights, they must not result in the:
 - (a) material loss of views from other properties or public places, or
 - (b) material overshadowing of other properties or public places, or
 - (c) material loss of privacy to other properties, or
 - (d) increasing of the overall building height, or



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- (e) landscaped area of the development being below the requirements set out in the DCP, or further decrease the landscaped area where the landscaped area is already below the requirements of the DCP, or
- (f) site coverage of the development exceeding the requirements set out in this DCP, or further increase the site coverage where the landscaped area is already above the requirements of this DCP.

- P5 Balconies must be incorporated within the building envelope.
- P6 Ancillary buildings (e.g. garages, carports, sheds etc) should be a much smaller scale than the principle building.
- P7 Where a building is to be located amongst buildings having a consistent form and scale the size, location and proportions of window, door openings and other distinctive features such as roof form should be carried over to the new development.
- P8 Provide smaller door and window openings within masonry walls, so that glass does not dominate the façade.
- P9 Where practical, each tenancy to a building should be provided with an individual entrance from a public street or public place.
- P10 The apparent length of buildings should be broken down through the use of articulation, design and detailing, changes in materials and colours.
- P11 High quality materials should be used throughout the building design.
- P12 Building elements, such as materials, finishes, and window dimensions should relate to neighbouring buildings.
- P13 Buildings are to respect the setting and curtilage of heritage items (refer to Part C: *Heritage Conservation* of the DCP).

3.2.7 Entrances and exits

Objectives

- O1 To enable equitable access to all persons regardless of ability.
- O2 To ensure that entrances are clearly visible from the street and convey a sense of address.

Provisions

- P1 Main entrances and exits located at the front of the site must be directly visible from the street.
- P2 At least one main entrance to the building provides a continuous path of travel.
- P3 Entrances must not be obscured by landscaping or other obstacles and have clear sight lines.
- P4 Entrances are clearly identifiable to reduce confusion and unintentional entry.
- P5 If exits to the building are closed after hours, this must be indicated at the entrance of the building.
- P6 Entrance lobbies are well illuminated, with seating provided and a firm and level non-slip floor surface.
- P7 Places of safe refuge are incorporated into the overall design of buildings. Lift lobbies or toilets may be used as all or part of a safe refuge.
- P8 Access to the building must be designed in accordance with the provisions contained within Part D: Section 3 – *Accessibility* of the DCP.

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3.2.8 Colours and materials

Objectives

- O1 To ensure new buildings reflect and reinforce the existing and desired character of a locality.

Provisions

- P1 Buildings should use colours, finishes and materials identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP), if provided.
- P2 Natural colours and muted and earth tones should be used for major areas of the building, such as walls and roof, with stronger colours restricted to smaller features, such as window frames, doors and architectural detailing.
- P3 Avoid the extensive use of reflective glass, reflective metal and plastics on the exterior of buildings.
- P4 Buildings should incorporate a high proportion of masonry to glass as follows - if a vertical or horizontal line is drawn in any position on any façade it should not pass over more than 50% of glass, or 75% of clear opening and glass.

3.2.9 Front fences

Objectives

- O1 To ensure that front fences contribute to a characteristic pattern of fences.
- O2 To enable causal surveillance of the public domain, minimising the potential for criminal activities to occur.
- O3 To provide visual and acoustical privacy.
- O4 To minimise their dominance on the street and contribute to a garden setting.

Provisions

- P1 Fences should be designed similar to those identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP), or where no style and type is provided, they should be characteristic with those within the visual catchment of the site, when viewed from directly opposite the site.
- P2 The use of tall security fencing should be avoided. Where security fencing is demonstrated to be required, it must be primarily open in design such that it does not obscure the main building and is to be and supplemented with landscaping.
- P3 Fences may need to be articulated to minimise their visual impact.
- P4 Fences must not reduce the significance of a heritage item or heritage conservation area.

3.3 QUALITY URBAN ENVIRONMENT

The design, site layout and facilities of non-residential development should meet the needs of the future occupants, without having adverse effects on nearby residents or on the wider community and residential zone environment.

3.3.1 Acoustic privacy

Objectives

- O1 To ensure that occupants of developments are provided with a reasonable level of acoustic privacy.

