10.6. North Sydney Development Control Plan streamlining project - post-exhibition report

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ATTACHMENTS	1. Draft NSDCP 2025 as exhibited [**10.6.1** - 664 pages] 2. Recommended Amendments to Draft NSDCP 2025 Post Exhibition [**10.6.2** - 35 pages] 3. NSDCP 2025 For Adoption with Tracked Changes [**10.6.3** - 624 pages]
CSP LINK	1. Our Living Environment 1.1 Protected, enhanced and biodiverse natural environment 1.2 Environmentally sustainable community 2. Our Built Infrastructure 2.1 Infrastructure and assets meet diverse community needs 2.2 Vibrant public domains and villages 2.3 Prioritise sustainable and active transport 2.4 Efficient traffic mobility and parking 3. Our Innovative City 3.1 Our commercial centres are prosperous and vibrant 3.3 Distinctive sense of place and design excellence 4. Our Social Vitality 4.3 North Sydney's history is preserved and recognised 5. Our Civic Leadership 5.1 Lead North Sydney's strategic direction 5.3 Community is engaged in what Council does

PURPOSE:

The purpose of this report is to address any issues raised in submissions made in response to the public exhibition of draft North Sydney Development Control Plan (NSDCP) 2025, and to seek Council's resolution as to the proposed progression of this planning instrument.

EXECUTIVE SUMMARY:

- On 14 April 2025, Council resolved to endorse placing the draft NSDCP 2025 on public exhibition.

- The primary purpose for preparing a new comprehensive DCP is to enable Council's existing DCP (North Sydney Development Control Plan 2013 – NSDCP 2013) to be integrated into a future artificial intelligence (AI) platform for development assessment purposes. The draft NSDCP 2025 represents the first stage of this process and is generally

limited to the restructure of NSDCP 2013; it does not include any significant changes to Council's current policy positions.

- The draft NSDCP 2025 was placed on public exhibition, from 1 May 2025 to 30 May 2025, inclusive and Council did not receive any public submissions during this period.

- Council staff have undertaken a further internal review to determine if the adopted approach for the DCP's restructure is accurately reflected in the new DCP format. In undertaking this review, Council staff have identified a number of issues whereby further amendment is necessary to improve the DCP's clarity, transparency, consistency with adopted policy positions, and further remove any duplication.

- It is recommended that Council repeal NSDCP 2013 and adopt NSDCP 2025 (forming Attachment 3 to this report), incorporating the additional amendments and refinements in response to issues identified by Council staff, and complete the necessary steps to enable its implementation.

- It is also recommended that a previously proposed amendment to NSDCP 2013 relating to land at 270-272 Pacific Highway not be proceeded with, acknowledging the significant change in planning and development context of this site which is located within the Crows Nest Transit Oriented Development Precinct.

RECOMMENDATION:

1. THAT Council note that no public submissions were made to the exhibition of draft North Sydney Development Control Plan 2025.

2. THAT Council adopt North Sydney Development Control Plan 2025 forming Attachment 3 to this report and incorporating all amendments as recommended in the body of this report, in accordance with clause 14(1) of the Environmental Planning and Assessment Regulation, 2021.

3. THAT Council repeal North Sydney Development Control Plan 2013 concurrent with the commencement of North Sydney Development Control Plan 2025 in accordance with clause 16(2) of the Environmental Planning and Assessment Regulations 2021.

4. THAT public notice of the adoption and publication of North Sydney Development Control Plan 2025 and the repeal of North Sydney Development Control Plan 2013 be given on Council's website in accordance with clause 14(2) of the Environmental Planning and Assessment Regulation, 2021.

5.THAT in accordance with Clause 20(1) of the Environmental Planning and Assessment Regulation 2021, a copy of North Sydney Development Control Plan 2025 along with this Council report and resolution, be forwarded to the Secretary of the Department of Planning, Housing and Infrastructure.

6. THAT in accordance with Clause 14(1) of the Environmental Planning and Assessment Regulation 2021, Council not proceed with the making of the draft amendment to NSDCP 2013 relating to land at 270-272 Pacific Highway, Crows Nest.

7. THAT in accordance with Clause 14(3) of the Environmental Planning and Assessment Regulation 2021, that public notice be given of Council's decision to not proceed with the making of the draft amendment to NSDCP 2013 relating to land at 270-272 Pacific Highway, Crows Nest.

Background

On 16 April 2025, Council resolved to endorse a new draft comprehensive development control plan to replace North Sydney Development Control Plan (NSDCP) 2013, and place that draft on public exhibition.

The primary purpose for preparing a new comprehensive DCP is to enable Council's existing DCP to be integrated into a future artificial intelligence (AI) platform for development assessment purposes. This draft DCP represents the first stage of this process and is generally limited to the restructure of NSDCP 2013; it does not include any significant changes to Council's currently endorsed policy positions.

Report

1. Purpose of Report

This report provides an analysis of any submissions made in response to draft NSDCP 2025 and in accordance with Clause 14(1) of the Environmental Planning and Assessment Regulation (EP&A Regulation) 2021 makes a recommendation as to whether the draft DCP should proceed as exhibited, proceed with further amendment or should not be proceeded with. If proceeded with, it is intended to repeal NSDCP 2013.

2. Public Exhibition

The draft NSDCP 2025 (refer to Attachment 1) was placed on public exhibition for 29 days, from Monday 1 May 2025 to Friday 30 May 2025 inclusive.

Notification of the public exhibition of draft NSDCP 2025 included an advertisement in the Mosman Daily on 1 May 2025, a public notice on Council's website, inclusion in Council newsletter and direct contact with Council's Precinct Committees.

Electronic copies of the exhibition documentation were made available on Council's website, and hard copies made available at Council's Customer Service Centre and Stanton Library for the duration of the exhibition period.

Consistent with the advice provided in the initiation report of 16 April 2025, direct notification by letter to all owners and occupants in the LGA (approximately 60,000) of the public exhibition of the draft NSDCP 2025 was not undertaken. The justification for this approach was that it would have been a cost-prohibitive exercise given that Draft NSDCP 2025 effectively comprises a restructure of Council's existing DCP and no significant change to adopted policy positions was being proposed.

3. Consideration of Submissions

Despite 91 visitations to Council's Yoursay webpage, where the documents were publicly exhibited, no public submissions were received in response to the public exhibition of the

draft NSDCP 2025, nor were any submission received from any of Council's Precinct Committees.

4. Internal Review

Due to the speed at which the DCP has been restructured, Council staff undertook a further internal review of the draft DCP 2025 to ensure that the policy positions incorporated within NSDCP 2013 have been accurately transferred into Draft NSDCP 2025.

As part of the internal review, Council staff identified a number of other issues which require attention to further improve clarity and application of the DCP. In particular, the following issues have been identified and are addressed in the subsequent subsections:

1. formatting and typographical corrections;
2. childcare facilities;
3. site-specific provisions for 52 McLaren Street, North Sydney;
4. future changes to waste minimisation requirements; and
5. correction of addresses within Appendix 2 – Contributory, Neutral and Uncharacteristic Items.

The extent of the issues and recommended amendments to the exhibited version of Draft NSDCP 2025 are contained in the table forming Attachment 2 to this report.

4.1. Formatting and Typographical Corrections

Several formatting and typographical errors were identified in the exhibited version of the Draft DCP. In the interests of ensuring that the DCP is consistent and clear in its interpretation and application, it is recommended that these issues be corrected prior to the DCP's adoption.

Additional hyperlinks have also been incorporated to improve accessibility when using the DCP.

4.2. Childcare Facilities

Section 5 to Part D of draft NSDCP 2025 relates to childcare facilities. Prior to placing the draft NSDCP 2025 on public exhibition, it was recognised that all or parts of this Section may contain provisions that are made redundant through the operation of SEPP (Transport and Infrastructure) 2021. This issue was specifically flagged within the exhibited version of Draft NSDCP 2025, with a note located at the beginning of the Section (refer to Attachment 1).

Chapter 3 to SEPP (Transport and Infrastructure) 2021 contains specific provisions relating to approval processes for all forms of childcare facilities. Of particular note, the majority of proposals for home-based and school based childcare facilities are now capable of being undertaken as exempt development (i.e., no approval is required) or complying development (approval is required based on compliance with pre-specified criteria compliance). This has effectively only left centre-based childcare facilities as requiring development consent and therefore being subject to the provisions of the DCP.

Clause 3.27 to SEPP (Transport and Infrastructure) 2021 states:

(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility—

(a) operational or management plans or arrangements (including hours of operation),

(b) demonstrated need or demand for child care services,

(c) proximity of facility to other early education and care facilities,

(d) any matter relating to development for the purpose of a centre-based child care facility contained in—

(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or

(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

(2) This section applies regardless of when the development control plan was made.

A detailed review of the *Child Care Planning Guideline* prepared by the DPHI identified that all provisions within Section 5 to Part E of Draft NSDCP 2025 are covered by the *Guidelines* and therefore the DCP provisions have no effect, with the exception of the following provisions which relate to the:

- child capacity of centres (section 5.4);
- child composition of centres (section 5.4);
- accessibility between parking spaces and lifts in multi-level developments (section 5.9).

It is further noted that there are also other childcare facility-based provisions located elsewhere in Draft NSDCP 2025, namely:

- Part B: Section 7 - Operational noise; and
- Part D: Section 6 – Safety and Security.

On this basis it is recommended that:

1) the following be deleted in their entirety:
   a) Section 7.2 to Part B: Section 7 – Operational noise;
   b) Section 6.2.2 to Part D: Section 6 – Safety and Security;
   c) Section 5 – Early Education and Care Facilities to Part E; and
2) the provisions under Draft NSDCP 2025 as exhibited be relocated, as outlined in Table 1 below.

Issue	Location under Draft NSDCP 2025, as exhibited		Location under NSDCP 2025, to be adopted post-exhibition	
Capacity and Composition	Part E	S.5.4	Part E	S.2.2.4 (Section 2 - Development in the Employment and Mixed Use Zones) S.3.3.2 (Section 3 - Non-residential development in Residential zones)
Drop off and pick up of children	Part E	5.9	Part D	s.4.3.2 (Section 4 – Car Parking and Transport)

Table 1 – relocated childcare facility provisions

4.3. 52 McLaren Street, North Sydney

On 26 May 2025, Council considered the post-exhibition report in relation to a planning proposal, a draft amendment to NSDCP 2013, and a draft Voluntary Planning Agreement for land at 52 McLaren Street. Council resolved to adopt the amendments to NSDCP 2013 to incorporate site-specific controls for 52 McLaren Street. These amendments came into force on 13 June 2025, and it was published on Council's website.

It is therefore recommended that these adopted amendments are incorporated into the NSDCP 2025 without amendment before its formal adoption, so that the intent of Council's resolution of 26 May 2025 is maintained, without further need to amend the NSDCP 2025.

4.4. Waste Minimisation Requirements

Section 5 to Part D of Draft NSDCP 2025 contains provisions relating to waste minimisation and management.

Council's Waste Management team raised an issue regarding recent legislative changes which sets waste diversion targets that are to be met by 2030. In particular, the target to divert a minimum of 50% of organic waste from landfill sites will result in the need to consider how future waste separation and collection is undertaken with regard to food organics and garden organics (FOGO).

Council staff are currently in the process of preparing appropriate controls to ensure that these waste diversion targets can be met.

Given the length of time between DA lodgement and building completion and the target date, it would be beneficial if these issues can be raised now, before formal controls have been prepared, subject to community consultation and implementation.

On this basis, it is recommended that the following advisory statement be incorporated at the beginning of Section 5 to Part D, to ensure that applicants are aware that they will have to consider how a future development is to cater for this future-mandated waste separation:

In 2021, the NSW Government set a target to divert at least 50% of organic waste from landfill by 2030. To support this target, legislation was made in 2024 requiring all food organics and garden organics (FOGO) from residential development to be separated from general waste collection by 2030, with separate targets for non-residential development. Council is currently developing appropriate planning controls to ensure that the organic waste diversion target can be met. In the interim, applicants are requested to demonstrate how the future need for separate FOGO waste storage and onsite collection may be met when designing new developments.

4.5. Appendix 2 – Contributory, Neutral and Uncharacteristic Items

Since the commencement of the NSDCP 2013, Council staff have identified several issues with regard to the identification of properties within a Heritage Conservation Area as either having a characteristic, neutral, or uncharacteristic status. Whilst most of these issues were addressed in 2020 in response to a house-keeping amendment, a number of new issues had been identified through the assessment of various development applications.

To prevent future issues arising, the entire list of items was reviewed, with the view to ensuring that listed properties were correctly identified by their street address, and aligned with past Council resolutions (namely the outcomes of the 2007 North Sydney Heritage Review), and to reflect changes resulting from past development approvals whereby the listed status no longer matched the current development on the site.

5. Draft amendment to NSDCP 2013 – 270-272 Pacific Highway, Crows Nest

On 19 March 2021, Council received a Planning Proposal to amend NSLEP 2013 as it relates to land at 270-272 Pacific Highway, Crows Nest, including:

- increasing the maximum building height from 16m to 54m;
- imposing a maximum Floor Space Ratio (FSR) of 5.6:1;
- increasing the minimum Non-residential FSR from 0.5:1 to 5.6:1; and
- inserting a site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.

The Planning Proposal was accompanied by a draft Voluntary Planning Agreement (VPA) comprising a monetary contribution of minimum $1 million with the potential for a maximum of $3 million (depending on a number of conditions being met, including the site being developed to its full potential under the proposed changes to the LEP). The monetary contribution would go towards the provision of local infrastructure and facilities.

In addition, Council resolved to concurrently place an associated draft amendment to the NSDCP 2013 on public exhibition with the Planning Proposal. This sought to add further design consideration to any future development on the site.

On 21 February 2022, Council considered an assessment report in relation to the Planning Proposal, draft VPA, and draft amendment to the NSDCP 2013, including the advice of the North Sydney Local Planning Panel, and resolved not to support the progression of the Planning Proposal to Gateway Determination.

In response, the applicant lodged a Rezoning Review request with the Department of Planning, Housing, and Infrastructure (DPHI). The request was considered by the Sydney North Planning Panel (SNPP) on 2 March 2022, which recommended (on 8 March 2022) that the Planning Proposal should progress to Gateway Determination, contrary to Council's decision.

In light of the SNPP's recommendation, Council resolved on 22 March 2025 to take on the role of Planning Proposal Authority, to undertake the public-exhibition steps of the Planning Proposal. Council also resolved to progress with the public exhibition of the associated draft VPA and the draft amendment to NSDCP 2013 concurrently with the Planning Proposal, to help mitigate some of the impacts of any future built form arising on the site as a result of the Planning Proposal.

On 16 June 2022, the Minister for Planning issued a Gateway Determination, allowing the Planning Proposal to be placed on public exhibition. Following the concurrent public exhibition of the Planning Proposal, the draft VPA, and draft amendment to NSDCP 2013, Council resolved on 14 November 2022 that the Planning Proposal should not proceed. However, Council was silent with regard to the progression of the draft VPA and draft amendment to NSDCP 2013 (e.g., there was no specific resolution as to whether these aspects should be progressed or not). Accordingly, at this point, the site-specific draft amendment to NSDCP 2013 in relation to this site remains a draft DCP for the purposes of the Environmental Planning and Assessment Act 1979.

Despite Council's decision not to proceed with the Planning Proposal, the Minister for Planning overturned that decision and made an LEP (Amendment No.34 to NSLEP 2013) on 9 June 2023, giving effect to the Planning Proposal relating to 270-272 Pacific Highway, North Sydney.

On 30 June 2023, a development application (DA 193/2023) was lodged with Council seeking redevelopment of the site, taking advantage of the new planning controls implemented through Amendment No.38 to NSLEP 2013. The applicant commenced Land and Environment Court (L&EC) proceedings (2023/284108) as a result of Council's "deemed refusal" of the DA. On 22 October 2024, the L&EC upheld the appeal and granted development consent to DA 193/2023. This DA is yet to be acted upon.

On 27 November 2024, State Environmental Planning Policy Amendment (Crows Nest Transit Oriented Development Precinct) 2024 was made, which dramatically changed the future development context of the area. Despite no additional increase in development potential being granted to the subject site, the development potential of the properties to the rear (west) of the subject site fronting Sinclair Street were significantly altered, facilitating a change from one-two storey dwelling houses to up to eight-storey residential flat buildings.

On 15 November 2024, the NSW State Government announced the establishment of a new state-led approval pathway for major residential housing projects, as well as a new "fast track" process for rezonings required to enable major housing projects. This new approval pathway and rezoning process, commenced in early 2025.

On 31 January 2025, a proponent for the subject site secured the Secretary's Environmental Planning Requirements to allow a proposal under the State Significant Development (SSD) pathway for the redevelopment of the subject site. SSD-79658964 seeks to demolish the existing commercial building and construct a 16-storey mixed-use building comprising a three-storey non-residential podium, with a 13-storey tower above, containing build to rent residential units over basement parking. This is a substantial shift from the originally envisaged fully commercial development on the site. This application has yet to be formally lodged for assessment.

The site-specific DCP controls were originally drafted on the basis that the subject site would be used entirely for commercial purposes and that development to the west would remain low-scale residential. However, due to the substantial change to the planning context surrounding the subject site and the current proposal to move towards a mixed-use development on the subject site, this results in a different set of impacts which were not originally envisaged.

The future relationship between the subject site and those on adjoining properties necessitates increased building separation controls over those contained in the site-specific draft amendment. It is noted however, that there are sufficient controls within the NSDCP 2025 to ensure that the recent changes in planning context will be adequately addressed.

Therefore, due to the substantial change in the planning context surrounding the site and the proposal to move towards a mixed-use development, the draft site-specific DCP controls are no longer fit for purpose, should not be proceeded with, and it is recommended that Council should formally resolve as such.

6. AI Readiness

Concurrent with the written document, Council's consultants have completed an electronic tagging of all the planning objectives and provisions within NSDCP 2025, which will enable easier implementation of a future AI-based development assessment framework.

Flexibility has been built into this process such that it can be easily maintained and amended as required.

Consultation Requirements

Community engagement has occurred in accordance with Council's Community Engagement Protocol and the requirements of the NSW Environmental Planning and Assessment Act, 1979 and accompanying Regulations.

Financial/Resource Implications

There will be minimal implications in finalising the proposed amendment. All aspects of the progression of the draft NSDCP 2025 can be achieved within existing budget lines.

Legislation

Compliance with the relevant provisions of the following legislation have been addressed throughout this report:

- NSW Environmental Planning and Assessment Act, 1979 and accompanying Regulations (2021); and
- NSW Local Government Act 1993 and accompanying Regulations (2021).

NORTH SYDNEY
DRAFT
DEVELOPMENT CONTROL PLAN 2025

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PART A INTRODUCTION

PREFACE

Part A of the North Sydney Development Control Plan 2025 contains the preliminary administrative elements and purpose of the DCP including its formal name, description of the land to which it applies, relationship to other plans and policies, the purpose and aims of the DCP, and its periodic review.

Part A of the DCP also describes the structure of the DCP into Parts A to F and how each Part applies to development, and explains how the objectives and development control provisions in each section apply to development.

Part A of the DCP comprises the following two main sections:

Section 1:	Preliminary
Section 2:	Structure and Application of the DCP

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SECTION 1 PRELIMINARY

1.1 NAME OF THIS DEVELOPMENT CONTROL PLAN

This plan is known as North Sydney Development Control Plan (DCP) 2025. The DCP was adopted by Council on [INSERT DATE] and came into effect on [INSERT DATE].

1.2 WHERE THIS DEVELOPMENT CONTROL PLAN APPLIES

This DCP applies to land identified in the Land Application Map to North Sydney Local Environmental Plan 2013 (NSLEP 2013).

1.3 RELATIONSHIP TO PLANNING LEGISLATION AND NSLEP 2013

The DCP has been prepared in accordance with s.3.43 of the Environmental Planning and Assessment Act, 1979 (*EP&A Act 1979*) and Division 2 to Part 2 of the Environmental Planning and Assessment Regulation 2021 (*EP&A Regulation 2021*).

This DCP supplements and is to be read in conjunction with the NSLEP 2013. If there is any inconsistency between this DCP and the LEP, the LEP will prevail.

This DCP repeals North Sydney DCP 2013 pursuant to s.16 of the EP&A Regulation 2021.

1.4 PURPOSE OF THIS DEVELOPMENT CONTROL PLAN

The purpose of this DCP is to supplement NS LEP 2013 and provide more detailed provisions to guide future development, such that impacts on the community and environment are minimised. The DCP is intended for use by:

- property owners;
- developers;
- the community; and
- the consent authority.

1.5 AIMS OF THIS DEVELOPMENT CONTROL PLAN

The aims of this DCP are to:

(a) Ensure that development positively contributes to the quality of the natural and built environments;

(b) Encourage development that contributes to the quality of the public domain;

(c) Ensure that development is economically, socially and environmentally sustainable;

(d) Ensure future development has consideration for the needs of all members of the community;

(e) Ensure development positively responds to the qualities of the site and its context;

(f) Ensure development positively responds to the character of the surrounding area;

(g) Ensure that the actions of the North Sydney Local Strategic Planning Statement (as amended) and the North Sydney Local Housing Strategy (as amended) are achieved; and

(h) Ensure that the Directions Outcomes and Strategies of the North Sydney Community Strategic Plan are achieved.

1.6 SAVINGS PROVISION

North Sydney DCP 2013 continues to apply if a development application was lodged with the relevant consent authority, but had not finally been determined before this DCP came into effect.

1.7 MONITORING AND REVIEW

Consent authorities are required to keep LEPs and DCPs under regular and periodic review under s.3.21(1) of the *EP&A Act 1979*. Council is committed to this process to ensure that the Plans continue to be useful and relevant planning instruments.

It is proposed to undertake a comprehensive review of the LEP and DCP at five (5) yearly intervals in order to:

(a) assess the continued relevance and responsiveness of the Plan's provisions;

(b) measure the achievement of the objectives of the Plan;

(c) identify the need for changes to the provisions to better achieve the objectives of the Plan; and

(d) ensure the availability of adequate development capacity under the Plan's provisions.

The DCP may also be required to be updated on a more regular basis due to a need to immediately resolve arising issues to ensure that development reflects the desired future character of North Sydney and the impacts on the environment and residential amenity is minimised.

SECTION 2 STRUCTURE AND APPLICATION OF THE DCP

2.1 STRUCTURE OF THE DCP

This DCP comprises five Parts with Appendices as follows:

- Part A: Introduction
- Part B: Environment Considerations
- Part C: Heritage Conservation
- Part D: Development Elements
- Part E: Development Types
- Part F: Area Character Outcomes
- Appendices

Each Part of the DCP is to be taken into consideration in a Development Application. The degree of relevance of each of the Parts and Sections in this DCP varies between different types of development and different locations which needs to be taken into consideration. An explanation of each Part is below.

Part A – Preliminary

Part A of this DCP contains preliminary information on the DCP including identification of the land to which it applies, relationship with other planning documents, aims of the DCP and information on the DCP structure and the way in which it applies to development.

Part B – Environment Considerations

Part B of this DCP includes the various environmental impact considerations applicable to different types of development. It includes objectives and provisions for topography, visual impact and views, vegetation, water, solar access, visual privacy, noise, light spill and reflectivity, wind and air quality, environmental sustainability, and contamination & hazardous materials, which need to be given due consideration in Development Applications. The degree of relevance of each of these provisions varies between different types of development and different locations which needs to be taken into consideration.

Part C – Heritage Conservation

Part C of this DCP applies to development of a heritage item or within the vicinity of a heritage item or on land in a conservation area which are identified in the North Sydney LEP 2013, and applies to land on which there is a known Aboriginal place of heritage significance. Part C includes objectives and provisions relating to conservation of Aboriginal heritage, non-Aboriginal archaeological heritage, heritage items and conservation areas. It includes provisions and guidelines for subdivision, demolition, specific building elements, public domain elements, residential buildings and non-residential buildings.

Part D – Development Elements

Part D of this DCP includes objectives and development control provisions for elements of development that are applicable to different types of development. This includes objectives and provisions for subdivision, landscaping, accessibility, vehicle access and parking, waste management, safety and security, wind turbines, public infrastructure, construction management, and late night trading hours. The degree of relevance of each of these provisions varies between different types of development and different locations which needs to be taken into account.

Part E – Development Types

Part E of this DCP contains objectives and development control provisions applying to particular land uses / types of development. This includes Residential Development, Development in Employment and Mixed Use Zones, Non-Residential Development in Residential Zones, Boarding Houses and Co-living Housing, Child Care Facilities, Sex Services and Restricted Premises, Advertising and Signage, Telecommunications.

Part F - Area Character Outcomes

The North Sydney LGA includes a number of neighbourhoods and areas which display distinct characteristics. Part F of the DCP identifies the desired character outcomes, objectives and development control provisions for development within these particular planning areas. In the event of an inconsistency between Part F and the other Parts of this DCP, the provision in Part F takes precedence and is to apply.

Appendices

The appendices to this DCP include:

- Appendix 1: Dictionary
  Which explains abbreviations and defines terms used in this DCP;
- Appendix 2: Heritage – Characteristic, Neutral and Uncharacteristic Items
  Which comprises a schedule that classifies buildings and items or sites within heritage conservation areas.

2.2 Application of DCP Objectives and Provisions to Development

Sections in Parts B to F of this DCP commence with a general explanation of issues and what Council is trying to achieve, and is supplemented with specific objectives and development control provisions that need to be considered in the assessment of a proposed development where relevant.

Many of the provisions are performance based, which provides added flexibility in meeting the desired intent of the provision where developments may not necessarily meet specific numerical standards, due to site or environmental constraints.

Generally, meeting the specific objectives and provisions of each section will achieve overall compliance. The DCP format is intended to encourage flexibility and innovation in development while ensuring the objectives for North Sydney are achieved. In this context Council will not consider favourably development proposals that are inconsistent with the objectives of the DCP. However, Council will consider development proposals that achieve the objectives of the DCP by means other than the provisions in this DCP.

In every neighbourhood there will be examples of development that do not comply with this DCP. DCP's can't undo what has been done in the past and they are often designed to prevent things that have been allowed in the past from reoccurring. For this reason, the existence of features or aspects of development that do not comply with this DCP may have no influence on whether a development or feature will be approved.

Variations to key built form controls will generally not be supported. A detailed written justification is required to be submitted with all applications seeking a variation to a key built form controls.

Applicants will need to consider the Sections of the DCP that are relevant to their particular development and design their proposal in accordance with the objectives and provisions of those sections.

2.3 VARIATIONS TO KEY DEVELOPMENT CONTROLS

To ensure the consistent application of key development controls contained within this DCP, the consent authority must not grant development consent to any development application which does not comply with the following key development control provisions:

- Site coverage controls contained within provision P1 to s.1.4.7 and P1 to s.3.3.1 to Part E of the DCP, and
- Landscaped area and unbuilt upon area controls contained within provisions P1 to s.1.4.8 and P1 to s.3.3.2 to Part E of the DCP.

However, the consent authority may grant development consent to a development application which does not comply with the aforementioned key development standards but only if it is satisfied that a written request from the applicant has been provided that seeks to justify the contravention of the development control by demonstrating that:

(a) compliance with the development control is unreasonable or unnecessary in the circumstances of the case,

(b) there are sufficient environmental planning grounds to justify contravening the development control, and

(c) the proposed development is consistent with the objectives of the particular control.

2.4 APPLICATION OF OTHER PLANS AND POLICIES

Pursuant to s.4.15 of the *EP&A Act 1979*, the consent authority is required to take into consideration the relevant provisions of this DCP when determining an application for development. However, strict compliance with the provisions of this DCP does not guarantee that development consent will be granted. Section 4.15 of the *EP&A Act 1979* contains other matters that must be considered in determining a development application including:

- Any relevant in-force environment planning instruments (SEPP or LEP) or proposed instrument that has been the subject of public consultation under the *EP&A Act 1979*;
- Any draft or in-force planning agreement that has been entered into under s.7.4, of the *EP&A Act 1979*;
- Any relevant prescribed matters in the *EP&A Regulation 2021*;
- The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- The suitability of the site for the development;
- Any submissions made in accordance with the *EP&A Act 1979* or *EP&A Regulation 2021*; and
- The public interest.

In addition, the consent authority will assess each development application according to its merits and in the context of the site and its locality.

This DCP should be read in conjunction with the following:

(a) Environmental Planning and Assessment Act, 1979 (*EP&A Act 1979*);

(b) Environmental Planning and Assessment Regulation 2021 (*EP&A Regulation 2021*);

(c) Relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs;

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

(d) *Local Government Act 1993*;

(e) National Construction Code (NCC) / Building Code of Australia (BCA);

(f) Relevant Australian Standards as identified throughout this DCP;

(g) Land and Environment Court Planning Principles which deal with a broad range of topics including principles elaborating on provisions in this DCP with a process to be followed or a breakdown of factors to be addressed in considering a particular matter, and which can be viewed on the Court's website at (*https://www.lec.nsw.gov.au/practice-and-procedure/principles.html*)

(h) Any other policy or document identified for consideration throughout this DCP.

Where relevant, the provisions in this DCP should be read in conjunction with the following planning policies and documents which tend to be particularly relevant to the types of development in North Sydney LGA:

(a) ***Crows Nest Transport Oriented Development Precinct Design Guide***: Development of land located within the Crows Nest Transport Oriented Development Precinct is subject to the requirements of the Crows Nest Transport Oriented Development Precinct Design Guide (Design Guide). In the event of any inconsistency between the Design Guide and this DCP, the objectives and provisions of the Design Guide will prevail to the extent of that inconsistency. Where no provisions are indicated in the Design Guide, the relevant provisions of this DCP will apply.

(b) *SEPP (Housing) 2021* which includes provisions for in-fill affordable housing, boarding houses, co-living housing, retention of existing affordable rental housing, secondary dwellings,, group homes, co-living hosing, build-to-rent housing, housing for seniors and people with a disability, short term rental accommodation, conversion of certain serviced apartments, temporary emergency accommodation, dual occupancies and semi-detached dwellings in Zone R2, design of residential apartment development, and transport oriented development

(c) The DoP's *Apartment Design Guide* which includes guidelines for residential flat buildings;

(d) Livable Housing Australia's *Livable Housing Design Guidelines;*

(e) The DoP's *Seniors Living Policy – Urban Design Guidelines for Infill Development*; which applies to the design of seniors housing;

(f) *SEPP (Sustainable Buildings) 2022*; which includes sustainability standards and requirements for residential development and for non-residential commercial types of development;

(g) *SEPP (Resilience and Hazards) 2021* including in particular the provisions in *Chapter 2 - Coastal Management* for development in the coastal zone and provisions in *Chapter 4 Remediation of Land*; for land which has been subject to past potentially contaminating activity;

(h) *SEPP (Transport and Infrastructure) 2021* including in particular provisions in *Chapter 2 – Infrastructure* which include provisions relating to traffic generating development and development near rail ad busy road corridors, and provisions in *Chapter 3 Educational establishments and child care facilities*;

(i) The DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline (19 December 2008)*;

(j) The DOP's *Child Care Planning Guideline (2021)*;

(k) *SEPP (Biodiversity and Conservation) 2021* including in particular provisions in *Chapter 2 – Vegetation in non-rural areas* requiring consent for clearing of vegetation, and provisions in *Chapter 6 – Water Catchments*;

(l) The DoP's *Sydney Harbour Foreshores and Waterways Area DCP (2005)*;

(m) *SEPP (Industry and Employment) 2021* and in particular the provisions in *Chapter 3 - Advertising and Signage* which contains additional assessment criteria for advertising and signs;

(n) The Rural Fire Service's *Planning for Bush Fire Protection*. which includes planning and design guidelines for development on bushfire prone land.

2.5 INTERPRETATION

The Dictionary appended to this DCP includes definitions of the terms used in this DCP.

The definitions of terms in NSW planning statutes and instruments including definitions in the EP&A Act 1979, EP&A Regulation 2021, relevant SEPPs, and NSLEP 2013 are also applicable.

Where there is an inconsistency in definitions, the higher order instrument (Act/Regulation, then SEPP, then LEP) prevails.

2.6 SUBMITTING A DEVELOPMENT APPLICATION

In preparing a Development Application, applicants are advised to first access the planning and development information located on Council's website (*https://www.northsydney.nsw.gov.au/development*) for information on the process and requirements for preparing and lodging a DA. This includes pre-DA lodgement consultation recommended to first obtain advice from Council on the DA, and checklists of documentation and information required to be submitted with the DA.

PART B

ENVIRONMENT CONSIDERATIONS

PREFACE

The quality and amenity of the environment in the North Sydney local government area is important to the community. It contributes to the comfort and wellbeing of current residents and to sustainability of residential areas and the environment for future users. The quality and amenity of residential development can be maintained and improved by minimising the impacts of development by utilising some or all of the following approaches.

Part B of this DCP contains objectives and development control provisions for the various environmental impact considerations that are applicable to different types of development.

The degree of relevance of each of the provisions in Part B varies between different types of development and different locations which needs to be taken into consideration.

Part B of the DCP comprises the following sections:

Section 1:	Topography
Section 2:	Visual Impact and Views
Section 3:	Biodiversity
Section 4:	Water
Section 5:	Solar Access
Section 6:	Visual Privacy
Section 7:	Operational Noise
Section 8:	Light Spill and Reflectivity
Section 9:	Wind and Air Quality
Section 10:	Environmental Sustainability
Section 11:	Contamination and Hazardous Materials

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SECTION 1 TOPOGRAPHY

1.1 EARTHWORKS

Objective

O1 To ensure that the natural topography and landform are maintained.

O2 To retain existing vegetation and allow for new substantial vegetation and trees.

O3 To minimise the adverse effects of excavation on the amenity of neighbouring properties.

O4 To minimise excavation and site disturbance so as to retain natural landforms, natural rock faces, sandstone retaining walls and the like and to retain natural water runoff patterns and underground water table and flow patterns.

O5 To ensure the structural integrity of adjoining properties.

O6 To minimise adverse effects of adjoining transport infrastructure.

Provisions

P1 Development that includes excavation must not be carried out unless:

(a) the development is in accordance with and promotes the objectives to this subsection; and

(b) land stability of the site and adjoining land is preserved; and

(c) the natural drainage patterns of the land and catchment will not be disrupted; and

(d) adverse effects on other properties are avoided or minimised.

P2 New development should not result in the removal or covering of rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls.

P3 Development should not result in the ground level (finished) being greater than 500mm above or below ground level (existing).

P4 Habitable rooms (excluding bathrooms, laundries and storerooms) should not be located more than 1m below ground level (existing) for more than 50% of the room's floor area.

P5 Excavation should not occur within 1m of any property boundary. Where excavation is required within 500mm of a property boundary, Council must not grant development consent unless it is satisfied that the proposed excavation will not result in adversely impacting upon the structural integrity of adjoining properties.

Note: *In order to satisfy Council that the level of excavation is acceptable, it is recommended that applicants submit appropriate details from a structural engineer.*

P6 The depth of soil around buildings must be sufficient to sustain trees as well as shrubs and smaller scale gardens.

P7 Consent must not be granted to a development for the purposes of attached dwellings, dual occupancies, dwelling houses or semi-detached dwellings where any associated garage or car parking is located in a basement.

P8 Notwithstanding P7, Council may grant consent to a dwelling house, dual occupancy, attached dwelling or semi-detached dwelling incorporating a basement garage or car parking, but only where it can be demonstrated:

(a) that the development satisfies the objectives of this subsection; and

(b) that the entire basement is located entirely within the footprint of the building above; and

(c) there is no alternative location on the site to accommodate the required level of car parking.

P9 Consent must not be granted to a development for the purposes of multi dwelling housing or residential flat buildings in any residential zone, where the excavation for any associated garages, car parking, plant rooms or ancillary storage and access thereto exceeds 70% of the site area.

P10 Where practical:

(a) a minimum of 50% of the un-excavated area should be located at the rear of the site. Sites with dual or rear lane frontages, this area may be relocated to allow buildings to address the secondary frontage.

(b) a minimum of 30% of the unexcavated area should be located within the front setback.

(c) a minimum 1.5m wide strip of landscaped area should be located along at least one side boundary. A minimum 1.5m wide strip should be provided along both boundaries where the site width permits.

P11 Basement car parks, where permitted, must not extend to the full width of a site.

1.2 PROPERTIES WITH A FORESHORE FRONTAGE

Objectives

O1 To promote a scale and form of development that enhances the scenic, environmental and cultural qualities of the foreshore.

O2 To ensure that development considers coastal processes, such as sea level rise.

O3 To ensure development is consistent with Council's *Foreshore Access Strategy*.

Provisions

P1 Development on land adjacent to the foreshore must be designed with regard to sea level rise.

Note: Further information about sea level rise can be obtained from the Department of Planning (www.planning.nsw.gov.au).

P2 Development on land adjacent to the foreshore must be designed with regard to the provisions of *Chapter 6 - Water Catchments* to *SEPP (Biodiversity and Conservation) 2021* and *Sydney Harbour Foreshores and Waterways Area DCP* (2005).

P3 Development must not alienate public access to foreshores by the location of foreshore structures.

P4 Mature trees or significant landscaping should not be removed in order to locate foreshore structures.

P5 Sea walls, rock outcrops or sandstone platforms should not be removed or covered in order to locate foreshore structures.

P6 Minimise disturbance of existing, surface and underground drainage to minimise run-off into the water.

P7 In accordance with Part B: Section 3 – *Biodiversity* of the DCP, preserve existing trees and vegetation where-ever feasible and replace any tree or vegetation removed or damaged as part of development.

P8 Natural materials and colours should be used that blend with the water, foreshore sandstone and vegetation, for any foreshore structure.

P9 Avoid the use of large areas of blank, hard or reflective surfaces.

P10 Buildings or structures must respect the topographical features of the site.

Note: *For example, buildings are not cantilevered, but follow the topography.*

SECTION 2 VISUAL IMPACT & VIEWS

2.1 VISUAL IMPACT - ACCESS

Objectives

O1 To minimise adverse visual effects as viewed from the harbour.

Provisions

P1 Landscaping should be used to soften the appearance of structures such as inclinators.

P2 Structures such as inclinators should be recessed below the ground level (existing).

P3 The use of pathways and graded ramps is preferable to the use of inclinators for access. Where inclinators are to be used, they must be minimised in length.

2.2 VIEWS

Due to North Sydney's sloping topography and proximity to Sydney Harbour, views and vistas comprise special elements that contribute to its unique character and to the amenity of both private dwellings and the public domain.

New development has the potential to adversely affect existing views. Accordingly, there is a need to strike a balance between facilitating new development while preserving, as far as practicable, access to views from surrounding properties.

The ability to share views becomes increasingly more difficult in locations of existing or anticipated areas of high density (e.g. North Sydney Centre, St Leonards and Milsons Point). Whilst no-one is entitled to a view, attempts should be made to consider the potential impact on existing views and share those where reasonably possible.

When considering impacts on views, Council will generally not refuse a development application on the grounds that the proposed development results in the loss of views, where that development strictly complies with the building envelope controls applying to the subject site.

Objectives

O1 To protect and enhance existing views and vistas from streets and other public spaces.

O2 To provide additional views and vistas from streets and other public spaces where opportunities arise.

O3 To encourage view sharing as a means of ensuring equitable access to views from dwellings, whilst recognising development may take place in accordance with the other provisions of this DCP and the LEP.

Provisions

P1 Development should be designed such that views from streets and other public places, as identified in the relevant Planning Area character outcome statement and Locality Area provisions (refer to Part F of the DCP), are not unreasonably obstructed.

P2 Use setbacks, design and articulation of buildings to maintain and where practical enhance street views, views from public areas and those identified in the relevant Planning Area character statement and Locality Area provisions (refer to Part F of the DCP).

P3 Development should be designed to promote the sharing of views from surrounding residential properties and public places.

P4 Where appropriate, the opening up of views should be sought to improve the legibility of the area.

P5 Ensure that existing and proposed dwellings will have an outlook onto trees and sky.

P6 In commercial premises, provide public or semi-public access to top floors where possible (e.g. restaurants, roof top gardens and facilities).

P7 Where a proposal is likely to adversely affect views from either public or private land, Council will give consideration to the Land and Environment Court's Planning Principles for view sharing established in Rose Bay Marina Pty Ltd v Woollahra Municipal Council and anor [2013] NSWLEC 1046 and Tenacity Consulting v Warringah Council [2004] NSWLEC 140. The Planning Principles are available to view on the Land and Environment Court's website (*https://www.lec.nsw.gov.au/practice-and-procedure/principles.html*).

SECTION 3 BIODIVERSITY

3.1 TREE & VEGETATION MANAGEMENT

3.1.1 Introduction

Vegetation, particularly mature trees, can contribute significantly to an area's character. In particular, they have exceptional value visually, culturally, economically and intrinsically. North Sydney has a leafy character, established through the interconnection of many canopy trees distributed across road reserves, parks, bushland areas and private property.

The quality of the vegetation has an enormous impact on the quality of life of all those who live or work in North Sydney. The obvious aspects of aesthetics, oxygen production and pollution reduction are supported by many other more subtle functions, such as traffic calming, privacy, reduced energy consumption, recreation, habitat and shade.

New development provides opportunities to reinforce this leafy character and embellish North Sydney's strong "sense of place" by planting appropriate trees as part of a development. It is the responsibility of the developer to provide appropriate landscaping to achieve these objectives.

This section of the DCP also identifies those instances where a permit is required to remove or prune trees and vegetation. Council also enforces a long established policy regarding the unlawful damage to or removal of existing trees and vegetation within the LGA, regardless of whether they are located on public or private land.

3.1.1.1 General objectives

The objectives of this Section of the DCP are to:

O1 Declare trees and vegetation for the purposes of Part 2.3 of *SEPP (Biodiversity and Conservation) 2021*.

O2 Maintain the visual, social and environmental amenity of the area through the management of trees and other vegetation.

O3 Maintain and increase the totality of trees and vegetation across the North Sydney area by embracing the principles of Urban Forest Management, green (habitat) corridors and Continuous Cover Arboriculture.

O4 Ensure the planting of adequate numbers of appropriate trees in association with new development in the North Sydney area.

O5 Promote the value of and the need for the protection of trees and vegetation to the community, developers and Council staff and encourage the reporting of tree vandalism.

O6 Protect existing trees and vegetation during construction of development.

O7 Minimise the risk of injury to people or damage to property from trees and vegetation.

O8 Recognise the financial value of trees and vegetation.

O9 Ensure that vegetation is not used to unreasonably reduce the amenity of adjoining properties in terms of access to sunlight and views.

3.1.1.2 When does this section of the DCP apply?

This Section of the DCP applies when intending to prune, remove or replace trees or vegetation on their own or as part of undertaking a development or action that will impact on trees and vegetation, when Development Consent or a Tree Management Permit is required. These controls apply to trees and vegetation on all land within the LGA whether it is in public or private ownership.

This Section also provides advice with respect to maintaining of vegetation on adjoining properties where existing vegetation may be impacted upon by development or has

unreasonably reduced the amenity of a property through the reduction of access to sunlight or views.

3.1.1.3 Relationship to other documents and planning policies

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

(a) ***SEPP (Biodiversity and Conservation) 2021***

In particular, consideration should be given to *Part 2.2 – Clearing vegetation in non-rural areas* and *Part 2.3- Council permits for clearing of vegetation in non-rural areas*.

(b) ***North Sydney Council Street Tree Strategy***

A management document that provides the framework and guidelines to ensure that all street trees are managed in accordance with industry best practice, such that they maximise their benefits to the North Sydney community.

(c) ***Council's Infrastructure Specification Manual for Roadworks, Drainage & Miscellaneous Works***

This document provides technical specifications regarding the supply, installation and establishment of trees and vegetation in the North Sydney Council area.

(d) ***North Sydney Council Urban Forest Strategy***

A strategic document developed to maintain and increase the level of canopy cover across the North Sydney area to maximise all of the known benefits that trees provide to the wider community.

(e) ***North Sydney Tree Vandalism Policy***

A policy document that sets out the procedures to be followed when an instance of tree vandalism is identified, including such things as investigations, letterbox drops, signage, rehabilitation and prosecutions.

(f) ***North Sydney Natural Area Survey***

A survey undertaken to identify all significant vegetation types located on public and private land throughout the LGA and their quality. The survey data has been subsequently mapped and is available on Council's website (*www.northsydney.nsw.gov.au*). This survey gets updated from time to time.

(g) ***Australian Standard AS4373-2007 - Pruning of amenity trees***

This Standard provides arborists, tree workers, government departments, property owners, and contractors with a guide defining uniform tree pruning procedures and practices in order to minimize the adverse or negative impact of pruning on trees.

(h) ***Australian Standard AS4970-2009 – Protection of trees on development sites***

This Standard provides guidance for arborists, architects, builders, engineers, land managers, landscape architects and contractors, planners, building surveyors, those concerned with the care and protection of trees, and all others interested in integration between trees and construction. It describes the best practices for the planning and protection of trees on development sites. The procedures described are based on plant biology and current best practices as covered in recently published literature.

3.1.1.4 Additional permits

Where an applicant seeks to plant trees on public property, they may also be required to obtain additional permits under s.68 of the *Local Government Act 1993* and/or s.138 of the *Roads Act 1993*. Inquire with Council to ascertain if the permits are required.

Council does not encourage the ad-hoc planting of trees on public land by individuals however a "Streets Alive" community greening program is in place. This program allows residents to plant and maintain vegetation on public land under the approval and guidance of specialist Council officers. The residents are provided free of charge with horticultural expertise, plants, soils, mulch and any other necessary materials in return for their labour to install and maintain the vegetation. Planting of shrubs and trees in and around public

bushland areas is a regular activity under Council's "Bushcare" program, where over 50Ha of remnant bushland and buffering habitat is under active rehabilitation.

3.1.2 Controls for the Management of Trees and Vegetation

North Sydney Council has adopted a tree and vegetation management policy which aims to prevent the unlawful removal, pruning or destruction of trees and vegetation in the North Sydney LGA. This policy is enforced though *Part 2.2 – Clearing vegetation in non-rural areas* and *Part 2.3 - Council permits for clearing of vegetation in non-rural areas* of *SEPP (Biodiversity and Conservation) 2021* and this section of the DCP.

The policy requires a property owner to first obtain *Development Consent* or a *Tree Management Permit* prior to the removal or pruning of declared trees or vegetation. The requirement to obtain Development Consent will only be required to remove or prune declared trees or vegetation where undertaken in conjunction with other works that also require development consent (e.g. erection of a dwelling house). Trees and vegetation that are not declared may be removed or pruned without the need for Development Consent or a Tree Management Permit (i.e. those works permitted by *SEPP (Biodiversity and Conservation) 2021* and this DCP).