Provisions

- P1 Where buildings are located on busy roads incorporate the following into the design of the development to reduce traffic noise within the building:

Section 3 - Non-Residential Development in Residential Zones

- (a) materials with low noise penetration properties where practical;
- (b) cavity brick walls;
- (c) double glazing;
- (d) solid core doors;
- (e) concrete floors; and
- (f) recessed balconies.

P2 Development comprising places of public worship, hospitals, educational facilities or child care centres on land which is on or is within 100m of a railway corridor, a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the Transport for NSW) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.s 2.100(2) and 2.120(2) of [SEPP \(Transport and Infrastructure\) 2021](#). An acoustic report may be required to be prepared to demonstrate compliance with this Guideline and the acoustic requirements within cl.s 2.100(3) and 2.120(3) of the [SEPP \(Transport and Infrastructure\) 2021](#).

3.3.2 Centre-based Child Care Facilities – Capacity and Composition**Objectives**

- O1 To ensure that impacts from child care facilities can be appropriately controlled.
- O2 To ensure that a reasonable distribution of child care places is provided for all age groups.

Provisions

- P1 A centre-based child care facility should not provide more than 90 child care places.
Note: *To ensure a reasonable level of amenity is achieved for adjoining properties, a maximum provision of 75 child care places is considered to be best practice.*
- P2 Where a centre-based child care facility provides more than 75 child care places, the facility must provide for small group care (i.e. provision must be made for separate entrances and playgrounds for different age groups).
- P3 Due to the desirability of providing additional child care places for children under the age of 2 years, a component of child care places in Long Day Care services must be allocated to children under the age of 2 years.

3.3.3 Vibration**Objectives**

- O1 To ensure that occupants of developments are not unreasonably impacted upon by vibrations caused by the operation of railways and roadways.

Provisions

- P1 Development on land which is on or is within 60m of a railway corridor, or is adjacent to a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the Transport for NSW) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.s 2.100(2) and 2.120(2) of [SEPP \(Transport and Infrastructure\) 2021](#). In particular, consideration should be given to the vibration criteria contained within the NSW Environment and Protection Authority's *Assessing Vibration: a technical guideline*. A vibration assessment report may be required to be prepared to demonstrate compliance with these Guidelines.

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3.3.4 Site Coverage

Objectives

- O1 To ensure that development is balanced and in keeping with the optimum capacity of the site with no over development.
- O2 To ensure that development promotes the existing or desired future character of the neighbourhood.
- O3 To control site density.
- O4 To limit the building footprint so as to ensure adequate provision is made for landscaped area.

Provisions

- P1 Maximum site coverage must be in accordance with Table E-3.2.

TABLE E-3.2: Maximum Site Coverage Requirements		
Zone	Lot Size (m²)	Site Coverage (max)
C4 Environmental Living R2 Low Density Residential	0 to <230	65%
	230 to <500	50%
	500 to <750	40%
	750 to <1000	35%
	1000+	30%
R3 Medium Density Residential	All	50%
R4 High Density Residential	All	45%

- P2 For the purposes of P1, the following items are considered to constitute site coverage:
 - (a) buildings as defined by the [EP&A Act](#);
 - (b) garages and carports;
 - (c) sheds;
 - (d) enclosed / covered decks, pergolas and the like;
 - (e) swimming pools, spa pools and the like;
 - (f) other structures including:
 - (i) permanent BBQ structures;
 - (ii) cabanas;
 - (iii) external staircases;
 - (iv) gazebos;
 - (v) greenhouse/glasshouse;
 - (vi) plant rooms;
 - (vii) rainwater tanks;
 - (viii) ramps;
 - (ix) garbage storage facilities.

However, site coverage excludes:

- (g) any basement;



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- (h) unenclosed balconies¹, decks, pergolas and the like;
- (i) paving and patios (porous and non-porous);
- (j) driveways and car stand areas (porous and non-porous);
- (k) water features; or
- (l) anything else defined as landscaped area.

P3 For the purposes of P1, the area of any access handle, access way or right of carriageway is to be excluded from the calculation of site area and site coverage.

3.3.5 Landscape Area

Objectives

- O1 The specific objectives of the landscaped area controls are to:
- (a) promote the character of the neighbourhood;
 - (b) provide useable open space for the enjoyment of workers;
 - (c) provide a landscaped buffer between adjoining properties;
 - (d) maximise retention and absorption of surface drainage water on site;
 - (e) minimise obstruction to the underground flow of water;
 - (f) promote substantial landscaping, that includes the planting of trees that when mature will have significant canopy cover;
 - (g) control site density;
 - (h) minimise site disturbance;
 - (i) contributes to streetscape and amenity;
 - (j) allows light to penetrate between buildings;
 - (k) encourage the provision of space for biodiversity conservation and ecological processes; and
 - (l) provide a buffer between bushland areas and development.

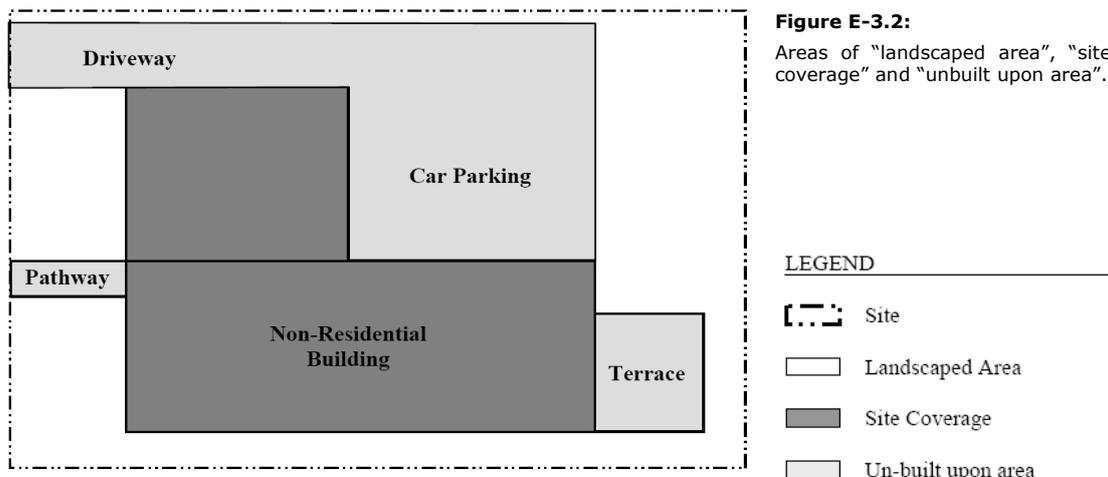
Provisions

P1 Provide a minimum landscaped area and maximum un-built upon area in accordance with Table E-3.3.

Zone	Lot Size (m²)	Landscaped Area (min)	Un-built upon area (max)
C4 Environmental Living R2 Low Density Residential R3 Medium Density Residential	0 to <230	15%	20%
	230 to <500	30%	20%
	500 to <750	40%	20%
	750 to <1000	45%	20%
	1000+	50%	20%
R4 High Density Residential	All	30%	20%
	All	40%	15%

¹ Balconies which are open on more than 1 side and are not located under the roof line of the building or a balcony directly above.

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- P2 For the purposes of P1:
- (a) landscaped area is considered to comprise all parts of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area²;
 - (b) The area of any access handle, access way or right of carriageway is to be excluded from the calculation of site area, landscaped area and un-built upon area; and
 - (c) the following items are considered to constitute un-built upon area:
 - (i) any part of a basement which does not comprise site coverage;
 - (ii) unenclosed balconies³, decks, pergolas and the like;
 - (iii) paving and patios (porous and non-porous);
 - (iv) driveways and car stand areas (porous and non-porous);
 - (v) water features; or
 however, un-built upon area excludes:
 - (vi) anything else comprising site coverage; or
 - (vii) anything else comprising landscaped area.

² Landscaping located above a basement or on the roof of a building does not constitute "landscaped area".

³ Balconies which are open on more than 1 side and are not located under the roof line of the building or a balcony directly above.



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SECTION 4 BOARDING HOUSES AND CO-LIVING HOUSING

4.1 INTRODUCTION

Boarding houses form a significant component of North Sydney's affordable housing stock, providing accommodation for a diverse range of people within the community. North Sydney Council has actively pursued the retention of and increase in provision of affordable housing stock in the LGA since the mid 1980s. Council's *Affordable Housing Strategy 2008*, identifies the retaining and increasing boarding house stock, to meet the need for local housing choice.