Before removing, pruning or proposing development within 5m of a tree in North Sydney, residents and/or contractors are advised to contact Council to determine whether they need to obtain a Tree Management Permit or Development Consent.

Where a Tree Management Permit is required, an application is to be made to Council using the appropriate form. Once Council has received a completed application form, an on-site tree inspection of the relevant tree(s) or vegetation by one of Council's Tree Management Officers will be undertaken.

If the application is approved, a Tree Management Permit will be sent to the applicant and may include specific conditions that must be complied with.

If the application is refused, Council will advise the applicant in writing and may include information as to how the matter may be reviewed, including the potential to submit an Appeal to the Land and Environment Court under section 2.12 of *SEPP (Biodiversity and Conservation) 2021*.

Where a Development Consent is required, the applicant will be advised by one of Council's Planning Officers as to what information will be required.

3.1.2.1 Objectives

O1 To maintain the visual, social and environmental amenity of the area through the preservation of trees and other vegetation.

O2 To identify when Council approval is required under the provisions of *SEPP (Biodiversity and Conservation) 2021* to prune, remove or replace trees or vegetation.

O3 To identify declared trees and vegetation for the purposes of *Part 3- Council permits for clearing of vegetation in non-rural areas* under *SEPP (Biodiversity and Conservation) 2021*.

O4 To make the community aware of the implications for the unlawful removal, pruning or wilful destruction of trees and vegetation within the LGA.

3.1.2.2 Provisions

Approvals General

P1 Pursuant to *Part 2.2 Clearing vegetation in non-rural areas* and *Part 2.3 - Council permits for clearing of vegetation in non-rural areas* under *SEPP (Biodiversity and Conservation) 2021*, Development Consent or a Tree Management Permit **is not required** for removal or pruning any of the following:

(a) non-declared trees or vegetation (i.e. comprising all trees and vegetation that do not meet the criteria under provision P2 below);

(b) trees or vegetation that are adequately justified to be dead as confirmed in writing by a qualified arborist (minimum AQF level 3) or qualified Horticulturalist (minimum AQF Certificate 3) and where the tree or vegetation is not required as the habitat for native animals[1];

(c) pruning of deadwood from a tree or vegetation, including dead palm fronds;

(d) maintenance pruning of trees whereby:

(i) no more than 10% of the existing crown volume is removed; and

(ii) branches no more than 100mm in diameter are removed and those branches are:

a. not located more than 2.4m above ground level where they adjoin the trunk of the tree, or

b. located within 1m of existing buildings (including eaves and gutters); and

(iii) all work is undertaken in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4373-2007).

(e) maintenance pruning of hedges:

(i) where the hedge is less than 5m in height; or

(ii) where the hedge is 5m or greater in height, but only where all work is undertaken in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4373-2007) and must be conducted by a qualified Arborist (minimum AQF Level 3);

(f) trees or vegetation identified as a biosecurity risk (formerly known as noxious weeds) under the *Biosecurity Act, 2015*, except where that tree or vegetation is greater than 10m in height;

(g) trees or vegetation that are being maintained or removed by North Sydney Council staff (or their sub-contractors) on land under Council's ownership or care and control;

(h) trees or vegetation that have been authorised to be removed or pruned pursuant to a Development Consent issued under the *EP&A Act*, but not prior to the issue of a Construction Certificate relating to that Development Consent;

(i) trees or vegetation that are growing inside a building, where there is a roof over the tree (e.g. within an atrium or internal garden bed);

(j) the following tree and vegetation species:

(i) African Olive Trees (Olea Africana);

(ii) Bamboo (Bambusa species);

(iii) Box Elder (Acer negundo);

(iv) China Doll (Radermachia sinica);

(v) Cocos Palms (Syagrus romanzoffiana);

(vi) European Nettle or Hackberry (Celtis sp) – except on land identified as a heritage item under cl.5.10 of NSLEP 2013;

(vii) Indian Coral Tree (Eryrthina x sykesii) – except on land identified as a heritage item under cl.5.10 of NSLEP 2013;

[1] *Written justification is required prior to the removal or pruning of the tree(s) or vegetation, copies of which must be kept on hand by the property owner and the person undertaking the removal or pruning.*

(viii) Privet species (Ligustrum sp) – except on land identified as a heritage item under cl.5.10 of NSLEP 2013;

(ix) Rubber Trees (Ficus elastica);

(x) Tree of Heaven (Ailanthus sp);

(xi) Umbrella Trees (Schefflera sp); or

(xii) Willow Trees (Salix spp) – except on land identified as a heritage item under cl.5.10 of NSLEP 2013.

P2 Development Consent or a Tree Management Permit **is required** in accordance with *SEPP (Biodiversity and Conservation) 2021* for the removal or pruning of a declared tree or vegetation. The **following trees and vegetation are declared for the purposes of this DCP**:

(a) any tree or vegetation on public land, regardless of size;

(b) any tree or vegetation with a height of 5m or more, or a crown width of 5m or more, or a trunk circumference of 500mm or more measured at ground level (existing);

(c) any tree identified as a biosecurity risk under the *Biosecurity Act, 2015* and is greater than 10m in height;

(d) any of the following species of trees or vegetation on land identified as a heritage item under cl.5.10 of NSLEP 2013 regardless of size:

(i) Bangalow Palms (Archontophoenix cunninghamiana sp);

(ii) European Nettle or Hackberry (Celtis sp);

(iii) Indian Coral Tree (Eryrthina x sykesii);

(iv) Kentia Palms (Howea forsteriana sp);

(v) Privet species (Ligustrum sp);

(vi) Willow Trees (Salix spp).

P3 Council, in determining an application for Development Consent or a Tree Management Permit under *SEPP (Biodiversity and Conservation) 2021*, must have regard to:

(a) the health or condition of the tree or trees, whether the tree is dead or dangerous, its proximity to existing or proposed structures, interference with utility services, interference with the amenity of any person or property;

(b) the necessity for action in order to construct improvements to the property the subject of the application to achieve reasonable development;

(c) the effects in the nature of erosion, soil retention or diversion or increases to overland flow;

(d) the number of trees in the surrounding area and the effect on the amenity of that area;

(e) the number of healthy trees that a given parcel of land will support;

(f) whether the trees or vegetation in question provide habitat for fauna and/or canopy connectivity; and

(g) any potential impacts to heritage items and/or heritage conservation areas.

P4 In determining its approval under P2 and P3 Council may request the applicant to submit additional supporting documentation (e.g. an arborist report prepared by a qualified arborist with a minimum AQF Level 5 or engineering report) to justify the removal of the tree or vegetation.

P5 Council does not support the removal of trees or vegetation as a result of:

(a) leaf, fruit, flower, bark, cone or twig drop; or

(b) blocked or damaged water, sewer or stormwater drainage pipes; or

(c) cracking of driveways, footpaths, paving or fences; or

(d) issues arising from roosting, nesting or browsing fauna.

P6 Despite P5 above, Council may consider on merit the removal of trees or vegetation which result in the blocking of water, sewer or stormwater pipes or the cracking of driveways, footpaths and paving if there are no permanent repair solutions available (e.g. where tunnelling or re-sleeving of pipes, or removal of roots is not feasible). Council must not determine an application to which this clause applies, unless it has considered additional supporting documentation (e.g. an arborist report prepared by a qualified arborist with a minimum AQF Level 5 or engineering report) supplied by the applicant to justify the removal of the tree or vegetation.

P7 Branches of trees and vegetation located on private property that overhang public footpaths and roadways should be pruned back to the property boundary to a height of 2.4m (8ft) above ground level (existing). Pruning of these trees is the responsibility of the property owner. Where the tree or vegetation to be pruned comprises a declared tree or vegetation, Council's consent must be obtained prior to pruning.

P8 Where Council approves the issuing of a Development Consent or Tree Management Permit in accordance with this Section and *SEPP (Biodiversity and Conservation) 2021*, Council may impose a condition which requires:

(a) the replanting of replacement trees or vegetation on the land subject to the application; or

(b) where there is insufficient space on the development site:

(i) the replanting of replacement trees or vegetation in a specified location on public land; or

(ii) payment of a fee from the applicant to fund Council's planting of such trees on public land.

Replacement tree species will be specified by Council and will be of a type suitable for the site.

Fees associated with planting trees on public land shall be calculated based on the industry accepted average price to supply, install, and maintain for 13 weeks a containerised tree of the size specified by the assessing officer but that size shall be not less than 45 litres. Council's Infrastructure Specifications for Miscellaneous works contains Council contractor schedule of rates. The average price from the schedule will be used.

P9 All work must be carried out in accordance with Australian Standard *AS4373-2007: Pruning of Amenity Trees* and Council may condition that the work be carried out by a qualified arborist (minimum AQF Level 3) or a qualified horticulturalist (minimum AQF Certificate 3).

P10 Any Tree Management Permit issued by Council will be valid for the described work only, provided it is carried out within a 12 month period from the date of issue and may be subject to such conditions as required by Council. Tree or vegetation removal or pruning permitted under a Development Consent may have a longer timeframe imposed in accordance with the EP&A Act.

P11 Where a development application is lodged after a Tree Management Permit has been issued but prior to approved tree work taking place, that Permit becomes null and void and will be reassessed through the development assessment process.

Approvals for non-essential pruning work

P12 Council may approve a request from the public to prune trees located on public land in the immediate surrounds of the property upon which the applicant resides for 'cosmetic' or non-essential pruning for such purposes as aesthetics, increased sunlight or views, but only where such pruning:

(a) will not affect the health or integrity of the tree;

(b) will not have an adverse impact on the streetscape;

(c) will not have an adverse impact on the general safety of the public;

(d) is carried out in accordance with Australian Standard AS 4373-2007 – *Pruning of Amenity Trees* by a qualified arborist (minimum AQF Level 3);

(e) is done under the supervision of a council officer if deemed necessary by Council (minimum 5 days notice required).

P13 Non-essential pruning work will not be permitted on any vegetation growing on land zoned *C2 Environmental Conservation* or other public land managed by Council as bushland.

P14 Council will not support applications for tree or vegetation removal for the sole purpose of facilitating solar access to new solar photovoltaic or hot water systems. However, Council may consider applications for pruning trees or vegetation to enable solar access to existing solar photovoltaic or hot water systems to be maintained on a case by case basis, provided the proposed works are carried out in accordance with Australian Standard *AS4373-2007 - Pruning of Amenity Trees*.

Penalties

P15 Pursuant to s.629 of the *Local Government Act 1993*, an on-the-spot fine may be imposed for the injury or unnecessary disturbance of trees and vegetation on public land including road reserves without a lawful Development Consent or Tree Management Permit. This specifically relates to street trees, foreshore reserves, bushland and public open spaces.

P16 Pursuant to s.9.37 and Division 9.6 of the *EP&A Act*, an on-the-spot fine or court proceedings may be imposed for the injury, unnecessary disturbance or removal of trees and vegetation on private land without a lawful Development Consent or Tree Management Permit.

P17 Breaches of the requirements to P15 and P16 above, may result in prosecution with maximum penalties of $1.1million. Fines may be imposed on the resident, property owner, anyone ordering the work and/or contractors employed to undertake the works if they do not have a lawful Development Consent or Tree Management Permit.

P18 The resident, applicant, property owner and any contractor involved in the cutting down or pruning of any tree protected by this DCP, must have a copy of the current and valid Tree Management Permit or Development Consent displayed in a publicly accessible location of the site during the undertaking of those works.

P19 Rehabilitation and maintenance of tree vandalism sites is to be carried out in accordance with Council's Tree Vandalism Policy.

Note: *The extent of the penalty that may be imposed is set out within Council's Tree Vandalism Policy.*

3.1.3 Management of Trees and Vegetation on Adjoining Properties

Property owners generally have the ability to plant any type of trees or vegetation they like upon their property. Most species of trees and vegetation can be planted without development consent.

Whilst this is not normally a problem in itself, trees and vegetation on adjoining properties have the ability to result in damage to property or have the potential to cause damage to property or injury of persons utilising adjoining land. In addition, some property owners have been known to plant trees or vegetation to purposely obstruct sunlight or views to adjacent properties, often known as "hedge rage" or "spite hedges".

Provisions under the *Tree (Disputes Between Neighbours) Act 2006* provide adjoining land owners in certain circumstances the ability to commence proceedings in the Land and Environment Court to have the subject trees or vegetation removed or lopped, amongst other remedies.

Affected persons are advised to consult the *Tree (Disputes Between Neighbours) Act 2006* to determine the most current criteria as to when proceedings can be commenced or what matters need to be considered.

3.1.3.1 Trees that cause or are likely to cause damage or injury

Part 2 of the *Tree (Disputes Between Neighbours) Act 2006* generally enables proceedings to commence. The Court must be satisfied that the subject tree has caused, is causing, or is likely in the near future to cause, damage to the applicant's property, or is likely to cause injury to any person.

Prior to the Court determining whether to issue orders or not, it must consider:

- if the applicant has made a "reasonable effort" to reach agreement with the owner of the land on which the trees are situated; and
- 13 individual matters for consideration under s.12 of the *Tree (Disputes Between Neighbours) Act 2006*, including but not limited to issues pertaining to location, biodiversity, heritage, social value, impacts from pruning and contribution to amenity.

The Court has broad remedial powers ranging from remedying any damage, payment of compensation for damage or injury, requiring actions to prevent injury to persons, requiring the tree (or parts of it) to be removed entirely, to having it lopped and maintained, to replacement of the tree(s), and includes the payment of costs for carrying out such works.

3.1.3.2 High hedges that obstruct sunlight or views (spite hedges)

Part 2A of the *Tree (Disputes Between Neighbours) Act 2006* generally enables proceedings to commence, but only where:

- it applies to two or more trees that are planted so as to form a hedge (i.e. does not apply to a single tree);
- the hedge has a minimum height of 2.5 metres above ground level (existing);
- the hedge does or will result in a "severe obstruction" of:
  - sunlight to a window of a dwelling situated on adjoining land, or
  - any view from a dwelling situated on adjoining land,

Prior to the Court determining whether to issue orders or not it must consider:

- if the applicant has made a "reasonable effort" to reach agreement with the owner of the land on which the trees are situated; and
- 19 individual matters for consideration under s.14F of the *Tree (Disputes Between Neighbours) Act 2006*, including issues pertaining to biodiversity, heritage, sunlight, views, privacy, location and length of time the hedge has existed.

The Court has broad remedial powers ranging from requiring the hedge (or parts of it) to be removed entirely, to having it lopped and maintained at a certain height, to replacement of the trees with another specified species, and includes the payment of costs for carrying out such works. These potential solutions should be kept in mind when making "a reasonable effort" to reach agreement with a neighbour, because in some instances it may not be "reasonable" to insist on full removal of trees/hedges if other more appropriate and equally effective solutions are available.

3.1.4 Protection of Trees During Construction

3.1.4.1 Objective

O1 To ensure that all trees in the public domain and on private property (both the site of development and neighbouring properties) are adequately protected during construction of developments.

3.1.4.2 Provisions

Where applicable, development applications are required to detail the location and type of any tree or vegetation to be removed and any effect on the landscape and streetscape the development may have. Refer to the development application form for further information.

General

P1 Existing trees should be retained and incorporated into proposed developments wherever the existing trees are of appropriate species and have an adequate life expectancy.

P2 Where trees are identified to be retained, they must be protected during construction in accordance with Australian Standard *AS4970 - Protection of trees on development sites* and best practice.

P3 An arborist report (prepared by a qualified arborist with minimum AQF Level 5) is required to be submitted with any development application where works are proposed within the Tree Protection Zone of a tree or where Council deems the vegetation on site is significant enough to warrant such a report.

P4 Where an existing tree(s) is approved for removal as part of a development, adequate space in the landscaped area is to be provided for an equivalent replacement canopy tree(s) appropriate to the site and scale of development.

Aerial photos shall be used to calculate the existing canopy cover across a site prior to development. The number and mature size of replacement trees must equal the total pre-development canopy cover. Where this cannot be achieved on site, P5 to this Section shall be applied.

P5 Where insufficient space is available on the development site and significant canopy has been removed as part of the development, Council may require the planting of equivalent canopy replacement trees on public land or require payment of a fee to enable Council to undertake equivalent canopy replacement planting on public land.

That fee will be calculated based on the industry average cost to supply and install equivalent size replacement tree(s) plus 13 weeks maintenance. Refer to P8 to Section 3.1.2.2 to this Part of the DCP.

Bonds

P6 A tree bond may be required if trees are located in close proximity to a proposed development.

P7 The bond shall be lodged with the Council for each tree likely to be affected by the development, the bond amount to be forfeited if the identified tree is removed, destroyed or damaged. A minimum bond of $1,000.00 per tree will be applicable.

P8 Bonds must be lodged prior to any work commencing on site and will generally be held for a period of 12 months after completion of the development.

P9 Bonds will be refunded upon receipt of a tree condition report from a suitably qualified arborist (minimum AQF Level 5) confirming that the tree is in good health, prior to issuing an Occupation Certificate.

P10 The maximum bond amount will be the value of each tree calculated using an industry accepted Valuation Method.

Construction Hoardings

P11 When giving consideration to the issue of a Permit for the erection of a hoarding on Council property, Council will consider the likelihood of damage to trees, both on public and private property.

P12 Hoarding applications are to be accompanied by a plan(s) accurately locating any adjacent trees within 10m of the proposed hoarding.

P13 A tree bond may be required, if a tree(s) is located in close proximity of a proposed hoarding, the bond amount to be forfeited if the tree is removed, destroyed or damaged.

P14 Hoardings should be designed and erected to protect existing trees to clearances approved by Council and/or any conditions imposed by Council.

Works in Association

P15 Works in association are Council funded tree works on public property that may be combined with developer funded tree works for the purpose of integrating the streetscape. Council may contribute money to the developer to build works in association subject to it being in the public interest.

P16 Where two or more adjoining developments are under construction simultaneously, Council may offer to plant trees and/or install protection works for all developments in the interests of achieving an integrated and coordinated streetscape subject to the developer contributing money to Council to build these works. This is seen as adding value to the community dollars spent.

3.2 BUSHLAND

3.2.1 Introduction

North Sydney's bushland contributes to an attractive environment in which to live and:

(a) is a popular recreational resource, playing an important role in wildlife conservation;

(b) is an integral part of the harbour foreshore scenery; and

(c) contributes to the enjoyment of adjoining properties.

There are approximately 49 hectares of bushland in North Sydney with 47 hectares contained within public reservations. While bushland is typically located in narrow strips bordering urban development, there are some significant larger areas such as Balls Head.

Bushland is under pressure from both within and outside the bushland reserve system. Without significant commitment to the management of bushland degradation, biodiversity loss will continue to occur, resulting ultimately in increased costs for rehabilitation and maintenance and loss of ecosystem services. The high population density of North Sydney and limited opportunities for future open space reservations increase the need to effectively manage precious remnant bushland. As such, a holistic approach to bushland management needs to be taken.

Studies have found higher levels of bushland degradation occur along a bushland's boundary with residential properties. This is associated with excess runoff, dumping of imported fill soil and vegetation, siltation, leaching of fertilisers, infestation of introduced plant species, vegetation clearance and tree vandalism, unnatural fire regimes and inappropriately managed domestic animals.

Residents with properties adjoining bushland are encouraged to maintain their property in a way which complements the values and condition of adjoining bushland through providing additional habitat for indigenous flora and fauna. Volunteer Bushcare groups and Council staff undertake significant bushland rehabilitation activities within public reserves.

Council offers support to residents through the Bushcare Program that includes expert technical advice and training in bush rehabilitation, habitat creation, fauna management and home native gardening.

For further detailed information on this assistance, please contact Council's Bushland Management Co-ordinator or visit Council's website (*www.northsydney.nsw.gov.au*).

Whilst bushland can contribute to a pleasant visual outlook, it can also pose a risk to the loss of life or property in the event of a bush fire. Careful planning of development and regular vegetation maintenance is required to ensure this risk is minimised.

The provisions in this section of the DCP aim to assist in the appropriate design and management of land adjoining bushland.

The provisions in this section complement the management of bushland areas by Council and the community. The provisions are compatible with the long term conservation and management of remnant bushland in accordance with Council's *Bushland Plan of Management* (under the *Local Government Act 1993*) and the principles and objectives of Chapter 2 – Vegetation in non-rural areas to *SEPP (Biodiversity and Conservation) 2021*.

3.2.2 General Objectives

The general objectives of this Section 3.2 to Part B of the DCP are to:

O1 preserve, manage and rehabilitate bushland for its ecological, cultural, historical, scientific, educational, archaeological, geological, recreational, scenic and visual values;

O2 protect and enhance viable native fauna populations and their habitats;

O3 preserve remnant bushland on private properties;

O4 avoid and mitigate adverse affects on bushland associated with urban development;

O5 ensure that private landscaped areas complement bushland by providing food and habitats for fauna, reducing water and fertilizer requirements and maximising the use of locally indigenous vegetation species;

O6 ensure that vegetation is managed and maintained to reduce potential bush fire attack to residential dwellings.

3.2.3 When does this section of the DCP apply?

This Section 3.2 to Part B of the DCP applies to development on land within the North Sydney LGA which is identified as *C2 Environmental Conservation*, Area A or Area B on the Bushland Buffer Map located in Figure B-3.1 at the end of this Section.

3.2.4 Relationships to other policies and documents

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

(a) Commonwealth Environment Protection & Biodiversity Conservation Act, 1999 (*EP&BC Act*);

(b) NSW Environmental Planning and Assessment Act, 1979 (*EP&A Act 1979*);

(c) NSW Environmental Planning and Assessment Regulation 2021 (*EP&A Regulation 2021*);

(d) NSW Biodiversity Conservation Act (*BC Act 2016*);

(e) NSW *National Parks and Wildlife Act 1974*;

(f) NSW *Rural Fires Act 1997*;

(g) NSW Rural Fire Service's *Planning for Bush Fire Protection* (as amended);

(h) NSW *Biosecurity Act 2015*;

(i) NSW *Companion Animals Act 1998*;

(j) Protection of the Environment Operations Act 1997 (*POEO Act*);

(k) Chapter 2 – Vegetation in non-rural areas to *SEPP (Biodiversity and Conservation) 2021*;

(l) North Sydney Council's *Bushland Plan of Management*; and

(m) North Sydney Council's *Bushland & Fauna Rehabilitation Plans*.

3.2.5 Building design and siting

Each property has a different relationship with the adjoining bushland in terms of the size of a property's boundary with the bushland, the extent of existing development, the available landscaped area and the topography. In site planning and building design these differences need to be taken into consideration to ensure that development complements the bushland character and is appropriately set back from the boundary with the bushland.

3.2.5.1 Siting and design

Objectives

O1 To minimise any impacts of development on nearby bushland.

O2 To ensure landscaping protects and enhances North Sydney's urban biodiversity.

O3 To minimise the risk of loss of life or property in the event of a bush fire.

Provisions

P1 Development located within Area A as shown on the Bushland Buffer Map (refer to Figure B-3.1) that adjoins or is adjacent to (i.e. includes land that is located on the opposite side of a road) land zoned *C2 Environmental Conservation* must be setback a minimum of 10m from all bushland boundaries.

P2 Buildings and structures should be sited and designed to minimise any negative impacts on, and be complementary to, nearby bushland.

P3 Landscaped areas, as required under this DCP, should be predominantly concentrated at the boundary with bushland in order to create a buffer between the bushland and development.

P4 Sites with one or more boundaries adjoining bushland will be given special consideration, in terms of setbacks and location of landscaped area.

P5 Buildings and other structures, such as swimming pools and decks, should not be located directly adjacent to bushland. However, minor works relating to landscaping and stormwater containment may be appropriate adjacent to bushland, providing the initial and ongoing impacts on bushland are considered negligible by the Council.

P6 Buildings and structures must be designed to respect the topographical features of the site (e.g. buildings should not be cantilevered, but step down with the topography).

P7 Fencing should not incorporate a continuous foundation at its base along the boundary of a site adjacent to bushland, in order to reduce the impact of construction and improve visual aesthetics on the adjoining bushland.

P8 Do not excavate, fill, level or retain land adjacent to bushland.

P9 Access to proposed developments through or across land zoned *C2 Environmental Conservation* will not be permitted under any circumstances.

3.2.5.2 Bushland and Bushfire Hazard Management

Objectives

O1 To minimise the risk of loss of property and life through a bushfire.

O2 To maintain the landscape and environmental qualities of a locality.

Provisions

P1 Development of bushfire prone land as identified on Council's Bush Fire Prone Land Map must conform to the specifications and requirements of *Planning for Bush Fire Protection* (as amended) produced by the Rural Fire Service.

Note: *Not all properties located adjacent to land zoned C2 Environmental Conservation are Bush Fire Prone Land.*

P2 Landscape design at the bushland interface should seek to achieve the dual objectives of bushfire mitigation and biodiversity conservation by protecting remnant vegetation and enhancing habitat opportunities.

P3 Bushfire mitigation controls must be integrated wholly within the boundaries of the land being developed. Asset Protection Zones or other mitigation controls must not be placed on Council land.

P4 Properties adjoining bushland not designated as 'bushfire prone' should consider bushfire threat mitigation in regard to building location and landscaping design/species selection.

P5 Sites are to be maintained where possible to minimise bushfire hazard without unduly altering the natural qualities of the area.

P6 Unencumbered access to bushfire prone properties is to be provided to assist in mitigating bushfire hazards.

3.2.5.3 Materials and colours

Objectives

O1 To minimise the visual impact of development upon bushland settings.

Provisions

P1 Materials should complement the bushland setting.

P2 Use colours and materials that are non-reflective and earth toned or selected to blend with the colours of the bushland.

3.2.6 Landscaping and stormwater management

The character of the bushland adjoining a residential property can be reflected in landscaping on that property through the compatibility of plant species, the preservation of existing trees and remnant bushland on the property and by limiting the amount of levelling, cutting and filling.

Local indigenous plants require much less fertiliser and water than exotic plants and provide food and habitat for local fauna species. The regular use of fertiliser will contaminate nearby bushland and water courses.

The potential for excessive storm water run-off and soil erosion occurs when vegetation cover is removed especially during urban construction or land development, and in the subsequent earth movement and land shaping that follows. Sediment moved in this way can destroy bushland and encourage the spread of weeds and exotic plants. For those properties with a boundary to bushland, effective stormwater management and sediment control can reduce the spread of introduced species both within the bushland and on properties with a bushland boundary.

Appropriate species selection will also assist in the uptake of water from any absorption pits and may reduce erosion during prolonged wet periods when absorption trenches overflow.

3.2.6.1 Weeds

Objectives

O1 To ensure that environmental and biosecurity weeds do not spread into bushland areas.

Provisions

P1 Environmental and biosecurity weeds (as listed on Council's website – *www.northsydney.nsw.gov.au*) must be eradicated from the property before the commencement of works.

P2 Locally indigenous vegetation species should not be removed from the boundary of a site.

P3 Land adjoining bushland should not remain un-vegetated for any period of time.

P4 All weeds must be fully and continuously suppressed for the duration of the development.

P5 Weed control must not adversely affect existing native vegetation on the site (or on adjoining land).

3.2.6.2 Landscaping design

Objectives

O1 Ensure that landscaping complements the adjoining bushland character and species.

O2 To ensure that landscaping on properties directly adjoining or opposite bushland not designated as bushfire prone meets the dual objectives of bushfire hazard mitigation and biodiversity conservation.

Provisions

P1 Retain any bush-rock in-situ or if removed re-use on-site.

P2 Retain the natural soil profile as much as possible.

P3 Use landscaping that will reduce potential fire hazards such as a disconnection between vegetation layers (i.e. ground covers, shrubs and canopy.

P4 Trees are planted in clumps, not with a continuous canopy between the bushland interface and the building line.

P5 Landscaping is maintained through fuel reduction, overhangs on roofs clipped, mulch minimised and garden well watered.

P6 Landscape design on properties adjoining non-bushfire prone bushland should achieve biodiversity objectives without exposing the property to increased bushfire risk. Guidance for achieving this provision can be found in the RFS's *Planning for Bush Fire Protection* (as amended).

3.2.6.3 Indigenous vegetation

Objectives

O1 To enhance the habitat of local flora and fauna species.

O2 Indigenous trees and plants are preserved.

Provisions

P1 Developments located within Area A as shown on the Bushland Buffer Map (refer to Figure B-3.1) that are required to incorporate a 10m wide vegetated buffer to bushland boundaries must submit a landscape plan to Council showing that the buffer will be vegetated using 100% local native species (as listed on Council's website). Landscape plan design should be species diverse and incorporate a range of vegetative layers that enhance the habitat value of the landscaped area for local wildlife.

P2 Developments located within Area A as shown on the Bushland Buffer Map (refer to Figure B-3.1) that will significantly alter existing vegetation, ground levels, or drainage conditions must submit a landscape plan to Council with at least 80% of the overall number of trees, shrubs and groundcovers being locally occurring native species (as listed on Council's website). The landscape plan design should be species diverse and incorporate a range of vegetative layers that enhance the habitat value of the landscaped area for local wildlife. Exemptions may apply for heritage properties or properties within a heritage conservation area.

P3 Sites containing remnant bushland greater than 500m^2 must submit a Bushland Rehabilitation Plan prepared by a suitably qualified ecological consultant specialising in bushland regeneration.

P4 Retain all remnant bushland on the site undisturbed and protected during any construction or works undertaken.

P5 Do not disturb remnant bushland.

P6 Give consideration to soil depth, underground water flow, natural drainage, the understorey canopy and sufficient space around trees to ensure the long term conservation and health of indigenous trees and plants.

3.2.6.4 Stormwater run-off and soil erosion

Objectives

O1 To minimise the negative impacts of stormwater runoff and soil erosion on bushland vegetation, soil biota and catchment health.

Provisions

P1 Development within Area A as shown on the Bushland Buffer Map (refer to Figure B-3.1) must submit a *Drainage Plan* to Council addressing the requirements of Part B: Section 4 – *Water* in addition to the provisions of this Section.

P2 Development should not result in any increase in volume, concentration or rate of stormwater run-off to those which existed prior to development.

P3 Development should seek to improve the condition and function of stormwater management infrastructure from the pre-existing level.

P4 Existing site contours, topography and soil levels should be maintained.

P5 Stormwater collected from roofs, driveways and other impervious paved areas should be retained on site and discharged into the Council's stormwater system.

P6 Excavation for stormwater retention tanks should be minimised.

3.2.7 Cultural resources

There is potential that any undiscovered archaeological sites or Aboriginal sites or relics, would be found in the undisturbed areas of bushland within North Sydney. Therefore, care needs to be taken when undertaking works on properties adjoining bushland.

The preservation and documentation of any archaeological sites or Aboriginal relics found ensures evidence of previous settlement patterns of the local area can be maintained for future generations.

Objectives

O1 To protect, record and maintain archaeological sites and Aboriginal sites and relics.

Provisions

P1 Consideration is given to the objectives and requirements of cl.5.10 of NSLEP 2013 and Part C: Heritage Conservation of the DCP where archaeological sites and Aboriginal sites and relics are discovered before, during or after work is to be undertaken.

3.2.8 Threatened species

The protection of threatened fauna and flora species is a legal requirement that must be considered to ensure that works not only complement the bushland setting but reinforce and conserve the natural habitat for flora and fauna species. Lists of threatened species are available on the NSW Department of Environment and Heritage website - *www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species*. Information pertaining to known threatened species and endangered ecological communities present within North Sydney is available on Council's website *www.northsydney.nsw.gov.au* or by contacting the Bushland Management Coordinator.

Objectives

O1 That development is undertaken in an environmentally sensitive manner with appropriate measures undertaken to minimise any adverse effects on threatened flora and fauna species, populations or ecological communities.

Provisions

P1 All development must be undertaken in accordance with the requirements of the NSW *BC Act 2016* and the Commonwealth's *EPBC Act 1999*.

3.2.9 Wetland areas

Wetlands in the form of Coastal Saltmarsh occur in certain locations around the North Sydney foreshore. It is important to note that Coastal Saltmarsh is listed as an Endangered Ecological Community under the NSW *BC Act 2016* and therefore requires special consideration where development activities may directly or indirectly impact on the community or its habitat. Whilst most of these wetlands are situated within designated bushland conservation reserves, some impacts related to urban development such as stormwater pollution, erosion, sedimentation and unauthorised access can cause negative impacts. Coastal Saltmarsh is known to occur on the foreshores of Gore Cove, Lavender Bay and Willoughby Bay. Current mapping of this community may uncover further locations on both Council and private land where this community occurs. Please contact Council's Bushland Management Coordinator for the most up-to-date mapping information for Coastal Saltmarsh in North Sydney.

Wetland environments provide habitat for important flora and fauna. In addition, surrounding vegetation can assist in lowering flood water velocities, intercept silt and aid in the uptake of nutrients to improve water quality.

Objectives

O1 To preserve the aesthetic, social and economic values of wetland areas.

O2 To ensure water entering into natural wetlands is of sufficient quality to ensure that wetland conservation values and functions are not compromised.

O3 To maintain or restore the physical, chemical and biological processes existing in wetlands by minimising changes to wetland hydrology from land uses in wetland catchments.

Provisions

P1 Maintain existing wildlife corridors and provide habitat links between isolated areas.

P2 Provide landscaping and planting of locally occurring species, at the site's boundary with the wetland in order to create a buffer between wetlands and development. This will provide additional protection and habitat.

P3 Wetland vegetation must not be removed.

P4 Development must not result in alteration of local surface runoff and groundwater flows to the wetland and ensure appropriate water flow regimes are maintained to the wetland.

P5 Development must not result in major changes to water flow processes including changes to current and wave patterns and tidal regimes.

P6 All stormwater runoff should be detained on site before draining to Council's stormwater system.

P7 Despite P6, if stormwater cannot be contained on site ensure a dispersed pattern of stormwater flow into the wetland as opposed to a concentrated flow.

P8 Ensure the quality of stormwater flowing into wetlands is maintained or improved through the use of WSUD on-site (refer to Part B: Section 17 - *Water* of the DCP).

P9 Where nutrient control devices and other pre-treatment measures are proposed, ensure that they are located away from wetland areas.

P10 Avoid sewage overflows in catchments upstream of wetlands.

P11 Minimise visual impacts on wetland through use of natural and non-reflective materials, muted colours and landscaped screens.

P12 Enhance and maintain social, educational and recreational values of wetland areas through appropriately sited boardwalks, information signs, collection of background information and consideration of European and aboriginal heritage. (Refer to Part C: Heritage Conservation).

P13 Submit a Wetland Effects Statement if the proposed development may impact on the ecology and habitat, hydrology and/or water quality of the wetland. The Wetland Effects Statement must address the assessment criteria set out in the Model DCP for *Protecting Sydney's Wetlands* published by the Sydney Coastal Council Group (2001).

P14 Only plant species which occur locally should be used for landscaping and revegetation near wetlands.

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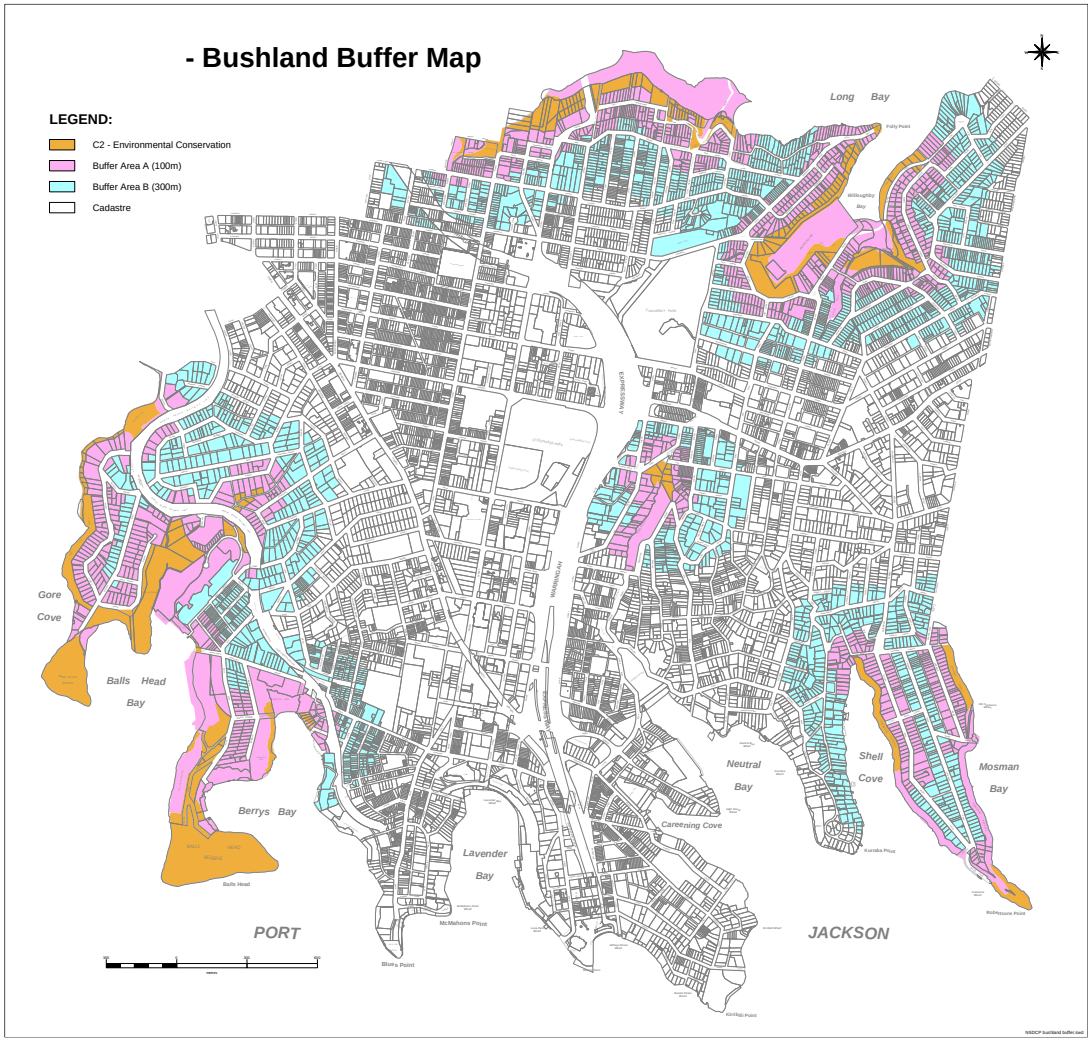

FigureB-3.1: Bushland Buffer Map

SECTION 4 WATER

4.1 STORMWATER MANAGEMENT

4.1.1 Introduction

Stormwater drainage refers to systems from private developments such as;

- Inter-allotment stormwater draining through adjoining private property that remain in private ownership,
- Stormwater draining to a public road that reverts to Council's ownership.

Nuisance drainage problems resulting from developments are one of the most commonly reported complaints received by many Councils. Therefore disposal of stormwater drainage requires special attention.

Since private development is a primary contributor to stormwater entering Council's drainage system, the cost of providing a new drainage system from private development that is to revert to Council's ownership, must be borne by the developer.

Inter-allotment stormwater drains through private property remain forever the responsibility of the owner of the property. This includes inter-allotment easements that drain stormwater unless Council is mentioned in the Title Deeds as being responsible for maintenance of the easement.

Many drainage structures are required to be upgraded to meet current standards as a result of new development. Generally the developer is responsible for the cost of up-grading these structures in the vicinity of the development, where it can be demonstrated that the proposed development further overloads the existing drainage system.

North Sydney has many areas of kerb having heritage and conservation significance. Heritage kerb must be reconstructed where it is impacted by drainage systems from private development at no cost to Council.

Most development requires a drainage connection to a Council gutter or stormwater pipe located in an adjoining public road. Consequently, most development involves the carrying out of excavation or other work within the footpath or carriageway of a public road.

4.1.2 General Objectives

The general objectives of Section 4.1 to this Part of the DCP are to:

O1 To establish a long term drainage strategy for affected land, that will control stormwater run off from development and minimise nuisance flow onto adjacent land.

O2 To mimic pre-development or natural drainage systems as much as is possible.

O3 To improve Council stormwater drainage systems by achieving a high level of compliance with Council's design and construction standards.

O4 To minimise the impact of new development on the existing stormwater system.

O5 To minimise the risk of injury to people and damage to private and public property from the effects of stormwater disposal.

O6 To preserve, conserve and reinstate of heritage kerbs.

4.1.3 When does this section of the DCP apply?

Section 4.1 to this Part of the DCP applies to all development applications that involve:

(a) An increase in hard surface areas on a site; or

(b) Any change to the existing stormwater drainage requirements of the site.

4.1.4 Further Information

For more information about stormwater design and construction and associated details regarding permits, fees and charges consult with Council and refer to:

(a) North Sydney Council *Performance Guide*; and

(b) North Sydney Council *Infrastructure Specification Manual*.

4.1.5 Requirements

Objectives

O1 To ensure that stormwater drainage systems are satisfactorily designed to minimise impacts to neighbouring properties.

O2 To reduce stormwater discharge and improve stormwater quality through the incorporation of WSUD on-site.

O3 To mimic pre-development or natural drainage systems through the incorporation of WSUD on-site.

O4 To protect watersheds by minimising stormwater discharge and maximising stormwater quality.

O5 To minimise off-site localised flooding or stormwater inundation.

Provisions

P1 A *Stormwater Management Plan* is required for all developments and must demonstrate compliance with this section.

P2 New and reconstructed stormwater drainage systems should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council *Performance Guide* and *Infrastructure Specification Manual*.

P3 Stormwater drainage disposal from private property should not cause nuisance drainage problems to any other property. Nuisance drainage is any damage to other property from stormwater caused by the development of property.

P4 Where stormwater drainage from private property cannot drain directly to a road without first draining through adjoining private property, an inter-allotment stormwater drainage easement is required. This easement should be sought by negotiation, mediation or by using mechanisms of s.88 of the *Conveyancing Act, 1919*.

P5 Easement widths are governed by requirements for access and maintenance of pipes by appropriate machinery.

P6 Zone of influence of stormwater pipes should not affect the structural stability of any structure, building or utility service.

P7 Stormwater should not be diverted into an adjoining catchment unless it can be demonstrated that the diversion will not cause detriment to any property or structures.

P8 Where an inter-allotment drainage easement cannot be obtained, Council may consider alternative proposals based on their merit.

P9 Minimum permissible pipe size leading from down pipes to primary inter-allotment drainage pipes is 100mm internal diameter sewer grade pipe or greater as required to meet drainage design criteria. Minimum permissible pipe size for primary inter-allotment drainage systems is 150mm diameter sewer grade pipe.

P10 Stormwater drains may not be constructed on public property without holding a *Street Opening Permit*, a Construction Certificate and design approved by Council.

P11 Stormwater drainage systems through adjoining private property should be designed and constructed to allow for an emergency overflow path to be located within the inter-allotment drainage easement.

P12 Pipes within an easement are permitted to carry only the amount of stormwater for which they are designed. Damage caused to property by unapproved works may be subject to legal action and a claim for damages.

P13 Physical obstructions should not be placed within an easement or emergency overflow path that may block the flow of surface run-off.

P14 Sandstone kerb and gutter with heritage significance is to be retained and not replaced with concrete.

P15 The stormwater drainage is designed to ensure existing downstream systems are not adversely affected. It should:

(a) 'fit' as much as possible, within the hydrology of the natural system;

(b) emphasise stormwater detention, vegetated overflow lines, sensitive location of discharge points and quality of receiving waters;

(c) minimise non-porous surfaces to reduce stormwater run-off;

(d) store water for re-use (such as in rainwater tanks);

(e) retain existing trees;

(f) exclude land needed for natural or modified drainage, floodplains, remnant vegetation, environmental values; and

(g) ensure stormwater drains are designed to accept rainwater only excluding other pollutants from the City's waterways.

P16 On-site detention, preferably on unpaved or grass surfaces, is used to trap and remove contaminants from stormwater and increase infiltration into the ground. Where technically possible, on-site gravel filled retention pits are incorporated.

P17 Demonstrate how run-off from the site will be minimised and the quality of water leaving the site will be improved.

P18 Use site contouring and landscaped areas to increase on-site infiltration of stormwater.

P19 Rainwater tanks should be installed for all residential and commercial developments, including major alterations and additions, and be plumbed to appropriate end uses, including toilet flushing, water features, car washing and garden irrigation, to ensure sufficient use of tank water so that capacity exists to accommodate rainwater from storm events.

P20 As a minimum, post-development stormwater discharge rates should be less than pre-development stormwater discharge rates.

P21 As a minimum, post-development stormwater quality should be improved from pre-development levels.

P22 In residential development, grade land around structures to divert surface water clear of existing and proposed structures and adjoining premises.

P23 On-site stormwater detention, including the use of grass swales and detention basins, should be pursued where practicable to minimise and filter stormwater runoff.

P24 Do not construct over any registered easement without the approval of the body benefiting from the easement.

P25 Do not construct within 3m of a sewer/water main without the prior approval of the relevant service authority.

P26 Impervious surfaces should be minimised.

P27 Ensure paved areas are at least 50% pervious.

P28 In addition to a Stormwater Drainage Plan, residential developments with a gross floor area greater than 2000m² must also submit a Water Sensitive Urban Design report from a suitably qualified consultant demonstrating that WSUD has been incorporated

to the maximum extent practicable and that stormwater discharge will be reduced to the maximum extent practicable.

P29 All developments with a gross floor area greater than 2000m² are to undertake a stormwater quality assessment to demonstrate that the development will achieve the post-development pollutant load standards indicated below:

(a) Litter and vegetation larger than 5mm: 90% reduction on the Baseline Annual Pollutant Load;

(b) Total Suspended Solids: 85% reduction on the Baseline Annual Pollutant Load;

(c) Total Phosphorous: 65% reduction on the Baseline Annual Pollutant Load;

(d) Total Nitrogen: 45% reduction on the Baseline Annual Pollutant Load.

4.1.6 Maintenance and Monitoring

Objectives

O1 To ensure that erosion and sediment impacts are minimised during both the construction and post-construction period and that drainage systems are monitored and maintained.

Provisions

During Construction

The consent holder has an ongoing responsibility to maintain all sediment control devices during construction as required by the Erosion and Sediment Control Plan and as directed by Council. Stormwater drainage and erosion/sediment control devices will be inspected in the course of Council site inspections following issue of a construction certificate.