[State Environmental Planning Policy \(Housing\) 2021](#) also contains provisions pertaining to the provision and alterations and additions to existing boarding houses and co-living housing. This SEPP should be consulted in the preparation of any development application for a boarding house or co-living housing. The provisions contained within this section are in addition to those contained within the [SEPP \(Housing\) 2021](#).

4.1.1 General Objectives

To ensure that boarding houses and co-living housing:

- O1 provide a principal place of residence for long term residents and are not used for tourist purposes such as hotel or motel accommodation, serviced apartments or backpacker accommodation,
- O2 differ from self contained accommodation by the provision of shared facilities,
- O3 are appropriately designed in terms of bulk and scale, and residential amenity including internal layout, and
- O4 operate without adversely interfering with the amenity on the local area.

4.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications for:

- (a) Establishment of a new boarding house or co-living housing by the conversion of an existing building;
- (b) Construction of a new boarding house or new co-living housing; and
- (c) Alterations and additions to an existing boarding house or co-living housing.

4.2 INTERNAL BUILDING DESIGN

The design of boarding houses and co-living housing must consider the balance between the shared and private areas. Lodgers generally occupy only one room as their own space, so shared areas are a particularly significant component of the accommodation.

4.2.1 Objectives

- O1 To ensure that communal facilities are designed to meet the needs of lodgers.
- O2 To ensure that lodgers are provided with a reasonable level of amenity.
- O3 To ensure the safety of lodgers and any associated staff.

4.2.2 Provisions

Communal living areas

- P1 Where a boarding house or co-living housing is more than one storey, at least one communal living room should be provided on each storey of the building.



- P2 Indoor common living rooms should be located:
- (a) on the ground floor near frequently used spaces (e.g. kitchen, lobby, laundry, mail area, manager's office); and
 - (b) directly adjacent to common outdoor areas; and
 - (c) such that at least one communal living room is capable of receiving more than 3 hours sunlight between 9.00am and 3.00pm at midwinter.

P3 Internal doors to common indoor living rooms must contain glass to provide an outlook into the room from corridors or other shared facilities.

Boarding rooms

P4 Each room is large enough to accommodate more than a single function (i.e. sleeping plus studying, watching TV etc).

P5 All bedrooms must be provided with access to natural light and ventilation.

P6 Windows must have a minimum area of 10% of the floor area of the room.

P7 Adequate storage facilities for clothes, linen, and personal items must be provided within each bedroom.

Shared facilities

P8 Shared facilities are to comply with the following minimum requirements:

- (a) Kitchen and dining area - 15m², with an additional 1m² per resident over 6 lodgers; and
- (b) Bathroom(s) - 5m². Also refer to the BCA requirements.

P9 A meal service may be provided.

P10 Kitchen facilities can be used by lodgers 24 hours per day / 7 days week.

P11 Provide one washing machine and one washing tub for every 10 lodgers.

P12 Provide one electric clothes dryer or 20m of external clothes line for every 10 lodgers.

Internal circulation

P13 No more than 8 rooms can share a stairway, corridor or deck.

P14 Internal circulation areas are to be designed to enhance choices about privacy and interaction.

Management office design

P15 Every boarding house or co-living housing is to be provided with a management office.

P16 Management offices must be located at a central, visible point which is convenient to all users of the boarding house or co-living housing premises.

P17 Where more than 20 lodgers are to be accommodated, a room or on-site dwelling is to be provided for a house manager.

Personal security

P18 Ensure areas adjacent to shared entry lobbies are visible from the outside to the inside.

P19 Communal and common areas are well lit and provide clear sight lines.

P20 Provide a secure point for mail deliveries.

Fire safety

P21 All boarding houses and co-living housing are to comply with all the fire safety provisions of the Building Code of Australia as they apply to Boarding Houses (Class 1b or Class 3).

P22 Any required exit door from lobby must never be locked.

Section 4 - Boarding Houses and Co-Living Housing

Accessibility

P23 Access to the building must be designed in accordance with the provisions contained within Part D: Section 3 – *Accessibility*.

4.3 LANDSCAPED AREA

Lodgers generally occupy only one room as their own space. Therefore, the provision and design of open space and lodgers’ access to this is particularly important.

4.3.1 Objectives

- O1 To ensure that access to communal open space areas is designed to meet the needs of lodgers.
- O2 To ensure that privacy is provided to communal open space areas from adjoining developments.
- O3 To ensure that any private open space provided is clearly separated from any communal open space.