Where non-compliance with the approved construction drawings or Erosion and Sediment Control Plans occurs, Council may charge a reinspection fee, claim the environmental bond, and issue a stop work notice or infringement notice

General Maintenance

P1 The owners of the properties affected by stormwater drainage easements are required to:

(a) Permit stormwater to be drained via the stormwater drainage system;

(b) Keep the stormwater system clean and free from silt, rubbish and debris;

(c) Maintain and repair the stormwater system so that it functions in a safe and efficient manner;

(d) Replace, repair, alter and renew the whole or parts of the stormwater system within the time and in the manner specified in a written notice issued by the Council;

(e) Not make any alterations to the stormwater system or elements thereof without prior consent in writing from the Council;

(f) Permit the Council, or its authorised agent, from time to time upon giving reasonable notice to enter and inspect the land for compliance with the requirements of this clause;

(g) Permit the Council, or its authorised agent, at any time and without notice in the case of an emergency to enter and inspect the land for compliance with the requirements of this clause; and

(h) Comply with the terms of any written notice issued by the Council in respect to maintenance requirements within the time stated in the notice.

P2 Where non-compliance occurs legal action may be considered under legislation dealing with environmental protection.

4.1.7 Procedures

Objectives

O1 To provide a framework which outlines the procedures to be followed when proposing and undertaking stormwater drainage works.

Provisions

P1 When lodging a development application the applicant should provide:

(a) Conceptual stormwater design plans; and

(b) Conceptual stormwater drainage easement details.

P2 Before starting stormwater drainage construction work, obtain:

(a) Street Opening Permit;

(b) Construction Certificate; and

(c) Copy of design plans approved with the construction certificate

P3 With an application for a Construction Certificate the applicant should provide:

(a) Evidence of an inter-allotment stormwater drainage easement having been created (if applicable);

(b) Detailed stormwater drainage design complying with the conditions of the Development Consent, this DCP, the Performance Guide and references for design and construction of infrastructure in North Sydney;

(c) Evidence of having paid all contributions, bonds and securities to Council; and

(d) Dilapidation report showing the pre-development condition of private and public property, utility services and heritage items.

P4 A qualified Hydraulics engineer should prepare Stormwater designs. Designs should incorporate hydraulic grade line analysis and demonstrate that WSUD has been incorporated to the maximum extent practicable and that the capacity of the existing downstream drainage system is sufficient to carry any additional flow from a development.

P5 Before applying for a refund of bonds and/or security, applicants are required to obtain approval from Council for completion of the stormwater drainage works.

P6 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

P7 Where stormwater from development contributes to the overload of existing drainage systems at some distance downstream of the development site, Council may consider carrying out *works in association* with works required by the developer.

4.1.8 Stormwater Drainage Matrix

Table B-4.1 comprises a Stormwater Drainage Matrix which describes the process, prerequisites and references for addressing stormwater drainage.

TBALE B-4.1: Stormwater Drainage Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Stormwater Drainage	• Drainage from private property that is to revert to Council' s ownership	1. Lodge a Development Application	• Survey details • Concept stormwater design • Statement of Impact of stormwater • Dilapidation report	• This section of the DCP • Development Application Guides	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough information to allow Council to assess the merit of the proposal • The Statement of Environmental Impact must address the issues raised in the checklist within the EP&A Act
		2. Obtain development consent	• Council considers impact of stormwater from new development on capacity of existing infrastructure and adjoining property	• EP&A Act 1979		• In order to minimise delay the applicant should ensure that the Information provided in the application is relevant, accurate and fit-for-purpose
		3. Lodge a Construction Certificate Application	• Detailed stormwater design • Erosion Control Plan • Section 138 Permit • Pay all fess and bonds • Certifications as required	• This section of the DCP • Development consent • s.138 of Roads Act 1993 (if Applicable)	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough detailed design information to show that work can be built as per development consent conditions • No work is permitted on public property without a 138 Permit • Bonds are a security against damage to Council Infrastructure
		4. Obtain a Construction Certificate	• PCA assesses docs for compliance with development consent	• Development Consent		
		5. Start Construction	• Install erosion and sedimentation control measures • Given Council Notice	• This section of the DCP • Construction Certificate	• NSC Performance Guide • NSC Infrastructure Specification Manual	• A Construction Certificate must be obtained before construction may commence.
		6. Apply for Occupation Certificate	• As built drawings • Video of drain pipes • Certifications as required • Council approval	• BCA • This section of the DCP • Construction Certificate		• Video must show drainage pipes to be clean • Any unclean pipes must be cleaned before Council approves works

4.2 EROSION AND SEDIMENT CONTROL

4.2.1 Introduction

The potential for soil erosion occurs when vegetation cover is removed during the demolition or construction of buildings and structures, or where it is proposed to recontour the existing landform. As a result, sediment can enter the natural and stormwater drainage systems, and can potentially block their flow, reduce their capacity and eventually be deposited in receiving waters. Sediment reduces water depth, causes turbidity, reduces recreational amenity and damages aquatic systems. Sediment can also have a destructive impact on the quality of urban bushland.

Sedimentation represents a considerable cost to the community in cleaning and maintenance of stormwater infrastructure. Costs arise from increased flooding due to reduced capacity of drainage systems, cleaning of drains and dredging of receiving waters. Efficient sediment control techniques have benefits to the builder as well as the community, in improved access and site conditions and less time lost due to water logged sites.

4.2.2 General Objectives

The general objectives of Section 4.2 to this Part of the DCP are to:

O1 To provide a consistent approach to erosion and sediment control, with a view to achieving best practice.

O2 Establish principles for the control and management of erosion and sediment risks.

O3 To ensure that the Sydney and Middle Harbours water catchments are clean, productive and healthy.

O4 To minimise soil erosion and siltation resulting from building and excavation works.

O5 To ensure applicants submit sufficient information on proposed erosion and sediment control measures with development applications such that Council can make an informed decision.

O6 To ensure that consent conditions and *Erosion and Sediment Control Plans* are fully implemented through monitoring and maintenance protocols.

4.2.3 When does this section of the DCP apply?

Section 4.2 to this Part of the DCP applies to all development applications that involve:

(a) the removal of vegetation from a site;

(b) excavation, such that the land form of the site is altered; and

(c) placement of any type of fill material on a site.

4.2.4 Further Information

For more information about erosion and sediment control, consult with Council and refer to:

(a) North Sydney Council *Performance Guide*;

(b) North Sydney Council *Infrastructure Specification Manual*;

(c) NSW Department of Housing *Managing Urban Stormwater Soils and Construction* (4th edition, 2004);

(d) Selected techniques described in pamphlets available from the Council Customer Service Centre;

(e) Department of Land and Water Conservation pamphlet *Preparing an Erosion and Sediment Control Plan* (1997); and

(f) Hawkesbury-Nepean Catchment Management Trust 2001 *Guidelines for Erosion and Sediment Control on Building Sites* (2001).

4.2.5 Requirements

Objectives

O1 Identify all areas likely to cause pollution of waterways from the transport of stormwater run-off containing sediment and silt and implement appropriate devices to stop the risk of pollution.

Provisions

P1 Divert clean water around the construction site to prevent contamination.

P2 Retain as much natural vegetation as possible and limit site disturbance to minimise the risk of pollution.

P3 Control stormwater that enters the construction site from upstream.

P4 Divert stormwater from undisturbed upper slopes onto stable areas.

P5 Retain and stockpile all excavated topsoil on site for future landscaping where feasible.

P6 Prevent sediment/silt from entering adjoining public or private property (especially drains) by installing sediment control devices at the low side of sites and wash down areas.

P7 Provide a single, stabilised entry/exit point to the site. Sediment or building materials should be prevented from reaching the road or Council's stormwater system. Sediment shall be removed by sweeping, shovelling or sponging. Under no circumstances shall sediment be hosed.

P8 Where a *work zone permit* over public property is applicable, ensure that appropriate debris control devices are implemented to prevent spillage of building materials into stormwater drains.

P9 Compact all drainage lines when backfilling.

P10 Revegetate all disturbed areas, after on-site works are completed, in order to stabilise surface.

P11 Maintain all sediment control devices during construction and earthworks to standards acceptable to Council.

4.2.6 Maintenance and Monitoring

Objectives

O1 To ensure that erosion and sediment impacts are minimised during the entire construction period of the development.

Provisions

P1 The consent holder, property owner, contractor, builder and all persons on site during construction are responsible for controlling soil erosion and preventing the discharge of sediments from the building site entering into Councils stormwater system.

P2 A condition may be imposed on a development consent requiring the payment of an environmental bond/security to cover the costs of making good any damage from pollution that a proposed development has the potential of causing.

P3 Erosion and sediment control measures will be inspected in the course of Council site inspections following issue of a construction certificate.

P4 Where non-compliance with the DCP occurs, Council may charge a reinspection fee, claim the environmental bond, issue a Clean Up Notice, Prevention Notice or Penalty Infringement Notice if a pollution incident has occurred or has the potential to occur.

P5 In more serious cases, legal action may be considered under legislation dealing with environmental protection.

P6 *Protection of the Environment Operations Act 1997* constitutes an act of pollution as being a criminal offence.

4.2.7 Procedures

Objectives

O1 To outline the requirements and procedures for addressing soil erosion and sediment control.

Provisions

P1 A *Statement of Intent* must be supplied with all development applications. The Statement must outline the sedimentation and erosion control measures to be utilised and a simple erosion control site diagram demonstrating how the proposal will achieve the general objectives of the DCP.

P2 An *Erosion/Sediment Control Plan* may also be required to be submitted with the Development Application for a development involving excavation or that is likely to pose a significant environmental risk. The plan should include diagrams showing the erosion and sediment control measures, their location and type. A detailed *Erosion/Sediment Control Plan* may also be required to obtain a Construction Certificate.

P3 Erosion and sediment control site signs must be displayed on the site during building works, and provide advice to protect the environment from sedimentation and erosion from building sites. These signs are available from the Council Customer Service Centre.

P4 Work must not be carried out in a public road or footpath unless a permit has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993*, and/or s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a Complying Development Certificate. Consult with Council to determine if a permit is required.

4.2.8 Standards for Erosion and Sediment Control Plans

An Erosion and Sediment Control Plan can vary from a simple statement for minor proposals to complex engineering plans and associated documentation for major proposals, including all details of erosion and sediment control measures to be utilised.

Objectives

O1 To ensure that soil erosion and sedimentation is considered at the design stage of the development.

Provisions

P1 *Erosion and Sediment Control Plans* should:

(a) Consider a range of erosion and sediment control measures, including (where relevant) runoff diversion techniques, sediment trapping devices, construction of exits and entrances, revegetation techniques, site management, and controls for stormwater removal and pump-out.

(b) Be part of a soil and water management plan that addresses erosion and sediment control and additional water quality and/or water quantity issues during both the construction and operational stages. This can include identifying concrete delivery locations, service trenches, waste management and chemical storage.

(c) Demonstrate that appropriate controls have been planned, and that when implemented will minimise erosion and sedimentation. The Erosion and Sediment Control Plan should also demonstrate that its design life exceeds the

anticipated life of the project or stage for which it has been designed, to allow for unforeseen delays or contingencies.

(d) Adequately cover the contingency of, and change or delays to the project, activity or scope of works.

4.2.9 Erosion and Sediment Control Matrix

Table B-4.2comprises an Erosion and Sediment Control Matrix which describes the process, pre-requisites, references for addressing soil erosion and sediment control.

TABLE B-4.2: Erosion and Sediment Control Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Preventing pollution of waterways & bushland from the effects of erosion and sediment	• Any work that is likely to cause pollution from erosion and sediment • Maintaining erosion and sediment control devices as part of development activities	1. Lodge a Development Application	• Survey details • Statement of Environmental Impact • Erosion Control Plan showing how to minimise impact of pollution	• This section of the DCP • Development Application Guides	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough information to allow Council to assess the merit of the proposal • The Statement of Environmental Impact must address the issues raised in the checklist within the EP&A Act
		2. Obtain development consent	• Council assesses development application based on the risk of pollution and the merit of information presented.	• EP&A Act 1979		• In order to minimise delay the applicant should ensure that the Information provided in the application is relevant, accurate and fit-for-purpose
		3. Lodge a Construction Certificate Application	• Detailed construction drawings must include Erosion Control Plan • Section 138 Permit • Pay all fess and bonds	• This section of the DCP • Development consent • s.138 of Roads Act 1993 (if Applicable)	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough detailed design information to show that work can be built as per development consent conditions • No work is permitted on public property without a s.138 Permit • Bonds are a security against damage to Council Infrastructure
		4. Obtain a Construction Certificate	• PCA assesses docs for compliance with development consent	• Development Consent		• Principal Certifying Authority issues Construction Certificate
		5. Start Construction	• Install erosion and sedimentation control measures • Give Council Notice	• This section of the DCP • Construction Certificate	• NSC Performance Guide • NSC Infrastructure Specification Manual	• A Construction Certificate must be obtained before construction may commence.
		6. Apply for Occupation Certificate	• As built drawings • Video of drain pipes • Certifications as required • Council approval	• BCA • This section of the DCP • Construction Certificate		

4.3 WATER CONSERVATION

Objectives

O1 To minimise the use of potable water.

O2 To encourage the reuse of greywater, rainwater and stormwater.

Provisions

P1 A BASIX Certificate is required to be submitted with all residential development types nominated under *SEPP (Sustainable Buildings) 2022*.

Note: *BASIX assessments and certificates can be obtained on-line through the NSW Planning Portal at https://www.planningportal.nsw.gov.au/*

The following provisions apply to residential developments that do not require a BASIX Certificate and where relevant to commercial and other non-residential development.

P2 Consideration is to be given to incorporation of grey-water and black-water reticulation systems.

P3 Where the proposed development involves the installation of new:

(a) shower roses;

(b) taps for use over a basin, ablution trough, kitchen sink or laundry tub;

(c) flow restrictors;

(d) toilets;

(e) white goods, such as clothes washers or dishwashers;

they must have the highest WELS star rating available at the time of development.

P4 Install a stormwater tank where this will not affect amenity, views and other requirements of this section of the DCP.

P5 Recycled water (serviced by dual reticulation) should be utilised for permitted non-potable uses such as toilet flushing, laundry, irrigation, car washing, fire fighting, industrial processes and cooling towers..

P6 Harvest and use rainwater for garden irrigation and toilet flushing.

P7 Collect and reuse stormwater runoff for subsurface irrigation.

P8 Use endemic plants (as listed on Council's website) and xeriscape principles in landscaping.

Note: *Xeriscape principles essentially seek to limit the use of water for irrigation, through the design of landscaped areas and careful use of vegetation.*

P9 Install water efficient irrigation systems and controls.

P10 Separate meters are to be installed for the make-up lines to cooling towers, swimming pools, on the water supply to outdoor irrigation, and other significant end uses.

P11 Where cooling towers are used they are:

(a) to employ alternative water sources where practical; or

(b) to include a water meter connected to a building energy and water metering system to monitor water usage; and

(c) to be connected to a recirculating cooling water loop; and

(d) discouraged where they are a single pass cooling systems; and

(e) to be connected to a conductivity meter to ensure optimum circulation before discharge.

P12 Install a pool cover where the proposed development includes an external swimming pool.

Commercial

P13 Rainwater tanks or other alternative water sources including recycled water systems are to be installed to minimise the use of potable water and maximise the use of alternative water sources.

P14 Rainwater tanks should be plumed to appropriate end uses, including toilet flushing, water features, car washing and garden irrigation.

P15 Separate meters are to be installed on separate units of occupancy in non-residential BCA class 5, 6 and 7 buildings.

P16 A reporting system should be developed to inform/educate occupants about the building's water consumption.

P17 Use waterless urinals.

P18 Install sensor operated taps, or automatic shutoff taps, especially in public area.

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SECTION 5 SOLAR ACCESS

5.1 OBJECTIVES

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

O2 To ensure that solar access is maintained to Special Areas, open spaces and publicly accessible outdoor places.

O3 To maintain solar access to residential areas surrounding the North Sydney Centre.

O4 To avoid the creation of long solid masses of development which prevent the penetration of daylight and/or sunlight through to pedestrian levels and to northern and eastern facades of buildings.

5.2 PROVISIONS

P1 Developments within the North Sydney Centre must comply with the height and overshadowing requirements contained within cl.4.3, and cl.6.3 of NSLEP 2013.

P2 Developments located outside of North Sydney Centre 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,

located in any residential accommodation on the land on which the development is located or on adjoining land.

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

P3 Developments located outside of North Sydney Centre should be designed and sited such that a development will not result in a net increase in overshadowing:

(a) between 12 pm and 2 pm from the March equinox to the September equinox (inclusive) on land within the North Sydney Centre that is within the RE1 Public Recreation zone or that is identified as "Special Area" under NSLEP 2013, or

(b) between 10 am and 2 pm from the March equinox to the September equinox (inclusive) of the Don Bank Museum.

P4 New development should not overshadow existing or proposed public open spaces located outside of the North Sydney Centre between 11.30am and 2.30pm, or any alternative specified timeframes for particular areas identified in Part F of the DCP.

P5 Spaces are to be created between taller buildings to avoid a solid mass of development and to allow daylight and/or sunlight to penetrate through to pedestrian level.

P6 Setbacks must be provided between buildings above the podium level.

P7 Provide a mix of sun-protected and unprotected areas in public open space, roof top gardens and other outdoor spaces.

P8 For outdoor dining and goods display on footpaths, solar access to nearby open spaces, outdoor dining areas or residential areas, is not to be obstructed particularly between the hours of 12 noon and 2.00pm.

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SECTION 6 VISUAL PRIVACY

6.1 OBJECTIVES

O1 To ensure that existing and future residents are provided with a reasonable level of visual privacy.

6.2 PROVISIONS

Building Separation

P1 Provide visual separation between any non-residential use and dwellings.

P2 Development for the purposes of residential flat building and shoptop housing are to provide adequate separation to adjacent properties and within the development between habitable rooms, balconies and non-habitable rooms, consistent with *SEPP (Housing) 2021*. The relevant building separation distances are reproduced in Table B-6.1. Increased setbacks may be required to ensure that adequate solar access is provided to neighbouring dwellings.

TABLE B-6.1: Building Separation Requirements

Building height (metres)	Between habitable rooms and balconies	Between habitable & non-habitable rooms	Between non-habitable rooms
Up to 4 storeys (approx. 12m)	12m	9m	6m
5 to 8 storeys (approx.-25m)	18m	12m	9m
9 storeys (approx. 25m +)	24m	18m	12m

P3 Council may consider a variation to the building separation control within P5 above, but only where the applicant can demonstrate that the variation has been made in response to site and context constraints and that the variation is not made at the expense of amenity (e.g. visual and acoustic privacy, outlook, solar access). However, Council will not consider a variation if an apartment's only outlook is onto an area that is under the minimum building separation distance.

Windows

P4 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.

P5 Where windows are located with a direct outlook to windows of an adjacent dwelling, the windows must be provided with a minimum sill height of 1.5m, or use fixed obscure glazing or other privacy devices.

P6 Provide suitable screening structures to minimise overlooking to the windows, balconies or private open space of dwellings within the same development or adjoining land.

Decks, Patios, Terraces, Open Entertaining (excluding residential flat buildings and shoptop housing development greater than 2 storeys in height)

P7 Limit the width and depth of any deck, patio or terrace located greater than 1m above ground level (existing) where privacy and loss of views is an issue and consider using screen devices where relevant.

P8 Private or communal open spaces or open entertaining spaces such as terraces, patio, gardens and the like are not supported on rooftops.

P9 Despite P7 above, private or communal open spaces on roofs may be considered, but only if:

(a) the space is designed such that there is no potential for existing or future overlooking of the space and subsequent noise and privacy issues; and

(b) the space is setback at least 1m from the extent of the external enclosing walls to the floor level below; and

(c) the space does not exceed 50% of the floor area of the storey immediately below or 18m^2, whichever is the lesser; and

(d) for non-residential development, there is no other no other appropriate ground level space for outdoor recreation;

(e) for residential accommodation, there is no other appropriate ground level space for outdoor recreation off a primary living room.

Note: *For residential flat buildings and shoptop housing development greater than 2 storeys in height, the provisions of the Apartment Design Guide apply.*

SECTION 7 OPERATIONAL NOISE

7.1 NON-RESIDENTIAL USES

Objectives

O1 To ensure reasonable levels of acoustic amenity to nearby residents.

Provisions

P1 Noise emission associated with the operation of non-residential premises or non-residential components of a building within all zones other than the *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential* or *C4 Environmental Living* Zones must not exceed the maximum 1 hour noise levels (LAeq 1 Hour) specified in Table B-7.1.

TABLE B-7.1 –Noise Emission Limits

Time Period			Max 1 hour noise level (LAeq 1 Hour)
Day	**Period**	**Time**	
Weekday	Day	7am – 6pm	60 dBA
	Evening	6pm – 10pm	50 dBA
	Night	10pm – 7am	45 dBA
Weekend	Day	8am – 7pm	60 dBA
	Evening	7pm – 10pm	50 dBA
	Night	10pm – 8am	45 dBA

Notes: *LAeq (1hour) readings are to be measured during the noisiest 1 hour period between Day – 7/8am to 6/7pm, Evening – 6/7pm – 10pm and Night – 10pm to 7/8am.*

P2 Noise emission associated with the operation of non-residential premises on land within the *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential* or *C4 Environmental Living* zones, or on land zoned *SP2 Infrastructure* which is also located adjacent to land zoned *R2 Low Density Residential*, *R3 Medium Density Residential, R4 High Density Residential* or *C4 Environmental Living*, must not exceed the maximum 1 hour noise levels (LAeq 1 Hour) specified in Table B-7.2.

TABLE B-7.2: Noise Emission Limits

Time Period			Max 1 hour noise levels (LAeq 1 Hour)	
Day	**Period**	**Time**	**Urban Area***	**Suburban Area#**
Weekday	Day	7am – 6pm	60 dBA	55 dBA
	Evening	6pm – 10pm	50 dBA	45 dBA
	Night	10pm – 7am	45 dBA	40 dBA
Weekend	Day	8am – 7pm	60 dBA	55 dBA
	Evening	7pm – 10pm	50 dBA	45 dBA
	Night	10pm – 8am	45 dBA	40 dBA

Notes: *Laeq (1hour) readings are to be measured during the noisiest 1 hour period between Day – 7/8am to 6/7pm, Evening – 6/7pm – 10pm and Night – 10pm to 7/8am.*
** Urban Area – applies to any allotment of land zoned SP1 Special Activities or SP2 Infrastructure that is located adjacent to land zoned E1 Local Centre, E2 Commercial Centre or MU1 Mixed Use.*
 # Suburban Area – Applies to any allotment of land not classified as an urban area.

P3 In terms of determining the maximum noise levels as required by P1 and P2 above, the measurement is to be taken at the property boundary of the nearest residential premises. Within a mixed use development, the boundary is taken to be nearest floor ceiling or wall to a residential dwelling on the site.

P4 Despite P1 and P2 above, the noise emission associated with the operation of non-residential premises or non-residential components of a building must not exceed 5 dBA above the background maximum 1 hour noise level (LAeq 1 Hour) during the day and evening and not exceeding the background level at night when measured at the boundary of the property.

P5 Council may require the submission of an Acoustic Report to ensure compliance with P1 above.

P6 Plant and machinery should incorporate noise reduction measures to minimise their impacts.

P7 Developments should be designed and / or incorporate features that reduce noise transmission.

P8 Where practical, development should incorporate adequate measures for tonal, low frequency, impulsive, or intermittent noise.

P9 Materials with low noise penetration properties should be used where practical.

P10 Mechanical equipment, such as pumps, lifts or air conditioners should not be located adjacent to bedrooms or living rooms of any dwellings on adjoining properties.

P11 Developments must comply with *EPA Noise Policy for Industry 2017* in particular the modification required for acceptable noise level (ANL).

7.2 CHILD CARE FACILITIES

Objectives

O1 To ensure that the operation of the child care facility does not adversely impact on the acoustic amenity of adjoining properties.

Provisions

P1 All applications for a child care facility must be accompanied by an Acoustic Report prepared by a suitably qualified acoustic consultant.

P2 Noise levels (measured at any point on the boundary of the site between the proposed child care facility and adjoining property) do not exceed 5dB(A) above the L_{90} background level during the hours of operation. Council may consider a variation to this requirement, but only if the applicant can adequately demonstrate that an alternative method of controlling the impact as outlined in the Association of Australian Acoustic Consultants' *Technical Guidelines – Child Care Centre Noise Assessment*.

P3 Where practical, locate noisy areas such as outdoor play areas, vehicle access and pathways away from habitable windows of adjoining dwellings.

P4 Consideration is given to using appropriate noise reduction measures, such as:

(a) Appropriate location of areas of high noise generation;

(b) Double glazing on windows;

(c) Acoustic fences; and

(d) Construction materials incorporating sound insulation properties.

7.3 LATE NIGHT TRADING PREMISES

The following objectives and provisions apply to all development to which Part D: Section 9 - *Late Night Trading Premises* of the DCP applies.

7.3.1 Acoustic Emission Limits

Objectives

O1 To ensure the use of premises do not result in any unreasonable acoustic impacts on surrounding residential properties.

Provisions

P1 The premises must comply with the following relevant noise criteria:

(a) the noise emission limits set out in P1 to Section 7.1 to this Part B of the DCP for development located in the:

(i) *E1 Local Centre* zone;

(ii) *E2 Commercial Centre zone*; and

(iii) *MU1 Mixed Use* zone.

(b) the noise emission limits set out in P2 to Section 7.1 to this Part B of the DCP for development located in all other zones.

(c) All relevant noise criteria required by the NSW Office of Liquor and Gaming for licensed premises.

P2 An Acoustic Report prepared by an appropriately qualified Acoustic Consultant which predicts the likely level of compliance with the criteria outlined in P1 as relevant must be submitted with a development application for any of the following late night trading premises or activities:

(a) pubs,

(b) small bars,

(c) outdoor dining,

(d) smoking areas, and

(e) any use proposed to operate beyond the maximum trading hours.

P3 Where relevant, an Acoustic Report should take into account any mechanical plant associated with the use of the site.

P4 The recommendations of any Acoustic Report must form part of the Plan of Management where relevant and shall be adhered to at all times.

P5 The applicant may be required to undertake on-going acoustic monitoring and this will be required as part of a condition of consent.

Note: *It is at Council's discretion to request the submittal of an Acoustic Report for any development application if it considered the proposal may impact adversely on the amenity of the area.*

7.3.2 External doors, windows and openings

Objectives

O1 To minimise noise impacts on surrounding residential properties.

O2 To protect adjacent residential properties located within close proximity to late night premises.

Provisions

P1 Where a premises is located within close proximity of a residential property or other sensitive noise receiver and is likely to result in adverse acoustic impacts, all doors and windows on a building's elevation fronting a residential receiver, must be kept closed no later than the hours specified in the following table, other than to allow entry or egress.

TABLE B-7.3– Doors and windows to be kept closed

Zone		Doors and windows to be kept closed by:
E2 Commercial Centre		11pm
MU1 Mixed Use		10pm
E1 Local Centre	Properties in Kirribilli Village identified in Figure E-7.1	10pm
	1) Properties within Kirribilli Village, other than those identified in Figure E-7.1 2) Properties with a frontage to Miller St, Cammeray 3) Blues Point Road, McMahons Point	9pm
	All other locations	8pm
All other zones		8pm

P2 Notwithstanding P1, doors and windows must be closed in accordance with the recommendations of any applicable Acoustic Report, where the recommendation is more restrictive than the hours specified in P1.

P3 Where a site has two frontages, entry or exit after 10pm should occur only from the primary frontage or road and not onto a secondary road or laneway.

P4 The applicant must demonstrate that the premises can be adequately ventilated to accommodate the closure of these doors and windows and that the premises can comply with relevant BCA provisions including egress and fire safety.

7.4 SEX SERVICES AND RESTRICTED PREMISES

Objectives

O1 To minimise noise at the boundary of the premises.

Provisions

P1 Applications for sex services premises or restricted premises (other than for retail sales only) must be accompanied by a *noise management plan* and an *acoustic impact report* prepared by a suitably qualified acoustic consultant.

P2 Windows and doors should incorporate noise reduction measures.

P3 Premises should incorporate building materials and arrange room layouts to minimise noise transmission.

SECTION 8 LIGHT SPILL AND REFLECTIVITY

8.1 REFLECTIVITY

Objectives

O1 To minimise the impacts by reflected light and solar reflectivity from buildings on pedestrians and motorists.

Provisions

P1 Buildings should provide a greater proportion of solid to void on all facades and use non-reflective materials.

P2 Buildings should use non-reflective glass and / or recess glass behind balconies.

P3 Sun shields, such as awnings, canopies and pergolas should be provided to glazed areas.

P4 Council may require the submission of a Reflectivity Study prepared by a suitably qualified consultant.

8.2 ARTIFICIAL ILLUMINATION

Objectives

O1 To minimise the impact of artificial illumination on the amenity of residents and pedestrians.

O2 To provide a safe urban environment without adverse effects on surrounding development or the public domain.

O3 To minimise the impact of artificial illumination in contributing to sky glow.

Provisions

P1 External facades of buildings should not be floodlit.

P2 Where external artificial illumination is proposed:

(a) it should be designed and sited to minimise glare.

(b) It must comply with the standards set out in Australian Standard *AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.

P3 Illumination of roof top and/or podium level facilities is not to exceed the curfew outlined in Table B-8.1.

TABLE B-8.1 – Illumination curfews

Zone	Curfew Time
E2 Commercial Centre	1.00am
E1 Local Centre E3 Productivity Support MU1 Mixed Use	11.00pm
Any other zone	10.00pm

P4 Entrances must be well lit and do not produce shadows or adverse glare.

P5 Staff entrances in commercial buildings which are separated from the main building entrance must be well lit and opportunities for casual surveillance is maximised.

P6 Timers and sensors should be used in commercial buildings in residential zones to minimise sky glow.

P7 Council may require the submission of a Lighting Report for a development prepared by an appropriately qualified person.

8.2.1 Illumination in the employment and mixed use zones

The following provisions apply to non-residential development on land within the *E1 Local Centre*, *E2 Commercial Centre*, *E3 Productivity Support*, and *MU1 Mixed Use* zones.

Objectives

O1 To ensure the safety of pedestrians in the public domain after dusk.

Provisions

General

P1 The following areas must be illuminated in accordance with *AS 1158.3.1 - Pedestrian (P)*:

(a) public footpaths;

(b) laneways; and

(c) areas under publicly accessible awnings over public or private property.

P2 Accent lighting should be used to highlight solid sections of buildings which adjoin public footpaths.

P3 Level of lighting provided, and fittings used, should be consistent with that of nearby properties.

P4 Lighting is to be provided in accordance with *AS/NZS 1158.3.1:1999 Pedestrian (P) – "pedestrian area performance and installation requirements"* except in the following instances:

(a) Within the North Sydney CBD Locality Area:

(i) Illuminance values in the range of 150% to 400% of the Lighting Category P6 illuminances.

(ii) Maintained horizontal average illuminance – 30 lux.

(iii) Minimum maintained horizontal average illuminance – 10 lux.

(iv) Maintained illuminance uniformity – 10.

(v) Maintained vertical illuminance – 10 lux.

(b) Within all other employment and mixed use zones:

(i) Illuminance values in the range of 100% to 300% of the Lighting Category P6 illuminances.

(ii) Maintained horizontal average illuminance – 20 lux.

(iii) Minimum maintained horizontal average illuminance – 7 lux.

(iv) Maintained illuminance uniformity – 10.

(v) Maintained vertical illuminance – 7 lux.

P5 As a minimum requirement, all external lighting should operate, from dusk until dawn on Thursday, Friday and Saturday nights, and from dusk until midnight on all other nights. Extended illumination may be considered in the *E2 Commercial Centre* zone only.

P6 Control is initiated by a suitably adjusted/calibrated photo-electric switch should be incorporated to turn on at dusk and that the lights will be at full output when the daylight illuminance in the subject areas falls to the required illuminances stipulated above.

P7 Luminaires must be suitable for the installation conditions (non-corroding, sealed against ingress of water, dust and insects) and utilize lamps with a luminous efficacy not less than 70 lumens per watt.

P8 Luminaires should be aesthetically compatible with the design of the awnings and building façade to which they are attached.

P9 Bare lamp fluorescent luminaires are not permitted.

P10 The use of recessed downlights (with suitable broad lighting distribution) is encouraged wherever practical.

P11 Where the design of the awning or building façade precludes the installation of recessed downlights, use surface mounted luminaires compatible with the design of the awning/façade.

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SECTION 9 WIND AND AIR QUALITY

9.1 WIND SPEED

Objectives

O1 To ensure pedestrian comfort is not adversely affected by wind when walking along public streets or sitting down in public spaces.

Provisions

P1 Buildings should be designed to reduce wind velocity at footpaths and publicly accessible outdoor spaces.

P2 Where a proposal results in a building exceeding 33m in height:

(a) it should not result in the wind speed exceeding 13m/s at footpaths and publicly accessible outdoor spaces, and

(b) a Wind Impact Assessment, prepared by an appropriately qualified person, must be submitted with the application demonstrating the proposal's acceptability.

9.2 CLEAN AIR

Objectives

O1 To ensure that development does not adversely affect air quality.

Provisions

P1 Operating plant, building materials and finishes should be incorporated that are non-toxic and reduce toxic emissions.

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SECTION 10 ENVIRONMENTAL SUSTAINABILITY

10.1 INTRODUCTION

Residential

Nearly half the energy consumption in buildings is through heating, cooling, ventilation and lighting. By incorporating passive solar design and technologies that reduce energy consumption it is possible to reduce costs to the resident (e.g. lower energy bills) and to the environment (e.g. a reduction in greenhouse gases and use of non-renewable resources), both of which contribute to sustainable development.

Commercial development

The commercial and retail sectors are significant users of electricity and are major contributors to greenhouse emissions in Australia. Improving energy efficiency is one of the most cost effective ways of reducing greenhouse gas emissions. The pursuit of energy efficiency can bring economic, social and environmental benefits. Another reason to encourage energy efficiency is the reduction in maintenance costs and improved leasability and saleability of the building.

Nearly half of energy consumption in buildings is due to heating, cooling, ventilation, office equipment and lighting. Most commercial buildings or premises could reduce their energy consumption by at least 20% by investing in the latest energy efficient equipment. Such investment invariably offers a highly profitable rate of return, resulting in cost-effective energy savings with the positive result of reducing emissions.

The main sources of energy use in commercial buildings include heating and cooling (air-conditioning), lighting and the use of office equipment. A typical energy bill is 25% of a building's total operating costs. By incorporating passive solar design strategies and using building techniques that minimise energy use, it is possible to reduce energy associated costs by up to 60%. The way the occupants operate and maintain a building is crucial to its energy efficiency so just having a smart design does not guarantee an efficient building. Controls in this section of the DCP seek to acknowledge these facts by addressing both building design and maintenance.

10.2 ENERGY EFFICIENCY

Objectives

O1 To ensure that developments minimise their use of non-renewable energy resources.

O2 To ensure that buildings are designed such that the air conditioning plant meets performance requirements, while minimising energy usage.

O3 To encourage the use of energy efficient lighting.

Provisions

P1 Consider the following issues when assessing the energy rating of buildings and whether any of these issues prevent the achievement of the energy ratings:

(a) orientation or shape of the block;

(b) existing overshadowing due to either the surrounding terrain or existing development;

(c) topography, geology or geo-technical constraints preclude energy saving design such as slab-on-ground construction; and

(d) conflict with requirements or guidelines in relation to privacy, area character, building design, bulk and scale or heritage considerations set out in the LEP or the DCP.

P2 Ensure that the development does not reduce the energy efficiency of buildings in the vicinity.

P3 Improve the control of mechanical space heating and cooling by designing heating/cooling systems to target only those spaces which require heating and cooling, not the whole building.

P4 Where the proposed development involves the installation of any of the following:

(a) hotwater systems;

(b) clothes drier;

(c) dishwasher;

(d) fixed air conditioning systems (including reverse cycle systems);

(e) fixed heating systems;

they must have a minimum energy star rating of 4.5 stars.

P5 Lighting for streets, parks and any other public domain spaces provided as part of a development should be energy efficient LED lighting.

P6 Car parking areas should be designed and constructed so that electric vehicle charging points can be installed at a later time.

P7 Where appropriate and possible, the development of the public domain should include electric vehicle charging points or the capacity for electric vehicle charging points to be installed at a later time.

P8 Improve the efficiency of hot water systems by insulating hot water systems.

P9 Wherever possible solar hot water systems should be provided.

P10 Incorporate on-site renewable energy sources to supplement energy needs during daily peak energy use.

P11 In considering proposals for renewable energy, consideration should be given to the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.

P12 Timers and movement sensors should be used to minimise energy consumption, particularly for lighting and mechanical ventilation in public areas.

P13 Energy efficient lighting and technology should be used to reduce energy consumption. Consider the use of solar powered illumination.

P14 Use solar powered lighting for external areas.

P15 The use, location and placement of photovoltaic solar panels take into account the potential permissible building form on adjoining properties.

Non-residential development

P16 In multi-floor or multi-tenant or strata-subdivided developments, electricity sub-metering is to be provided for light, air-conditioning and power within each floor and/ or tenancy and/or strata unit. Locations are to be identified on the development plans. Electricity sub-metering should be provided for significant end uses that will consume more than 10,000 kWh/a.

P17 Reduce reliance on artificial lighting by designing lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building.

P18 Locate appliances and equipment that generate waste heat, (such as copiers) in areas separated from the spaces requiring cooling.

10.3 PASSIVE SOLAR DESIGN

Objectives

O1 To ensure that site layout and building orientation allows for maximum solar access to dwellings, especially to living areas, and are adapted to local climatic conditions and prevailing site characteristics.

Provisions

P1 To achieve maximum solar access orient the building within 20° west of north to 30° east of north.

P2 Adapt site layout and building orientation to local climatic conditions and prevailing site characteristics, such as existing overshadowing, planting and slope.

P3 Orient the long axis or length of the building to the northerly aspect.

P4 East and west facing glazing on building elevations should be minimised and incorporate shading in summer.

P5 Provide shading devices on north facing walls to completely shade glazing from October to late February. To calculate the extent of shading device, draw a section and extend a line from the base of the window at 70°. The outer edge of the eaves or shading device should reach this line.

P6 Optimise natural light access to reduce the amount of energy used to run artificial lighting (limiting the internal depth of the building allows efficient use of natural light).

P7 If landscaping is proposed as part of the development, a documented landscape design concept demonstrates how the landscaping contributes to energy efficiency by providing substantial shade in summer, especially to west facing windows and open car parking areas, and enabling winter sunlight to penetrate outdoor and indoor living and working areas.

P8 Buildings are designed, wherever possible, to include a north facing roof where a solar hot water system or collector can be installed.

Residential

P9 Locate the main daytime living areas (e.g. family, dining and meal rooms) on the northern side of dwellings.

P10 Ensure windows of living areas that face north will receive at least three hours of sunlight between 9am and 3pm over a portion of their surface during the winter solstice.

P11 Where main living areas are oriented northwards, aim to achieve a glazed area of 30% of the dwelling's floor area in this direction.

P12 Provide adjustable awnings, shutters and external louvres on east and west facing windows.

P13 Consideration should be given to using north facing pergolas to shade walls and windows (deciduous vines can be trained over the pergola to provide effective cooling in warm weather).

P14 Where a north facing pergola contains fixed louvres, space and orient the louvres so that a line between the top of one blade and the bottom of the next makes an angle of 70°.

P15 Angle louvres to correspond to the lowest altitude angle the sun reaches at noon in winter (31° in Sydney).

P16 South facing glazing should be kept to a minimum to reduce winter heat losses.

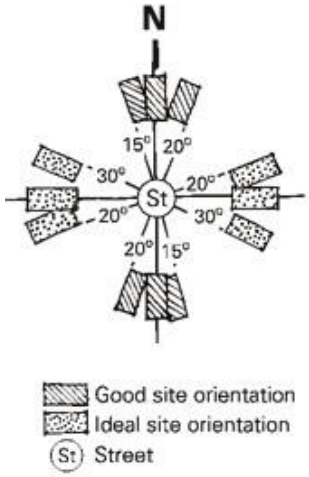

Figure B-10.1:

Good passive solar performance can be achieved at minimal cost if the development is appropriately oriented.

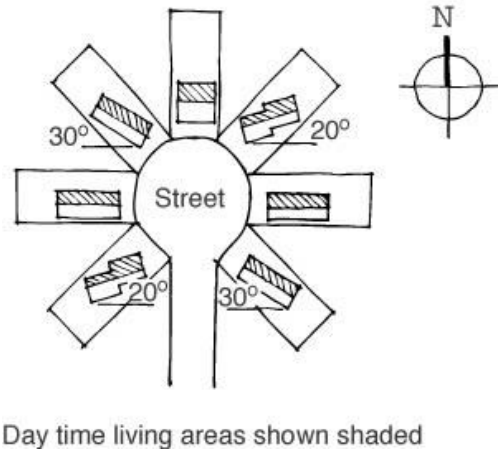

Figure B-10.2:

Where possible, orient the development such that daytime living areas and outdoor spaces are north-facing.

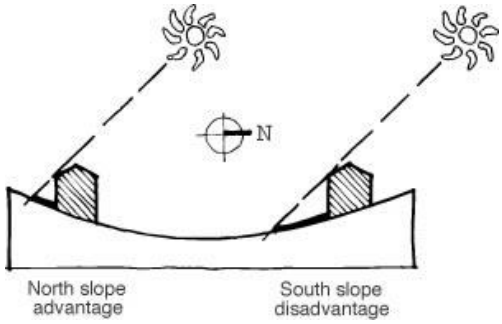

Figure B-10.3:

A north facing slope increases the potential for access to northern sun and is ideal for higher housing densities. A south facing slope increases the potential for overshadowing

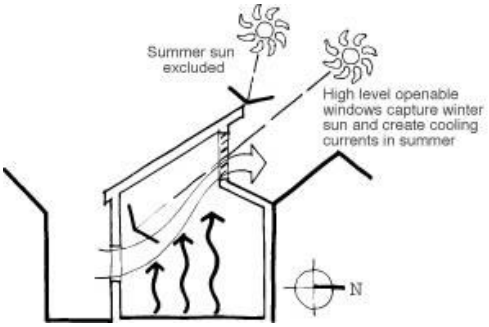

Figure B-10.4:

Poor orientation can exclude winter sun, and cause overheating in summer by allowing low angle east or west sun to strike glass surfaces

10.4 THERMAL MASS AND INSULATION

Thermal mass is the ability of a material to absorb heat energy. Materials like concrete, bricks and tiles are deemed to have a high thermal mass, as they require a lot of heat energy to change their temperature. Lightweight materials such as timber have low thermal mass. More thermal mass results in more even range in inside air temperature. Appropriate use of thermal mass throughout your home can make a big difference to comfort and heating and cooling bills.

Thermal mass is not a substitute for insulation. Thermal mass stores and re-radiates heat whereas insulation stops heat flowing into or out of the building. A high thermal mass material is not generally a good thermal insulator.

Insulation acts as a barrier to heat flow and is essential to keep your home warm in winter and cool in summer. A well insulated and well designed home will provide year-round comfort, cutting cooling and heating bills by up to half. This, in turn, will reduce greenhouse gas emissions.

Objectives

O1 To achieve more even, year-round average temperature, making the dwelling more comfortable to live in and resulting in less demand for artificial heating or cooling.

Provisions

P1 To maximise natural heating, provide flooring that will absorb heat from the winter sun (i.e. A concrete slab floor on the ground offers the best thermal massing properties, whilst timber floors have minimal performance in terms of thermal mass. Dark coloured tiles laid over a concrete slab is the most desirable covering in terms of maximising the performance of thermal mass in a dwelling).

P2 To maximise natural cooling, protect thermal mass from summer sun with shading and insulation. Allow cool night breezes and air currents to pass over the thermal mass, drawing out all the stored energy.

P3 Incorporate masonry walls and insulated walls and ceilings to contribute to the effectiveness of thermal mass.

P4 Thermal insulation is used in the roof, walls and floor.

P5 Ceiling/roof insulation must have at least an R3.0 rating or equivalent and wall insulation must have at least an R1.5 or equivalent rating. Insulation of cavity brick walls is not required. These ratings are based on AS 2627: Part 1-1993.

P6 Use bulk or reflective insulation, or a combination of both, to achieve the required insulation value.

P7 Heat loss/gain is minimised though the use of awnings, shutters or high performance glazing (e.g. double glazing).

10.5 NATURAL VENTILATION

Ventilation is essential for good health and prevention of condensation. However, the lack of natural ventilation can cause discomfort for occupants and waste energy if artificial ventilation is installed.

Objectives

O1 To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.

O2 To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.

O3 To ensure that workers in commercial development are provided with direct access to fresh air and to assist in promoting thermal comfort for occupants

Provisions

P1 Locate windows and openings in line with each other on opposing walls and with prevailing breezes.

P2 Provide ceiling fans for use in summer (fans produce a cooling air movement that is preferable to letting in the hot daytime air).

10.6 COLOURS AND MATERIALS

Colours and materials can be used to absorb or reflect heat from the sun. Dark colours tend to absorb the sun's rays whereas light colours are more reflective. There is little advantage in using dark external colours to absorb heat in winter. However, the use of lighter colours, particularly on the roof area and on east and west facing walls, are particularly advantageous during summer to reflect the sun's heat. Glare effects and streetscape issues need to be considered when choosing external colours.

Objectives

O1 To maximise the energy efficiency of dwellings.

Provisions

P1 Buildings should use lighter coloured materials and finishes on main external parts of the building.

10.7 HOTWATER SYSTEMS IN RESIDENTIAL ACCOMMODATION

Objectives

O1 To ensure the most efficient water heating methods are used to assist in the reduction of greenhouse gas emissions and use of non-renewable resources.

Provisions

P1 New hotwater systems installed in dwellings must not solely rely on electrical mains power to heat the water (n.b. sole electrical hotwater systems are not permitted in new dwellings).

P2 Install solar powered water heaters on any residential development. Solar powered water heaters may be either gas or electrically boosted, but boosting should be limited to a maximum of 50% of total heating requirement with the remainder of heating requirements achieved through solar gain.

P3 Where it can be demonstrated that insufficient solar access is available for a solar powered system install a heat pump or natural gas system.

P4 Locate solar cells, heat pumps or any associated structures so as to as avoid impact on the aesthetics of a building, the streetscape, or heritage significance of a building or conservation area.

P5 Centralise solar or heat pump hot water systems in larger scale residential flat buildings or attached dwelling developments, to achieve economies of scale.

P6 Where it can be demonstrated that the installation of a low greenhouse gas emission water heating system would require additional expenditure which is not cost-effective over a five year period other systems may be considered.

10.8 ADAPTIVE REUSE OF BUILDINGS

Objectives

O1 To encourage the adaption and reuse of buildings.

Provisions

P1 Where feasible, existing buildings are to be reused in preference to demolition.

P2 Buildings should be designed to encourage adaptable office floorspace to accommodate changing occupier requirements.

10.9 BUILDING MATERIALS

Objectives

O1 To encourage the use of materials which have a low environmental impact during their life cycle.

O2 To encourage the use of toxin free material to minimise the health impact of materials used indoors.

O3 To maximise the energy efficiency of buildings.

Provisions

P1 Products with the least life cycle impact should be favoured.

P2 The use of the following types of building materials are to be maximised wherever possible:

(a) materials which are sourced from renewable and abundant resources;

(b) materials which are durable;

(c) locally manufactured and produced materials;

(d) materials with a low embodied energy content;

(e) salvaged and/or recycled materials;

(f) timber obtained from certified sustainable sources;

(g) materials with a high recycled content (>50%);

(h) low volatile organic compound (VOC) emitting materials;

(i) mechanical fixings instead of adhesives and glues, wherever possible;

(j) when using Medium Density Fibreboard, ensure that it has a low formaldehyde content;

(k) use toxin-free floor finishes;

P3 Avoid the use of the following:

(a) copper, chrome, cadmium, lead, mercury, cyanide, and formaldehyde;

(b) materials, sealants and adhesives containing PVC;

(c) wood treated with CCA;

(d) solvents.

P4 Use physical termite barriers (made of granite or stainless steel) instead of chemicals where possible.

P5 Buildings should use lighter coloured materials and finishes on main external parts of the building.

10.10 GREEN ROOFS

A green roof can comprise a roof system that is designed to promote the growth of various forms of vegetation, renewable energy production and/or water collection technology on the tops of buildings. Although a green roof is only one element of a building, it is extremely important when considering the long term sustainability of buildings and their impacts on the environment.

Green roofs can not only assist in minimising impacts on the environment but can also help to reduce a building's running costs.

Applicants are requested to consult the *North Sydney Council Green Roof and Wall Resource Manual* for technical guidance on the design, construction and maintenance of green roofs.

Objectives

O1 To provide accessible roof space providing increased amenity for the occupants and visitors of the building.

O2 To improve the aesthetics and amenity of the urban environment (this particularly relates to the appearance of the roof when viewed from surrounding buildings).

O3 To provide space to accommodate renewable energy production.

O4 To improve stormwater management by controlling both the quality and flow of stormwater.

O5 To increase biodiversity by the use of plant material, and in particular to promote food production where appropriate.

O6 To protect the building structure by increasing its thermal protection which will also help to reduce internal heating and cooling requirements.

Provisions

P1 Development applications for all new buildings or alterations and additions to an existing building that involves the creation of new roof spaces must submit a roof plan demonstrating how the new available roof space[1] contributes to the achievement of at least three of the above objectives.

P2 In satisfying provision P1 above, the roof plan must illustrate those parts of the available roof space to be used as a green roof immediately after construction of the proposed works and/or areas capable of being retrofitted for a green roof at a later date. Applicants are encouraged to accommodate green roofs immediately after construction.

10.11 WIND TURBINES

Objectives

O1 To manage the impacts of wind turbines.

Provisions

P1 Wind turbines are:

(a) not to involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent;

(b) to be clear from power lines in accordance with the requirements of the relevant electricity authority;

(c) not to affect the structural integrity of the building;

(d) should not detract from the significance of a heritage item or a heritage conservation area;

(e) not to be located along a bat or bird flyway; and

(f) to be installed in accordance with manufacturer's specifications.

P2 Wind turbines are not to cause the following LAeq levels to be exceeded in any nearby residential development (with windows closed):

(a) in any bedroom in the building—35 dB(A) at any time between 10pm and 7am;

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

10.12 SUSTAINABILITY REPORTING

10.12.1 Residential Accommodation

Objectives

O1 To ensure that development for residential accommodation minimises their use of non-renewable energy resources.

[1] *"Available roof space" excludes plant rooms, lift overruns and other equipment such as building maintenance units. Available roof space includes the roof tops of any podiums.*

Provisions

P1 A BASIX Certificate is required to be submitted with all developments incorporating residential development types nominated under *SEPP (Sustainable Buildings) 2022*.

Note: *BASIX assessments and certificates can be obtained on-line via the NSW Planning Portal at* www.planningportal.nsw.gov.au

10.12.2 Non-Residential Development

The commercial and retail sectors are significant users of electricity and are major contributors to greenhouse emissions in Australia. Improving energy efficiency is one of the most cost effective ways of reducing greenhouse gas emissions. The pursuit of energy efficiency can bring economic, social and environmental benefits. Another reason to encourage energy efficiency is the reduction in maintenance costs and improved leasability and saleability of the building.

Reducing waste has environmental, social and economic benefits. There are many opportunities in the development process to reduce the amount of waste and to maximise the amount of material that is recycled and reused, rather than going to landfill.

The amount of stormwater runoff in an area relates directly to intensity of development in that area. The more impervious to stormwater an urban area is, the larger the runoff quantities are and thereafter the impact on the environment.

National Australian Built Environment Rating Scheme (NABERS)

North Sydney Council encourages developers to obtain a NABERS rating for commercial and commercial components of buildings. The rating assesses a building's performance in terms of its Greenhouse gas emissions during its operation.

The Rating Scheme, which is managed by the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), allows owners and occupiers of commercial and commercial components of buildings to benchmark the greenhouse performance of their premises on scale of one to five. One represents the most polluting and five, the least polluting, with three representing best market practice. New commercial buildings, refurbishments, tenancies and fitouts will have to demonstrate compliance with this DCP by signing DCCEEW's NABERS – Energy Commitment Agreement and achieving a minimum 4.5 star rating for the base building, whole building for tenancies (as appropriate).

Green Star

North Sydney Council encourages developers to obtain a Green Star rating for developments involving the provision of substantial commercial floor space. The Green Star rating system, which is managed by the Green Building Council of Australia, is a comprehensive, national, voluntary environmental rating system that evaluates the environmental design and construction of buildings. Approximately, 11 per cent of Australia's CBD[2] commercial office buildings are Green Star certified, reinforcing that building "green" is now a business imperative.

The following Green Star Certified Ratings are available:

- **4 Star Green Star Certified Rating** (score 45-59) signifies 'Best Practice' in environmentally sustainable design and/or construction
- **5 Star Green Star Certified Rating** (score 60-74) signifies 'Australian Excellence' in environmentally sustainable design and/or construction
- **6 Star Green Star Certified Rating** (score 75-100) signifies 'World Leadership' in environmentally sustainable design and/or construction

Although Green Star certification requires a formal process, any project can freely download and use the Green Star tools as guides to track and improve their environmental attributes. Refer to *www.gbca.org.au*.

[2] *Figures obtained from the Green Building Council of Australia, circa October 2010.*

Objectives

O1 To ensure that developments minimise their use of non-renewable energy resources.

Provisions

P1 Development must comply with the submission requirements and performance targets set out in Table B-10.1 in order to demonstrate the proposed development will achieve an efficient use of resources.

TABLE B-10.1 Non-residential thresholds, submission requirements and performance targets

Threshold/size	Submission requirement	Performance target
Alterations affecting less than half the original building or tenancy (measured over the roof and the outer walls)	An *Efficient Use of Resources Commitment Table* (to be completed by the applicant).	Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP.
Alterations affecting more than half the original building or tenancy (measured over the roof and the outer walls)	The development must comply with the relevant submission requirements as if it were a new development.	The development must comply with the relevant performance targets as if it were a new development.
Less than 2000m² GFA	*An Efficient Use of Resources Commitment Table* (to be completed by the applicant).	Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP.
2000m²-5000m² GFA	*An Efficient Use of Resources Commitment Table* (to be completed by the applicant); AND	Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP.
	A NABERS Energy Commitment Agreement and associated documentation (see s.10.12.2 (P2) below); OR If a NABERS Energy rating tool is not available for the particular type of non-residential development proposed, an Energy Efficiency Report from a suitably qualified consultant that sets out proposed energy efficiency measures; AND	The Commitment Agreement must be for a 4.5 star NABERS rating for the base building, whole building, or tenancies as appropriate; OR If an Energy Efficiency Report is required it must demonstrate that a high level of energy efficiency will be achieved.
	A WSUD report from a suitably qualified consultant.	Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP, particularly regarding on-site detention, discharge rates and quality of discharge; and demonstration that WSUD has been incorporated to the maximum extent practicable.
>5000m² GFA	A NABERS Energy Commitment Agreement and associated documentation (see s.2.6.1(P3) below); OR If a NABERS Energy rating tool is not	The Commitment Agreement must be for a 4.5 star NABERS rating for the base building, whole building, or tenancies as appropriate; OR If an Energy Efficiency Report is required

TABLE B-10.1 Non-residential thresholds, submission requirements and performance targets		
Threshold/size	**Submission requirement**	**Performance target**
	available for the particular type of non-residential development proposed, an Energy Efficiency Report from a suitably qualified consultant that sets out proposed energy efficiency measures; AND	it must demonstrate that a high level of energy efficiency will be achieved.
	A WSUD report from a suitably qualified consultant; AND	Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP, particularly regarding on-site detention, discharge rates and quality of discharge; and demonstration that WSUD has been incorporated to the maximum extent practicable.
	Evidence that the building design has been awarded a Green Star rating; OR If evidence of a Green Star rating being awarded is not available at DA stage or if a Green Star rating tool is not available for the particular type of non-residential development proposed, a Sustainability Report including an *Efficient Use of Resources Commitment Table* (to be completed by suitably qualified consultants) must be submitted.	The base building, or the whole building where there is to be one tenant to occupy the whole building, must achieve a 5 star Green Star rating; OR If a Sustainability Report which includes an *Efficient Use of Resources Commitment Table* is required it must demonstrate compliance with / consideration of (as relevant) DCP provisions within this section of the DCP and demonstrate that the development will achieve a very high degree of environmental sustainability.

P2 Buildings, or the non-residential components of mixed use buildings, that have a gross floor area 2000m^2 or greater and less than 5000m^2 must be capable of achieving a minimum 4.5 star rating under DCCEEW's NABERS Energy. In this regard, the following information is required to be lodged with the relevant certifying authority (Council or an accredited certifier) prior to the issue of a Construction Certificate:

(a) Evidence that a Commitment Agreement has been entered into with DCCEEW, to deliver this Star rating for the base building (i.e. services traditionally supplied as 'common' to tenants, such as air conditioning, lifts and common area lighting) or for the whole building where the applicant is to occupy the entire building.

(b) An independent energy assessment report that follows the guidelines in DCCEEW's *NABERS Energy and Water for Offices Rules for collecting and using data*. This document can be obtained from *www.nabers.gov.au/*;

(c) A computer building simulation in accordance with DCCEEW's *NABERS Energy Guide to Building Energy Estimation*. This document can be obtained from *www.nabers.gov.au/*. The computer building simulation is required to demonstrate to the satisfaction of Council, or the private certifier if Council is not the certifying authority, that the building can reasonably be expected to achieve the proposed rating under realistic operating conditions.

P3 Developments involving the provision of 5,000m^2 or more of non-residential floor space must demonstrate that the development can achieve a minimum 5 star rating under the Green Building Council of Australia's Green Star – Office rating tool. The rating tool can be obtained from the Green Building Council of Australia's website - *www.gbca.org.au*.

P4 Where alterations affect more than half the total volume of the original building (measured over the roof and the external walls), achieve the targets in this subsection for the whole of the building.

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SECTION 11 CONTAMINATION AND HAZARDOUS BUILDING MATERIALS

11.1 INTRODUCTION

This Section forms the basis for the management of land contamination and hazardous building materials within the LGA. In addition, it comprises Council's policy for dealing with land contamination under the Department of Planning's (DoP) *Managing Land Contamination: Planning Guidelines* and Chapter 4 – *Remediation of Land* to *SEPP (Resilience and Hazards) 2021*).

11.1.1 General objectives

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

O1 Provide a framework for the integration of land contamination management into the planning and development process with the specific aim to:

(a) provide for the appropriate investigation and remediation of contaminated land;

(b) ensure that changes of land use will not increase the risk to health or the environment;

(c) avoid inappropriate restrictions on land use; and

(d) provide information to support decision making and to inform the community about land contamination.

O2 Provide a framework for the investigation, reporting and removal of hazardous building materials from a site to ensure that risk to the health of the community or environment is not adversely affected.

11.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications involving land which is known or has potential to be contaminated or affects buildings or works constructed and or improved with hazardous building materials.

11.1.3 Relationship to other Documents

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

(a) *Environmental Planning and Assessment Act 1979* (EP&A Act 1979);

(b) *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation 2021);

(c) *Contaminated Land Management Act 1997* (CLM Act 1997);

(d) *Contaminated Land Management Regulation 2022*;

(e) Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021*;

(f) DoP's *Managing Land Contamination - Planning Guidelines* (to be used in association with Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021*);

(g) DoP's Draft Contaminated Land Planning Guidelines; and

(h) NSW EPA's *Guidelines for the Assessment and Management of Sites Impacted by Hazardous Ground Gases*.

This package of legislation and guidelines is cross-referenced and the documents work in conjunction with each other. If, when using the DCP, clarification of any matter is required, refer to the above primary legislative documentation.

11.2 CONTAMINATED LAND

11.2.1 Decision Making Process

In determining all Planning Proposals and development applications, Council will consider the possibility of land contamination and the implications it has for any proposed or permissible future uses of the land. A precautionary approach will be adopted to ensure that any land contamination or hazardous materials issues are identified and dealt with early in the planning process.

Council is required to assess and determine all Planning Proposals in accordance with Ministerial Direction 4.4 – Remediation of land under s.9.1 of the EP&A Act and development applications in accordance with the relevant provisions contained within *SEPP (Resilience and Hazards) 2021*.

Initial Evaluation

As part of every Planning Proposal and development application, Council will conduct an initial evaluation to determine whether contamination is an issue, and whether sufficient information is available for Council to appropriately carry out its planning functions. The initial evaluation checklist is to be addressed on the basis of readily available information held by the Council or provided by the applicant (Also refer to section 3.2.1 of *Managing Land Contamination: Planning Guidelines*).

Initial Evaluation checklist –

(a) Is the Council aware of any previous investigations about contamination on the land? What were the results, including any previous initial evaluations?

(b) Do existing Council records show that an activity listed in the Managing Land Contamination Planning Guidelines has ever been approved on the land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)

(c) Was the subject land at any time zoned for industrial, agricultural, or defence purposes?

(d) Is the land currently used for an activity listed in the Managing Land Contamination Planning Guidelines?

(e) To the Council's knowledge, has the land ever been regulated through licensing or other mechanisms in relation to any activity listed in the Managing Land Contamination Planning Guidelines?

(f) Are there any land use restrictions on the land relating to possible contamination, such as notices issued by the NSW Environment Protection Authority or other regulatory authority?

(g) Does a site inspection conducted by the Council (optional) suggest that the site may have been associated with any activities listed in the Managing Land Contamination Planning Guidelines?

(h) Is the Council aware of information concerning contamination impacts on land immediately adjacent to the subject land which could affect the subject land?

If none of the answers suggest that the land might be contaminated or that further enquiry is warranted, the planning process should proceed in the normal way. Further reference to this Section of the DCP will only be necessary if contamination is identified on site during development.

If the initial evaluation indicates that contamination is or may be present, or the Council has insufficient information on which to make a planning decision, then the applicant will be required to engage a suitably qualified consultant to undertake further investigations, as indicated below. The appropriate level of investigation will depend on the circumstances and may involve one or more of the following stages:

Stage 1 - Preliminary Investigation

Stage 2 - Detailed Investigation

Stage 3 - Remedial Action Plan

Stage 4 - Validation and Monitoring

These four stages are described in further detail in the following subsection of the DCP.

Procedures for Planning Proposals

Council must consider contamination issues in accordance with Ministerial Direction 4.4 – Remediation of land under s.9.1 of the EP&A Act when determining a Planning Proposal.

In addition to these requirements, if Council has reasonable grounds to suspect that the land may be contaminated because of the land's history, condition or other information known to Council, Council will require the submission of:

(a) a *Preliminary Investigation*; or

(b) a combined *Preliminary Investigation* and *Detailed Investigation* for a site specific Planning Proposal.

Where a Planning Proposal involves the rezoning of land that covers a large area (e.g. precinct or LGA based) Council may include provisions in an LEP or DCP to ensure that the potential for contamination and the suitability of the land for any proposed use is further addressed prior to the redevelopment of the land.

Subsection 11.2.2 to this Part of the DCP outlines when and what information Council will require relating to site contamination issues to be submitted with a Planning Proposal.

Procedures for Development Applications

Council must consider contamination issues in accordance with cl.4.6 to *SEPP (Resilience and Hazards) 2021*when determining a development application.

Contamination issues may be addressed by refusing consent, or by issuing consent subject to conditions. In appropriate cases, deferred commencement consent might be issued, requiring remediation and validation to be undertaken prior to other work commencing. Modifications of development applications will be considered under this DCP in the same way as new development applications.

All land affected by a planning decision will be considered under this Section of the DCP. For example, where a development application proposes to dedicate land for open space, the suitability of that land for open space will be considered under this DCP. The Council may require a *Preliminary Investigation* or *Detailed Investigation* and a deed of indemnity in these cases.

Subsection 11.2.2 to this Part of the DCP outlines when and what information Council will require relating to site contamination issues to be submitted with a development application.

11.2.2 Contamination Investigation and Reporting

Due to the technical nature, specialised issues and potential risks to life from contamination, the investigation and reporting requirements set out in the following four stages must be undertaken by a suitably qualified consultant and all associated costs must be borne by the applicant. EPA accredited auditors will be accepted as being suitably qualified consultants.

Stage 1 - Preliminary Investigation

Stage 1 involves identifying past or present potentially contaminating activities. The purpose of the investigation is to determine whether further detailed investigation is warranted due to the likelihood or evidence of contamination.

Note: *Information sources that may be useful in understanding the history of a site include the following:*

- *Past aerial photographs*
- *Council records - town planning, scheme maps, development and building applications, complaints, pollution incident reports*

- *Local Historical Publications - documents particularly relevant to North Sydney are listed in a Council document "SEPP Research Documents" (1 June 1999.)*
- *Current and previous site owners and occupiers*
- *Current and previous site workers*
- *Long-term residents*
- *Past and Present Telephone Books*
- *Noxious Trades register formerly kept pursuant to the* Noxious Trades Act 1902 *(repealed 18 November 1991)*
- *Sands Sydney and New South Wales Directory 1858-1932/3*
- *NSW Environment Protection Authority Section 35 Notices, past and present scheduled premises.*
- *Sydney Water Corporation Trade Waste Agreements*
- *Work Cover Authority Dangerous Goods Branch*
- *Power sites containing present and past electrical substations*

The level of investigation must be appropriate to the potential risk from contamination. An investigation is not necessary at the rezoning stage if there is no reason to suspect contamination.

P1 A *Preliminary Investigation* is required to be submitted to Council in accordance with Ministerial Direction 4.4 – Remediation of land under s.9.1 of the EP&A Act, cl.4.6 to *SEPP (Resilience and Hazards) 2021*, and the DoP's *Managing Land Contamination: Planning Guidelines*.

P2 Council may also require a Preliminary Investigation to be submitted when:

(a) Council has reasonable grounds to believe the land is contaminated because of the land history, condition, or other information known to Council;

(b) The site has been investigated or remediated but there is insufficient information available about the nature and extent of contamination or remediation, or the circumstances have changed;

(c) There are restrictions on, or conditions attached to, the use of the site by a regulatory or planning authority that are, or may be, related to contamination, but there is insufficient information available about the nature and extent of contamination;

(d) Council records indicate that the site is or may be associated with pollution incidents or dumping of wastes;

(e) The site adjoins land that has been associated with activities that may cause contamination listed in DoP's *Managing Land Contamination: Planning Guidelines*.

(f) and it is possible that contamination may have migrated to the subject site;

(g) A spot rezoning is proposed to allow a specific development or land use. In these cases a preliminary and detailed investigation may be required to prove the land is suitable for the development or can and will be made suitable; or

(h) The site history is unclear and the site is proposed to be used for residential, educational, recreational, medical or child care uses.

P3 *Preliminary Investigations* and *Detailed Investigations* may be combined into a single report where land is known to contain or have contained a potentially contaminating activity.

If the results of the preliminary investigation conclusively demonstrate that there is no potential for, or existence of, contamination that makes the land unsuitable for the proposed use, then Council will not require any further investigations to be conducted.

Stage 2 – Detailed Investigation

The purpose of Stage 2 is to determine the nature, extent and degree of contamination existing on a site and to assess the risk posed by contaminants to human health and the environment. This information is then used to prepare a *Remedial Action Plan*, if necessary.

P1 A *Detailed Investigation* is required to be undertaken when the results of the *Preliminary Investigation* demonstrate the potential for or existence of contamination that may affect the proposed use of the land.

P2 The *Detailed Investigation* must be undertaken and reported in accordance with the DoP's *Managing Land Contamination: Planning Guidelines*.

P3 The Detailed Investigation must include a statement outlining whether the site is suitable for the proposed use in its current state, or if remediation is necessary to make the site suitable for the proposed use. If remediation is required, the report should also list the feasible remediation options available to remediate the site (refer to section 11.2.5 - Site Audit).

Stage 3 –Remedial Action Plan

The purpose of Stage 3 is to identify and establish remediation objectives, clean up criteria and a strategy for remediation. The *Remedial Action Plan* is also to identify any approvals that need to be obtained from regulatory authorities (refer to the provisions of Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021*).

Prior to determining a development application, Council must be satisfied that remedial measures have been, or will be, undertaken in accordance with the submitted *Remedial Action Plan*, to make the site suitable for the proposed use.

Remedial works may require separate development consent (refer to section 11.2.3 - Control of remediation work). If development consent is required for remediation of contaminated land, a *Remedial Action Plan* must be submitted with the development application for approval.

P1 A *Remedial Action Plan* must:

(a) be submitted to Council in accordance with the DoP's *Managing Land Contamination: Planning Guidelines* if the detailed investigation concludes that the land is not suitable for the proposed use in its present state;

(b) demonstrate how the applicant or their consultant proposes to reduce risks to acceptable levels and achieve the clean up objectives for the site;

(c) document remedial works to be undertaken at the site and address the matters covered in subsection 11.2.4.

P2 A *Remedial Action Plan* should include an *Environmental Management Plan*.

P3 Council may require site auditor comment on the proposed remediation objectives, and clean up criteria, prior to the *Remedial Action Plan* being finalised (refer to subsection 11.2.5 - Site Audit).

Depending upon the level of information available at the time of assessing a Development Application, the requirement for a *Remedial Action Plan* may be imposed as a condition of consent.

Stage 4 –Validation and Monitoring Report

The purpose of Stage 4 is to confirm that the objectives stated in the *Remedial Action Plan* have been achieved and that any relevant conditions of development consent have been complied with.

P1 A *Validation and Monitoring Report* is required to be submitted to Council in accordance with the DoP's *Managing Land Contamination: Planning Guidelines* after remediation works have been completed, and prior to the commencement of new building construction works approved in an associated development consent.

P2 Applicants are encouraged to use the same consultant who conducted the Preliminary Investigation, Detail Investigation and remediation works to prepare the Validation and Monitoring Report.

P3 Council will need to be satisfied that the site is suitable for the proposed use when considering any subsequent development applications for the subject site. Hence it is recommended that comprehensive records are maintained during the remediation and validation works for all sites (See subsection 11.2.5 - Site audit.).

Usually Council will place a condition on any development consent granted requiring the submission of a *Validation and Monitoring Report* prior to the issuing of a Construction Certificate. Alternatively, Council may issue a deferred commencement consent for the proposed use, requiring that remediation and validation is undertaken prior to other work commencing.

11.2.3 Control of Remediation Work

Remediation comprises work carried out for the purpose of removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land, or eliminating or reducing any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on the land).

Remediation work is regulated by Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021* (refer to clauses 4.7-4.15 of the SEPP) and the DoP's *Managing Land Contamination: Planning Guidelines*.

Remediation work typically falls into either Category 1 or Category 2 works. Development consent is required to undertake Category 1 remediation works, but not for Category 2 works. Broadly speaking, Category 2 remediation work is all remediation work that is not Category 1. The full definition of Category 1 remediation work is contained with clauses 4.8 and 4.10 to *SEPP (Resilience and Hazards) 2021*.

P1 Remediation work must be undertaken in accordance with the relevant provisions of Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021*and the DoP's *Managing Land Contamination: Planning Guidelines*.

P2 In addition to P1, Category 2 remediation must comply with the site management requirements set out in subsection 11.2.4 of this Part of the DCP. Category 2 remediation work that does not comply with Subsection 11.2.4 of this Part of the DCP will be classified as Category 1 remediation work and will require development consent.

P3 Comprehensive records should be maintained during the undertaking of remediation and validation works for all sites to demonstrate that the site will be suitable for the proposed use.

11.2.4 Site Management Requirements

All Category 2 remediation work must be carried out in accordance with the following site management requirements. These requirements apply to the whole of the North Sydney LGA and have been formulated to ensure that Category 2 remediation work does not adversely impact upon the environment and public amenity.

Category 2 remediation work that does not comply with these requirements will be classified as Category 1 remediation work and will require development consent.

Development applications lodged for Category 1 remediation work should identify any departures from these requirements and any alternative site management measures to be implemented.

Note: *Refer to parts 4.4-4.6 of the Managing Land Contamination: Planning Guidelines in regard to assessment of development applications.*

Remediation Work

P1 All remediation work must be carried out in accordance with:

(a) the *Managing Land Contamination: Planning Guidelines*; and

(b) the standards contained within the NSW Environment Protection Authority guidelines made under the *CLM Act 1997*.

Notification

P2 Notice of proposed work must be given to the Council in accordance with Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021*, clause 4.13.

Note: *Clause 4.13 SEPP (Resilience and Hazards) 2021 requires that the notice to Council must:*

(a) be in writing, and

(b) provide the name, address and telephone number of the person who has the duty of ensuring that the notice is given, and

(c) briefly describe the remediation work, and

(d) show why the person considers that the work is category 2 remediation work by reference to clauses 4.8, 4.11 and (if it applies) 4.12(1) to SEPP (Resilience and Hazards) 2021, and

(e) specify, by reference to its property description and street address (if any), the land on which the work is to be carried out, and

(f) provide a map of the location of the land, and

(g) provide estimates of the dates for the commencement and completion of the work.

At least 30 days notice is also required, except in the case of work required to be carried out immediately under the terms of a remediation order (in which case, at least 1 day's notice is required).

P3 The following additional information must be submitted with the notice to the Council:

(a) copies of any Preliminary Investigation, Detailed Investigation and Remedial Action Plan for the site, and

(b) contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements.

Hours of Operation

P4 All remediation work shall be conducted within the following hours (unless consent conditions provide otherwise):

Monday – Friday:	7am - 5pm
Saturday:	8am - 1pm
Sundays or Public Holidays:	No work is permitted

Health and safety

P5 The work must satisfy applicable occupational health and safety and construction safety regulations, including any Work Cover Authority requirements to prepare a health and safety plan. Site fencing must be installed to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and a contact telephone number provided for enquiries.

Noise

P6 Noise emissions must comply with relevant standards under the Protection of the Environment Operations Act 1997. Vibration from the works must not be felt on any adjoining property.

Air quality

P7 Materials must not be burnt on the site.

P8 Vehicles entering and leaving the site with soil or fill material must be covered.

P9 Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of NSW Department of Environment and Heritage's

Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out to avoid effects on adjoining properties.

Water quality

P10 Runoff must be drained to an adequately bunded central collection sump and treated, if necessary, to meet NSW Environment Protection Authority discharge criteria.

Erosion and sediment control

P11 Erosion and sediment control techniques are to be in accordance with North Sydney Council guidelines on Erosion and Sediment Control. All remediation works shall be conducted in accordance with an erosion and sediment control plan that follows the brochure *Preparing an Erosion and Sediment Control Plan* published by the Department of Conservation & Land Management. The plan must be kept on-site and made available to Council officers on request (See also Council's leaflet *Erosion and sediment control for urban development*).

P12 Erosion and sediment control measures must be established prior to commencement of work. All erosion and sediment measures must be maintained throughout the remediation works.

P13 Temporary stockpiles of contaminated materials must be kept in a secure area. Facilities must be installed for cleaning vehicles prior to leaving the site. Detailed designs for any pollution control system, including leachate collection and disposal, must be provided to the Council with notice of proposed work required pursuant to cl.4.13 to *SEPP (Resilience and Hazards) 2021*.

Waste

P14 Any removal of contaminated solids from the site must comply with relevant laws for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed of on land without:

(a) permission of the land owner; and

(b) development consent from the relevant local council (if required); and

(c) an environment protection licence from the NSW Environment Protection Authority.

Landscaping and rehabilitation

P15 Disturbed areas must be progressively stabilised and revegetated in accordance with a landscape plan.

Remedial Action Plan

P16 The remediation work must be carried out in accordance with a Remedial Action Plan prepared in accordance with Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021*, the DoP's *Managing Land Contamination: Planning Guidelines*, this DCP and any relevant guidelines issued under the *CLM Act 1997*.

Validation

P17 A validation and site monitoring report prepared in accordance with relevant guidelines issued under the *CLM Act 1997* must be submitted to the Council within one month from completion of the remediation work.

P18 All validation and site monitoring reports must be completed by a suitably qualified environmental consultant.

P19 A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council. The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

Community information

P20 Reasonable measures must be undertaken by the applicant to keep nearby residents informed about the proposed work, such as signs, leaflets, public meetings, and telephone contact numbers.

Compliance with legislation

P21 Compliance with relevant environmental legislation and planning guidelines is required in addition to the provisions in this section.

Post remediation works

P22 Following validation of the site, notice of completion must be submitted to Council in accordance with clauses 4.14 and 4.15 to *SEPP (Resilience and Hazards) 2021*and within 30 days of completion of the work.

P23 A copy of the validation report must also be submitted to Council with the notice of completion.

11.2.5 Site Audit

A site audit comprises an investigation to determine one or more of the following:

(a) the nature and extent of contamination of land

(b) the nature and extent of the investigation or remediation

(c) what investigation or remediation is necessary before land is suitable for any specified use or range of uses

Council may request a site audit to be undertaken at any or all stages in the site investigation or remediation process. In accordance with the *Managing Land Contamination Planning Guidelines*, Council will require a site audit prepared by an Environment Protection Authority accredited auditor for contaminated land if Council:

- believes on reasonable grounds that the information provided by the applicant is incorrect or incomplete;
- wishes to verify whether the information provided by the applicant has adhered to appropriate standards, procedures and guidelines; or
- does not have the internal resources to conduct its own technical review.

A site audit will be required in most cases, as the Council will usually want to verify whether the information provided by the applicant has followed appropriate standards, procedures and guidelines. The Council will not usually have the internal resources to conduct its own technical review. The applicant is responsible for engaging an accredited auditor to perform a site audit and to pay the costs involved.

When Council requests a site audit, it will also specify any issues to be included in the audit, as well as requiring a site audit to address any issues raised in s.53B of the CLM Act 1997.

Requirements

P1 The following are examples of issues that Council may request a NSW EPA accredited auditor for contaminated land to address when conducting a site audit:

(a) Has the contaminated land consultant complied with all appropriate standards, procedures and relevant NSW EPA guidelines?

(b) What further investigation or remediation is required before the land is suitable for any specified use or range of uses?

(c) Whether the auditor considers that the proposed remediation is adequate, and if undertaken, will render the site to be suitable for the proposed use?

(d) Whether it can be concluded that there is no unacceptable off-site migration of contaminants?

(e) Whether the contamination conditions at the site are suitable for in-ground absorption of stormwater?

P2 Either the applicant or the appointed auditor shall liaise with Council during the preparation of the site audit to ensure that the scope of the site audit addresses the concerns raised by Council.

P3 For sites that raise complex issues, the site auditor should be engaged during the investigation processes and planning of remedial action, liaising with the consultant and the Council to streamline these processes. The following steps (P4 to P6) may then be undertaken.

P4 The auditor may provide a statement to Council indicating that remediation of the site is feasible and environmentally justifiable, and that following remediation, the site is likely to be suitable for its intended use.

P5 The auditor can review the remedial action plan prepared by the consultant and be satisfied that issues relating to remediation policy, scheduled waste management and off site disposal consents are properly addressed.

P6 The auditor can review the validation report prepared by the consultant and decide if the site is suitable for its intended purpose and that issues such as groundwater contamination, and contaminant migration have been adequately addressed.

Site Audit Statements

The NSW Environment Protection Authority Guidelines for the NSW Site Auditor Scheme indicate the content and format of site audit statements (see also S.53B of the *CLM Act 1997*, and the *CLM Regulation 2022*).

Before issuing a site audit statement, the site auditor must prepare and finalise a summary site audit report. The EPA Guidelines for the NSW Site Auditor Scheme outlines what must be included in a site audit report.

11.2.6 Council records and community information

Council has an important role in supplying the community with information regarding land use history, land contamination and remediation. Council also has a statutory responsibility under s.59 of the *CLM Act 1997* to include information provided to Council by either the EPA or accredited auditors on Certificates issued under s.10.7 of the *EP&A Act 1979*.

The process of information collection about land contamination is an ongoing process. Information concerning contaminated land will be added to Council's property information system when development applications are processed or when information is provided to the consent authority via other sources.

Information Management

The Council does not hold comprehensive information about land contamination. In the past, little information was kept about contaminated land. The information that Council does have on record relating to contamination generally relates to only a very small number of sites. Council is aware of some land where potentially contaminating land uses have taken place. It is possible that some of these sites are contaminated and that others are not, but can not be determined until further detailed investigations have been undertaken. It is also possible that there are some parcels of land which are contaminated in the local government area that is not known to the Council.

Land contamination is dynamic and no information system can record the nature of all contamination within the local government area at any one time. Council records will change over time as information comes to light. Specifically, the following information will be added to the record for individual parcels of land from time to time:

- Information contained in development applications, indicating use for a potentially contaminating activity listed in the Managing Land Contamination Planning Guidelines.

- Reports submitted to Council, including preliminary investigation, detailed investigation, remedial action plans, validation and monitoring reports, and site audit statements.
- NSW Environment Protection Authority declarations and orders issued under the CLM Act 1997 (including voluntary investigation and remediation proposals agreed by the NSW Environment Protection Authority).
- Prior notification of Category 2 remediation works.
- Notification of completion of Category 1 and Category 2 remediation work.

Information about land contamination held within the Council's records will be supplied to the public by the following means (subject to payment of any prescribed fees):

- By issuing Planning Certificates (s.10.7 Certificates) on application to Council.
- By providing access to documents in accordance with the *Government Information (Public Access) Act 2009* and other legislation.

Information relating to land contamination or the likelihood of land contamination is gathered, kept and disseminated, so as to:

- Provide a basis for informed planning decisions that consider land use history
- Provide reliable information to the community
- Minimise risk to health and the environment
- Avoid unnecessary restrictions on development
- Acknowledge any limitations on information, such as its degree of uncertainty or accuracy, and the purpose and time it was collected

Planning Certificates

All Planning Certificates issued under s.10.7(2) of the *EP&A Act 1979* will state that Council has adopted this development control plan, as well as the information required under s.59(2) of the CLM Act 1997, where the land is:

- significantly contaminated land;
- subject to a management order;
- subject of an approved voluntary management proposal;
- subject to an ongoing maintenance order; or
- subject of a site audit statement.

In addition, a Planning Certificate issued under s.10.7(2) will indicate, pursuant to Clause 10 to Schedule 2 of the *EP&A Regulation 2021*, whether the land has been identified by Council as having the potential to be contaminated due to previous activities carried out on the site.

When a Planning Certificate is requested under s.10.7(5) of the *EP&A Act 1979*, Council will provide additional information known to Council about site contamination issues, including that the site may be contaminated because of past zonings or uses, the existence of reports on past site investigations, notifications of remediation, site audit statements, and the like.

11.3 HAZARDOUS BUILDING MATERIALS

There are some instances where buildings have been constructed with or fitted with hazardous building materials. These materials are often inert when left in situ, however can become hazardous to a person's health when disturbed. The following subsection sets out the investigations, reporting requirements and removal and disposal methods required to be provided or carried out.

11.3.1 Initial Investigation

Council will conduct an initial evaluation as part of every development assessment to determine whether hazardous building materials are an issue, and whether sufficient information is available for Council to appropriately carry out its planning functions. The initial evaluation checklist is to be addressed on the basis of readily available information held by the Council or provided by the applicant. In completing the checklist, the following questions are to be considered:

(a) Is the Council aware of any previous investigations about hazardous building materials on the land? What were the results, including any previous initial evaluations?

(b) Was the subject land at any time used for commercial premises, industrial premises, telecommunication facilities, transport facilities, electrical facilities, water supply facilities, sewerage facilities, agricultural purposes or defence purposes?

(c) Was the affected building(s) constructed prior to 1970?

If none of the answers suggest that the land might contain hazardous building materials or that further enquiry is warranted, the planning process should proceed in the normal way. However, if the initial evaluation indicates that hazardous building materials may be present, or the Council has insufficient information on which to make a planning decision, then the applicant will be required to undertake further investigations. In particular, the applicant will be required to submit a Hazardous Building Materials Survey Report.

11.3.2 Hazardous Building Materials Survey Report

P1 A Hazardous Building Material Survey Report is required to be submitted with the lodgement of all Development Applications involving demolition of the following:

(a) Commercial, industrial and retail buildings with a gross floor area of greater than 500m^2;

(b) Transport, telecommunications, electrical, water or sewerage facilities or structures; or

(c) Any building on a site, where it is proposed to be used for child care purposes.

Based on its initial assessment of a Development Application, Council may impose a condition on a development consent for other types of development requiring the submission of a Hazardous Building Material Survey Report to Council prior to the issue of a Construction Certificate.

P2 The associated investigations are required to be carried out in accordance with the requirements of the relevant NSW Environment Protection Authority guidelines.

P3 The associated investigations and report must be completed by a suitably qualified consultant to undertake the preliminary investigation and to pay all the costs involved (EPA accredited auditors will be accepted as being suitably qualified consultants).

P4 The investigations should involve at least a visual inspection of accessible and representative construction materials and the collection and analysis of materials suspected of containing hazardous materials.

P5 The inspection should identify the presence of any of the following materials:

(a) **Asbestos:** The assessment must be carried out in accordance with the guidelines documented in the Asbestos Code of Practice for the Management and control of Asbestos in Workplaces [NOHSC:2018 (2005)] and the *Protection of the Environment Operations (Waste) Regulation 2014*.

(b) **Synthetic Mineral Fibres (SMF):** Investigations should be made of electrical insulation, plumbing materials, heat insulation, acoustic insulation and fire insulation. The materials should be broken down into their main groupings consisting of:

(i) Continuous Glass Filaments;

(ii) Fibreglass, glass fibre or glasswool;

(iii) Rockwool; and

(iv) Ceramic Fibres

(c) **Polychlorinated Biphenyls (PCBs):** All light fittings should be inspected for the presence of PCB containing capacitors. The capacitors are to be cross referenced with the ANZECC Identification of PCB Containing capacitors database -1997.

(d) **Lead-containing Paint:** Representative painted surfaces are to be tested. Investigations should be focused on areas where lead based paint would have been traditionally used, such as exterior gloss paints, window and door architraves, skirting boards.

(e) **Ozone depleting substances:** Inspection of refrigerant gas labels on representative refrigeration and or air conditioning plants are to be noted and documented. Where there are no labels, assessment is to be based on the age and condition of the plant.

P6 The Report is also to provide general recommendations for the removal, of the hazardous materials, including the preparation of detailed document such as a Management Plan, Technical Scope of Works, SafeWork, Method Statements and Risk Assessments to appropriately address health and safety issues associated with the specific work and site conditions. The recommended conditions contained in any of the above reports may be included as conditions to a development consent.

11.3.3 Removal of Hazardous Building Materials

The removing, dispersing, destroying, reducing, mitigating or containing of hazardous building materials on any land, or eliminating or reducing any hazard arising from its removal must be undertaken in accordance with the following documents or legislation:

- *Work Health and Safety Act 2011*,
- *Work Health and Safety Regulation 2017*,
- The NSW WorkCover Code of Practice for the Safe Use of Synthetic Mineral Fibres,
- National Occupational Health and Safety Commission's National Code of Practice for the Safe Use of Synthetic Mineral Fibres,
- Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1988)].

Council may impose a condition on a development consent requiring the applicant to comply with these documents and legislation.

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PART C

HERITAGE CONSERVATION

PREFACE

North Sydney has a rich and diverse heritage. It comprises buildings, structures, places, aboriginal and archaeological sites, lookouts, streetscapes, urban patterns, parks and reserves, all of which contribute to the area's cultural life, sense of place and identity.

North Sydney's heritage is identified through the provisions of the LEP (heritage items and heritage conservation areas) and the DCP (contributory, neutral or uncharacteristic items). Each heritage item and heritage conservation area has special qualities. These qualities are intrinsic to their value and make them significant.

The need to accommodate more residents and workers within a constrained area is placing increased pressures on the ability to retain and protect the LGA's heritage. This section of the DCP seeks to provide a balance between these conflicting issues.

Part C of the DCP comprises the following sections:

Section 1:	Introduction
Section 2:	Aboriginal heritage
Section 3:	Archaeological (non-Aboriginal heritage)
Section 4:	Development in the Vicinity of Heritage Items
Section 5:	Heritage Items
Section 6:	Heritage Conservation Areas
Section 7:	Subdivision and Lot Amalgamation
Section 8:	Demolition
Section 9:	Specific Building Elements
Section 10:	Guidelines for residential building types
Section 11:	Guidelines for non-residential building types
Section 12:	Heritage in the Public Domain

Guiding Statement

North Sydney's heritage is a tangible link between the past and present. How it is managed today will determine whether it can still be a link for present and future generations in accordance with the principles of intergenerational equity. Council's commitment to protecting North Sydney's heritage resources is expressed in the Guiding Statement.

Heritage conservation does not preclude change. The challenge is to manage pressures for increased development and contemporary living standards in ways that allow the rich tapestry of the historic environment to be retained for present and future generations.

Council will work to protect North Sydney's heritage by:

(a) Ensuring Council decisions are consistent with policy as expressed in the LEP and the DCP;

(b) Acknowledging the importance Aboriginal occupation and protecting sites that are important to Aboriginal culture and history;

(c) Acknowledging and protecting North Sydney's archaeological remnants;

(d) Committing to responsible management of Council's own heritage resources and heritage in the public domain;

(e) Not supporting developments that remove or significantly reduce the heritage significance of any heritage item;

(f) Striving to achieve an appropriate balance between contemporary expectations, environmental sustainability and protecting the elements that make an item significant or important to a conservation area's character;

(g) Acknowledging and protecting the setting of heritage items; and

(h) Permitting flexible yet sensitive adaptation of heritage affected sites where appropriate. Council responds to guidance from and the planning principles of the NSW Land and Environment Court

Burra Charter

Council acknowledges the principles of and practices recommended by the Burra Charter in the conservation of items of cultural heritage and have informed the preparation of this section of the DCP. The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places). The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

When preparing a development application, the principles of the Burra Charter should be applied. It advocates a cautious approach to change: *do as much as necessary to care for the place and to make it useable but otherwise change it as little as possible so that cultural significance is retained*. In the event of any inconsistencies between the Burra Charter and the DCP, the DCP will prevail.

SECTION 1 INTRODUCTION

1.1 GENERAL OBJECTIVES

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

O1 establish a framework for detailed heritage and conservation planning in North Sydney;

O2 ensure that Aboriginal heritage and archaeology are taken into consideration;

O3 ensure that the assessment of applications for works on or in heritage items, heritage conservation areas and in the vicinity of heritage, are based on the identified heritage significance of the heritage item, conservation area, property, location or place;

O4 ensure that supporting documentation is appropriate to the scale of the proposed works and heritage significance of the heritage item, conservation area, property, location or place;

O5 facilitate opportunities to improve the understanding and/or appreciation of the heritage significance of any heritage item, conservation area, property, location or place; and

O6 encourage sustainable development practices through the reuse and recycling of the existing building stock as appropriate.

1.2 WHEN DOES THIS PART OF THE DCP APPLY?

This Part of the DCP applies to:

(a) properties that are individually listed as heritage items;

(b) properties that form part of a group heritage item listing;

(c) properties and structures within heritage conservation areas; and

(d) properties within the vicinity of heritage items and heritage conservation areas.

1.3 RELATIONSHIP TO OTHER PLANNING POLICIES AND REQUIREMENTS

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

- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Burra Charter); and

  Note: *The Burra Charter was first adopted in 1979 and is periodically updated to reflect developing understanding of the theory and practice of cultural heritage management.*

- *Design In Context: Guidelines for infill development in the historic environment*, 2005 (NSW Heritage Office).

In some instances, it may be difficult to reconcile all legislative requirements and heritage values. Council will exercise discretion where appropriate but reserves the right to refuse applications where the objectives or aims of this or other policies are not met.

Where a BASIX Certificate is required, applicants are encouraged to check compliance with BASIX well before the intended lodgement date of the development application as modifications can be required to achieve compliance.

A development application for land which contains an item listed on the State Heritage Inventory under the Heritage Act 1977 is 'integrated development' under Part 4 Division 4.8 of the EPA&A Act requiring the general terms of approval from the Heritage Council of NSW before consent is able to be granted to the application.

1.4 WHEN IS DEVELOPMENT APPROVAL REQUIRED?

Not all maintenance works or development to a heritage item or property within a heritage conservation area requires the lodgement of a development application or the obtaining of development approval. Table C-1.1 provides a guide to the application and approval process for works to a heritage item or to development within a heritage conservation area.

TABLE C-1.1: Development Approval Requirements	
Category 1 Minor routine maintenance	No application required No development approval required
Category 2 Routine maintenance	Written request to Council required Council's authorisation required
Category 3 Exempt development	Written request to Council may be required Council's authorisation may be required
Category 4 Complying development	Complying development certificate required to Council or an accredited certifier Complying development certificate required
Category 5 All other works not identified	Development application to Council required Development consent required

Note: *If you are unsure about the notification requirements for a particular type of work or development, contact Council's Planning Advisors.*

Unless otherwise stated, Table C-1.2 applies to all heritage items, and to all properties and structures identified as contributory, neutral and uncharacteristic items within heritage conservation areas.