4.3.2 Provisions

Landscaped area

- P1 Use fencing, screen planting and structures to define the landscaped area.
- P2 Set aside an area of the site, immediately adjacent to the main circulation route, rear entry or ground floor common living or activity areas, as landscaped area for the lodgers of the boarding house or co-living housing.
- P3 Use screen planting and trees to block views of the landscaped area from public places and views to and from nearby properties.

Private space

- P4 Use screening to provide visual privacy for private space (such as balconies and courtyards) attached to a particular lodger’s room/s from any communal space.
- P5 If accommodation is provided for an on-site manager, a minimum 8m² private open space area must be provided directly adjacent to the dwelling.

4.4 MANAGEMENT AND REGISTRATION

4.4.1 Objectives

- O1 To ensure that boarding houses and co-living housing minimise impacts upon the local community.
- O2 To ensure that boarding houses and co-living housing continue to provide adequate and affordable accommodation to long term residents and not tourists.
- O3 To enable Council to monitor the operations of boarding houses.

4.4.2 Provisions

Management

- P1 Boarding houses and co-living housing are managed either on site or through arrangements outlined in a management plan submitted to Council.
- P2 Applications are to be accompanied by a Management Plan, which must address the following operational aspects of the boarding house or co-living housing:
 - (a) fees for residency;
 - (b) management and supervision through an on-site manager or regular visits;



- (c) kitchen usage, the provision of meals or resident provision of meals;
- (d) noise inside and in adjacent private open space areas;
- (e) use of communal space and facilities;
- (f) parking for cars;
- (g) cleanliness and maintenance of the property and grounds; and
- (h) house rules (covering issues such as access to rooms, keeping shared facilities clean and tidy, visitors, pets, quiet enjoyment etc).

P3 Managers must be over 18 years of age.

P4 Occupiers of adjacent properties are to be provided with a 24 hour telephone number for a principal (for example owner or manager) so they can contact the premises.

P5 Separately meter each lettable room for electricity/gas and water.

Note. Council maintains a database on boarding houses within its LGA and may require the completion of a questionnaire on an annual basis. The questionnaire typically asks for information on number of lodgers, fees charged and lodgers' length of stay.

Boarding houses may be subject to periodical inspections by Council, or its agent.

SECTION 5 SEX SERVICES AND RESTRICTED PREMISES

5.1 INTRODUCTION

Sex services premises are premises used for the purposes of a brothel, whereas restricted premises are business or retail premises, that due to their nature, restrict access to patrons or customers over 18 years of age and include adult bookshops, sex shops or businesses that offer sex related services including strip joints, sensual massage parlours and the like.

Whilst such premises can benefit some sections of the community, they also have the potential to offend others. Sex services and restricted premises that are inappropriately located and/or designed can pose negative impacts on neighbourhood amenity and community wellbeing. It is therefore important that planning controls are applied to mitigate any potential negative impacts whilst allowing for the development of sex services and restricted premises in a discrete manner in suitable locations within the North Sydney Local Government Area.

Development consents granted for sex services and restricted premises may be initially limited to a period of twelve months, when Council will re-evaluate the proposal in terms of any complaints received regarding the hours of operation, and compliance with any conditions of development consent. Where development consent is granted, a specified operator will be nominated on the consent. Should the operator change, Council must be notified prior to the new operator commencing. A new development application will be required for changes to the number of sex workers, hours of operation, or signage. Council has a general enforcement power where land uses operate without consent, or outside conditions of consent. Council will consider taking legal action if it has evidence that sex services and/or restricted premises are operating outside of consent conditions.

5.1.1 General Objectives

The general objectives of this Section of the DCP are to:

- O1 ensure that sex services and restricted premises are designed, located and operated in a manner that avoids adverse impacts on the amenity of the surrounding area and its residents and visitors; and
- O2 protect workers and customers of such businesses.

5.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications for new or alterations and additions to "restricted premises" and "sex service premises" as defined in NSLEP 2013.

5.1.3 Relationships to other documents

Where relevant, this section of the DCP should be read in conjunction with the following:

- (a) The [Restricted Premises Act 1943](#) which provides the statutory framework for the control of sex services and restricted premises in NSW,
- (b) The NSW Health Department's *Health and Hygiene Guidelines for Brothels and Adult Services*,
- (c) The Sex Workers Outreach Project's *Getting on Top of Health and Safety in the NSW Sex Industry*.