TABLE C-1.2: Approval requirements for various examples of development types	
Type of Work	**Typical Examples**
Category 1 – Minor routine maintenance	
Description: Work to protect and care for a building or work. Approval requirements: Development consent is not required for minor routine maintenance works. Such works are permitted as *exempt development* pursuant to satisfying the provisions of cl.3.1 and Schedule 2 to NSLEP 2013. In particular, refer to development type – "*Minor routine maintenance of buildings identified as a heritage item or within a conservation area*" within Schedule 2 of NSLEP 2013. Application requirements: No application required	• Replacement of screws and bolts to secure fixtures. • Re-hinging doors and gates. • Replacement of plumbing and wiring which does not involve the replacement of fixed floor, wall or ceiling linings. • Repairing (excluding the replacement of floorboards), sanding, polishing or oiling floorboards. • Removal or replacement of floor coverings (excluding the removal of floorboards attached to joists or concrete slabs). • Maintenance or upgrade of kitchens or bathrooms (excluding the removal of walls, widening of openings, demolition of chimney breast or fireplaces). • Removal or replacement of built in cupboards. • Removal or replacement of internal light fittings. • Repainting internal surfaces of a building. • Replacement of broken glass panes within windows and does not involve a change in the opacity or colour of the glass.

TABLE C-1.2: Approval requirements for various examples of development types	
Type of Work	**Typical Examples**
	• Replacement of broken roof tiles.
Category 2 – Routine maintenance	
Description: Work to protect and care for a building or work. Work that does not alter the structure of the building. Approval requirements: Written authorisation must be obtained from Council that states that the proposed works will not have an adverse impact on the heritage significance of an item or conservation area in accordance with cl.5.10(3)(a) of NSLEP 2013. Application requirements: The applicant must notify Council in writing and Council must confirm or advise in writing that it is satisfied that the proposed development will not adversely affect the heritage significance of the heritage item. Refer to s.1.6 to Part C of the DCP for the information to be included in a letter to Council requesting approval to undertake routine maintenance. If you are unsure about the notification requirement for a particular type of routine maintenance, contact Council's Planning Advisors.	• Repair, replacement, restoration or reconstruction of: ○ front fences ○ paths ○ roofing ○ letter boxes ○ decks ○ damaged guttering ○ damaged tuck pointing or roughcast rendering ○ handrails ○ steps ○ timber windows, doors or joinery • Repair or repainting of: ○ chimneys ○ verandahs ○ balcony balustrades ○ valences • Repair of existing tiling to: ○ balconies ○ verandahs ○ front steps ○ pathways • Replacing or maintaining gardens with compatible plants, trees, shrubs and lawns. • Removal of unsympathetic and non-original features to the building. • Garden maintenance. • Any other minor maintenance or restoration works not listed above that Council considers are not likely to have an adverse impact on heritage significance.
Category 3 – Exempt development	
Description: Development that is considered minor and will have a minimal impact on the local environment. Approval requirements: Development consent is not required for exempt development provided the requirements outlined in cl.3.1 and Schedule 2 of NSLEP 2013 are satisfied or the relevant provisions of any applicable SEPPs. Application requirements: Depending on the type of exempt development, the applicant may be required to notify Council in writing and Council must confirm or advise in writing that it is satisfied that the proposed development would not adversely affect the heritage significance of the item. Refer to s.1.6 to Part C of the DCP for the information to be included in a letter to Council	Refer to Schedule 2 of NSLEP 2013 for a complete list of exempt development applicable to heritage items or properties within a heritage conservation area. In addition, refer to the relevant sections of the following State Environmental Planning Polices (SEPPs) that relate to exempt development: • *SEPP (Exempt and Complying Development Codes) 2008* • *SEPP (Transport and Infrastructure) 2021*

TABLE C-1.2: Approval requirements for various examples of development types	
Type of Work	**Typical Examples**
requesting approval to undertake exempt development. If you are unsure about the notification requirement for a particular type of exempt development, contact Council's Planning Advisors.	
Category 4 - Complying development	
Description: Low impact development types that can be addressed by predetermined development standards. *Complying development does not apply to heritage items listed in Schedule 5 of NSLEP 2013.* Complying development may apply to contributory, neutral and uncharacteristic items within a heritage conservation area. Approval requirements: Development consent is not required for complying development types permitted under applicable SEPPs. To carry out the development you must obtain a Complying Development Certificate from an accredited certifier, or Council. If your application is successful, accredited certifier or Council will issue a Complying Development Certificate, subject to conditions. Application requirements: A Complying Development Certificate must be lodged on the NSW Planning Portal with Council or an accredited certifier nominated as the certifying authority.	Refer to the relevant sections of the following State Environmental Planning Polices (SEPPs) that relate to complying development: • *SEPP (Exempt and Complying Development Codes) 2008* • *SEPP (Transport and Infrastructure) 2021*
Category 5 – Development consent	
Description: Development not identified in Categories 1 to 4 inclusive. Approval requirements: Development consent is required pursuant to Clause 5.10(2) of NSLEP 2013. Application requirements: Development application to be submitted to Council or other consent authority.	All other works not identified above.

1.5 UNDERSTANDING YOUR PROPERTY'S HISTORY

There are number of ways to determine the heritage significance of heritage items and conservation areas.

Heritage Inventory data sheets

The first source of information is to determine if a Heritage Inventory data sheet for the heritage item or conservation area. Heritage Inventory data sheets have been prepared for all heritage items and conservation areas listed in Schedule 5 to NSLEP 2013. The data sheets are available from NSW Heritage at: *https://www.environment.nsw.gov.au/topics/heritage/search-heritage-databases/state-*

heritage-inventory or from the Heritage Centre at Stanton Library, 234 Miller Street, North Sydney.

It should be noted that not all data sheets are comprehensive and limited details on the data sheet does not mean that the heritage item is not significant.

Researching property history

Where a Heritage Inventory data sheet for a particular heritage item does not have a detailed documented history, additional research is necessary.

The purpose of undertaking research into a property's history is to assist property owners and applicant to understand the significance of the item or place which in turn should help to inform future development options. . It also assists Council in considering how a proposed development has taken into account the history and significant features of the item or place. Important or relevant information may include:

(a) ***Construction details:*** date, architect/builder, period of subdivision, names of any significant owner or people who have lived at the premises, significant previous uses or associations.

(b) ***Heritage significance:*** additional information to supplement details provided on heritage item or heritage conservation area listing sheets.

(c) ***Intactness:*** details of changes that have been made to the property over time and assessment of the intactness of the item or implications of layers of history.

Area Character Statements

Part F to this DCP contains the Area Character Statements for each Planning Area and Locality Area in the Local Government Area. The Locality Areas are in part based on heritage conservation areas as identified in Schedule 5 to NSLEP 2013. The Character Statements for each of the heritage conservation areas provide an explanation as to why each Area is significant and identifies those elements which positively contribute to the character of that area and those which do not.

North Sydney Heritage Centre

The North Sydney Heritage Centre in the Stanton Library has extensive information about the social and cultural heritage of the local area, with a particular focus on the built environment. The Heritage Centre collects primary and secondary material for a wide range of historical research, including family history, house histories and heritage reports. This is available for the community and is an excellent resource for applicants. Many of the Heritage Centre's resources may be accessed at:

https://www.northsydney.nsw.gov.au/heritage

1.6 HERITAGE APPLICATIONS

Additional submission requirements

Where a proposal seeks to undertake works to a heritage item, on land adjacent to or in the vicinity of a heritage item, or within a heritage conservation area, specific information relating to heritage is required to be submitted to Council for consideration as part of a development application or an authorisation application. The extent of information required depends on the heritage significance of the building, property or conservation area affected, its relative contribution to a heritage conservation area (if applicable), and the scope and nature of works proposed.

Authorisation Applications

Authorisation applications comprise Category 2 – Routine Maintenance or Category 3 – Exempt Development works (i.e. refer to Table C-1.2 to this DCP) and require at least the following information to be provided:

(a) Details of the site;

(b) A description of the proposed work including details of materials, finishes and colours noting changes from existing;

(c) Photographs; and

(d) Where relevant, a statement confirming that all relevant criteria for exempt development have been met.

Development Applications

Development applications comprising Category 5 – Development consent (i.e. refer to Table C-1.2 to this DCP) are required to provide all information listed in the general submission requirements as set out in Council's DA checklists. In addition to these requirements, heritage applications for Category 5 works may also be required to provide any of the following:

(a) For development applications for heritage items and buildings in heritage conservation areas may require:

(i) A **Statement of Heritage Impact**;

(ii) All sets of plans clearly indicating, in colour, existing walls to be removed and those to remain;

(iii) Measured drawings of the existing building including elevations;

(iv) Details of external materials and finishes (including colour schemes);

(v) A **Conservation Management Plan**.

(b) For development applications proposing substantial redevelopment or alterations and additions to, or demolition of heritage items may require:

(i) **Demolition Report**;

(ii) **Structural Report** prepared by a structural engineer and is to verify that the proposed works will not detrimentally affect the structural stability of the building.

(c) For development applications for any site in the vicinity of a heritage item (Refer to the vicinity controls at Section 4 to this Part) that is likely to impact on the setting of the heritage item may require:

(i) a **Statement of Heritage Impact**.

Note: *Items listed on the State Heritage Register are required to obtain separate approval from the NSW Heritage Council under Section 60 of the NSW Heritage Act 1977. Details for application details and exemptions under the Heritage Act 1977 are available at https://www.environment.nsw.gov.au/topics/heritage.*

Before preparing an Authorisation Application or Development Application, it is recommended to contact Council to determine the level of additional submission requirements.

Conservation Management Plans

Council requires a conservation management plan to be provided with applications that propose changes to a heritage item of state heritage significance. They may also be required with applications where substantial changes are proposed to large or complex heritage items of local significance, or where Council considers the significance of the heritage item and the extent of change proposed warrant more detailed and rigorous assessment.

Further details on preparing Conservation Management Plans are available at *https://www.environment.nsw.gov.au/topics/heritage*.

Statement of Heritage Impact

A Statement of Heritage Impact is to be submitted with applications for development affecting:

(a) Heritage items (other than where a Conservation Management Plan is required) including applications for fire upgrading; and

(b) Properties within heritage conservation areas.

A Statement of Heritage Impact should address at least the following:

(a) Historical development of the site;

(b) Description of the item and its setting (e.g. garden, fences, ancillary buildings, etc);

Note: *This aspect should also include existing plans/sections and elevations to appropriately document the evolving history of the site and to assist in making a clear comparison and assessment of the impact of the new work on the cultural significance of the place*

(c) Contribution to the streetscape: height, scale, mass, setback, fenestration, architectural style and period;

(d) Heritage significance (use Heritage NSW's *Assessing Heritage Significance* guidelines and heritage inventory data sheets);

(e) The proposal's anticipated impact on the heritage significance of the identified heritage item or place and its setting, any identified conservation area and/or nearby heritage items;

(f) Design options and rationale for the preferred option; and

(g) Relevant conservation principles in accordance with ICOMOS Burra Charter.

When preparing a Statement of Heritage Impact, the chronological layers of a property must be identified to establish the relative heritage significance and conservation value of various elements.

A Statement of Heritage Impact can be prepared by either a specialist heritage consultant or property owner. However, applicants should be advised that Council will only consider those Statements which adequately address the concerns arising from the proposed development. Guidance on preparing Statements of Heritage Impact is available at *https://www.environment.nsw.gov.au/topics/heritage*. You may also consult with Council prior to lodging your application.

Demolition and site redevelopment

Requests to demolish heritage items or contributory items within heritage conservation areas are not supported by Council. However, should an applicant insist in pursuing such a request, the onus is on the applicant to demonstrate why the building is not reasonably capable of retention.

Demolition of a heritage item is usually only considered where the structure is unsound. In its determination of any application to demolish a heritage item, Council will give consideration to the relevant Planning Principles established by the Land and Environment Court. The Planning Principles can be viewed on the Land and Environment Court's website (*https://lec.nsw.gov.au/practice-and-procedure/principles/planning-principles.html*).

A Demolition Report is required to accompany any application for demolition of a **heritage item** or **contributory item in a heritage conservation area**. The report is to provide details of the heritage significance of the heritage item or contribution of the contributory item to the heritage conservation area, and is to address the matters at s.1.6 to this Part of the DCP.

Plans of the replacement development are to be submitted with any application for demolition. Submitting the documentation to seek approval to demolish a heritage item or contributory item does not imply that approval will be granted. Council may seek independent advice on aspects of any application for demolition.

1.7 USING THIS PART

Heritage development applications are to be consistent with the DCP aims, objectives and controls that apply to the proposal. Notes in the right-hand column of the DCP and supporting diagrams provide additional detail to assist interpretation of the controls and links to other documents are relevant. The Guiding Statement in the Preface to this Part of the DCP is an expression of Council's intent for the decision making process for heritage development applications.

The flowchart within Figure C-1.1 below illustrates the linear nature of this Part of the DCP and may assist in navigating through it when preparing a development application.

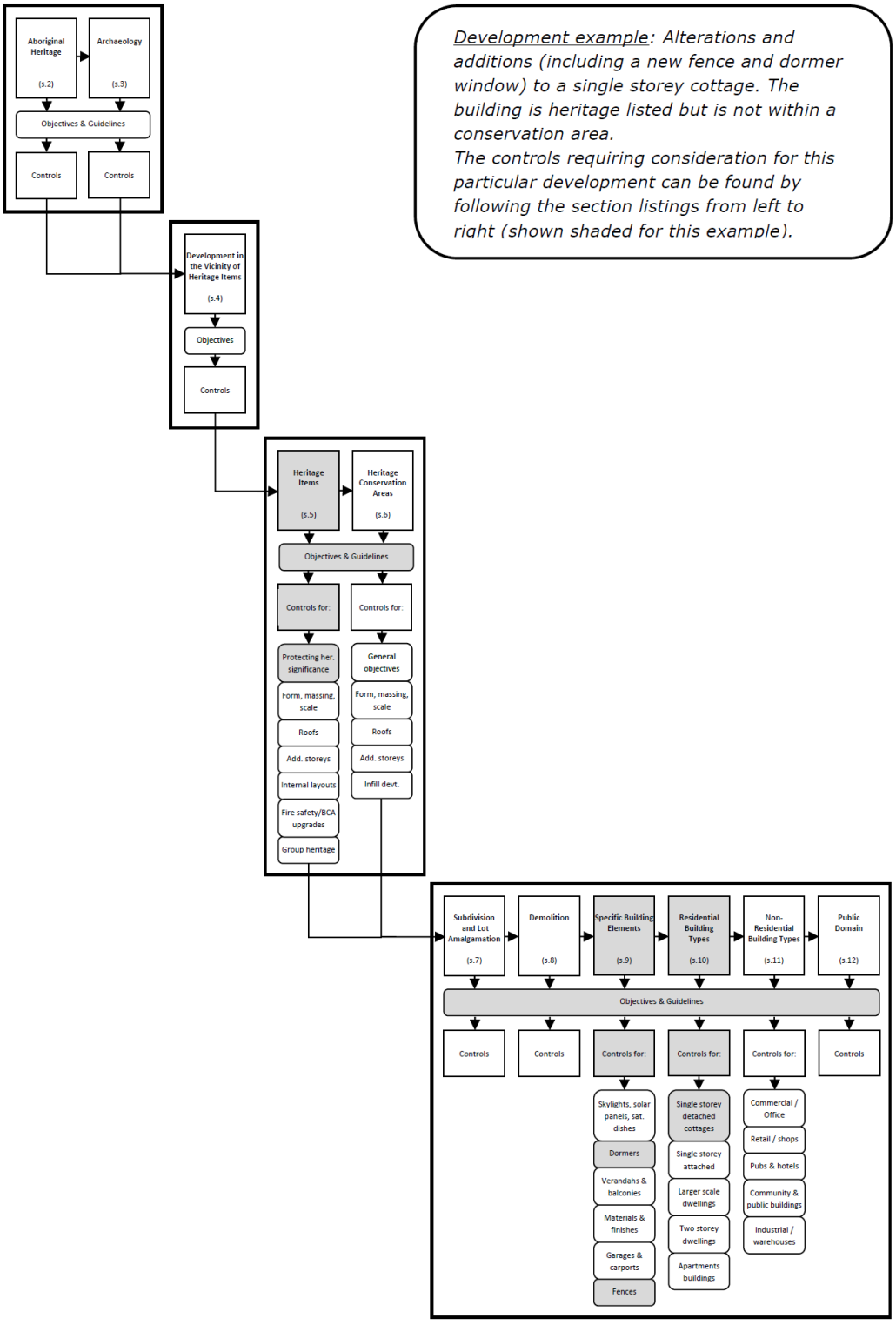

Figure C-1.1: Flowchart outlining process for using this Part of the DCP.

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SECTION 2 ABORIGINAL HERITAGE

There are a number of known Aboriginal places of heritage significance located within the North Sydney Local Government Area. The location of these known places are not readily available to the general public.

There is also potential for the existence of Aboriginal places of significance and Aboriginal objects on sites that are not currently known about. Such places generally occur:

- along the harbour foreshores and creeklines and streams; and
- on sites containing sandstone outcropping (including flat surfaces above cliffs and scarps, rock shelters on slopes below ridges cliffs and scarps and beneath or part of fallen boulders).

Sites will be more common where properties adjoin bushland and where sandstone cliffs contain overhangs and less common where the land has been heavily modified. Commercial areas where land disturbance has been most intensive will have the lowest frequency of sites.

Notes: *Refer to the National Parks and Wildlife Act 1974 for requirements to protect and preserve Aboriginal objects and places of significance.*
Applicants are encouraged to contact the Metropolitan Local Aboriginal Land Council officer, North Sydney Council Aboriginal Heritage Manager and/or the National Parks and Wildlife Service (which forms part of the NSW Office of Environment and Heritage) before lodging a development application.

Objectives

O1 Acknowledge the importance of Aboriginal heritage as part of North Sydney's heritage resources.

O2 Protect Aboriginal objects and Aboriginal places of heritage significance by minimising the likelihood of disturbance from development.

O3 Minimise potential for interference with archaeological objects as a result of development by encouraging relics to be preserved in-situ.

Provisions

P1 Obtain relevant approvals from the Aboriginal Heritage Office prior to commencing work where a site contains, or has potential for Aboriginal objects.

P2 Building and landscaping works, including paths and driveways are not to disturb any Aboriginal objects.

P3 Minimise disturbance and exposure of areas along the foreshore, including excavations for swimming pools, jetties and boat sheds.

P4 Site structures away from the foreshore where possible.

P5 Minimise disturbance to rock outcrops and overhangs.

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SECTION 3 ARCHAEOLOGY

This section of the DCP only deals with non-Aboriginal archaeology (i.e. European Heritage) and refers to sites, which are not addressed in Section 2 to this Part. It primarily relates to sites of known or potential cultural significance, both below and above ground which have the potential to increase our knowledge of earlier human occupation, activities and events.

Notes: *Archaeological resources are protected by the relics provisions of the NSW Heritage Act 1977.*
A lot of North Sydney's archaeology is related to maritime history. Old machinery and equipment can be an important link to the industrial and maritime heritage of the area.

Objectives

O1 Acknowledge the importance of archaeology as part of North Sydney's heritage resources.

O2 Minimise potential for interference with archaeological heritage as a result of development by encouraging relics to be preserved in-situ.

Provisions

P1 Minimise the depth and extent of any excavation and locate new work away from areas known to contain archaeological relics.

P2 Minimise disturbance along foreshore areas where there is a high likelihood of relics. This includes excavation and exposure of subsoil areas for swimming pools, jetties or boat sheds.

P3 Locate structures to minimise changes to the natural landform.

P4 Minimise disturbance to below ground and sub-floor areas by careful siting of new work to conserve potential archaeology.

P5 Ensure reversibility of changes (as relevant).

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SECTION 4 DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS

The setting of a heritage item often contributes to its heritage significance. With historic curtilage, the setting can extend beyond current property boundaries, and will be different for each heritage item.

Development near heritage items is required to consider the potential for new work to impact on the heritage item's setting. This requires an understanding the role of the site in the streetscape, and in relation to the heritage item.

If Council's heritage assessment staff confirm that the vicinity controls will apply to your property, then a **Statement of Heritage Impact may be required** with your development application.

Objectives

O1 Ensure that new work is designed and sited so as to not detrimentally impact upon the heritage significance of the heritage item and its setting.

Provisions

P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.

P2 Maintain significant public domain views to and from the heritage item.

P3 Ensure compatibility with the orientation and alignment of the heritage item.

P4 Provide an adequate area around the heritage item to allow for its interpretation.

P5 Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.

P6 Protect and allow interpretation of archaeological features (as appropriate and relevant).

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SECTION 5 HERITAGE ITEMS

Heritage items are listed in Schedule 5 of NSLEP 2013. Heritage items can comprise land, works, vegetation, structures, moveable objects, places, buildings, groups of buildings or combinations of some or all of these elements.

Council adopts a "whole property" approach for heritage items. This is because the heritage significance of any heritage item normally relates to more than the front or street façade of buildings.

Council will consider the analysis and weighting of significance to various elements of a property. It is important to discuss the analysis with Council's planning and heritage advisors, prior to the lodgement of any development application.

5.1 PROTECTING HERITAGE SIGNIFICANCE

Objectives

O1 Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item.

Note: *Council does not support demolition of heritage items as a matter of principle.*

O2 Allow change to occur to heritage items to meet amenity and contemporary safety, sustainability or technological standards, provided that those changes are sympathetic to and does not detrimentally affect the heritage significance of the heritage item.

Note: *Development to heritage items should be sympathetic, and achieve a reasonable balance between contemporary expectations, environmental sustainability and protecting heritage significance.*

O3 Ensure significant features of heritage items are retained and that development is sympathetic to these features with particular regard to bulk, form, style, character, scale, setbacks and materials.

O4 Acknowledge changes over time to heritage items, as subsequent layers may also be of significance.

O5 Encourage reinstatement of missing details and the removal of past unsympathetic changes, to improve overall outcomes to the heritage significance of the heritage item.

O6 Allow changes to the rear of heritage items where the new work does not impact the heritage significance of the heritage item.

O7 Ensure that new uses of heritage items are compatible with the fabric and heritage significance of the item.

O8 Encourage changes to be reversible where possible and appropriate.

Provisions

P1 Retain features (including natural and cultural landscape features) that contribute to the significance of the item.

P2 Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.

P3 New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.

P4 Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.

P5 Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new work to the rear.

P6 All works are to be consistent with an adopted Conservation Management Plan/s where applicable.

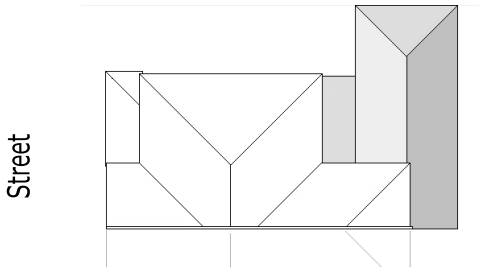

Figure C-5.1:
Locate change away from the primary intact areas of the heritage item – changes to the rear are often preferable.

5.2 FORM, MASSING, SCALE

Objectives

O1 To allow alterations and additions to heritage items, where the new work does not impact on the heritage significance of the heritage item.

O2 To maintain and promote the original built form of the heritage item as viewed from the public domain.

Provisions

P1 Locate alterations and additions away from principal elevations and primary forms, and behind and below the main ridge line.

Note: *Alterations and additions should occur to the rear of heritage items such that they are not visible from the public domain.*

P2 Ensure that alterations and additions are smaller in scale, height and massing than the existing building.

P3 Locate additions within characteristic setbacks.

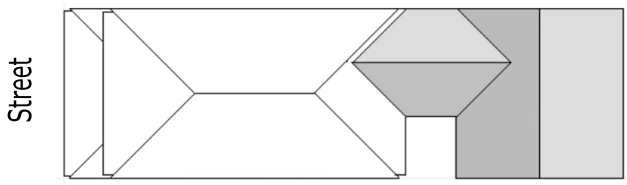

Figure C-5.2:
Additions should be smaller in scale and length than the existing building.

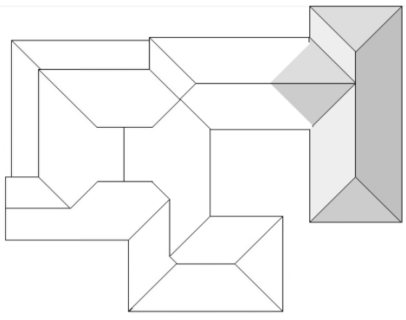

Figure C-5.3:
New work should maintain the integrity of the building form, allowing the original form to be discerned.

Integrity of building form

P4 Maintain the integrity of the building form (including the roof form and profile) so that the original building is retained and can be clearly discerned.

P5 Additions should be submissive in bulk and scale in comparison to the original building form (i.e. additions should generally be smaller in footprint and lessor in height than the original building form).

5.3 ADDITIONAL STOREYS

The suitability of adding additional levels to any heritage item will depend on the form, scale, architectural style and heritage significance of the heritage item. Additional storeys are not appropriate where the building is part of an intact group.

Objectives

O1 To minimise the visual dominance of any new work from public places.

Provisions

P1 Additional storeys must be confined to within the existing roof space or below the gutter line of the main roof. Whole floor additions will not be supported. Refer to Figure C-5.5.

P2 The consent authority may consider permitting additional levels at the rear of a building, but only where those levels are located below and behind the main ridge line.

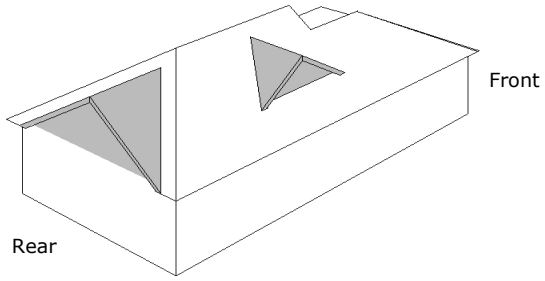

Figure C-5.4:
Consider use of existing roof space at the rear of a building rather than constructing an additional storey.

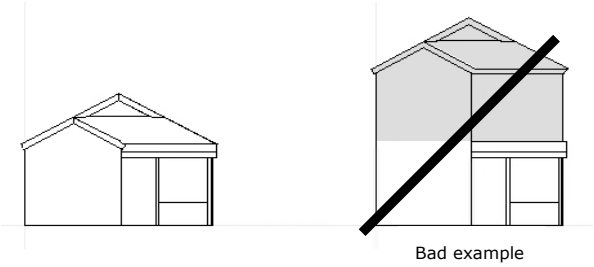

Figure C-5.5:
Whole floor additions are generally not supported. Consider use of existing roof space with dormer windows subject to the controls in Section 9.2. to this Part

5.4 ROOFS

Roofs are often prominent elements of heritage items in North Sydney, and combine in many heritage conservation areas to give a distinctive skyline pattern.

Objectives

O1 To ensure that original roofs, their hierarchy and materials are retained.

Provisions

P1 Retain hierarchy of roof forms, with dominant forms maintained on the primary facades.

P2 Retain original roofing materials, such as slate or terracotta tiles.

P3 Retain chimneys and other decorative roof elements.

P4 Where new roof form additions are proposed, they must be set lower than the existing primary roof ridge and be designed to positively respond to the roofs prevailing character.

P5 All new services/drains/etc to be internal and/or of suitable materials.

P6 Original roof forms are not to be modified to accommodate decks or balconies.

5.5 INTERIOR LAYOUTS

The floor plan of a heritage item is normally intrinsic to its built form. Retaining internal elements is often a good way to ensure structural security.

Council seeks the retention of significant interior elements, as a building that retains its traditional layout and features is more likely to retain its significance than a building that has been extensively changed inside.

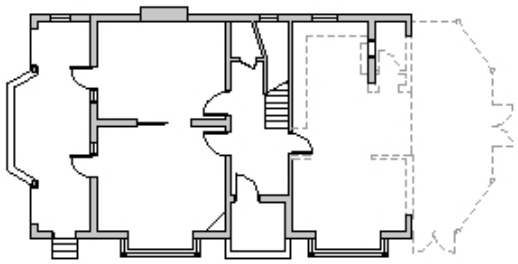

Figure C-5.6:
Demolition is concentrated to the rear and original rooms of significance are left intact.

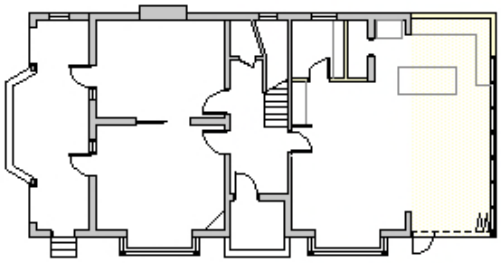

Figure C-5.7:
The rear section is replanned and is the focus of the new work.

Objectives

O1 To ensure that significant interior elements are retained and preserved.

Provisions

P1 Applications are to be accompanied by current photographs of interior features, including walls, floors, ceilings, windows and fireplaces etc.

P2 Minimise change to the original or significant internal room configuration/layout (as appropriate) so that the evolution of the building remains discernable. This can be achieved by retaining wall nibs, decorative ceilings, joinery and original features such as fire places.

P3 Kitchens or bathrooms must not be located within primary rooms of significance, unless all of the following are achieved:

(a) all of the original interior detailing is retained;

(b) the volume of the room can still be appreciated;

(c) the original use of the room is still interpretable;

(d) new services do not adversely impact on significant fabric; and

(e) the works can be fully reversed, such that the room may reverted to its original purpose.

P4 Retain access and relationship to original building entrances and associated hallways.

P5 Retain significant internal original features including joinery, door sets, fire places, flooring, cornices and ceilings.

P6 Locate alterations away from rooms that have intact or significant features.

P7 Ensure new openings have similar dimensions or are compatible with existing openings, such as width and height of double doors.

P8 Provide for reversibility of internal changes (where appropriate and reasonable).

5.6 UPGRADING FOR FIRE SAFETY, BCA AND OTHER MATTERS

Older buildings do not always meet contemporary building regulations. This is particularly so with many heritage buildings. It is important that these older buildings are upgraded to ensure the safety of their occupants. Whilst some minor upgrades may constitute exempt or complying development, some will also require development consent.

Objectives

O1 To ensure that buildings are constructed to an appropriate standard to ensure the safety of its occupants, whilst retaining heritage significance.

Provisions

P1 Proposed fire upgrades to heritage buildings are to be accompanied by a heritage analysis carried out by a suitably qualified heritage consultant.

P2 Fire and other upgrades are to be consistent with the heritage significance applicable to the property. Upgrades and replacement of balconies, stairs, timber windows etc are to be sensitive to that significance.

P3 Fire and other upgrading works need to balance the fire safety and other compliance needs with protecting heritage significance. In order to achieve the most appropriate outcome, applicants may need to utilise alternate solutions to BCA compliance issues.

5.7 GROUP HERITAGE ITEMS

There are many examples of semi-detached dwellings and attached dwellings which have common or shared features. Alterations and additions to one building within the group can affect the heritage significance of the group as a whole.

The controls in this subsection apply to heritage items that form part of a group as identified on the relevant heritage data inventory sheet.

Where there is an inconsistency between this subsection and another subsection in this Section, this subsection will prevail.



Figure C-5.8:
Example of a group heritage item.

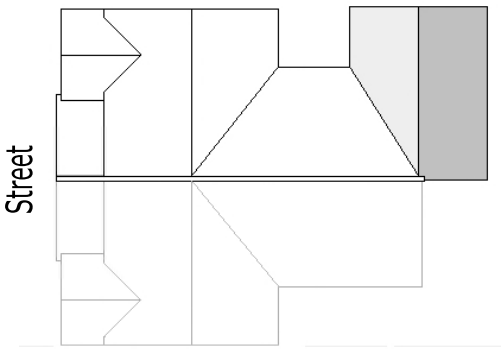

Figure C-5.9:
For group and pair items – locate new work away from the shared and/or significant elements of the group.

Objectives

O1 Retain the significant features or characteristics of the group but allow flexibility for change where significance will not be affected.

Provisions

P1 Retain significant features that are common to the group.

Note: *Council may require reinstatement of missing details on* ***group heritage items*** *where physical or documentary evidence is available*

P2 Locate new work away from the significant elements of the group.

P3 Retain significant historical boundaries.

SECTION 6 HERITAGE CONSERVATION AREAS

Heritage conservation areas are listed in Schedule 5 of NSLEP 2013 and are illustrated on the Heritage Maps to the LEP. Heritage conservation areas have a cohesive sense of place. Their significance is often a function of the subdivision and street pattern, combined with buildings that share common periods of development, historical associations, materials, form and scale.

Buildings that are not heritage items are identified as being contributory, neutral or uncharacteristic. The contribution of any building to the conservation area should guide the approach to development, as set out below.

Note: *This Section should be read in tandem with the relevant Area Character Statement (refer to Part F of the DCP). Contributory and uncharacteristic items are listed in Tables App-A.1 and App-A.2 within Appendix 2 to this DCP. All other properties within a heritage conservation area that are not identified as a heritage item under NSLEP 2013, or listed as a contributory item or an uncharacteristic item is deemed to be a neutral item.*



Contributory items are part of the collective significance of the particular conservation area in which they are located. They are important for what they offer to the streetscape or character of the heritage conservation area. As a result, the focus for contributory items is how the building appears in the public domain, and especially from the street.

Council does not support the demolition of contributory items.



Neutral items are not defining, but do not detract from the overall character of a conservation area. They often represent the original era of development and may display the predominant architectural style.

The focus for neutral items is how the building appears in the street and public domain. The intention is to achieve a neutral or improved built outcome by removing previous unsympathetic alterations, or adding features that are characteristic of an area.



Uncharacteristic items are buildings and structures that are intrusive and detract from the character and significance of the heritage conservation area. They are not suitable benchmarks for new developments. Replacement buildings are to achieve a neutral or contributory status.

6.1 GENERAL OBJECTIVES

The objectives of this Section are to:

O1 Ensure that new development is designed to retain and complement the character and significance of the conservation area (refer to Part F of this DCP for a description of the significance of the heritage conservation area).

O2 Ensure that contributory items are retained and where practical improved, with a focus to locate new work to the rear or away from publicly visible elevations of building.

O3 Enable neutral items to be improved such that they contribute to the character of the heritage conservation area through the removal of unsympathetic and inappropriate elements, and reinstating missing details where appropriate.

O4 Encourage change that will remove uncharacteristic items or reduce the extent of their intrusion.

6.2 FORM, MASSING AND SCALE

Objectives

O1 To ensure new development has a compatible and complementary building form and scale to that which characterises the conservation area.

O2 To maintain and enhance streetscape character as identified within the Area Character Outcomes in Part F of this DCP.

Provisions

P1 Development should reflect the bulk, mass, scale, orientation, curtilage and setbacks of surrounding heritage and contributory items.

P2 Development should recognise and complement the predominant architectural scale and form of the area.

P3 Do not obstruct existing views in the public domain, including slot views over and between buildings as these provide connection and contribute to the context of the area's location.

P4 Reinstate characteristic and decorative features to **contributory items** where alterations and additions are proposed. This could include reinstatement of verandahs and balconies, joinery, chimneys, fences or window detailing.

P5 Achieve a neutral outcome to **neutral items** or improved outcome to **neutral items** which were constructed in the core period of development by:

(a) respecting original or characteristic building patterns in terms of bulk, form, scale and height;

(b) minimising changes to original and characteristic features;

(c) removing unsympathetic and uncharacteristic changes and/or;

(d) reinstating characteristic details where there is physical or documentary evidence.

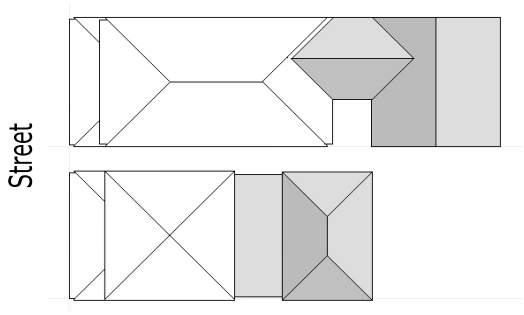

Figure C-6.1:
Minimise changes to the front elevations, consider pavilion extensions.

P6 Achieve an improved outcome to **uncharacteristic items** by removing the uncharacteristic or intrusive element or incorporating changes to improve the contextual design and visual impact of the site.

P7 Respond to characteristic building alignments by not building forward of the established or characteristic front setback.

P8 Repeat any consistent pattern of side and rear setbacks of heritage and contributory items in the vicinity of the site.

P9 New work may adopt a contemporary character, provided the development is not likely to have a detrimental impact on the characteristic built form of the area, particularly in terms of bulk, scale, height, form or materials.

6.3 ROOFS

Objectives

O1 To maintain the characteristic roof profiles and roofing materials within a heritage conservation area.

Provisions

P1 Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant area character outcomes (refer to Part F of the DCP).



Figure C-6.2:
Roofs can be unifying elements of conservation areas.



Figure C-6.3:
Buildings from the nineteenth and early twentieth centuries often have steep pitches and formal geometry that combines to give a distinctive skyline.

6.4 ADDITIONAL STOREYS AND LEVELS

Objectives

O1 To ensure that the scale of the streetscape and context of the heritage conservation area are respected.

Provisions

P1 Additional storeys or upper level additions are not supported in heritage conservation areas.

P2 Despite P1, the consent authority may permit an additional storey or upper level addition, but only if the applicant can demonstrate:

(a) that the resultant building will exhibit a similar scale to that in the vicinity of the site, and

(b) that the design respects the heritage characteristics of the area; and

(c) that the additional storey does not alter the form or scale of any heritage or contributory items.

Note: *Modest cottages need to retain a small form and height.*

P3 Typically, additions should be set back behind the main roof lines and should be located substantially within the existing roof.

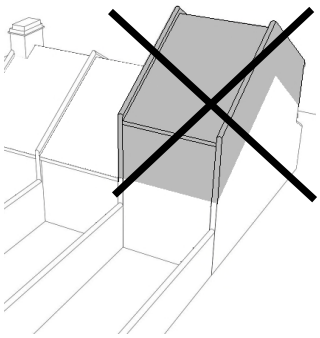

Figure C-6.4:
Additional storeys are usually not appropriate, particularly where the existing building is part of an intact group or streetscape.

6.5 INTERNAL LAYOUTS

While Council does not seek to control changes within contributory, neutral or uncharacteristic buildings in heritage conservation areas, the internal layout of a building can be indicative of its heritage significance. This significance normally only comes to light once a property owner seeks to undertake new works.

Retaining internal elements is often a good way to ensure structural soundness.

Objectives

O1 To ensure that significant interiors are retained.

Provisions

P1 Where interior layouts are determined to be significant, they should be retained.

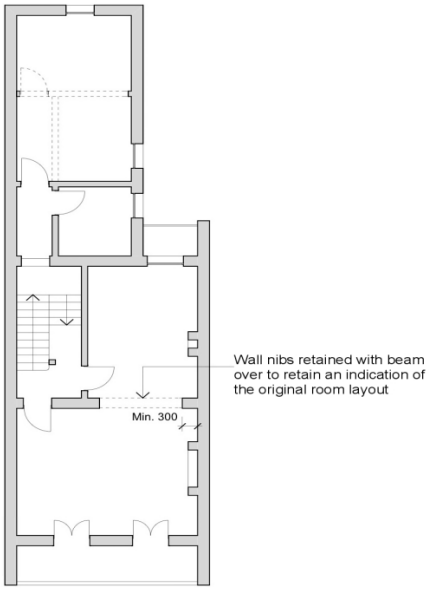

Figure C-6.5:
Retaining wall nibs gives an indication of the original layout.

6.6 INFILL DEVELOPMENT IN CONSERVATION AREAS

Infill development refers to any new building in a heritage conservation area. Heritage items are good reference points for indicating appropriate bulk, massing, scale, and material usage.

Objectives

O1 To ensure that new development is consistent in terms of materials, bulk, scale, character and setback with significant buildings in the heritage conservation area.

Provisions

P1 Infill developments in heritage conservation areas need to positively respond to the setting and special character of the area, as outlined in the relevant area character outcomes (refer to Part F of the DCP).

P2 Consideration be given to the NSW Heritage Office's publication *Design In Context* provides guidance for infill development, copies of which are available from their website - *https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/design-in-context-guidelines-for-infill-development-historic-environment.pdf*.



Figure C-6.6:
Good infill development responds to the form, scale, setbacks and modulation of characteristic adjoining developments.



Figure C-6.7:
Poor infill development does not respond well to adjoining characteristic developments.

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SECTION 7 SUBDIVISION AND LOT AMALGAMATION

The subdivision pattern typically reflects the area's development history and underpins its significance. Unsympathetic developments often occur where there is a change to the characteristic subdivision pattern.

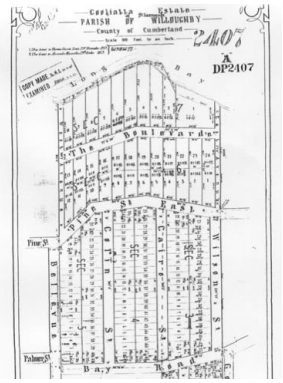

Figure C-7.1
Subdivision of the Carlotta Estate, Cammeray 1889.



Figure C-7.2
The subdivision created a large number of small lots that led to the construction of single storey Federation and Edwardian cottages that are distinctive of the area.

Part F of the DCP contains area character outcomes for each heritage conservation area, which include extracts from historic maps that illustrate the subdivision of each area over time.

Objectives

O1 To ensure that the character of heritage conservation areas are not adversely affected from inappropriate development.

O2 To ensure the significance of heritage items are not reduced through reduced curtilages.

Provisions

P1 Subdivision patterns should reflect that identified in the relevant area character outcomes (refer to Part F of the DCP).

P2 Changes to property boundaries will not be permitted where it will result in the reduction of a curtilage to a heritage item, where it results in an adverse impact upon the items significance.

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SECTION 8 DEMOLITION

These controls apply to development applications for demolition works to heritage items and sites within heritage conservation areas.

Objectives

O1 To ensure that heritage items and buildings which positively contribute to the significance and character of a heritage conservation area are retained.

O2 To outline the criteria which need to be considered by Council should applicant still seek to demolish the heritage item or building which positively contributes to a heritage conservation area.

Provisions

Demolition of heritage items

P1 Heritage items must not be demolished and demolition will not be supported by Council.

P2 Despite P1 above, Council may consider the demolition of a heritage item, but only where an applicant can satisfactorily demonstrate:

(a) why it is not reasonable to conserve the heritage item taking into consideration:

(i) The heritage significance of the property; and

(ii) the structural condition of the building; and

(iii) pest inspection reports; and

(iv) whether the building constitutes a danger to the public.

Note: *A report from a qualified quantity surveyor is required where the costs of retention are part of the justification for the proposed demolition.*

(b) that alternative options to demolition have been considered with reasons provided as to why the alternatives are not acceptable.

Note: *Plans of the replacement building are to be lodged concurrently so that the applications can be assessed concurrently.*

Demolition of contributory items

P3 Contributory items must not be demolished and demolition will not be supported by Council.

P4 Despite P3 above, Council may consider the demolition of a contributory item, but only where an applicant can satisfactorily demonstrate:

(a) that the building's contribution to the streetscape or character of the conservation area does not warrant its retention;

(b) that alternatives to demolition have been considered with reasons provided as to why the alternatives are not acceptable; and

(c) that any replacement building is compatible with the characteristic built elements of the heritage conservation area as identified in the relevant Area Character Outcomes (refer to Part F of the DCP).

Demolition of neutral items

P5 Neutral items should not be demolished and demolition will generally not be supported by Council.

P6 Despite P5 above, Council may consider the demolition of a neutral item, but only where the applicant can demonstrate:

(a) the existing building is not capable of adaptation or modification in a way that will reasonably meet contemporary amenity and living standards while also

improving the appearance and contribution of the building to the area's character;

(b) that any replacement building improves the contribution of the site to the area's character in terms of form, setbacks, bulk, scale, materials and style;

(c) that sustainability outcomes of the proposed replacement development reasonably justify the change; and

(d) that all reasonable alternatives to demolition have been considered.

Demolition of uncharacteristic items

P7 Council will only consider the demolition of uncharacteristic items if the applicant can satisfactorily demonstrate:

(a) that the replacement building will allow the site to be reclassified from at least "uncharacteristic" to "neutral"; and

(b) that sustainability outcomes of the proposed replacement development reasonably justify the change.

SECTION 9 SPECIFIC BUILDING ELEMENTS

These controls apply to development applications for works to heritage items and sites within heritage conservation areas.

Part F to this DCP contains the Area Character Outcomes for each Planning Area and Locality Area in the Local Government Area. These statements on Character Outcomes for each of the heritage conservation areas identify characteristic elements, built form elements which positively contribute to the character of that area. They also identify uncharacteristic elements, which detract from the character and heritage significance of a conservation area.

It is important to note that uncharacteristic elements, whilst potentially common within a conservation area, are in fact undesirable, detract from or are simply unsympathetic to the heritage significance of the area. These uncharacteristic elements should be removed wherever possible.

9.1 SKYLIGHTS, SOLAR PANELS AND SATELLITE DISHES

Structures placed on the roof of a heritage item or building within a heritage conservation area can be intrusive.

Objectives

O1 To ensure that skylights, solar panels and satellite dishes do not detrimentally impact upon the significance of heritage items and heritage conservation areas.

Provisions

P1 Locate skylights, solar panels and other roof mounted structures away from visually prominent roof planes and front elevations.



Figure C-9.1:

Skylights are an effective way to improve light and ventilation but need to be carefully located as they can be intrusive on front elevations.

9.2 DORMER WINDOWS

Dormers can be an effective way to make use of existing space within the home. Dormers should not appear "*tacked on*" and should not dominate or appear as a second storey. Design clues should be taken from the existing building.

Objectives

O1 To ensure that dormer windows do not detrimentally impact upon the significance of heritage items and heritage conservation areas.

Provisions

P1 Are to comply with the requirements for dormers in s.1.3.11 to Part E of the DCP.

P2 Dormers must not be placed on the street elevation of a building.

P3 Despite P2, Council may permit a dormer on the street elevation of a building, but only where it can be adequately demonstrated that:

(a) it will not result in any adverse impacts to significance of any heritage item or heritage conservation area;

(b) it will not result in any significant impacts on privacy to adjoining properties;

(c) it will not detract from the coherence of the streetscape; and

(d) surrounding properties have dormers visible from the street.

Note: *For the purpose of this subsection, surrounding properties are defined as those properties in the immediate vicinity which are visible when standing opposite the subject building.*

P4 New dormer windows are to be secondary in scale to the roof, and setback from the eaves and ridge line.

P5 Dormers must not have a roof pitch exceeding 36 degrees.

P6 Dormers on the street elevation of a building must not comprise more than $^1/_3$ of the width of the roof plane upon which they are placed.

P7 Dormers must not project above any part of the ridge of the roof plane to which the dormer is attached.

P8 The design of the dormer is to complement the style and detailing of the existing building and its roof. Figures C-9.2 and C-9.5 show examples of Victorian and Edwardian dormer windows.

P9 Dormers should be set in from any party walls.



Figure C-9.2:
Example of a Victorian dormer window



Figure C-9.3:
Example of a Victorian dormer window.

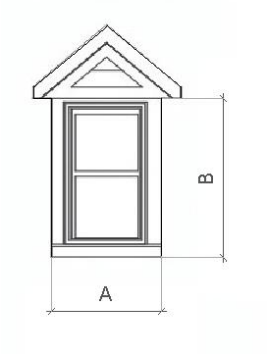

Figure C-9.4:
Suggested dimensions and proportions for a dormer window:

Victorian dormers:

Width (A)	= 900mm (max)
Width (A):Height (B)	= 0.5:1 to 0.7:1

Federation dormers:

Width (A)	= 1200mm (max)
Width (A):Height (B)	= 1:1 to 1.2:1



Figure C-9.5:
The simple roof form of Federation and Interwar houses can be sympathetically altered using dormers that form gablets.

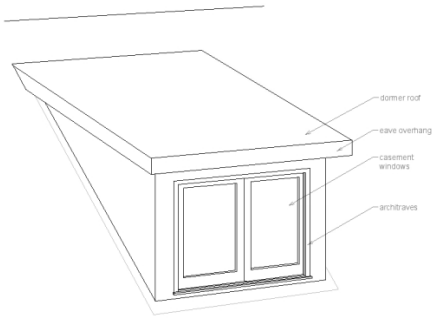

Figure C-9.6:
Suggested dimensions and proportions for an Edwardian Arts and Crafts eyelid dormer window:

Height = 1000mm (max)
Width:Height = 2:1 to 2.2:1

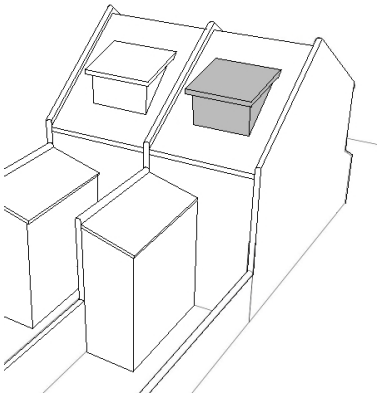

Figure C-9.7:
Rear dormers can be larger than front dormers as they have less effect on streetscape. This does not apply where rear or side elevations are visible from the public domain.

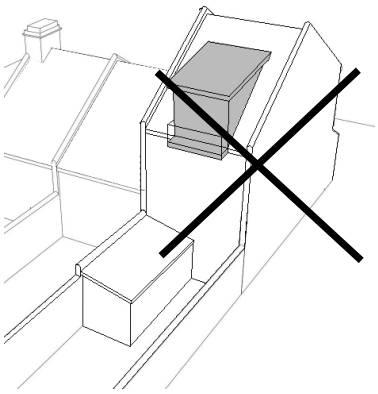

Figure C-9.8:
Balcony dormers are not supported.

P10 On larger houses with hipped roofs, rear dormers are to be inset from the hips to the rear.

P11 Balcony dormers are not supported. See Figure C-9.8.

P12 Where side and rear elevations are visible from the street, dormers are to be similar in scale to front dormers.

9.3 VERANDAHS AND BALCONIES

Verandahs and balconies are characteristic elements of many housing styles in Australia. Verandahs create patterns of light and shade, and give depth to the building envelope.

Verandahs are often distinctive architectural features of a building, and can be significant to the character of many street elevations, reinforcing links between buildings. Adjoining buildings can provide clues about missing verandah details, especially in the case of semi-detached or terrace groups.

Objectives

O1 To ensure that verandahs and balconies do not detrimentally impact upon the significance of heritage items and heritage conservation areas.

O2 To encourage the retention and reinstatement of original verandahs and balconies, especially where they are significant or contributory to an individual, row or group of buildings.

Provisions

P1 Retain existing significant or characteristic balconies.

P2 Reinstate missing verandahs, balconies, balustrades or detailing.

P3 Later and intrusive verandah and balcony enclosures should be removed.

P4 Enclosing front balconies and verandahs is not supported.

P5 The design, proportions and detailing of new balconies is to relate to the style, detail and period of the building, and any characteristic elements of the conservation area identified in the relevant area character outcomes identified in Part F of the DCP.

P6 Glass balustrades are not appropriate on pre-1970's buildings or where visible from the public domain.

9.4 MATERIALS, COLOURS AND FINISHES

External materials and finishes contribute to the significance of many heritage items and to the characteristic qualities of heritage conservation areas. The Area Character Outcomes within Part F of the DCP may contain details in relation to particular heritage conservation areas.

Objectives

O1 To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas.

Provisions

P1 Retain external face brick or stone walls where they are significant features of a heritage item or identified as part of the characteristic built elements of a heritage conservation area. Rendering of face brickwork will not be permitted unless it comprised a construction method used on the original building.

P2 Retain original rendering on walls and ensure that any new materials required for repairs are consistent with the original render texture.

P3 Where new materials are required, ensure that they are easily recognised as new, but are compatible with the key elements of the heritage item.

P4 Select materials and finishes to reflect their characteristic usage, such as stone at the building base.

P5 Details of proposed colour scheme are to be provided with the development application.

P6 Ensure materials, finishes and colours are compatible with the characteristic built elements of the heritage conservation area as described in the relevant Area Character Outcomes (refer to Part F of the DCP).

9.5 GARAGES AND CARPORTS

Many sites in North Sydney are unsuitable for on-site parking. Carports and garages can have a detrimental impact on heritage items and the streetscape of heritage conservation areas. The intention for these controls is to ensure that significant and contributory buildings, with their landscaped settings, remain the dominant element in the streetscape.

Garages, carports and large areas of paving located within the front setback of heritage items and buildings located within heritage conservation areas are generally considered to be uncharacteristic elements.

Notes: *All parking structures and spaces must comply with landscaped area and site coverage requirements.*



Figure C-9.9:
Parking spaces combined with high fencing alienates the streetscape and is intrusive.



Figure C-9.10:
Parking spaces located forward of the building line can be intrusive to the streetscape.

Objectives

O1 To ensure that vehicular accommodation does not detrimentally impact upon the significance of the heritage item or heritage conservation area.

O2 To ensure that off-street car parking does not dominate the streetscape.

Provisions

P1 Must comply with the provisions contained within s.4.8 and 4.9 to Part D of this DCP.

P2 Rooms/studios located above garages fronting a laneway or where increased floor to ceiling heights are sought to accommodate vertical car stackers within garages fronting a laneway will not be supported.

P3 Do not alter or demolish any part of a building for car parking, carports and garages.

P4 Roof form, detailing and materials are to complement the associated building.

P5 Retain original garages for heritage items and contributory items.

P6 Any off street parking located within the front setback area is to remain uncovered and be constructed using minimal paving and incorporate soft landscaping.

9.6 FENCES

Fences are important elements of the streetscape, defining the street line and typically complementing the setting of heritage buildings and contributing to the character of heritage conservation areas.

Fences were traditionally kept low in front of the building line to allow houses to be seen from the street. High fences are often intrusive in the streetscape as they interrupt views to houses.

Fencing styles

The following list of building types indicates what styles of fences are typically associated with that building type and includes where relevant typical heights.

Victorian buildings:

- Iron palisade or woven wire fences
- Timber picket fences in 'acorn' pattern pickets
- Vertical emphasis typically 1100 mm in height

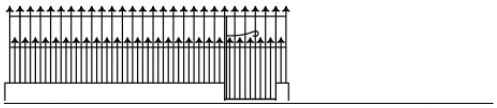

Figure C-9.11:
Victorian palisade

Federation/Edwardian buildings:

- Timber picket fences on a brick or sandstone base course
- Timber framed wire mesh fences
- Brick or sandstone and wrought iron fences with wrought iron infill panels (usually between 1m and 1.5m in height)
- Vertical emphasis typically 900-1200 mm in height, or up to 1500 mm for grand federation houses.

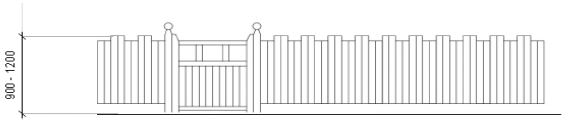

Figure C-9-12:
Federation timber picket on brick base course.

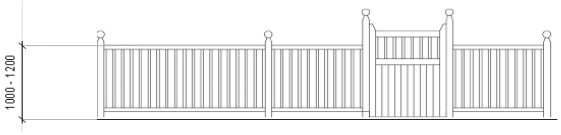

Figure C-9.13:
Edwardian timber fence.

California Bungalows:

- Low brick fences (usually 900mm to 1m in height) of either face brick or rendered to match the building
- Brickwork to match the house and some detailing such as curved bricks or corbelling
- 1930s/1940s/1950s housing
- Horizontal emphasis 450-900 mm in height

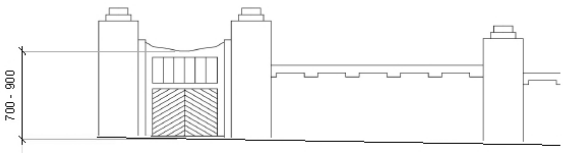

Figure C-9.14:
Inter-war brick fence.

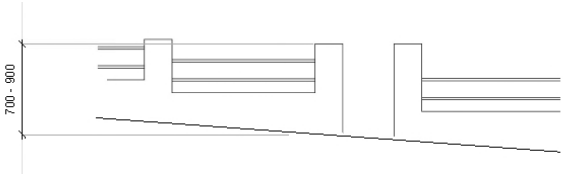

Figure C-9.15:
Inter-war, 1940s and 50's low brick fence.

Objectives

O1 To ensure that fences are consistent with the characteristic elements of the heritage item or heritage conservation area.

Provisions

P1 Retain original fences and gates where they are characteristic elements of a conservation area or add to the significance of the building or place.

P2 Front fences are to be of a design that is appropriate to the style and period of the building, or characteristic fences of the conservation area.

P3 Maintain continuous fence lines and heights on streets and laneways.

P4 The height of a new fence with a heritage conservation area is to be consistent with that identified within the relevant Area Character Outcome (refer to Part F of the DCP).

P5 Retain Depression era rusticated fences.

9.7 GARDENS

Older buildings usually had a landscaped setting of some kind -even if only the small pocket front garden of a Victorian terrace. It is important to finish the conservation of a property with appropriate treatment of the garden. Original or period plantings and hard landscaping (such as paths) should be identified, retained and restored.

Where no original elements survive in the garden, then a garden appropriate to the period of the building should be planned.

Victorian

Paths:	Brick or tessellated terracotta and/or marble tiling to match the front verandah tiling.
Garden edging:	Terracotta decorative garden edging tiles, or metal hoops are both appropriate and available.
Structures:	Fernery of lattice, lattice screens, rose pergola, potting shed.

Federation

Paths:	Usually tessellated tiled to match front verandah, brick in modest (eg. weatherboard) cottages.
Garden edging:	Brick, with shaped bricks such as curved bricks being popular.
Structures:	Fernery or bush house; pergolas.

Objectives

O1 To ensure that significant landscape features and trees are retained and reflected in new development.

Provisions

P1 Retain garden settings and any horticultural features which relate to the heritage significance of the heritage item or conservation area.

P2 Do not develop front garden areas for carparking or pave extensively.

P3 Terraced gardens are to retain strong visual relationship to topography.

P4 Retain significant trees.

P5 Retain original pathways which contribute to established garden settings.

P6 Maintain traditional driveway widths and settings.

P7 Do not fully pave side accessways.

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SECTION 10 GUIDELINES FOR RESIDENTIAL BUILDING TYPES

10.1 SINGLE STOREY DETACHED COTTAGES

Single storey detached cottages typically constructed in the Victorian and Federation periods on varying lot size.

Objectives

O1 To maintain the scale, form and integrity of the principal or main building.

O2 To retain original significant details.

Provisions

P1 In addition to the requirements in Sections 4 to 9 to this Part of the DCP, the following characteristic features should be incorporated:

(a) Simple floor plans;

(b) Open verandahs to the front and skillion lean-to's at the rear;

(c) Walls - stone, brick, rendered masonry and weatherboard;

(d) Roofs - hipped in timber shingles, slate, terra cotta tile and corrugated metal;

(e) Timber joinery.

P2 New additions should generally comply with the examples illustrated in Figures C-10.1 to C-10.4.

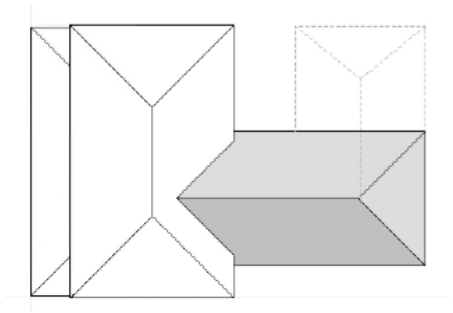

Figure C-10.1:
Simple rear extension replaces skillion, potential for L-shape return.
Inset side walls to clearly distinguish new work.

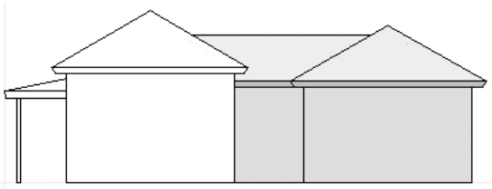

Figure C-10.2:
Ridge height of addition is lower than original cottage.

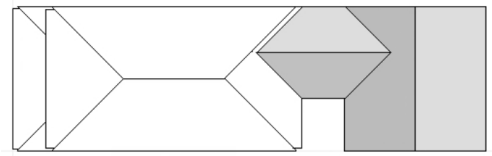

Figure C-10.3:
Pavilion addition linked to original cottage.

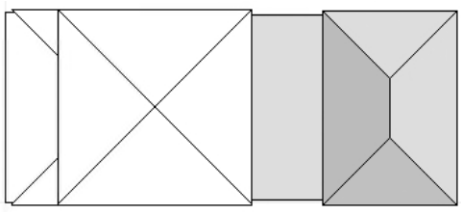

Figure C-10.4:
Pavilion addition linked to original cottage.

10.2 SINGLE STOREY ATTACHED DWELLINGS

Single storey attached dwellings typically constructed in the Victorian, Federation and Edwardian periods.

Objectives

O1 To maintain the scale, form and integrity of the original or main building.

O2 To retain the symmetry of the building pair.

Provisions

P1 In addition to the requirements in sections Sections 4 to 9 to this Part of the DCP, the following characteristic features should be incorporated:

(a) Simple forms with open verandahs to the front and skillion lean-to's at the rear;

(b) Lot sizes may vary;

(c) Walls: stone, brick, rendered masonry and weatherboard;

(d) Roofs: hipped and gabled in slate, terra cotta tile and corrugated metal;

(e) Timber joinery;

(f) Cast iron lacework.

P2 New additions should generally comply with the examples illustrated in Figures C-10.5 to C-10.8.

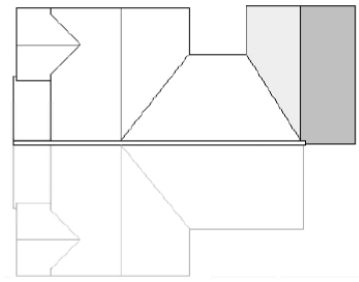

Figure: C-10.5:
Simple addition to the rear, repeats roof form.

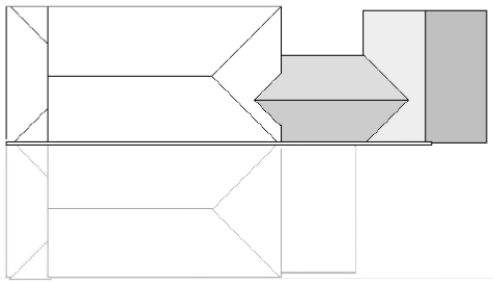

Figure C-10.6:
Pavilion extension retains integrity of the main building.



Figure C-10.7:
Small infill addition to the rear.

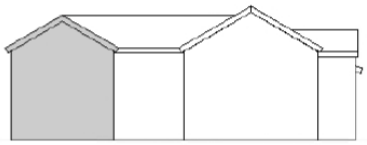

Figure C-10.8:
New work is subservient to the main building in terms of height, bulk and scale.

10.3 LARGER SCALE SINGLE DWELLINGS

Large scale single and multi storey detached dwellings with complex plan and roof forms typically constructed in the Federation and Edwardian periods.

Objectives

O1 Maintain the scale, form and integrity of the original or main building.

O2 Retain original significant details.

O3 Retain original outbuildings.

Provisions

P1 In addition to the requirements in Sections 4 to 9 to this Part of the DCP, the following characteristic features should be incorporated:

(a) Complex forms with open verandahs to the street;

(b) Skillion and pitched roof wings at the rear, sometimes constructed as a service wing;

(c) Often originally sited on large lots;

(d) Walls: stone bases, brick, rendered masonry, timber shingles, fibro and battens;

(e) Roofs: hipped and gabled in slate, terra cotta tile and corrugated metal;

(f) Timber joinery.

P2 New additions should generally comply with the examples illustrated in Figures C-10.9 to C-10.12.

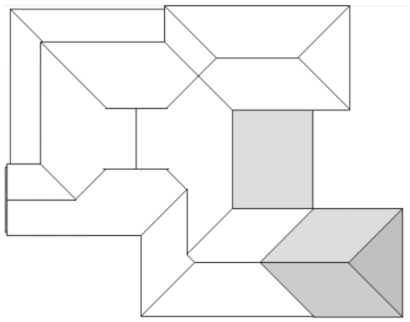

Figure C-10.9
New work extends existing roof with infill of rear section.

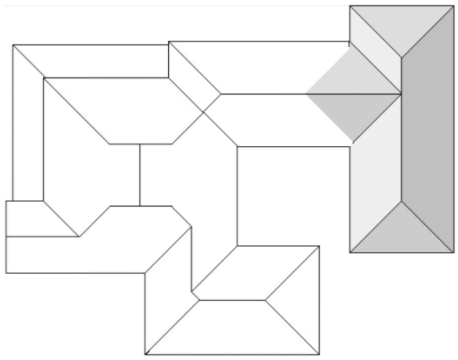

Figure C-10.10:
Wing addition retains integrity of principal building.

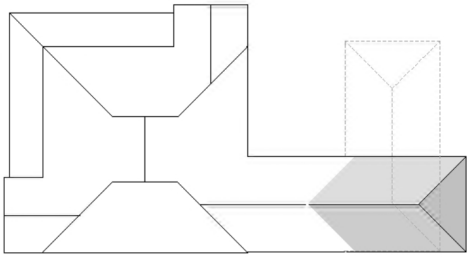

Figure C-10.11:
Simple rear addition extends existing roof line.

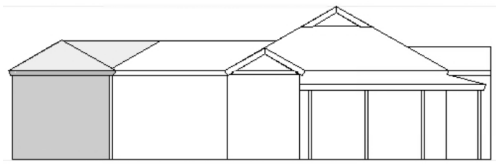

Figure C-10.12:
Height, bulk and scale of addition is smaller than the main building.

10.4 TWO STOREY DETACHED AND ATTACHED DWELLINGS

Detached and attached dwellings typically constructed in the Victorian, Federation and Edwardian periods.

Objectives

O1 To retain the integrity and form of the original building.

Provisions

P1 In addition to the requirements in Sections 4 to 9 to this Part of the DCP, the following characteristic features should be incorporated:

(a) Simple forms with open verandahs to the front and skillion and pitched roof wings at the rear;

(b) Lot sizes may vary;

(c) Walls: stone bases, brick, rendered masonry and weatherboard;

(d) Roofs: hipped and gabled in slate, terra cotta tile and corrugated metal;

(e) Timber joinery;

(f) Cast iron lace work.

P2 New additions should generally comply with the examples illustrated in Figures C-10.13 to C-10.15.

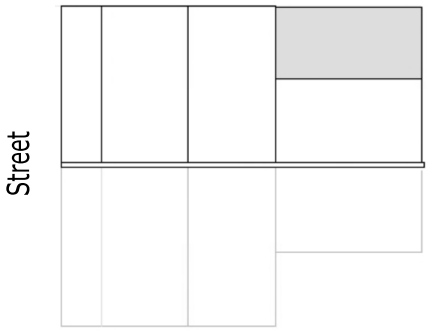

Figure C-10.13:
Locate changes at the rear.
Consider the impact on the attached pair, avoid changes that will affect common walls.

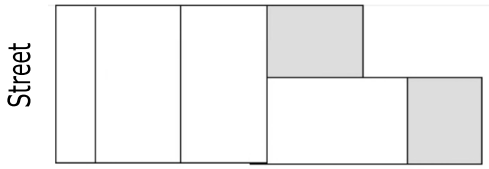

Figure C-10.14:
Side additions may also be suitable.

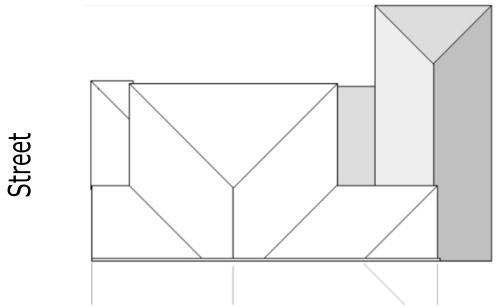

Figure C-10.15:
Changes to the rear reduce impacts to the shared front elevation.

10.5 APARTMENT BUILDINGS

North Sydney contains many examples of apartment buildings from the Federation, Edwardian, Inter War and Post War periods. Some are heritage items and many are within heritage conservation areas.



Figure C-10.16:
Apartment buildings often exceed current floor space and height controls.

Objectives

O1 Ensure that changes are sympathetic to significant fabric and building elements and do not have a detrimental impact on the heritage significance of the building.

O2 Conserve significant building elements and features including verandahs, fenestration patterns, internal lobbies and staircases.

Provisions

P1 Major changes to the scale and form of apartment buildings should not occur where the additional floor space would compromise the heritage significance of the existing building or surrounding area.

P2 Alterations and additions are to respond to the articulation and rhythm of the existing building through the repetition of significant features that occur at regular intervals.

P3 Retain original or significant window and opening patterns. New openings are to respect this pattern and not introduce new patterns of window or door openings.

P4 External awnings, hoods and other overhanging devices that will detract from the buildings form are not permitted.

P5 Incorporation of lifts should be designed to minimise impacts on significant spaces and fabric within the building.

P6 Upgrading for compliance with the BCA, fire egress, disable access or service installations or structural upgrade should comply with Section 5.6 to this Part of the DCP.

P7 Refer to Sections 5, 6 and 9 to this Part of the DCP for other applicable controls.

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SECTION 11 GUIDELINES FOR NON-RESIDENTIAL BUILDING TYPES

11.1 COMMERCIAL AND OFFICE BUILDINGS

North Sydney contains many examples of office buildings from the Inter War and Post War periods. Some are heritage items or may be located in heritage conservation areas. Some contemporary buildings are also listed.

Objectives

O1 Retain significant fabric and building elements and ensure new work does not compromise the building's significance.

O2 Conserve important building elements and features including significant facades, fenestration patterns, decorative details, external materials and internal lobbies.

O3 Ensure new work respects the original style of the building.

Provisions

P1 Major changes to the scale and form of commercial buildings should not occur where the additional floor space would have a detrimental impact on the heritage significance of the existing building or surrounding area.

P2 Additional storeys or roof additions which require the removal of significant roof forms should not occur.

P3 Where a roof addition is proposed the new work is to be recessive in colour and distinguishable as new.

P4 Alterations and additions are to complement the form of the existing building and be setback from the predominant building envelope (including front and rear building lines) to allow the form of the existing building to remain distinguishable.

P5 Alterations and additions are to respond to the articulation and rhythm of the existing building through the repetition of significant features that occur at regular intervals.

P6 Retain original, internal and external significant fabric, building elements and features.

P7 Original significant elements are not to be removed from a façade.

P8 Retain original or significant window and opening patterns. New openings are to reflect this pattern and not introduce new patterns of window or door openings.

P9 External awnings, hoods and other overhanging devices that will detract from the building form are not to be attached to the façade.

P10 Face brick and sandstone are not to be rendered, painted or coated.

P11 Original wall finishes and claddings that are integral to the original design of the building are not to be removed or over-clad.

P12 New colour schemes are to be appropriate to the period and style of the building and character of the area. Corporate colours should not be used.

P13 Retain original hard and soft landscaping, finishes and sculptures.

P14 Original open forecourts and landscaped areas that contribute to the setting of the building are not to be enclosed or covered over.

Note: *Commercial buildings sometimes incorporate forecourts, landscaping and sculptures that form part of the original design intent. These elements are part of the significance and setting of the place and should be conserved*

P15 Reinstating original hard and soft landscaping, finishes and sculptures is encouraged.

P16 Upgrading for compliance with the BCA, fire egress, disable access or service installations or structural upgrade should comply with s.5.6 to this Part of the DCP.

11.2 RETAIL BUILDINGS AND SHOPS

Many of the North Sydney's commercial areas are characterised by their significant retail shopfronts and facades that can date from the Victorian period to post war development. As well as being important individually, such shopfronts often contribute to the streetscape. It is particularly important to understand the style and period of the shopfront, particularly where this forms part of a significant row or streetscape.

Materials and detailing should be appropriate to the predominant style and period, and avoid the use of materials that were unavailable during the significant period of development.

Objectives

O1 Retain significant and contributory shopfronts.

O2 Promote the reinstatement of original and characteristic shopfront elements.

O3 Encourage the design of shopfronts to adopt a contemporary interpretation of traditional forms when a part of infill development.

O4 Ensure that alterations and additions do not compromise the integrity and consistency of heritage conservation areas.

O5 Retain original interior decorative features.

Provisions

P1 Original shopfronts, and original building elements and materials of existing shopfronts are to be retained.

P2 Original shopfronts or significant characteristic elements are to be reinstated or reconstructed where there is evidence of the original style or detailing on the building or within the row or group.

P3 Solid non-transparent shutters are not supported. Where required, open lattice type security grilles may be installed behind the glazing.

P4 Shopfronts in new buildings may be contemporary in style, but are to be based on the characteristic elements of traditional and significant shopfronts of adjoining or nearby sites.

P5 Reinstating previously removed awnings is encouraged, and should be based on historical or physical evidence or typical styles from the period of the building.

P6 Where additional storeys are contextually appropriate, the new work is to respect the form, scale and detailing of the existing building and not interrupt the parapet line or other significant characteristics of the streetscape.

11.3 PUBS AND HOTELS

Pubs and hotels often date from several periods of construction. As a result, significant elements are often associated with different periods of a building's history. A number of pubs and hotels in North Sydney were designed by prominent architects in high quality, contemporary styles.



Figure C-11.1:
North Sydney has a number of hotels that are heritage items.
Refer to s.9.3 for controls relating to verandahs and balconies.

Objectives

O1 Retain significant fabric and building elements from all significant periods of construction, including interior features.

O2 Maintain the ongoing use as public houses and hotels.

Provisions

P1 Refer to sections 5 and 9 to this Part of the DCP for controls on heritage items and specific development types.

11.4 COMMUNITY AND PUBLIC BUILDINGS

Public and community buildings include churches, schools, hospitals and community halls. These buildings often provide a landmark within an area or streetscape, and may have social significance in addition to the significance of the built fabric.

A Conservation Management Plan is required for applications that propose substantial changes to large or complex heritage items, or substantial changes to internal layouts of heritage items.

Objectives

O1 Ensure changes are sympathetic to the significance of the building and do not compromise the heritage significance from all periods of construction.

O2 Allow for, and encourage, the ongoing use of community and public buildings for the purpose for which they were constructed.

O3 Retain significant fabric and building elements.

O4 Retain significant internal features, including internal open volumes such as large halls.

Provisions

P1 Refer to sections 5 and 9 to this Part of the DCP for controls on heritage items and specific development types.

11.5 WAREHOUSES AND INDUSTRIAL BUILDINGS

North Sydney has representative examples of industrial, maritime and workshop buildings. Some are heritage items or within heritage conservation areas. These controls relate to applications for adaptive reuse of changes to such buildings.

Note: *Retaining original and significant fenestration patterns, finishes and decorative details should be a primary aim of adaptive reuse projects.*

Objectives

O1 Ensure changes are sympathetic to significant fabric and building elements, and do not compromise heritage significance.

O2 Allow for the interpretation of the significant original form and use of industrial buildings and places.

O3 Conserve important built elements and equipment including catheads, loading bays, structural systems, flooring, hoists and machinery, piers and wharves.

Provisions

P1 Refer to sections 5 and 9 to this Part of the DCP for controls on heritage items and specific development types.

SECTION 12 HERITAGE IN THE PUBLIC DOMAIN

The roads, footpaths, verges and land owned or managed by Council include important elements of North Sydney's heritage. These are elements are identified within the relevant character area outcomes (refer to Part F of the DCP).

Objectives

O1 To ensure development does not adversely impact upon the significance of heritage items and places in the public domain.

Provisions

P1 Proposed developments must give due consideration to the retention and enhancement of heritage items in the public domain.

P2 The following built form elements should be retained:

(a) Sewer vents;

(b) Street cobbles, stone kerbs and guttering;

(c) Depression era rusticated fencing and signage.



Figure C-12.1:
There are many heritage items in public areas around North Sydney.

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PART D

DEVELOPMENT ELEMENTS

PREFACE

Part D of this DCP contains objectives and development control provisions for elements of development that are common to different types of development.

The degree of relevance of each of these provisions varies between different types of development and different locations which needs to be taken into consideration.

Part D of the DCP comprises the following sections:

Section 1:	Subdivision
Section 2:	Landscaping
Section 3:	Accessibility
Section 4:	Car Parking and Transport
Section 5:	Waste Minimisation and Management
Section 6:	Safety and Security
Section 7:	Public Infrastructure
Section 8:	Construction Management
Section 9:	Late Night Trading Hours

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SECTION 1 SUBDIVISION

1.1 SUBDIVISION PATTERN

Objectives

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

Provisions

P1 Maintain lot sizes, shape and orientation identified in the relevant planning area character statement (refer to Part F of the DCP), or if not identified in the relevant area character statement, that are characteristic of the area.

1.2 SERVICING OF NEW LOTS

Objectives

O1 To ensure new lots are adequately serviced.

Provisions

P1 Applicant's must demonstrate how the site is to be serviced for gas, water, electricity, drainage, sewerage, telephone and storm water removal, including any easements that need to be created and practical access for long term maintenance.

P2 All new allotments must provide gravity drainage to the nearest street gutter or inter-allotment drainage system.

1.3 SITE CONSOLIDATION IN COMMERCIAL DEVELOPMENT

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 (refer to Part F of the DCP).

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SECTION 2 LANDSCAPING

2.1 GENERAL PROVISIONS

Objectives

O1 Landscaping and planting satisfies minimum performance standards and is sustainable and appropriate to the site.

O2 Landscaping should not adversely impact upon the amenity and usability of adjoining properties.

O3 To encourage biodiversity conservation and ecological processes.

O4 To provide a buffer between bushland and development.

Provisions

P1 The minimum landscaped area applying to development in residential zones is specified in Part E of this DCP, and in particular in Section 1.4.8 for residential development and in Section 3.3.2 for non-residential development in Part E.

P2 Retain existing trees and mature vegetation wherever practical. (Refer to provisions for management of existing vegetation in Section 3 – *Vegetation* to Part B of this DCP).

P3 Development on properties in proximity to bushland must be consistent with the requirements of Section 3.2 - *Bushland* to Part B of this DCP.

Note: *Refer to the Bushland Buffer Map in Section 3.2 of this DCP to determine if the subject property is located in proximity to bushland.*

P4 Where a development proposes to incorporate plant containers, they should have a minimum diameter of 110mm and a minimum depth of 135mm.

P5 Developments should incorporate locally occurring native species to reduce water and fertiliser requirements.

P6 Achievement of maximum density, pursuant to Council's controls, will be subject to retention of significant trees (as identified by Council) and other important topographic features.

P7 Minimise disturbance of natural ground levels, native vegetation and topography in the vicinity of identified significant trees.

P8 New hedges must not result in the unreasonable reduction of access to sunlight or views. A condition may be imposed on a development consent which may restrict the maximum height of a hedge.

P9 Trees should provide at least 50% canopy cover over landscaped areas at maturity.

P10 Plant the largest growing and longest lived tree species appropriate to the site conditions.

P11 Council encourages the incorporation of green walls into developments where appropriate.

Notes: *Refer to the North Sydney Council Green Roof and Wall Resource Manual for technical guidance on the design, construction and maintenance of green walls.*

P12 Avoid creating landscaped areas that are broken into a series of small fragmented unusable areas.

P13 Establish a significant landscaped setting for pathways and paved areas.

P14 Use planting to create a buffer against cold winter winds (generally westerly), or to direct cooling breezes in summer (generally north easterly).

P15 Locate driveways and pathways at least 500mm from common boundaries.

P16 Provide screen planting, including trees, within the 1.5m setback from the common boundary.

P17 Identify what measures are to be implemented during construction to protect existing vegetation being retained (refer to Part B: Section 3.1.4 – *Protection of Trees During Construction* in the DCP).

P18 Avoid works which are to occur within the drip line of any tree that has a height greater than 6m, or a girth greater than 1m, measured 1m above the base of the tree.

P19 Vegetation and landscape elements should be selected and designed to avoid overshadowing existing solar panels or roof spaces which are capable of accommodating solar panels.

P20 Use pervious materials or stepping stones where pathways are incorporated within side setbacks.

2.2 FRONT GARDENS IN RESIDENTIAL ZONES

Objectives

O1 To maximise water infiltration on a site.

O2 To soften the built form.

Provisions

P1 The entire front setback must not be paved or concreted.

P2 Where car parking and driveways are located in the front yard, use the minimum amount of paving as practicable.

P3 Front gardens should merge with those on adjoining properties and support the landscape character of the area.

P4 Plant trees and shrubs that will hang over or through fences.

P5 Complement the existing landscape character of the street, including street planting undertaken through Council's Street Tree Strategy.

P6 Design front gardens that will soften and complement the view of buildings from the street and surrounding properties.

P7 Do not provide medium height, dense planting around building entries.

2.3 NEW TREE PLANTING

Objectives

O1 To ensure that the current level of canopy cover in North Sydney is maintained and enhanced over the long term.

O2 To ensure that sustained amenity is achieved by establishing a range of age classes within the urban tree population.

O3 To ensure a species diversity that maintains or enhances the current urban character of North Sydney.

O4 To enhance biodiversity through the strategic connectivity of canopy and habitat plantings between areas of bushland remnants (i.e. wildlife corridor creation).

Provisions

Species Selection

P1 Species should be chosen after carefully evaluating the site constraints and the desired function of the tree (e.g. habitat, shade, safety, privacy and aesthetics).

P2 When planting is to take place on public land, Council's arborists will advise the appropriate species in accordance with the ***North Sydney Street Tree Strategy***.

P3 When planting is to take place in bushland or bushland habitat areas, Council's Bushland Management Staff will determine appropriate species in accordance with the *North Sydney Natural Area Survey 2010* and relevant Bushland Rehabilitation Plans.

P4 When planting on private property Council strongly recommends the use of a qualified arborist when selecting species.

P5 When selecting a species, the physical, ecological and horticultural characteristics should be considered.

(a) Physical characteristics include: mature dimensions (incl. height, spread and trunk diameter) foliage density, evergreen or deciduous and tree shape or form.

(b) Ecological characteristics include: climatic durability, water efficiency, fauna habitat and invasivity in bushland.

(c) Horticultural considerations include: fruit/flower/seed drop, suitability to the site growing conditions, poisonous or allergic qualities, weed potential, suckering, root vigour, structural soundness and longevity in the urban environment.

Planting Locations

P6 New trees should be located where there is adequate space for the chosen species to grow to its natural mature dimensions, survive in the long term and make a positive contribution to the amenity of an area.

P7 Any new street trees should be located in accordance with the *North Sydney Council Street Tree Strategy*.

P8 Any new trees on private property should be located in accordance with the objectives of the landscaping provisions throughout this DCP and the *North Sydney Urban Forest Strategy*.

Planting techniques

P9 All planting must be carried out in accordance with the detailed specifications appropriate to the site as set out in Council's *Infrastructure Specification Manual for Roadworks, Drainage & Miscellaneous Works*.

P10 Planting trees in footpaths adjacent to heavily trafficked streets may need:

(a) To be undertaken outside of peak hour traffic times.

(b) The approval of the Transport for NSW if it involves a state or arterial road.

(c) A Traffic Management Plan and/ traffic control depending on the road.

Plant Establishment and Maintenance

To ensure the long term survival of any new vegetation, a condition may be imposed on a Development Consent outlining a minimum landscape maintenance period. The length of the landscape maintenance period shall vary according to the specific works carried out and will be generally a minimum of 13 weeks.

It is the responsibility of the developer/applicant to comply with the terms of any Development Consent issued by the Council in respect of maintenance requirements of trees or vegetation within the time stated in the consent.

P11 Erosion and sedimentation controls may need to be provided subject to the scale of the planting work proposed and the potential of causing pollution. These devices must be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.

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SECTION 3 ACCESSIBILITY

3.1 INTRODUCTION

North Sydney Council is committed to the creation of a community focused upon endless opportunities, fundamental human rights and social justice. In this manner, the DCP aims to provide provisions for the promotion and acceptance of people as individuals and their access to a fair and equal opportunity to participate in community life. The Australian Government's *Disability Discrimination Act 1992* (DDA) prohibits discrimination against people with a disability or their associates in a range of areas including transport, education, employment, accommodation and premises to which the public is entitled to enter or use. The *DDA* states that failure to provide equal access is unlawful, unless to do so would impose an unjustifiable hardship.

The built environment should adequately reflect the diversity and needs of the community by allowing the free movement and function of individuals throughout the Council area independently and with dignity. North Sydney Council is seeking to promote an independent and safe lifestyle for the whole of its community through the provision of dignified access. Dignified access means a design or process:

(a) Enables independent access to premises, good and services, without assuming assistance is required;

(b) Is equitable and fair; it does not take longer or force people to travel further;

(c) Facilitates the participation and inclusion of people experiencing a disability; and

(d) Creates places where people feel at-ease, safe and connected.

Dignified access encompasses the ways in which people get to and from places, how people navigate a space or building, and how people access its facilities and services. Provisions for dignified access and mobility benefit not only people with disabilities, but the community at large.

North Sydney Council is committed to the broadening of opportunities for people who work, play and live in the Local Government Area (LGA). This section of the DCP aims to improve mobility, encourage universal design and provide safe, equitable and dignified access for all people regardless of disability.

3.1.1 General Objectives

The objectives of this Section of the DCP are to:

O1 To ensure that the public domain and design of new development provides permeability, legibility, flexibility, consistency, integration and clarity to allow for the access needs of all members of the community.

O2 To provide safe, equitable and dignified access and encourage universal design in new developments, upgrades to existing buildings, public buildings and public open space.

O3 To provide safe, equitable and dignified access within all new developments and ensure that substantial building work carried out on or intensified use of existing buildings provides upgraded levels of access and facilities for all people.

O4 To encourage opportunities for people with disabilities to participate in the design process to foster inclusive design outcomes.

O5 To increase community awareness of disability affecting certain sections of the community through continued investigation and design best practice and further encourage the educational and promotional awareness of access and mobility issues.

O6 To introduce standards for adaptable housing and universal design to recognise the more diverse accommodation needs of the community, particularly people with disabilities and older people and allow for flexibility in modification to cater for occupants with existing disabilities or progressive disabilities.

O7 To provide an adequate supply of car parking facilities for use by people with disabilities.

3.1.2 When does this section of the DCP apply?

This Section of the DCP applies to:

(a) all development applications for new development or alterations and additions to existing non-residential development under NSLEP 2013 (e.g. those buildings generally comprising Classes 3, 5, 6, 7, 8 and 9 buildings as classified under the Building Code of Australia (BCA));

(b) all development applications required to provide adaptable housing under Part E: Section 1 – *Residential Development* to this DCP (refer to subsection 1.2.2);

(c) All development applications for new or alterations and additions to a boarding house or a group home; and

(d) All development applications for new or alterations and additions to child care centres.

However, this Section of the DCP does not apply to:

(e) Work that merely preserves the value or use of an existing asset (e.g. work maintaining, repairing and replacing - unless the maintenance involves works on an existing access barrier which can be easily modified to provide equitable access);

(f) Works to a component of a building that does not effect access (e.g. installation of a ventilation system);

(g) Development that does not require building work and is not a significant public use that involves a public authority, service or function such as a health service facility, public administration building, retail premises, place of public worship, restaurant or hotel (e.g. a small change of use with no associated construction works);

(h) Development that does not require a development application and which BCA approval is not required;

(i) Class 1 and Class 4 buildings classified under the BCA.

3.2 LEGISLATIVE FRAMEWORK

3.2.1 The Disability Discrimination Act 1992 (*DDA*)

The DDA aims to eliminate, as far as possible, discrimination against persons on the ground of disability in areas of:

(a) Work, accommodation, education, access to premises, clubs and sport;

(b) The provision of goods, facilities, services and land;

(c) Existing laws; and

(d) The administration of Commonwealth laws and programs.

Under the *DDA*, any area legally accessible to the public must also be accessible to people with a disability. The *DDA* covers both new and existing buildings as well as places under construction. Applicants proposing to undertake a development should be aware of the requirements of the *DDA* the *EP&A Act,* the Disability (Access to Premises – Buildings) Standards and the BCA.

More information on the *DDA* can be obtained from the Human Rights and Equal Opportunity Commission website: *www.humanrights.gov.au*

3.2.2 Disability (Access to Premises – Building) Standards

On 1 May 2011 the Disability (Access to Premises – Buildings) Standards (Premises Standards) commenced operation. The Premises Standards take a fresh approach to access to premises by harmonising the requirements of the *DDA* and those of the Building Code of Australia. The result is that access requirements will be applied consistently to new buildings and new building work throughout Australia, and will be enforced through existing and effective State and Territory building approval processes.

Copies of the Premises Standards, an explanatory statement and frequently asked questions can be viewed and downloaded from *www.ag.gov.au/premisesstandards*. In addition, the Australian Human Rights Commission has produced Guidelines on the application of the Premises Standards. These guidelines are helpful in interpreting the standards and can be viewed and downloaded from *www.hreoc.gov.au/disability_rights/standards/PSguide.html*.

3.2.3 Building Code of Australia (BCA)

The BCA and the Australian Standards are the basic tools used in respect of access.

Both prescribe the minimum standards that must be achieved in new development in order to provide equitable access for people with disabilities. However, where substantial alterations are proposed to an existing development, the consent authority has the discretion to enforce the provisions of the BCA on existing developments.

The BCA operates on a performance-based basis which allows for a broader range of solutions making it easier to deal with the specialised needs of particular buildings, such as heritage buildings. Within the BCA are "*deemed to satisfy*" provisions which provide one possible building solution that is considered to satisfy the performance based provisions. An alternative solution to the "*deemed to satisfy*" provisions of the BCA may be considered by the consent authority, but only if the applicant can adequately demonstrate that the alternative solution achieves the same outcome as a "*deemed to satisfy*" provision.

Amendments were made to the BCA in 2011 to ensure that it was consistent with the Access Code of the Premises Standards. While legally the two sets of requirements must remain separate documents, the intention is that compliance with the amended BCA and state and territory building laws and regulations will also ensure compliance with the Premises Standards.

3.2.4 Australian Standards

The BCA makes reference to some of the Australian Standards applicable to the design of equitable access. However, it is suggested that designers and planners consider the relevant and most up to date provisions of both the referenced Australian Standards and relevant non-referenced Australian Standards in respect to any development. The most up to date Australian Standards will be referenced during the assessment of any development proposal. At the time of the preparation of this DCP, the following standards apply:

- AS 1428 Design for Access and Mobility,
- AS 1428.1 (2009) General Requirements for Access - New Building Work,
- AS 1428.2 (1992) Enhanced and Additional Requirements - Buildings and Facilities,
- AS 1428.4.1 (2009) Means to assist the orientation of people with vision impairment – Tactile ground surface indicators,
- AS 1428.4.2 (2018) Means to assist the orientation of people with vision impairment – Wayfinding signs,
- AS 1428.5 (2010) Communication for people who are deaf or hard of hearing,
- AS 1735.12 (1999) Lifts, escalators and moving walks – Facilities for Persons with Disabilities,

- AS/NZS 2890.6 (2009) Parking facilities – Off-street parking for people with disabilities,
- AS 4586 (2013) Slip resistance classification of new pedestrian surface materials,
- AS 4663 (2013) Slip resistance measurement of existing pedestrian surfaces, and
- AS 4299 (1995) Adaptable Housing.

Copies of Australian Standards can be obtained from:

Standards Australia
Level 10, The Exchange Centre
20 Bridge Street
Sydney NSW 2000
Ph: 1800 035 822
www.standards.org.au

3.2.5 Livable Housing Design Guidelines

The *Livable Housing Design Guidelines* aim to ensure that future homes are able to meet the changing needs of a variety of occupants over the course of the home's lifetime. They were published in 2010 by Livable Housing Australia and are based on universal design principles. Although these guidelines are not statutory, they currently reflect best practice directions in this industry. Council has incorporated the Silver level performance requirements from the Livable Housing Design Guidelines into this DCP, which focuses on seven core design elements:

(a) Dwelling access;

(b) Dwelling entrance;

(c) Internal doors and corridors;

(d) Toilets;

(e) Showers;

(f) Reinforcement of bathroom walls; and

(g) Internal stairways.

The Guidelines and the details of the Silver, Gold and Platinum level performance requirements can be accessed at: *https://livablehousingaustralia.org.au/wp-content/uploads/2021/02/SLLHA_GuidelinesJuly2017FINAL4.pdf*

3.3 DEVELOPMENT ASSESSMENT

3.3.1 Variation of Access Provisions

If providing access is considered to cause unreasonable costs or difficulties and is proven unjustified, an exemption may be applied for. In some cases, compliance with access provisions may not be possible and an alternative solution may be considered more desirable by both the developer and Council. A partial or alternative solution will be preferred, opposed to total exemption from the policy.