5.2 LOCATIONAL REQUIREMENTS

Objectives

- O1 To ensure that sex services and restricted premises are located in appropriate areas where they do not have an adverse impact on the character or amenity of the area and neighbouring properties, in particular upon residential and sensitive land uses.
- O2 To prevent any adverse impact on the amenity and character of an area and neighbouring properties as a result of a concentration or accumulation of sex services and restricted premises.

Provisions

- P1 New sex services and restricted premises must not be located:
 - (a) within 500m from any existing sex services or restricted premises; and
 - (b) within 100m from or within a direct line of sight of a place of worship, hospital, school (including a preschool), child care centre or other place frequented by children for recreational, cultural or similar activities, or community facilities; and
 - (c) on land that is directly adjacent to land zoned *R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, SP2 Infrastructure (Educational Establishment), RE1 Public Recreation or RE2 Private Recreation*.
- P2 Locate sex services and restricted premises out of clear visibility from bus stops regularly used by school buses or school children.
- P3 Sex services and restricted premises must not be located at the ground floor or street level of the building within which it is located, excluding any access thereto.
- P4 Despite P3 above, Council may grant consent to a sex services or restricted premises on the ground floor or street level of a building, but only where it can be demonstrated that:
 - (a) The premises does not have a direct frontage to a public street, excluding any rear laneway;
 - (b) The premises does not contain any windows facing a public street, excluding any rear laneway; and
 - (c) Is not located adjacent to any shop fronts, arcades or thoroughfares generally used by the public and locations of high pedestrian access.
- P5 Sex services and restricted premises must not be located in an area where there is evidence of crime and drug use. To determine if crime in a locality is an issue, Council may refer the application to the NSW Police for comment.

5.3 EXTERNAL DESIGN OF PREMISES

Objectives

- O1 To ensure that the external design of sex services and restricted premises reduces the impact on the character and appearance of the streetscape and amenity of neighbouring properties, whilst providing for the safety and security of visitors and staff when approaching, entering and leaving the premises.

Provisions

- P1 Provide access to sex services and restricted premises directly from well lit roads or car parking areas, so that access is not obtained through public portions of buildings.
- P2 Any landscaping that is proposed must not obstruct the visibility from the public areas of entrances and exits to ensure the safety of all staff and visitors to the premises.

Section 5 - Sex Services and Restricted Premises

- P3 Sex services and restricted premises must not display sex-related products, sex workers, performers, or nude or semi-dressed staff from the windows, doors or outside of their premises.
- P4 The interior of sex services and restricted premises must not be visible from any place in the public domain.
- P5 Ensure that the external appearance of sex services and restricted premises respects the character of the streetscape and not be such that the premise becomes a prominent feature in the street.
- P6 Avoid designs and locations that might encourage people to wait outside the sex service or restricted premises.

5.4 INTERNAL DESIGN OF PREMISES

Objectives

- O1 To ensure that the internal layout of sex services and restricted premises maximises the comfort, safety and security of visitors and staff.

Provisions

- P1 Provide internal reception/waiting areas (except for premises that provide retail services only) to prevent clients from loitering outside.
- P2 Design internal areas to minimise alcoves and entrapment spaces.
- P3 Provide adequate safety and surveillance systems.

5.5 SIGNAGE

Objectives

- O1 To ensure that any advertising signage which identifies sex services or restricted premises does not detract from the neighbourhood character nor allude to the type of activities undertaken on the site.

Provisions

- P1 Must comply with the requirements of Part E: Section 6 - *Advertising and Signage* to this DCP.

5.6 VISUAL PRIVACY

Objectives

- O1 To protect visual privacy for activities within the premises are not apparent from outside.

Provisions

- P1 Consider measures including choice of glazing and arrangement of windows and rooms to provide privacy to people in restricted premises and to prevent activities being visible from outside the premises.

5.7 ACOUSTIC PRIVACY

Objectives

- O1 To minimise noise at the boundary of the premises.



Provisions

- P1 Must comply with the requirements of Part B: Section 7 – *Operational Noise* to this DCP.

SECTION 7 TELECOMMUNICATIONS

7.1 INTRODUCTION

Telecommunications facilities can have a substantial impact on the physical environment as well as the health and well being of the community. A sensitive approach to the location and design of these facilities can reduce these impacts to some extent.

The provisions in this section aim to reduce the likelihood of harm associated with telecommunications facilities to the community and to regulate their presence in the built environment. These facilities can have significant impacts on the streetscape of residential neighbourhoods through visual clutter.

7.1.1 General Objectives

- O1 To ensure that telecommunication facilities are appropriately designed and located such that they have minimal impacts on:
- (a) The visual amenity of a locality;
 - (b) The health and safety of the community; and
 - (c) The significance of heritage items and heritage conservation areas.

7.1.2 When does this section of the DCP apply?

This section of the DCP applies to all telecommunications facilities for which either development consent is required or for which the Council is to be notified. It applies to facilities to be installed by carriers who are licensed under the Commonwealth [Telecommunications Act 1997](#). For example, the siting of micro cells for mobile phone use serving a small area, as part of a telecommunications network operated by the carrier. It also applies to telecommunications facilities installed by or on behalf of non-carriers. For example, a satellite dish installed on a residential building or a commercial building for use by the occupants of that building, work that would normally be considered as ancillary to the primary use of the building.

This section should also be read in conjunction with the following:

- (a) Commonwealth [Telecommunications Act 1997](#);
- (b) Commonwealth [Telecommunications \(Low- Impact Facilities\) Determination 2018](#); and
- (c) [State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#);
- (d) *NSW Telecommunications Facilities Guidelines - Including Broadband (October 2022)*.

7.2 LOCATION

Objectives

- O1 To encourage the use of a precautionary approach to site selection, design and operation of telecommunications infrastructure.
- O2 To minimise the possible adverse public health effects of electromagnetic radiation emitted from telecommunications facilities.
- O3 To encourage the separation of transmitters emitting electromagnetic radiation from concentrations of possible at-risk populations, such as hospitals, retirement villages, schools, childcare centres, children's playgrounds as well as residential land uses where practicable and reasonable.



- O4 To minimise the visibility and visual impact of telecommunications infrastructure and to ensure the character of a locality is considered by telecommunication carriers in selecting sites.
- O5 To provide guidance to telecommunication carriers about the requirements for site selection to ensure reasonable and equitable access to telecommunication technology.

Provisions

- P1 Telecommunication facilities are to be located in accordance with the *NSW Telecommunications Facilities Guideline including Broadband*.
- P2 Telecommunications facilities should be separated from sensitive activities such as hospitals, retirement villages, schools, childcare centres, children’s playgrounds as well as residential land uses.
- P3 Telecommunications facilities are to be located on land within the *E1 Local Centre, E2 Commercial Centre, MU1 Mixed Use, E3 Productivity Support* or *W4 Working Waterfront* zones in preference to residential zones (*R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential* and *C4 Environmental Living*).
- P4 Telecommunications facilities and associated equipment boxes are to be located underground wherever possible.
- P5 Avoid locating equipment boxes on rooftops and power poles.
- P6 Telecommunication facilities should be sited to avoid interruption to views.
- P7 Telecommunication facilities must not be located where they interrupt pedestrian or vehicular movement.

7.3 DESIGN

Objectives

- O1 To minimise the visual impacts of telecommunication facilities and associated infrastructure on streetscapes.

Provisions

- P1 Telecommunication facilities are to be designed in accordance with the *NSW Telecommunications Facilities Guideline including Broadband*.
- P2 Where telecommunication facilities are to be provided underground:
 - (a) All surface openings and access covers must match existing pavement finishes and materials (For instance, either with Council’s specified brick pavers, sandstone blocks or concrete); and
 - (b) Associated air vents are to be located such that they are not visually intrusive (For instance, located under seats or within bus shelters).
- P3 Use building features, such as false panels, clock towers and disused chimneys, to conceal telecommunications facilities, but avoid use of fake trees and other novelty effects.
- P4 Where surface mounted facilities are proposed, they must be integrated with the building or structure to which they are attached, such that the facility:
 - (a) colour matches the background material;
 - (b) has non-reflective surface materials and finishes;
 - (c) has minimal horizontal or vertical protrusion when mounted flush with wall; and
 - (d) is positioned high on the wall or structure to which the facility is attached.