Should it be the case that provision of access for people with a disability is not possible, a "*statement requesting variation*" must be submitted with the development application. The statement requesting variation should address at least the following:

(a) Technical limits;

(b) Topographic restrictions;

(c) The effect, both positive and negative, on other people of providing the required access, for example, people delivering goods, people with prams or trolleys and the staff;

(d) Safety, design options explored and construction issues;

(e) Heritage issues;

(f) The benefit for people with disabilities; and

(g) The costs involved in providing access.

Applicants should be aware that a variation accepted in one situation may not necessarily be accepted in another. It may also be the case that a partial solution may be preferred rather than a total exception. Access should be provided to the maximum level possible without causing unjustifiable hardship.

The consent authority will consider whether or not the case provided in the statement requesting variation is reasonable and whether or not it should be supported. Each case will be assessed on a merits basis and will consider the possibility of providing partial solutions as submitted in the statement requesting variation.

Applicants should note that the granting of consent by the consent authority to a development that is non-compliant with the BCA or this DCP due to reasons such as technical limits, topographical restriction or heritage significance does not protect the applicant against a complaint being made against them under the *DDA*.

3.3.2 Access to Heritage Items

North Sydney Council contains a large number of sites of historic, scientific, cultural, social, architectural, natural and/or aesthetic significance. Due to the nature of these locations and their local, regional, national and international importance, access should be available for all members of the community.

The provision of equitable access may involve the modification of significant fabric of the heritage item, which could be in direct conflict with heritage values for the site. Thus, development proposals involving heritage items will therefore be assessed on a merit basis. However, the proposal should follow these basic principles:

(a) The provision of access for people to and within heritage items should have minimal impact on the significant fabric of the item and, as far as possible, be reversible;

(b) Where such access is likely to have a major adverse impact on significant fabric, alternative solutions should be considered; and

(c) Alternative solutions may include a temporary ramp, access through a side entrance or the like. However, applicants should note that these solutions will only be acceptable as a 'last resort', and that every effort should be made to ensure that equitable access is provided through the principle entrance of the building.

The alteration or removal of a highly significant fabric in order to provide access to the heritage item could constitute an argument of unjustifiable hardship. However, in doing so, it must be clearly established that there are no other suitable alternative solutions to provide access to the building. Should development be proposed in a heritage item that is currently, or proposed to be, publicly accessible, Council will require the submission of a heritage impact statement or conservation management plan which addresses access issues. Where a heritage impact statement is submitted, a separate statement requesting variation is not required.

The heritage impact statement should be prepared by a suitably experienced and qualified heritage practitioner and identify the following points as a minimum:

(a) Assess the significance of the place;

(b) Identify and rank the significant elements;

(c) Determine the existing and required levels of accessibility (this will generally require the input of an access expert);

(d) Identify the potential impacts (both positive and negative) of providing access to the item;

(e) Identify and assess the possible design alternatives; and

(f) Assess the heritage impact of the preferred design solution.

3.3.3 Public Domain and Access

Generally, North Sydney Council does not permit private development which encroaches upon the public domain as it is perceived to be alienation of public space and not in the public's best interest.

However, in some exceptional cases it may be appropriate to allow for development to encroach upon or alter the public domain so that equitable access can be provided to a building. In proposing that access be provided via a ramp or other mechanical device on the public domain or alteration of the public domain the following must be demonstrated:

(a) Providing access by other means will result in a substantial loss of original fabric of a heritage item, thereby impacting on the significance of the place, and that the provision of equitable access is highly desirable, with no alternative access options available;

(b) The proposal involves a significant public building where equitable access is highly desirable and there are no alternative access options available; and

(c) The safety, accessibility, legibility and consistency of public domain will not be adversely affected.

Should an applicant propose to use the public domain to provide equitable access to a building, Council's consent as owner of the land must be obtained prior to lodgement of a development application. To obtain Council's consent the applicant must fully document all access options that have been pursued.

For further information regarding use of the public domain for equitable access, please contact the Engineering and Property Services Department.

3.4 DESIGN CRITERIA

3.4.1 Continuous Accessible Path of Travel

A continuous accessible path of travel means a clear, flat and unobstructed path of travel to or within a building providing access to all required facilities. For non-ambulatory people, this accessible path should not incorporate any step, stairway, turnstile, revolving door, escalator or other impediment which would prevent it from being safely negotiated by people with disabilities.

Objectives

O1 To ensure that all public spaces are accessible to people with disabilities via a continuous accessible path of travel.

O2 To ensure that the main path of access for people with disabilities is safe, equitable and dignified.

O3 To encourage new development to incorporate universal design principles.

Provisions

P1 Continuous accessible paths of travel are to:

(a) comply with the requirements under AS 1428.1 and 1428.2;

(b) be well lit and sheltered from the weather where possible;

(c) incorporate rest stations if the travel route is long;

(d) provide for the physical separation of pedestrian traffic from vehicular traffic;

(e) have the shallowest possible gradient for the distance available; and

(f) incorporate walkways, ramps, step ramps or lifts at changes of level along the path of travel.

P2 The access paths and travel paths should incorporate rest stations if the travel route is long.

P3 Signage and tactile markers should be provided to direct people with disabilities to accessible locations.

3.4.2 Parts of a building required to be accessible

Objectives

O1 To ensure that appropriate areas of a building are accessible and located along the accessible path of travel.

Provisions

P1 Access to buildings and their facilities should be provided in accordance with Table D3.1 of the BCA unless it can be shown that access to an area would be inappropriate because of the particular purpose for which the area is to be used.

P2 Premises providing fixed seats (e.g. entertainment facility, recreation facility), must provide a minimum of 1 wheelchair space per 100 seats or part thereof, with a minimum of 2 spaces. The positioning of spaces provides equal amenity and choice for all users.

3.4.3 Accessible Room Requirements

This subsection of the DCP applies to buildings containing temporary residential accommodation such as serviced apartments, hotel and motel accommodation.

Objectives

O1 To ensure that temporary residential accommodation caters for mobility impaired persons.

O2 To ensure that where than more than one bed or apartment is provided, that a range of amenity and cost of accessible accommodation is available.

Provisions

P1 Accessible rooms shall be provided in the ratios outlined in Table D3.1 of the BCA for Class 3 developments.

P2 Where accessible rooms or bedrooms are required pursuant to P1 above, they must:

(a) be distributed as equitably as possible amongst the different ranges of amenity provided; and

(b) fully comply with the requirements of AS 1428.1 and AS 1428.2.

3.4.4 Walkways, Ramps and Landings

Objectives

O1 To ensure that walkways, ramps and landings provide appropriate transitions between sections of different gradients allowing for safe, equitable and dignified access to public places for all members of the community.

O2 To ensure that landings are provided in appropriate places to function as both resting points and circulation spaces.

O3 To ensure that appropriate ancillary devices are provided with walkways, ramps and landings to maximise mobility for all people.

Provisions

P1 Walkways, paths, ramps and landings must be provided in accordance with AS1428.1.

P2 Handrails are to be provided to walkways, paths, ramps and landings in accordance with AS 1428.1.

P3 Walkways, paths and landings shall not protrude on the public way, unless prior agreement has been reached between the applicant and North Sydney Council.

P4 Where applicable, walkways, ramps and landings shall be 'filled in' underneath in order to avoid people with vision impairments walking into the underside.

P5 Gradients provided between lands should be constant and the angle of approach to changes in gradient should be at or near zero degrees.

P6 Consideration should be given to providing alterative means to providing access between levels (e.g. where appropriate, lifts should be incorporated).

P7 At the end of walkways, paths and ramps there should be contrasting surfaces.

P8 Walkways, paths and ramps should have a slip resistance surface, be well lit, and display tactile markers (refer to AS1428.4) and warnings to assist people with a vision impairment.

P9 The height of the kerb shall comply with the provisions of *Disability Standards for Accessible Public Transport 2002*.

P10 Kerb ramps are to be provided from the footpath to the road at all intersections and through traffic islands where practicable. The kerb ramps are flush with the footpaths and roadways and avoid ridges which create barriers for wheelchairs and child strollers. Tactile surfaces indicate a kerb ramp for people with impaired vision.

P11 Consideration should be given to providing alterative means to providing access between levels (i.e. where appropriate, lifts should be incorporated).

P12 Kerb ramps should be free of any threshold lip.

3.4.5 Doorways and Doors

Objectives

O1 To ensure doorways and doors are designed such that all members of the community can traverse the opening without hindrance.

Provisions

P1 Entrance doors must be provided in accordance with AS 1428.1.

P2 Where double leaf doors are used, at least one leaf must be in accordance with the minimum clear opening requirements of AS1428.1.

P3 Adequate circulation space should be provided on both sides of doorways as required by subsection 3.4.6 to this Section of the DCP.

3.4.6 Circulation Spaces

Objectives

O1 To ensure that adequate circulation spaces, which allow the easy manoeuvrability of wheelchairs, and rest spaces are provided and positioned so that they do not impact on the circulation space.

Provisions

P1 Circulation spaces must comply with AS 1428.2.

P2 All circulation areas and thoroughfares should be clear of any obstruction that will impede access by people using mobility aids or which may cause a hazard for people with a vision impairment (refer to AS1428.4).

3.4.7 Lifts

Objectives

O1 To ensure that accessible lifts are installed in public buildings which have more than one level, including parking levels, and are required to be accessible.

O2 To ensure that the accessible lift forms part of the continuous accessible path of travel.

Provisions

P1 Accessible lifts shall be installed in new commercial and residential buildings in accordance with AS 1735.12.

P2 In an existing development, where the installation of a lift complying with AS 1735.12 would cause unjustifiable hardship, a "stairway wheelchair platform lift" complying with AS 1735.7 may be considered.

P3 Lift lobbies shall be designed to permit the turning of wheelchairs for the purpose of entering and exiting lifts and to permit the easy passage of other persons and be provided with seating.

P4 Lifts should be equipped with audio announcements to indicate floor level and direction of travel.

P5 Lifts should be fire-rated to enable evacuation during emergencies.

3.4.8 Sanitary Facilities

Objectives

O1 To ensure that adequate sanitary facilities catering for people with disabilities are provided in accessible buildings.

O2 To require the provision of unisex toilets so that a person can be assisted by an attendant of the opposite sex.

Provisions

P1 Where equitable access is provided to a building, sanitary facilities for people with disabilities shall be provided in accordance with requirements of AS 1428.2 and Part F2.4 of the BCA.

3.4.9 Car Parking Facilities

Objectives

O1 To ensure car parking is accessible for people with disabilities.

Provisions

P1 Must comply with provisions for accessible parking facilities in Part D: Section 4 - *Car Parking and Transport* in this DCP.

3.4.10 Fire Safety

Objectives

O1 To ensure that consideration is given to additional needs of people with disabilities when designing egress routes and warning systems.

Provisions

P1 Prior to granting consent Council must give consideration to the following:

(a) accessible fire rated egress routes or waiting spaces for people with mobility impairments;

(b) warning systems have both audible and visual warnings; and

(c) Preparation of an emergency management plan which identifies strategies to facilitate emergency egress for people with a disability.

3.4.11 Temporary Structures and Events

Objectives

O1 To ensure that consideration is given to additional needs for people with disabilities when planning events and festivals and when designing temporary structures.

Provisions

P1 Where a temporary festival or event is proposed:

(a) if the event is to be held in an existing building, access shall be provided to the greatest extent possible;

(b) accessible sanitary facilities must be made available; and

(c) Where a fire egress is an issue, consideration should also be given to preparing an emergency evacuation plan for people with disabilities.

P2 Where a temporary structure is proposed:

(a) The structure should not reduce the existing level of accessibility;

(b) Where a fire egress is an issue, consideration should also be given to preparing an emergency evacuation plan for people with disabilities; and

(c) If applicable, an accessible path of travel should be incorporated to and within the temporary structure.

3.4.12 Signage and Audio Cues

Objectives

O1 To ensure that where information (both visual and audio) is required, the appropriate indicators are designed and provided to be understood by all users, including those with sensory disabilities (i.e. sight and sound).

Provisions

P1 Signage and hearing augmentation systems must be provided in accordance with AS1428.1 and AS 1428.2.

P2 Hearing augmentation must be provided for at least 15% of the seating capacity of an entertainment facility.

3.5 ADAPTABLE HOUSING

Objectives

O1 To ensure that accessible, continuous and safe paths of travel are provided from the property entry point to and through the entrance of adaptable dwellings.

O2 To ensure that all new dwellings incorporate universal design elements to accommodate the changing needs of occupants over their lifetimes.

Provisions

P1 Adaptable housing required to be provided in accordance with Part D: Section 1 - *Residential Development* to the DCP must be designed and constructed to a minimum Clase C under AS4299 – Adaptable Housing.

Note: *Class C Certification requires the provision of all "essential features" of AS 4299 to be incorporated within the development. The essential features criterion include:*

(a) Provision of plans showing the housing unit in its pre-adaptation and post-adaptation stages;

(b) A continuous accessible path of travel;

(c) Provision of accessible parking spaces;

(d) Manoeuvrability both internally and externally;

(e) Adjustable kitchen facilities;

(f) Adjustable bathroom facilities; and

(g) Adjustable laundry facilities.

P2 Where adaptable housing is required, access to and within all of the public areas (i.e. common areas/facilities such as entry lobbies, laundry, bbq areas, gardens and the like) must be provided in accordance with AS 1428.

P3 Issues to be considered in the assessment of adaptable housing include:

(a) ***Compliance with AS1428.1 and AS1428.2***:

Access to and within the adaptable housing dwellings complies with the requirements of the relevant provisions of the Australian Standards. This includes access to at least one type of each common facility or service provided in the development (e.g. BBQ areas, swimming pools, common laundry facilities etc).

(b) ***Location***:

Adaptable housing units should be provided in convenient locations that are close to facilities such as public transport, community facilities and public services.

Within the development they should be located along the accessible path of travel, preferably close to the main entrance of the building.

(c) ***Bathroom Facilities***:

Bathrooms should be large allowing for wheelchair access and manoeuvring. A bath need not be provided, but the shower should allow for chair access. The hand wash basin and any shelving should be provided at a height that is accessible at both a standing or seated position.

(d) ***Laundry Facilities***:

The laundry should also be large to allow for wheelchair access and circulation around the appliances. Washing machines and dryers should be front loading, a wall mounted dryer is also preferable.

(e) ***Circulation Spaces***:

Bedrooms and living areas should be an adequate size to allow for ease of movement around furniture. Doorways and entrances are wide enough to facilitate wheelchair access and circulation.

(f) ***Kitchen Facilities***:

The kitchen should be of a flexible design so that modifications can be made if required in the future. Cupboard and pantry shelf heights should be adjustable to make them easy to reach.

(g) ***Flooring***:

Tiles or timber flooring is preferable to carpet. However, if carpet is to be provided it should be low pile with no underlay. Non-slip tiling should be provided in wet areas.

(h) ***Walls***:

Walls located along main travel paths and in bedrooms and bathrooms should be reinforced to allow for installation of grab rails if necessary.

(i) ***Windows***:

Windows should be operatable with one hand (preferably sliding) and located no higher than 700mm from the floor.

(j) ***Landscaping***:

Outdoor areas should be designed to be low maintenance, with no lawns and a drip irrigation system. All paving should be even and be wheelchair accessible.

Note: *In order to grant development consent, Council will need to be satisfied that the proposal can comply with the design requirements of AS4299 without major structural or design changes. As part of the development consent, a condition will be imposed requiring the checklist of AS4299 to be completed and submitted with the subsequent construction certificate application. The principal certifying authority will then be required to check that the proposal complies with the technical components of AS4299.*

SECTION 4 CAR PARKING AND TRANSPORT

4.1 INTRODUCTION

Due to its geographical location within Metropolitan Sydney, North Sydney's transport infrastructure not only accommodates the travel demands of its residents and workers, it also caters to needs of a significant level of cross regional trips. Increased parking provision directly results in increases in traffic flow and congestion, which subsequently reduces levels of service for all modes of transport.

This increase in traffic generation can also lead to loss in residential, pedestrian and cyclist amenity, safety of all transport modes and further lead to increased use of private vehicles as alternative transport modes become less attractive.

The *North Sydney Transport Strategy* seeks to manage these issues by outlining Council's transport vision and priorities for the LGA. The vision focuses on issues of safety, transport security, social well being, active health, fair access to parking, environmental sustainability, local environments, transport affordability, congestion and business activity.

In particular, it seeks to prioritise the efficient movement of people and goods by walking, cycling, and public transport with lower levels of priority given to private vehicular transport.

4.1.1 General objectives

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

O1 the objectives, strategies, planning priorities and actions of the *Greater Sydney Region Plan – A Metropolis of Three Cities* and the *North District Plan* are implemented;

O2 the objectives, strategies, planning priorities and actions of the *North Sydney Local Strategic Planning Statement* are implemented;

O3 the vision and priorities of the *North Sydney Transport Strategy* are achieved;

O4 existing levels of traffic generation are contained and reduced;

O5 public transport, including walking and cycling, is the main form of travel mode;

O6 parking is adequate and managed in a way that maintains pedestrian safety and the quality of the public domain whilst minimising traffic generation;

O7 parking is accessible to all user groups;

O8 minimal impacts occur on the provision of on-street parking;

O9 ensure consideration is given to the provision of bicycle parking and facilities;

O10 a development's transport demand is effectively managed through its lifetime; and

O11 adaptable housing, where required, is allocated with an accessible parking space.

4.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications.

4.1.3 Relationship to other documents

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

(a) *North Sydney Local Strategic Planning Statement*;

(b) *North Sydney Transport Strategy*;

(c) *SEPP (Transport and Infrastructure) 2021*;

The Transport and Infrastructure SEPP lists the types of developments which are required to obtain Transport for NSW's concurrence prior to the issuing of development consent

(d) Transport for NSW's *Guide to Traffic Impact Assessment* prepared by the former Road and Traffic Authority*;*

(e) *Cycling Aspects of Austroads Guides AP-G88-17 (2017)* prepared by NSW Department of Infrastructure, Planning and Natural Resources and the NSW Roads and Traffic Authority;

(f) ***Performance Guide***

The Guide will direct you to the references, which have been adopted by Council for designing traffic facilities associated with the development of private property; and

(g) *North Sydney Council Resident Parking Permit Policy*.

4.2 PARKING PROVISION

4.2.1 Quantity Requirements

Objectives

O1 To facilitate an increase in the use of public and alternative transport modes including walking and cycling.

O2 To minimise the reliance on private car usage.

O3 To ensure that an appropriate level of on-site car parking is provided to cater for the users of the development, with regard to a site's proximity and access to other sustainable transport modes.

Provisions

Residential Development

P1 Provide on-site car parking, not exceeding the maximum rates stated in Table D-4.1.

TABLE D-4.1 – Residential Parking Rates				
Development Type	**Zone**	**Location**	**Maximum Parking Rate**	
• dual occupancies • dwelling houses • semi-detached dwellings	All	All	1-2 bedrooms	1 space / dw*
			3 or more bedrooms	2 spaces /dw
• attached dwellings • multi-dwelling housing	All	All	Studio, 1-2 bedrooms	1 space / dw
			3 or more bedrooms	1.5 spaces / dw
			Visitor	0.25 space / dw (min of 1 space)
• residential flat buildings • shop top housing	E2 Commercial Centre MU1 Mixed Use	High Accessibility Area**	Studio	0.3 space / dw
			1 bedroom	0.4 space / dw
			2 bedroom	0.7 space / dw
			3 + bedrooms	1 space / dw
			Motorcycle parking	1 space / 10 car spaces
		All locations other than High Accessibility Area**	Studio, 1 bedroom	0.5 space / dw
			2 + bedrooms	1 space / dw
			Motorcycle parking	1 space / 10 car spaces
	All zones other than: E2 Commercial Centre MU1 Mixed Use	High Accessibility Area**	Studio	0.3 space / dw
			1 bedroom	0.4 space / dw
			2 bedroom	0.7 space / dw
			3 + bedrooms	1 space / dw
			Motorcycle parking	1 space / 10 car spaces
		All locations other than High Accessibility Area**	Studio, 1-2 bedrooms	1 space / dw
			3 + bedrooms	1.5 spaces / dw
			Visitor	0.25 space / dw (min of 1 space)
• boarding houses	All	All	1 / 12 beds	
• seniors housing	All	All	1 / 5 dw	

* *dw = Dwelling*

** *The extent of the High Accessibility Area is identified in Figures D-4.1 to D-4.3.*

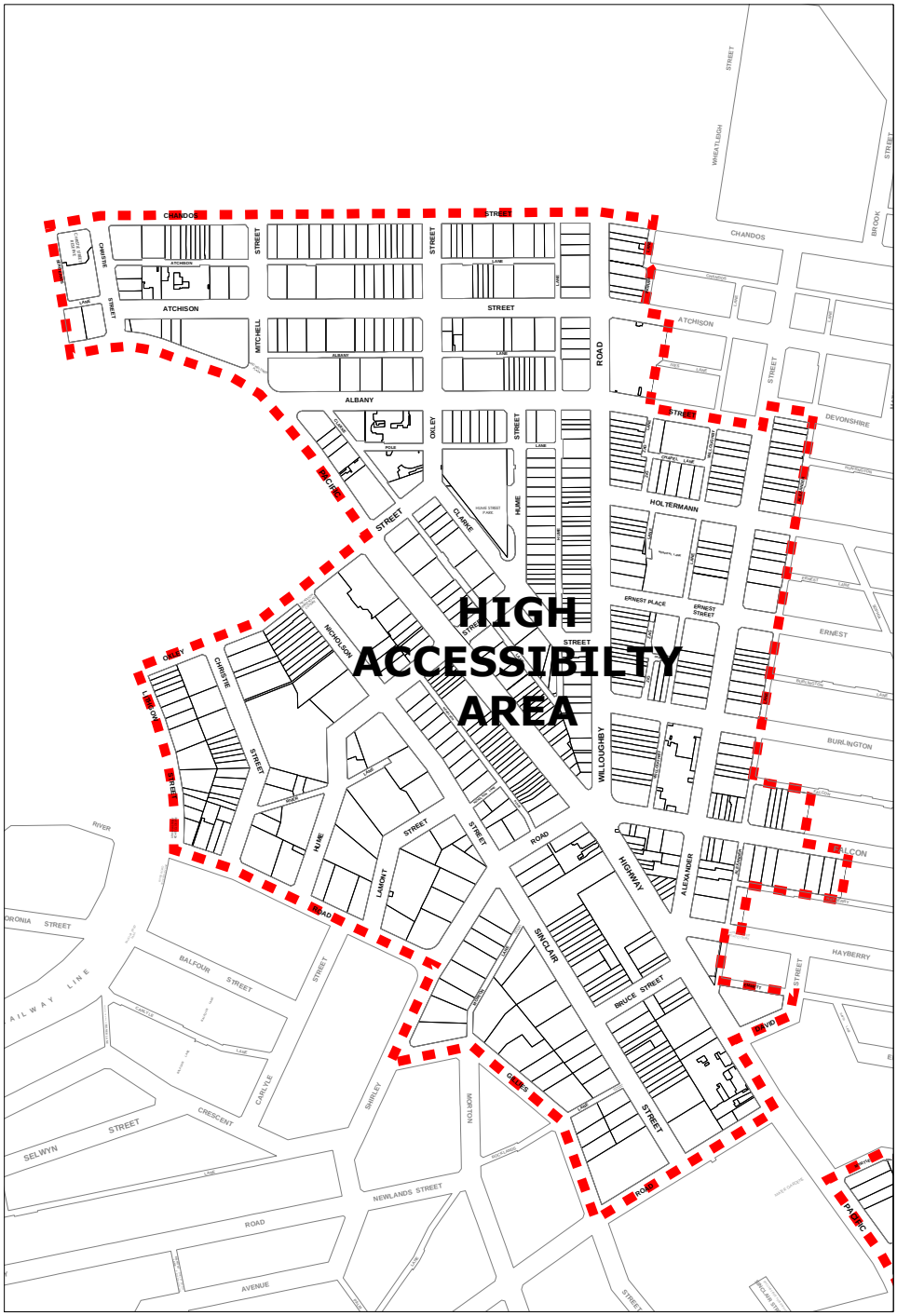
HIGH
ACCESSIBILTY
AREA
CHANDOS
STREET
ATCHISON
STREET
MITCHELL
ALBANY
OXLEY
STREET
HUME
CLARKE
ROAD
HOLTERMANN
ERNEST PLACE
ERNEST STREET
ERNEST
BURLINGTON
WILLOUGHBY
HIGHWAY
ALEXANDER
SINCLAIR
BRUCE STREET
DAVID
HAYBERRY
PACIFIC
NICHOLSON
CHRISTIE
LAMONT
BALFOUR STREET
CARLYLE
SHIRLEY
MORTON
NEWLANDS STREET
SELWYN STREET
CRESCENT
AVENUE
RIVER
WHEATLEIGH
BROOK
DEVONSHIRE

Figure D-4.1

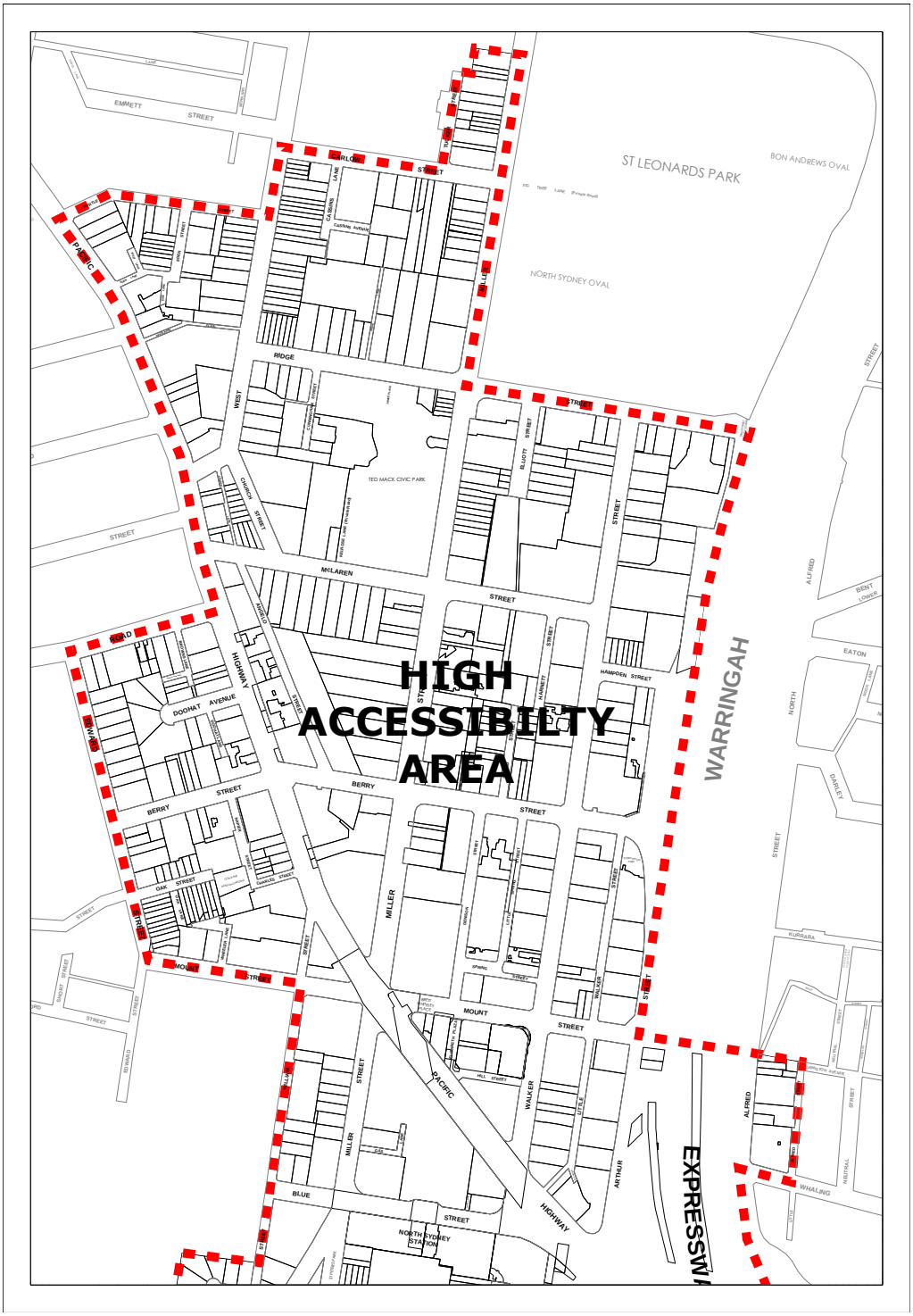
HIGH
ACCESSIBILTY
AREA
ST LEONARDS PARK
BON ANDREWS OVAL
NORTH SYDNEY OVAL
WARRINGAH
EXPRESSWA
EMMETT STREET
CARLOW STREET
PACIFIC
RIDGE
WEST
McLAREN STREET
HIGHWAY
DOOHAT AVENUE
BERRY STREET
MILLER
MOUNT STREET
WALKER
ARTHUR
BLUE STREET
NORTH SYDNEY STATION
ALFRED
EATON
DARLEY
KURRARA
WHALING
HAMPDEN STREET
ELLIOTT STREET
TED MACK CIVIC PARK

Figure D-4.2

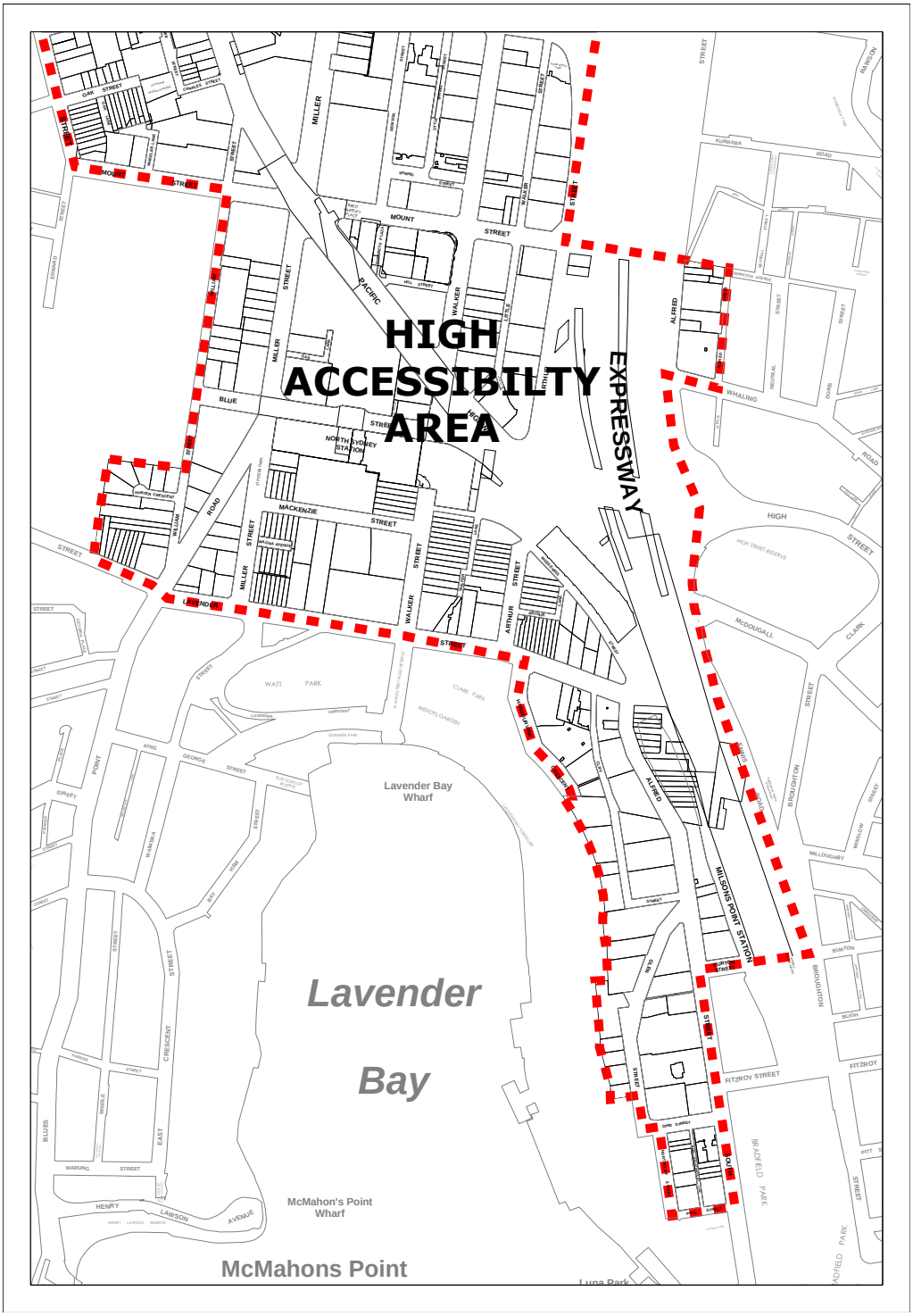
HIGH
ACCESSIBILTY
AREA
EXPRESSWAY
Lavender Bay
Wharf
Lavender
Bay
McMahon's Point
Wharf
McMahons Point
MILSONS POINT STATION
NORTH SYDNEY STATION
MILLER
MOUNT
STREET
BLUE
MACKENZIE
WALKER
ARTHUR
ALFRED
HIGH
McDOUGALL
FITZROY STREET
BRADFIELD PARK
WHALING
ROAD
WATT PARK
CLARK PARK
GEORGE
CRESCENT
HENRY
LAWSON
AVENUE
WARUNG
STREET
BROUGHTON
CLARK
Luna Park

Figure D-4.3

P2 For residential flat buildings, shop-top housing and attached dwellings, on-site car parking provision below maximum rates specified in Table D-4.1 is encouraged where the proposed development has good access to public transport.

P3 For residential developments containing 4 or more dwellings, a car wash bay is to be provided within the visitor parking area. The car wash bay may comprise a visitor car space. The wash bay is to be adequately drained and connected to the sewer line.

P4 The use of car spaces is restricted to the occupiers(s) of a development.

P5 Designate visitor car parking spaces as common property.

P6 All adaptable housing required to be provided in accordance with Part E: Section 1 – *Residential Development* of the DCP must be allocated at least one accessible parking space to each adaptable dwelling.

Non-Residential Development

P7 Provide on-site car parking not exceeding the maximum rates specified in Table D-4.2.

TABLE D-4.2: Non-residential Parking Rates in Specific Locations

Zone	Location	Development Type	Maximum Parking Rate
E1 Local Centre	High Accessibility Area **	All	1 space / 400m^2 non-residential GFA
	All locations other than High Accessibility Area **	All uses listed in Table D-4.3 - Specific Uses	As per Table D-4.3
		All uses not listed in Table D-4.3 - Specific Uses	1 space / 100m^2 non-residential GFA
E2 Commercial Centre	All	All	1 space / 400m^2 non-residential GFA*
MU1 Mixed Use	High Accessibility Area **	All	1 space / 400m^2 non-residential GFA*
	All locations other than High Accessibility Area **	All uses listed in Table D-4.3 - Specific Uses	As per Table D-4.3
		All uses not listed in Table D-4.3 - Specific Uses	1 space / 60m^2 non-residential GFA
E3 Productivity Support W4 Working Waterfront	All	All uses listed in Table D-4.3 - Specific Uses	As per Table D-4.3
		All uses not listed in Table D-4.3 - Specific Uses	1 space / 100m^2 non-residential GFA

* *GFA = gross floor area*

** *The extent of the High Accessibility Area is identified in Figures D-4.1 to D-4.3.*

P8 For specific non-residential uses, provide on-site car parking not exceeding the maximum rates specified in Table D-4.3. The parking requirements within Table D-4.2 take precedence over the rates within Table D-4.3.

TABLE D-4.3 – Parking rates for specific non-residential uses		
Development Type	**Maximum Parking Rate**	
Boat repair facilities	• 1 space / 200m^2 of GFA* • Appropriate loading facilities	
Child care centres	• Staff	1 space / 2 employees with a max. of 3 spaces
	• Parents	< 24 places - 2 spaces ≥ 24 places - 3 spaces
Educational establishments	• 1 space / 6 staff	
Entertainment facilities	• 1 space / 100m^2 of GFA	
Food and drink premises (excluding Pubs)	• 1 space / 50m^2 of GFA	
Funeral chapels Funeral homes	• 1 space/ 5 seats	
Hospitals	• 1 space / 6 beds • + 1 space / 4 staff	
Hotel and motel accommodation Pubs Registered clubs (excluding residential)	• 1 space / 100m^2 (licensed floor area), • 1 space / 5 bedrooms	
Light industries	• 1 space / 200m^2 of GFA • Appropriate loading facilities	
Medical centres	• 4 spaces / 100m^2 of GFA	
	• Proposals for medical centres must include traffic report accurately predicting traffic generation based on similar sized medical centres	
Places of public worship	• 1 space / 100m^2 of GFA	
Recreational facilities	• 1 space / 100m^2 of GFA	
Restricted premises Sex service premises	• 1 space / 205m^2 of GFA	
Serviced apartments	• 1 space / 5 apartments	
Service stations Vehicular repair stations	• 2 spaces / workshop bay	
Supermarkets	• 4 spaces / 100m^2 of GFA	
Vehicular sales or hire establishment	• 1 space / 100m^2 of GFA	

* *GFA = gross floor area*

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** *The extent of the High Accessibility Area is identified in Figures D-4.1 to D-4.3.*

P9 On-site car parking provision below maximum rates specified in Tables D-4.2 and D-4.3 is encouraged where the proposed development has good access to public transport.

P10 Council must not grant consent for car parking spaces for entertainment facilities unless the location and availability of existing public car parking in the vicinity of the proposed entertainment facility has been considered. Any car parking allowed specifically for the entertainment facility may, with consent, also be available only for short-stay parking during the hours of 9.30am to 6pm, but for no other purpose.

P11 In addition to P8 above, a child care centre must provide one designated disabled access and one designated emergency vehicle space on site in the *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential*, *SP2*

Infrastructure (Educational Establishment) and *C4 Environmental Living* zones, and within close proximity in the *E1 Local Centre*, *E2 Commercial Centre*, *MU1 Mixed Use* and *E3 Productivity Support* zones (e.g. on-street directly adjacent to the centre).

P12 In addition to P7 and P8 above, parking for motorcycles must be provided at the minimum rate of 1 space per 10 cars or part thereof.

4.2.2 Accessible Car Parking Facilities

Objectives

O1 To ensure car parking is accessible for people with disabilities.

Provisions

P1 Designated accessible car parking facilities must be provided at the rates specified in Table D3.5 to the BCA.

4.2.3 Car Share Schemes

Car share schemes support sustainable transport modes, such as walking, cycling and public transport by filling a "mobility gap" – that is providing access to a vehicle on an "as needs" basis, without the high cost of ownership or private parking space provision.

Objectives

O1 To minimise the negative impacts of vehicular traffic associated with new development on the safety and efficiency of existing roads and the amenity of the North Sydney community.

Provisions

P1 Council supports the provision of car share parking in residential, mixed use and commercial developments. Where a car share scheme is to be provided:

(a) The number of car share parking spaces provided does not replace more than 25% of the maximum off-street parking requirement if those car share spaces had not been provided, excluding any residential visitor parking spaces; and

(b) Each car share space does not replace less than 3 or more than 4 of the maximum residential and/or non-residential parking space requirements.

P2 Where car share spaces are to be provided on private land, they must be:

(a) Publicly accessible 24 hours a day, 7 days a week;

(b) Located as close as practical to site's entry to the public road;

(c) Where more than one space is to be provided, located adjacent to one another;

(d) Clearly marked for use by car share scheme vehicles only; and

(e) Identified as common property on any registered title of land and not sold or leased to an individual.

4.3 DESIGN AND LAYOUT

4.3.1 Parking Spaces

Objectives

O1 To provide adequate on-site car parking for occupants.

O2 To ensure that parking areas are adequately designed to enable the manoeuvring and accommodation of the types of vehicles likely to use the site.

O3 To ensure that parking areas are adequately designed for mobility impaired persons.

Provisions

P1 The size and design of all parking spaces, loading facilities and any associated manoeuvring areas must be in accordance with AS2890.

P2 Motorcycle parking must have a minimum dimension of 1.2m x 3m.

P3 A minimum of 1-2% of all non-residential parking spaces are to be designated for use by the disabled.

P4 Car parking spaces for people with disabilities or their associates are provided adjacent or close to the principal public entrance in accordance with AS 1428.2.

P5 The use of car spaces within a development is restricted to the occupiers of that development.

P6 Visitor car parking spaces must be designated as common property.

4.3.2 Location

Objectives

O1 To minimise adverse visual impacts on the appearance of the street or building.

O2 To maintain garden settings in residential zones.

Provisions

P1 Parking for all residential accommodation, except multi-dwelling housing, residential flat buildings and shoptop housing, must not be provided underground, unless it can be adequately demonstrated that the site conditions dictate that this is the only or most appropriate solution for parking provision.

P2 All parking associated with multi dwelling housing, residential flat buildings and shoptop housing must be provided underground (i.e. within a basement).

P3 All parking for non-residential development in the *E1 Local Centre*, *E2 Commercial Centre* or *MU1 Mixed use* zone must be provided underground.

Development in Residential Zones

P4 Garages, carports or other like parking structures must not be located between the primary street frontage and the primary street façade of the building.

P5 A single car parking space (i.e. not within a garage, carport or other structure) may be located between the primary street frontage and the primary street façade of the building, but only if:

(a) no other on-site parking exists or is possible;

(b) no rear laneway exists to provide vehicle access from the laneway rather than from the street;

(c) no demolition or partial demolition of the property is required to cater for the space;

(d) any excavation required is minimal in comparison to the area of the parking space;

(e) on-street parking is constrained by commuter parking and/or clearways;

(f) the parking space is uncovered;

(g) porous materials are used for the parking space's surface;

(h) landscaped area complies with the minimum requirements under Section 1.4.8 to Part E of the DCP, or if it is already less than the minimum requirement, the landscaped area is not further reduced;

(i) adequate space to fit vehicles within the property boundary exists to avoid overhang onto the footpath;

(j) it complies with AS 2890.1.

4.3.3 Access & Manoeuvring

Objectives

O1 To ensure adequate access for all vehicles.

O2 To maximise pedestrian and driver safety.

O3 To minimise the disruption to the streetscape from vehicle crossovers.

Provisions

P1 Provide vehicular access directly from a public road, including to any new allotments to be created by subdivision.

P2 Do not compromise streetscape, building form and landscaped area, or heritage significance through the provision of vehicle access.

P3 Where there is currently no parking on a site, and on-site parking is not characteristic, do not introduce vehicle access from the street.

P4 Where a site has frontages to both a street and a rear laneway, vehicular access should be provided from the laneway rather than the street.

P5 Parking areas must be designed to enable cars to enter and leave the site in a forward direction.

P6 Council does not support the use of turntables for vehicular manoeuvring unless there is no feasible alternative.

P7 Design accessways, driveways and parking areas to:

(a) enable vehicles to enter the parking space or garage in a single turning movement;

(b) enable vehicles to leave the parking space in no more than two turning movements;

(c) enable vehicles to avoid queuing on public roads;

(d) comply with AS 1428.2 Design for Access and Mobility; and

(e) comply with the requirements of vehicular crossings and driveways as set out in Part D: Section 7.4 of this DCP.

P8 Driveway and pedestrian access must be separated.

P9 Where access to parking spaces or parking areas is to be restricted via the use of security gates, doors and the like:

(a) Provide a minimum of 5.5m between the street boundary and the gates or doors to parking spaces and areas to allow a car to stand within the property boundary while the gates or doors are opening; and

(b) Provide an intercom system to facilitate visitor/service access.

P10 Where resident parking and non-resident parking is to be provided within the same development, vehicular access to the private residential areas of the parking area is to be restricted through appropriate security measures.

P11 Set back any development, including fences, at least 1.2m from a boundary with a laneway to provide adequate turning space.

Residential Development

P12 Limit the width of vehicle access to 2.5m and locate to one side of the property, or to side or rear of the building if possible.

Mixed Use and Non-Residential Development

P1 Vehicular access points should be limited to a maximum of one access point per building.

P2 Service vehicle access should be combined with parking access.

P3 Where possible, shared or amalgamated vehicle access points with an adjoining building should be provided.

P4 Vehicle entries, walls and ceilings should be finished with high quality materials, finishes and detailing, similar to the overall external facades of the building.

P5 Service ducts and pipes should be concealed when viewed from the public domain.

4.3.4 Stacking of parking spaces

Objective

O1 To minimise the impact on existing vegetation and landscape features and to prevent adverse safety impacts for drivers and pedestrians.

O2 To minimise inconvenience to all users of the parking spaces.

O3 To minimise impacts on the surrounding road system.

Provisions

P1 Council does not support the stacking of parking spaces in the non-residential component of developments. However, Council may permit the stacking of spaces, but only where:

(a) the number of stacked spaces does not exceed 25% of the total number of non-residential spaces; or

(b) where the parking spaces are in the same ownership or strata lot.

Note: *The "stacking of parking spaces" as referred to in P1 means multiple parking spaces arranged end to end on the same ground plane, and where one parking space prevents independent access to another parking space (also known as tandem parking).*

P2 Council does not support the use of mechanical car stacker systems for the provision of car parking. However, Council may consent to the use of a mechanical car stacker, but only where it can be demonstrated:

(a) That the use of the mechanical stacker will enable a reduced level of excavation to preserve existing significant tree(s) and or natural landscape features on the site;

(b) That the site's shape is physically constrained, such that conventional parking arrangements would not enable compliance with the parking provision requirements of this DCP;

(c) Where a single mechanical car stacker system accommodates more than 10 vehicles within a multi-dwelling housing development, a residential flat building, a mixed use or commercial premises, that a car waiting space is provided entirely on the site and adjacent to the mechanical stacker to enable a vehicle to wait while the stacker is in use. The waiting area must be located such that it does not interfere with the ability for a vehicle to enter and leave the stacker, while a car is occupying the waiting area.

Note: *A mechanical car stacker system referred to in P2 refers to a system which uses a lift and/or horizontal moving platforms.*

4.3.5 Accessible Car Parking Facilities

Objectives

O1 To ensure in providing access for people with disabilities, parking spaces designated for people with disabilities are located as near as possible to the main accessible entrance of the building, and are linked by an accessible path of travel.

Provisions

P1 Designated accessible car parking facilities must be:

(a) located at the closest point to each accessible public entrance;

(b) linked to an accessible entrance to the building or to a wheelchair accessible lift by a continuous accessible path of travel, and preferably under cover;

(c) designed in accordance with AS 1428.1, 1428.2 and 2890.1 and 2890.6; and

(d) clearly signposted in accordance with AS 1428.2 (including both the designated parking space and the continuous accessible path of travel to that space).

Set Down Areas

P2 Where set down areas (e.g. for taxis) are provided, they should be adjacent to a safe continuous path of travel to the facility to be accessed.

P3 Set down areas should be level with a gradient less than 1:40, have adequate circulation space and be located away from traffic flow.

P4 Kerb ramps should be provided to allow access to footpaths.

P5 Off street set down areas should have directional signage from street entry and appropriately signed with both pavement and pillar signage.

4.4 LOADING AND SERVICING FACILITIES

Objectives

O1 To ensure that adequate off-street loading, delivery and servicing facilities are provided.

O2 To minimise the impacts of loading, deliveries and servicing operations on the safety and efficiency of the surrounding road system.

Provisions

P1 Off-street loading and unloading facilities should be provided for all commercial and industrial premises as required by Council. The requirement for, number and size of loading bays will be determined by Council having regard to the:

(a) Intended use of the premises;

(b) Frequency of deliveries / collections;

(c) Size and bulk of goods to be delivered / collected;

(d) Size of vehicles to be used;

(e) Practicality of accommodating delivery and service vehicles on site; and

(f) Likely impacts on traffic safety and efficiency on adjoining roads.

P2 Developments containing more than 30 dwellings but less than 60 must provide at least 1 service delivery space, capable of accommodating at least 1 Medium Rigid Vehicle. Development containing less than 30 dwellings must provide at least one delivery/service/trade standard parking space.

P3 Developments containing more than 60 dwellings must provide at least 1 service delivery space, capable of accommodating at least:

(a) 1 Heavy Rigid Vehicle; or

(b) 2 Medium Rigid Vehicles.

Note: *For the purposes of P2 and P3 above, Medium Rigid Vehicles and Heavy Rigid Vehicles are deemed to be same as that described in Section 2 of Australian Standard AS 2890.2 - Parking facilities - Part 2: Off-street commercial vehicle facilities.*

P4 Provide loading spaces and courier parking spaces near vehicle entry points to a site and lifts.

P5 Height clearances, including access routes to the required loading spaces must comply with Australian Standard AS 2890.2.

4.5 Bicycle Parking and Associated Facilities

Objective

O1 To encourage the use of bicycles as an environmentally beneficial form of transport and an alternative to the use of private motor vehicles.

Provisions

Number

P1 All new development is to provide on-site, secure bicycle parking spaces and storage for residential accommodation in accordance with the minimum rates specified in Table D-4.4 with the following exceptions:

(a) where an apartment in a residential building has a basement storage area on title that is large enough to accommodate a bike and being no smaller than a Security Level A bike locker, then additional bike parking for that apartment is not required; and

(b) where a proposed use is not included below, bicycle parking and storage rates will be considered on merit taking into consideration rates for similar uses in Table D-4.4 as well as those contained in the *Cycling Aspects of Austroads Guides AP-G88-17 (2017).*

TABLE D-4.4: Minimum Bicycle Parking Rates

Development Type	Rate	
	Occupants	Visitor / Customer
Residential		
Residential accommodation	1 / 1 dwelling	1 / 10 dwellings
Tourist and Visitor Accommodation		
Serviced apartments, Hotels and motels	1 / 4 staff	1 / 20 rooms
Backpackers accommodation	1 / 4 staff	1 / 10 beds
Commercial Premises		
Office premises, Business premises	1 / 150m² GFA	1 / 400m² GFA
Bulky goods premises	1 / 600m² GFA	1 / 1000m² GFA
Shop, Restaurant or cafe	1 / 250m² GFA	2 + 1 / 100m² over 100m² GFA
Shopping centre	1 / 200m² GFA	1 / 300m² sales GFA
Pub	1 / 100m² GFA	1 / 100m² GFA
Entertainment facility	-	Greater of 1 / 15 seats or 1 / 40m² GFA

TABLE D-4.4: Minimum Bicycle Parking Rates		
Development Type	**Rate**	
	Occupants	**Visitor / Customer**
Place of public worship	-	Greater of 1 / 15 seats or 1 / 40m² GFA
Industry		
Industry, Warehouse or Distribution centre	1 / 10 staff	-
Community		
Child care centre	1 / 10 staff	2 / centre
Medical centre, Health consulting rooms	1 / 5 practitioners	1 / 200m² GFA
Tertiary educational institution	1 / 10 staff	1 / 10 students
Swimming pool	1 / 10 staff	2 / 20m² of pool area
Library	1 / 10 staff	2 + 1 / 200m² GFA
Art gallery or museum	1 / 1000m² GFA	1 / 200m² GFA
Other		
	On merit. Council will give consideration to the rates contained within the *Planning guidelines for walking and cycling 2004.*	

P2 Bicycle parking facilities are to be additional to other parking requirements.

P3 The minimum number of bicycle parking spaces is to be rounded up to the nearest whole number if it is not a whole number.

Type

P4 Secure bicycle parking facilities are to be provided in accordance with the following:

(a) Security Level A or B facilities for occupants of residential dwellings (Security Level A is preferred);

(b) Security Level B facilities for staff/employees of any land use; and

(c) Security Level C facilities for visitors of any land use.

Note: *The security level of facilities are described in detail within AS 2890.3.*

Design

P5 Design bicycle parking and storage facilities in accordance with the relevant Australian Standards that apply at the time.

Location

P6 Locate private bicycle storage facilities within basement parking levels of the building where provided.

P7 If private storage facilities are located in a basement, they are to be located:

(a) on the uppermost level of the basement; and

(b) as close to the primary entry point as possible; and

(c) subject to security camera surveillance where such security systems exist.

Access

P8 A safe path of travel from Security Class A and B facilities to entry/exit points is to be clearly marked.

P9 Access to Security Class A and B facilities areas are to be:

(a) a minimum of 1.8m wide to allow passage of a pedestrians and bikes to pass each other (access ways can be shared with vehicles within buildings and at entries to buildings);

(b) accessible via a ramp;

(c) clearly identified by signage; and

(d) accessible via appropriate security/intercom systems.

P10 Locate Security Level 3 facilities in an accessible at-grade location near a major public entrance to the development, preferably undercover, is able to be passively surveyed from the public domain and/or the proposed or adjoining developments, is well lit to enable adequate night time use and is to be signposted.

Changing / shower facilities

P11 For non-residential uses, the following facilities for bike parking are to be provided at the following rates:

(a) 1 personal locker for each bike parking space;

(b) 1 shower and change cubicle for up to 10 bike parking spaces;

(c) 2 shower and change cubicles for 11 to 20 or more bike parking spaces are provided;

(d) 2 additional shower and change cubicles for each additional 20 bike parking spaces or part thereof;

(e) Showers and change facilities may be provided in the form of shower and change cubicles in a unisex area or in both female and male change rooms; and

(f) Locker, change room and shower facilities are to be located close to the bicycle parking area, entry/exit points, and within an area of security camera surveillance where there are such building security systems.

4.6 TRAVEL PLANS

Travel Plans identify typical travel demand and mode share for a proposed development based on empirical analysis of similar developments, then identify what actions will be delivered to increase walking, cycling, public transport and ride sharing mode share, thereby reducing the negative impacts of the traffic generated by the development on the North Sydney community. Travel Plans encourages people to consider alternate means to accessing a site rather than by private motor vehicle and may also be known as:

(a) Workplace Travel Plan (e.g. for commercial premises and industry and the like);

(b) Education Travel Plans (e.g. educational establishments);

(c) Residential Travel Plans (e.g. residential accommodation); and

(d) Visitor and Leisure Travel Plans plus others (e.g. Tourist and visitor accommodation and recreational facilities)

Objectives

O1 To encourage employees, residents and visitors to make greater use of public transport, cycling, walking and car sharing for commuting, visiting and work related journeys.

Provisions

P1 A Travel Plan must be submitted with all development applications that involve:

(a) New, or redevelopment of, educational establishments which result in the total number of students exceeding 100 persons.

(b) New, or redevelopment of, non-residential developments which result in the total floor space of the development exceeding 2,000m^2 (approximately 100 employees in an office development).

(c) The provision of 50 or more dwellings.

P2 Components of a Travel Plan should include:

(a) empirical analysis of typical travel demand and mode share outcomes for walking, cycling, public transport and private vehicular use for similar developments (base case scenario);

(b) a vision and objectives for the Travel Plan that are consistent with the community's vision for transport as detailed in the North Sydney Transport Strategy;

(c) specific, measurable, ambitious and realistic targets, including time-frames for achieving them;

(d) an action plan, with links to identified targets, that demonstrates how these actions will deliver the Travel Plan vision, reduce travel demand and/or increase walking, cycling, public transport and ride sharing for trips to and from the site. This could include:

(i) Identification and promotion of public transport options to access the site (for example, on a website and /or business cards);

(ii) Preparation of a Transport Access Guide (TAG) for the site.

Note: *Transport Access Guides (TAGs) provide information to staff and clients on how to reach places via public transport, walking or cycling.*

(iii) Implementation of a car pool system for employees;

(iv) Introduce staff car sharing scheme for fleet vehicles;

(v) Use taxis or public transport for work related journeys;

(vi) Provide priority parking for staff who car pool with more than 2 passengers;

(vii) Encouragement of cycling and walking to the site through generous provision of bicycle parking, showers and lockers;

(viii) Incentive schemes to encourage employees to commute using sustainable transport modes (such as the provisions of public transport vouchers/subsidised public transport tickets);

(ix) Allocation of designated parking spaces for a car sharing scheme;

(x) Prominent display of a large map of cycling routes (i.e. in the foyer of a residential, educational or business complex);

(xi) Provide staff with cycling allowances, loans and insurance together with bicycle storage and showering and changing facilities; and

(xii) Provision of a bus to pick up and drop off staff to the nearest railway station.

Note: *The strategies listed in P2 above do not comprise an exhaustive list and Council will consider alternative strategies that reduce the reliance on the use of private motor vehicles.*

(e) undertakings to regularly evaluate and review the Travel Plan, including a submission to Council, to ensure that proposed travel demand management and

walking, cycling, public transport, ride share and private vehicle mode share outcomes for the development are achieved.

P3 The maximum parking requirements for on-site car parking may be reduced on the basis of a written agreement between Council and the owner/occupiers for the implementation of a Travel Plan.

P4 The undertakings made in a Travel Plan submitted with a development application may be included as conditions to any development consent.

4.7 TRAFFIC & PARKING IMPACT ASSESSMENT

4.7.1 Objectives

O1 To ensure that a proposed development's impact on the surrounding arterial and local road network, identification of transport infrastructure requirements and cost implications are adequately considered prior to issuing of development consent.

4.7.2 Provisions

P1 A Traffic & Parking Impact Assessment must be submitted with all development applications that are also required to be referred to Transport for NSW under cl.2.122 and Schedule 3 of the *SEPP (Transport and Infrastructure) 2021*, and for all applications which are classified as designated development pursuant to s.4.10 of the *EP&A Act 1979*.

P2 Council may require a Traffic & Parking Impact Assessment to be submitted with a development application for one or more of the following types of new developments, regardless of whether they are captured by cl.2.122 and Schedule 3 to the *SEPP (Transport and Infrastructure) 2021*:

(a) Child care centres

(b) Drive-in take-away food outlets

(c) Education facilities

(d) Entertainment facilities

(e) Health care facilities

(f) Hotel and motel accommodation

(g) Industrial premises

(h) Public car parks

(i) Places of public worship

(j) Pubs

(k) Recreation and tourist facilities

(l) Registered clubs

(m) Retail premises comprising supermarkets and/or shopping centres

(n) Service stations

(o) Other developments. Generally, if there is a significant expansion or modification to an existing development type, as outlined in the list above, then a Traffic & Parking Impact Assessment must be submitted with the development application. Seek Council Officer advice for further information.

P3 The following issues are to be considered when preparing a Traffic & Parking Impact Assessment for Council to adequately assess the traffic impacts of a proposed development:

(a) Existing traffic generation

(b) Proposed traffic generation
(c) Capacity of road network
(d) Environmental capacity of the road network
(e) Traffic safety
(f) Traffic amelioration
(g) Off-street parking
(h) On-street parking
(i) On-street metered parking
(j) Vehicle access
(k) Public & active transport
(l) Street lighting
(m) Construction Management Plan
(n) Work zones
(o) Partial road closure (temporary)
(p) Full road closure (temporary)
(q) Cyclists and cycle paths

Note. *Refer to the Performance Guide for more details.*

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SECTION 5 WASTE MINIMISATION & MANAGEMENT

5.1 INTRODUCTION

Waste and sustainable resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill disposal capacity become scarce and the environmental and economic costs of waste generation and disposal rise.

North Sydney Council has traditionally adopted a sustainability approach to the way waste is managed and diverted from landfill. Council has been at the forefront of waste processing and has consistently been rated highly in striving to meet the NSW EPA's landfill diversion targets (currently, 70% diversion by 2021/22). In order to maximise landfill diversion, Council has successfully implemented education programs and strategic collection and disposal contracts. Whilst a large proportion of waste is currently being redirected for recycling purposes, the amount of average waste generated per person is also increasing.

There are a number of problems associated with waste generation, including:

- environmental management problems associated with the use of landfills and other disposal methods;
- sustainability of using land fill sites for disposal;
- increasing difficulty in finding new landfill sites in highly urbanised areas;
- loss of resources that could be reused or recycled.

As levels of waste in a community increase the amenity (or liveability) of that community declines. Waste therefore needs to be disposed of in ways which minimise its negative impacts. In addition to waste generated by residents and businesses, which often result in their own localised problems, significant volumes of waste are also generated in the course of demolition and construction of buildings. This section of the DCP provides mechanisms to encourage the minimisation of waste being sent to landfill sites and ensuring that sufficient on-site facilities are provided.

5.1.1 General Objectives

The objectives of this Section of the DCP are to:

O1 Reduce the demand for waste disposal.

O2 Maximise reuse and recycling of building and construction materials, as well as household, industrial and commercial waste.

O3 Assist in achieving Federal and State Government waste minimisation targets.

O4 To meet the waste management needs of the residential and wider community.

O5 Minimise the overall environmental impacts of waste.

O6 Require source separation, design and location standards which complement waste collection and management services offered by Council and private providers.

O7 Encourage building design and construction techniques which will minimise future waste generation.

5.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications.

Where a Waste Management Plan is required to be submitted with a development application, a standardised form can be found on Council's *website*.

5.2 DEMOLITION WASTE

Objectives

O1 To ensure that the reuse and recycling of demolition materials is maximised.

Provisions

P1 A Waste Management Plan must accompany all development applications involving demolition. The Waste Management Plan must provide details of all on-site sorting areas, storage areas and vehicular access.

P2 Section 2 of the Waste Management Plan must be completed providing the following details:

(a) the volume and type of waste to be generated, including excavation materials, green waste, brick, concrete, timber, plasterboard, and metals;

(b) how waste is to be stored and treated on site;

(c) how residual waste is to be disposed of.

Table D-5.1 gives examples of uses for recyclable demolition materials.

TABLE D-5.1: Examples of recyclable materials

Materials On-site	Reuse and Recycling
Concrete/fill material	Filling, levelling materials, road base.
Bricks	Cleaned and/or rendered over for reuse on-site and off-site.
Roof-tile	Crushed, as landscaping, and driveways for reuse on-site or off-site.
Hardwood beams	Floorboards, fencing, furniture for reuse on-site or off-site.
Other timber	Form work, bridging, blocking and propping.
Doors, windows, fittings	Second hand building material.
Glass	Aggregate for concrete production.
Synthetic and recycled (e.g.; under carpets)	Used for safety barriers, speed humps, rubber
Substantial trees, planting	Relocated on-site or sold for use off-site.
Green waste	Mulching, composting, for reuse as landscaping/fertiliser

5.3 CONSTRUCTION WASTE

Objectives

O1 Waste generation is minimised and reuse and recycling of construction materials is maximised in construction projects.

Provisions

P1 A Waste Management Plan must accompany all development applications involving construction. The Waste Management Plan must provide details of all on-site sorting areas, storage areas and vehicular access.

P2 Section 3 of the Waste Management Plan must be completed providing the following details:

(a) the volume and type of waste to be generated, including excavation materials, green waste, brick, concrete, timber, plasterboard, and metals;

(b) how waste is to be stored and treated on site; and

(c) how residual waste is to be disposed of.

Table D-5.1 gives examples of uses for recyclable construction materials.

P3 To ensure that construction waste is minimised consideration should be given to the following matters:

(a) Order the right quantities of materials;

(b) Prefabricate materials where possible;

(c) Reuse formwork;

(d) Use modular construction and basic designs to reduce the need for off-cuts;

(e) Separate off-cuts to facilitate reuse, resale or efficient recycling;

(f) Minimise site disturbance, limit unnecessary excavation;

(g) Reuse or recycle materials from demolished buildings;

(h) Choose landscaping which reduces green waste; and

(i) Coordinate and sequence trades people to minimise waste.

5.4 WASTE FACILITIES

This sub-section is informed by Council's Waste Management Guide, which contains essential information for architects, developers and builders relating to the design and construction of waste handling facilities in new developments. The Guide ensures that all waste facilities in new or existing developments comply with Council's collection services and waste minimisation policies. This Guide should be considered in the preparation of all development applications.

5.4.1 General Provisions

Objectives

O1 To ensure sufficient space is provided onsite for waste storage.

O2 To ensure garbage areas are screened from the public domain

O3 To ensure convenient and safe access for collection.

Provisions

P1 Provide an appropriate level of space on each property that is capable of accommodating the temporary storage of recyclables, garbage, general household clean up bulky waste and green waste likely to be generated by the proposed development.

P2 Ensure space is easily accessible from each part of the building and from the collection point.

P3 Source separation must be provided within the garbage storage area to maximise recycling and reduction of waste sent to land fill.

P4 Include adequate access and manoeuvring space, at least an area equivalent to the combined footprint of the bins.

P5 Provide administrative arrangements for ongoing waste management, including signs.

P6 Locate and design waste storage and recycling areas to complement the streetscape.

P7 Garbage storage areas must be screened from streets and laneways to discourage the illegal dumping of rubbish and unsightly mess visible to pedestrians.

P8 Garbage storage areas must be located and managed to avoid causing a nuisance from smells, insects or animals.

P9 Sufficient space must be provided to accommodate any on-site treatment facilities (e.g. compaction) proposed to be incorporated.

P10 Garbage storage areas should be adequately protected from inclement weather. Where appropriate, the area should be enclosed or undercover.

P11 Storage areas must be well ventilated and drained to a lawfully approved sewerage system.

P12 Access to waste storage and waste holding areas are not to include stairs or ramps which exceed a fall of 1:8.

P13 Waste storage and waste holding areas must not be located behind lockable security grilles / roller doors, doors or gates, unless waste contractors are provided with suitable access.

P14 Within a mixed use development, separate waste facilities must be provided for the residential and non-residential components.

P15 All developments containing a lift must provide:

(a) a garbage chute leading to a central garbage storage room that has a waste compaction unit attached with a minimum compaction ratio of at least 2:1; and

(b) an interim recycling room with a minimum dimension of 1.5m square on each level of the building with at least one point of access to the garbage chute, with the space to accommodate at least 1 x 240 litre recycling bin for the separate collection of recyclable materials.

(c) a separate storage area for bulk items associated with household cleanups.

(d) separate residential and non-residential garbage chutes within a mixed use development.

P16 Fully enclosed waste facilities must be ventilated by natural or artificial means complying with AS 1668.

P17 Waste facilities must be provided with hose cocks or access to hose cocks to allow for the wash down of the garbage store areas and also for the disinfection of containers on site. Wash down water from either the floor or containers must be disposed of in the sewer.

P18 Waste storage areas and/or holding bays must be adequately signposted, with a description of storage facilities within the area.

P19 Lighting within waste facility rooms should be in accordance with AS 1680.

5.4.2 Residential Accommodation

Objectives

O1 To minimise any adverse effects on residents and the wider community by ensuring that adequate garbage storage and holding areas are provided which are conveniently accessible for residents and garbage contractors.

O2 To ensure developments are designed to maximise resource recovery through waste avoidance, source separation and recycling.

Provisions

Waste Receptacles

P1 Each dwelling must be provided with a waste storage cupboard within the kitchen, capable of accommodating at least 2 days of waste and to enable the source separation of garbage, recyclables and compost within separate containers.

P2 On-site garbage storage areas must be provided which are capable of accommodating at least the number of garbage and recycling bins indicated in Table D-5.2.

TABLE D-5.2: Waste bin requirements		
No. of dwellings	**No. of garbage bins required**	**No. of recycling bins required**
1-3 dwellings	1 x 80L bin / dw*	1 x 140L commingled mobile bin / dw
4-12 dwellings	1 x 80L bin / dw or 1 x 240L bin / 3 dws or part thereof	2 x 240L comingled mobile recycling bin each colour coded and dedicated specifically for paper and co-mingled glass/plastic bottles and cans
13 or more	1 x 240L bin / 3 dws 660L bins permitted	2 x 240L mobile bins / 15 dws or part thereof 660L bins permitted colour coded and dedicated specifically for paper and co-mingled glass/plastic bottles and cans

** dw = dwelling*

P3 Notwithstanding the rates to P2, Council may permit a reduction in the number of bins required, but only if a garbage compactor is required or proposed to be incorporated within the development.

Location

P4 A garbage storage area should be located within 2m of the street boundary.

P5 Notwithstanding P4 above, a garbage storage area may be located anywhere on a site, but only if a temporary holding collection area, capable of accommodating all of the required bins for the entire development, is located within 2m of the street boundary.

P6 If the garbage storage area is to be the collection point, provide clear and unimpeded access that is no more than 2m from the street boundary entrance to the site.

P7 Ensure that the garbage storage area is easily accessible from all parts of the building and from the collection area.

P8 Locate and design garbage storage areas to complement the streetscape.

P9 Ensure garbage/recycling bins/green waste bins/general household bulky waste clean-up materials will not be visible from the street in the garbage storage area.

P10 Where possible integrate garbage storage areas with the building.

P11 Do not place structures for garbage storage areas that are more than 1m high on the boundary or within the front building line.

5.4.3 Non-Residential Development

Objectives

O1 To ensure sufficient space is provided on site for waste storage.

O2 To ensure garbage storage areas are screened from the public domain.

O3 To ensure convenient access for collection.

Provisions

Waste Receptacles

P1 On-site garbage storage areas must be provided which are capable of accommodating the number of garbage and recycling bins as indicated in Table D-5.3. However, industry standards for waste generation rates may be used where these differ from the Council rates or if no Council rate is given.

TABLE D-5.3: Waste bin requirements

Type of Premises	Sub type of premises	Typical Volume of Waste generated to be stored	
		Waste	Recycling
Child care facilities	All types	20L / child /week	10L / child /week
Office buildings	General office use	10L / 100m^2 GFA / day	10L / 100m^2 GFA / day
Retail Trading	Shops < 100m^2	50L / 100m^2 GFA / day	25L / 100m^2 GFA / day
	Shops ≥ 100m^2	50L / 100m2 GFA / day	50L / 100m^2 GFA / day
	Supermarkets	660L / 100m^2 GFA / day	130L / 100m^2 GFA / day
	Showrooms	40L / 100m^2 GFA / day	10L / 100m^2 GFA / day
	Greengrocers	240L / 100m^2 GFA / day	410L / 100m^2 GFA/ day
	Florist / plant shop	900L / 100m^2 GFA / day (combined)	
	Butcher / Delicatessen	80L / 100m^2 GFA / day	Variable, but average 50L / 100m^2 GFA / day
	Bakery	295L / 100m^2 GFA / day	165L / 100m^2 GFA / day
	Fish	50L / 100m^2 GFA / day. Waste receptacles shall be refrigerated so as to ensure all wastes are kept at a temperature not exceeding 4°C	Variable
Food and drink premises	Take away food and drink premises	80L / 100m^2 GFA / day	240L / 100m^2 GFA / day
	Restaurants and cafes	10L / 1.5m^2 GFA / day	120L / 100m^2 GFA / day
	Registered clubs Pub Small bar	50L / 100m^2 bar area / day 80L / 100m^2 restaurant GFA / day	50L / 100m^2 bar area / day 50L / 100m^2 dining area / day
Assembly rooms	Social recreational or religious premises	50L / 100m^2 GFA / day	10L / 100m^2 GFA / day
	Entertainment facilities	1L / 4 seats / screening	0.5L / 4 seats / screening
Tourist and visitor accommodation	Backpacker accommodation	40L / occupant space / week	20L / occupant space / week
	Hotel and motel accommodation	5L / bed space / day 50L / 100m^2 bar area / day 10L / 1.5m^2 dining area / day	5L / bed space / day 50L / 100m^2 bar area / day 50L / 100m^2 dining area / day
	Serviced apartments	120L / apartment / week	60L / apartment / week
Industrial	-	Dependant upon industry type	Dependant upon industry type

P2 Notwithstanding the rates to P1, Council may permit a reduction in the number of bins required, but only if a garbage compactor is required or proposed to be incorporated within the development.

P3 Food and drink premises and any other premises involved in the storing of perishable goods are required to:

(a) provide specialised containment for food scraps;

(b) Arrange regular/daily collection of food scraps; and

(c) Provide refrigerated garbage rooms where large volumes of perishables (such as seafood) and infrequent collection is proposed.

P4 Grease traps may be required in certain circumstances (refer to Sydney Water for any specific trade waste requirements).

P5 Special arrangements are required for the storage and disposal of any special waste material, such as medical or hazardous wastes. Applicants should contact Council and Environment Protection Authority for further information.

Location

P6 Communal on-site waste storage, recycling and collection points must be provided for each development site.

P7 Separate waste storage facilities must be provided where a development contains a mixture of both residential and commercial uses. Access to these separate storage areas is to be restricted to their respective users.

P8 A garbage storage area should be located within 2m of the street or laneway boundary.

P9 Notwithstanding P8 above, a garbage storage area may be located anywhere on a site, but only if a garbage collection area, capable of accommodating all of the required bins for the entire development is located within 2m of the street or laneway boundary.

P10 The area allocated must accommodate any privately arranged collection (e.g. daily or weekly, etc. collections).

P11 Garbage storage facilities should not be located in conjunction with the main pedestrian entrances to a building.

P12 Garbage bins stored in a collection facility should be located within 3m of the facility's entrance.

P13 Convenient access for on-site movement and collection should be provided.

P14 More than one communal on-site waste storage and recycling area should be provided on large or steep sites, or where there is more than one Council collection point.

Late Night Trading Premises

P15 The garbage/recycling area must be appropriately sited as far as possible from nearby residential properties.

P16 The transfer of waste, particularly glass bottles, into an outdoor garbage/recycling area must not occur after 10pm where this would likely be audible from surrounding residential properties.

5.5 WASTE MANAGEMENT

Objectives

O1 To encourage waste minimisation (source separation, reuse and recycling) and safe operation of waster related activities.

General Provisions

P1 All applications must be accompanied by a Waste Management Plan which illustrates the location and associated circulation to and from the following:

(a) a waste and recycling cupboard space per dwelling / or non-residential tenancy;

(b) any waste storage and recycling areas;

(c) any collection areas;

(d) access for collection vehicles;

(e) location and design of all communal facilities where relevant;

(f) management of e-waste where appropriate; and

(g) management of hazardous waste where appropriate.

P2 Sections 4 and 5 of the Waste Management Plan, must be completed for all developments incorporating one or more of the following uses:

(a) Attached dwellings;

(b) Multi unit housing;

(c) Residential flat buildings;

(d) Shop top housing;

(e) Commercial premises;

(f) Industrial premises; and

(g) Other non-residential premises.

P3 Section 4 of the Waste Management Plan must describe the type of waste to be generated at the premises, expected volume per week, proposed on-site storage and treatments facilities, and destination of waste materials.

P4 Section 5 of the Waste Management Plan must describe the proposed on-going management of waste and recycling.

SECTION 6 SAFETY & SECURITY

6.1 RESIDENTIAL DEVELOPMENT

Objectives

O1 To ensure a high level of personal safety for people who use or visit the building.

Provisions

P1 Maximise views of the street and dwelling entries and communal areas within the development (from dwelling entries, windows and balconies).

P2 Limit the number of dwellings sharing one entry or lobby to 10 dwellings.

P3 Maintain sight lines along pathways (i.e. avoid blind corners or hiding places).

P4 Use design, materials and features (such as street furniture, pavers, fencing and landscaping) to clearly distinguish public, communal and private domains.

P5 In public areas, use materials that discourage vandalism (i.e. non-porous surfaces such as glazed ceramics or treated masonry).

P6 Install locks on doors and windows, viewers to doors.

P7 Roller shutters should not be installed on windows or doors.

P8 Provide lighting to communal areas (laundries, garbage storage, pathways, lobbies, car parking areas and stairwells).

P9 Locate shared facilities in areas that will be well used.

6.2 NON-RESIDENTIAL DEVELOPMENT

6.2.1 General Provisions

Objectives

O1 To ensure that a high level of personal safety and security is provided within the development.

Provisions

P1 Design routes between building entrances to maximise personal safety. Routes from parking areas to lift lobbies are particularly important in this regard. Clear lines of sight and well lit routes are required.

P2 Where open space and pedestrian routes are provided, they must be clearly defined, and have clear and direct sightlines for the users.

P3 Adequate lighting must be provided to open spaces, entrances and pedestrian areas to avoid the creation of shadowed areas.

P4 Rear service areas and access lanes should either be well secured or easily visible.

P5 Land use activities which operate after normal business hours should be located along well-used pedestrian routes.

P6 Public toilets, telephones and other public facilities must be provided with direct access and good visibility from well-used public spaces.

P7 Robust and durable design features should be used where relevant to discourage vandalism.

P8 Consider the use of bollards or low walls and the careful design of shopfronts to decrease the likelihood of ram raids and provide higher levels of security for shop owners or tenants.

P9 The use of security grilles at the street frontage is discouraged. If security grilles are necessary then install on the inside of the shopfront and maintain clear visibility into the shop. Use toughened glass.

P10 Solid security rollers to shopfronts are not permitted.

P11 Fire escapes should not be recessed into the building form. If it is necessary locate them in recesses, then the recess must be shallow to provide for personal security of pedestrians.

P12 Buildings should be designed to allow for the overlooking and natural surveillance of rear lanes (e.g. from retail and other uses at all levels of the building).

P13 Rear lanes should be provided with safe and secure lighting.

P14 Clear sight lines should be maintained around all vehicle access points.

P15 Street numbering of buildings must be clearly visible from street at all times of the day such that they are easily identifiable.

P16 Maximise views of the street and building entries and communal areas within the development.

P17 Maintain sight lines along pathways (i.e. avoid blind corners or hiding places).

P18 Use design, materials and features (such as street furniture, pavers, fencing and landscaping) to clearly distinguish public, communal and private domains.

6.2.2 Child Care Facilities

Objectives

O1 To ensure all users are capable of entering and leaving the child care facility in a safe manner.

Provisions

P1 On site parking spaces and set-down and pick-up areas are well lit.

P2 Entry gates are located within sight of staff in the office.

P3 Bells, alarms or other suitable mechanisms are to be provided on the entry gate to alert staff as to when someone is entering or leaving the child care facility.

P4 An Emergency Evacuation Plan must be submitted to Council with any development application.

P5 Entry to a child care facility should be limited to one secure point, which is to be:

(a) appropriately located to allow ease of access;

(b) adequately signposted;

(c) well lit;

(d) accessible by pedestrians and motorists;

(e) safe from pedestrian and vehicle transition areas;

(f) visible from the street if located within a separate building, or building foyer if located in a multiple occupancy building;

(g) of sufficient size to prevent congestion, taking into consideration the capacity of the child care facility;

(h) monitored through either natural or camera surveillance; and

(i) incorporate a transitional space which is to be adequately fenced and separated from the entrance.

6.2.3 Sex Services and Restricted Premises

Objectives

O1 To ensure personal safety of workers, clients and general public through the design of sex services and restricted premises.

Provisions

P1 Measures should be incorporated to safeguard workers, clients and the general public, including security doors, lighting of access ways and car parking areas.

P2 Provide illumination on routes to and in external areas of premises in isolated premises and commercial areas.

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SECTION 7 PUBLIC INFRASTRUCTURE

7.1 INTRODUCTION

The integration of engineering considerations with planning, architecture and landscaping is important for the purpose of servicing the future infrastructure needs of the North Sydney local government area.

This section provides information for property owners and developers about Council's objectives and provisions when required to create and/or rehabilitate the following types of infrastructure:

- Roads
- Vehicle crossings and driveways
- Footpaths
- Permitted encroachments
- Boundary alignment levels

Council may require developers to contribute to the renewal and or maintenance of public infrastructure by placing appropriate consent conditions on development applications. These consent conditions are for works on public property as a consequence of the impact of a development.

7.1.1 General Objectives

The general objectives of this Section of the DCP are:

O1 To ensure that an appropriate level of public infrastructure is provided to service the future growth expectations of Council and the North Sydney community.

O2 To ensure that public infrastructure achieves a high level of compliance with Council's design and construction standards.

O3 To ensure that existing public infrastructure, damaged by construction works is re-instated to an acceptable condition.

O4 To ensure minimal risk of injury to people and damage to private property and existing public infrastructure and utility services.

7.1.2 When does this section of the DCP apply?

This section of the DCP applies to all developments that have a direct impact upon the public domain.

7.1.3 How to use this section of the DCP

When submitting a development application or construction certificate, for the type of works outlined in this section of the DCP:

(a) Be aware of how to meet the objectives, controls, maintenance and monitoring requirements.

(b) Follow the prescribed procedures and refer to the additional information sources recommended.

(c) Use the *Matrix table* - The Matrix Table is located on the North Sydney Council website and provides summary information regarding the issues, processes, pre-requisites, statutory law and compliance requirements associated with lodging a development application or construction certificate.

(d) Refer to sub-section 20.2 for additional information on:

(i) Reference documents

(ii) Permits and approvals required

(iii) Deed and lease agreements

(iv) Bonds and securities

(v) Works in association

(vi) Defects liability period

(vii) Dilapidation reports

7.2 ADDITIONAL INFORMATION

7.2.1 Reference Documents

This section of the DCP is to be used in conjunction with a range of other documents including:

(a) ***State Environmental Planning Policy (Transport and Infrastructure) 2021***

The Transport and Infrastructure SEPP provides the basic planning objectives and development controls for works in and adjacent to road reserves and states whether development consent is required for particular kinds of development.

(b) ***North Sydney Local Environmental Plan 2013***

NSLEP 2013 provides the basic planning objectives and development controls for new buildings and other developments and states whether development consent is required for particular kinds of development.

(c) ***North Sydney Council Performance Guide***

The Performance Guide is a separate infrastructure guideline providing more information about Council's performance expectations and other relevant information. The Performance Guide also provides a matrix of key relationships and typical drawing(s) where applicable. The Performance Guide is not intended to be a design and construction guide but directs the reader to other references to fulfil this objective. Copies of the performance Guide are available over the counter at Council's Customer Service Centre and from the web via *www.northsydney.nsw.gov.au*.

(d) ***North Sydney Council Infrastructure Specification Manual for Roadworks, Drainage and Miscellaneous Works***

Contains detailed infrastructure specifications for the works described within this section of the DCP. Copies are available over the counter at Council's Customer Service Centre and from the web via *www.northsydney.nsw.gov.au*.

(e) ***Transport for NSW's Technical Direction GTD 2020/001***

Contains detailed directions to consider where excavation is undertaken on land adjacent to a public road. A copy of the Technical Direction is available on the Transport for NSW's website via *https://standards.transport.nsw.gov.au/_entity/annotation/87baec59-b535-ed11-9db1-000d3ae011f9*

7.2.2 Permits and Approvals

To carry out works on public property the applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre.

Permits issued by Council relate to works associated with:

- Hoardings;
- Standing plant;

- Storing building materials;
- Containers for building waste (skips);
- Work zones;
- Working out-of-hours;
- Street Opening;
- Approvals under Section 138 of the *Roads Act 1993*;
- Approvals under Section 68 of the *Local Government Act 1993*;

Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

Permits are issued for a specific time period requested by the developer in the application. Fees and charges are levied based on the agreed time period of the permit. Permit times may be extended subject to Council approval and payment of additional fees and charges. Extension of time may not be possible in some cases.

Refer to the Council's Performance Guide and consult with Council for specific details regarding permits, fees and charges.

7.2.3 Deed of Agreement and Leases

Council may also require an applicant to enter into a *deed of agreement* or *lease* for temporary occupation of public property with the payment of rent and holding insurances to indemnify Council against all risks associated with the proposed Work.

7.2.4 Bonds and Security

Where a developer is required to construct works on public property as part of an overall development, Council may require bonds to be paid as a security against any damage caused to road infrastructure or the environment arising from construction. After completion of development, bond moneys may be returned subject to satisfactory completion of the work.

7.2.5 Works in Association

Works in association are Council funded construction works on public property that may be joined with Developer funded works for the purpose of integrating the streetscape. **Council may contribute money to the Developer** to build works in association with the developer's works subject to it being in the public interest.

Where two or more adjoining developments are under construction simultaneously, Council may offer to build infrastructure works for all developments in the interests of achieving an integrated and coordinated streetscape, subject to the **developer contributing money to Council** to build these works. This is seen as adding value to the community dollars spent. Proposals will be considered based on individual merit.

7.2.6 Defects Liability Period

The *defects liability period* refers to a period of generally 12 months after *practical completion* of the development whereby the repair of any defects arising from construction in public property is the responsibility of the developer/owner. Practical completion is the date when the works have reached the stage of being able to function in an operational manner.

A defects liability period is particularly relevant wherever any defects of construction are not easily detectible at the time that the construction work is practically completed. Typical work meeting these criteria is underground drainage construction and the structural stability of road pavements.

Where Council holds a bond or security for work that is subject to a defects liability period, the bond or security may be returned on completion of the defects liability period subject to all defects being repaired or evidence based on the dilapidation report confirming that no damage has been caused to public infrastructure.

7.2.7 Dilapidation Report

A dilapidation report is a written statement prepared by an appropriately qualified engineer giving an opinion of the pre-development condition of public infrastructure that may be at risk of damage as a consequence of works associated with a private development.

A dilapidation report may be required, as a condition of development consent, to be lodged with an application for a construction certificate. The applicant should seek Council's approval-in-principle regarding the adequacy of the dilapidation report prior to the applicant lodging it with the application for a construction certificate.

The findings of the report should be based on visual and structural condition of public infrastructure and supported by photographic and structural testing data. For example, the pre-development condition of stormwater drainage systems should be inspected by video, and the strength of road pavements may need to be confirmed by structural testing.

7.2.8 Engineering Assessment Process

Below is a useful guide of the development process to be followed when intending to undertake the type of works outlined in this section of the DCP.

For a Development Consent

- Conceptual engineering documentation is prepared (including designs).
- Applicant lodges a DA with conceptual documents and pays the fees.
- Development Engineer inspects site, prepares engineering conditions, determines amount of bonds and security payable.
- Council issues Development Consent.

For a Construction Certificate

- Applicant pays Council all fees, contributions, bonds or security owing, applies for any permits required for construction and obtains receipts.
- Applicant applies for a Construction Certificate from a Principal Certifier. A Construction Certificate must be obtained before starting Construction.
- Before issuing a Construction Certificate, the Principal Certifier must sight certified detailed design/construction drawings, copies of receipts for payments of contributions, bonds and permits and any other documents required by the DA.
- Principal Certifying Authority issues a Construction Certificate.

For an Occupation Certificate

- Construction work commences.
- On completion of construction, "as built drawings" are certified by an accredited engineer and referred to the Principal Certifier for an Occupation Certificate.
- Before issuing an Occupation Certificate, Principal Certifier seeks Council's approval for any works constructed on public property.
- Developer applies to Council for release of any bonds & security held.
- Council inspects the work and if satisfactory, returns bonds or security at the appropriate time. Any bond & security that is subject to a defects liability period is released after 12 months subject to relevant construction work being satisfactory to Council.

- If work is unsatisfactory, Council either requests work to be rectified or uses the bond money to rectify the work. On satisfactory completion of the work, Council advises the Principal Certifier & returns balance of outstanding bonds.
- Principal Certifying Authority issues the Occupation Certificate.

7.3 ROADS

North Sydney Council's role is to provide a level of road infrastructure capable of servicing the future growth expectations of a thriving commercial and diverse multi-cultural residential community.

Road infrastructure refers to kerb and gutter, road pavements for traffic lanes and car-parks, medians, retaining walls where supporting the road, easements for road stability, line-marking, street-signs, street-lighting and the like. For the purpose of sub-section 20.3, road infrastructure does not include road drainage, footpaths and vehicular crossings as these are covered elsewhere in Section 20 to this Part of the DCP.

Existing road infrastructure in most cases is old and the condition poor due to wear over time, from growth in vehicle and pedestrian traffic as a consequence of increased development. Existing infrastructure in some cases will not sustain future development, hence new road infrastructure may need to be provided with new development at no cost to the Council.

North Sydney has many areas of heritage and conservation significance. Construction of new road infrastructure should not cause damage to items of heritage and conservation significance. If such damage occurs, this must be reconstructed as near to original condition as possible

This sub-section of the DCP provides the objectives and provisions to be addressed when designing and constructing appropriate road infrastructure in front of developments. It also identifies matters that should be considered where excavation is undertaken on land adjacent to a public road. Refer to these when intending to prepare information for lodging a development application or construction certificate.

7.3.1 Objectives

O1 To ensure that an appropriate level of road infrastructure is provided to service the future growth expectations of Council and the North Sydney community.

O2 To improve and maintain road infrastructure by achieving a high level of compliance with Council's design and construction standards.

O3 To ensure that existing road infrastructure, damaged by the construction of buildings, is re-instated to an acceptable condition.

O4 To ensure minimal risk of injury to people and damage to vehicles, existing road infrastructure and public utility services resulting from new development.

7.3.2 Provisions

General

P1 New and reconstructed road/s should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council *Performance Guide* and *Infrastructure Specification Manual*.

P2 New road infrastructure should have a design service life of 25 years before requiring replacement and 8 years before first requiring maintenance.

P3 New road infrastructure should be safe for pedestrians, cyclists and vehicles. Council supports the concept of shared zones where appropriate (Special design criteria and RMS approval applies in these cases).

P4 Existing public utility services should be protected during construction of road infrastructure. The location of all public utility services is to be shown on design plans that are to be submitted with the application for the construction certificate.

P5 Kerb and gutter should be constructed with an absolute minimum longitudinal slope of 1% (1 vertical unit : 100 horizontal units).

P6 Road line markings should be visible at night by using reflective paint.

P7 Sandstone kerb and gutter with heritage significance is to be retained and not replaced with concrete.

Excavation adjoining active road reserves

P8 Where excavation is proposed on land with a frontage to an active road reserve, consideration must be given to the Directions contained within the Transport for NSW's Technical Direction GTD 2020/001.

7.3.3 Monitoring and Maintenance

P1 Construction work on private and public property is checked for compliance by an accredited engineer. Certifications are issued if all works meet Council requirements. If work is deficient, defects orders are issued accordingly.

P2 Construction work on public property that is to revert to Council's ownership must be checked by Council for compliance with its standards.

P3 Council is authorised to use bonds and security to rectify any defective work not undertaken in a reasonable time. The developer is responsible for work carried out on public property by a building contractor.

7.3.4 Procedures

P1 Prior to road construction the applicant should provide:

(a) Conceptual road design plans with the development application where applicable. Conceptual design plans must address the requirements of this DCP and Council's *Performance Guide* to enable satisfactory works to be constructed.

(b) A statement detailing the environmental impacts of the roadworks when lodging the development application.

(c) Detailed road design plans (where applicable) with the application for a construction certificate together with any certification by an accredited engineer.

(d) Final design plans for approval of construction certificate with sufficient specifications to ensure that the construction works can be built according to Council's requirements.

(e) Payment of bonds and securities where applicable.

On completion *As Built Drawings* of completed construction work should be lodged to verify that construction works have been built in accordance with the development consent. *As Built Drawings* should be certified by an accredited engineer. Council approval is required of all construction work completed on public property.

Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

Where developer funded roadworks require substantial adjustments of Council's road infrastructure, Council may consider carrying out *works in association* with works required by the developer.

Council may require a *dilapidation report* to identify any defects present prior to development commencing and may also impose a bond on road work as a security against damage occurring to Council infrastructure. Any breach of consent conditions may result in Council

revoking the consent and using the bond and security to restore the works and make the site safe.

7.3.5 Further information

For more information about design and construction of road infrastructure and associated details regarding permits, fees and charges consult with Council and refer to:

(a) North Sydney Council *Performance Guide*;

(b) North Sydney Council *Infrastructure Specification Manual*

7.3.6 Road Infrastructure Matrix

Table D-7.1 comprises a Road Infrastructure Matrix which describes the process, pre-requisites and references relating to the provision of road infrastructure.

TABLE D-7.1: Road Infrastructure Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Road infrastructure works that are to revert to Council' s ownership	• Work required to construct a private development such as kerb and gutter, road pavement, car-parks, retaining walls, line marking, street signs, street lighting, and the like located on public property • Does not include road drainage, footpaths and vehicular crossings or heritage items	1. Lodge a Development Application	• Survey details • Concept stormwater • Statement of Impact of proposed works • Erosion Control Plan • Dilapidation Report	• This section of the DCP • Development Application Guides	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough information to allow Council to assess the merit of the proposal • The Statement of Environmental Impact must address the issues raised in the checklist within the EP&A Act
		2. Obtain development consent	• Council considers impact of road works from new development on capacity of existing infrastructure and adjoining property	• EP&A Act 1979		• In order to minimise delay the applicant should ensure that the information provided in the application is relevant, accurate and fit-for-purpose
		3. Lodge a Construction Certificate Application	• Detailed design of road infrastructure • Erosion Control Plan • Section 138 Permit • Pay all fess and bonds • Certifications as required	• This section of the DCP • Development consent • s.138 of Roads Act 1993 (if Applicable)	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough detailed design information to show that work can be built as per development consent conditions • No work is permitted on public property without a 138 Permit • Bonds are a security against damage to Council Infrastructure
		4. Obtain a Construction Certificate	• PCA ensures that all consent conditions are met before issuing Construction Certificate	• Development Consent		
		5. Start Construction	• Give Council Notice • Install erosion and sedimentation control measures	• This section of the DCP • Construction Certificate	• NSC Performance Guide • NSC Infrastructure Specification Manual	• A Construction Certificate must be obtained before construction may commence.
		6. Lodge an Occupation Certificate Application	• As built drawings • Certifications as required • Council approval of works on public property	• BCA • This section of the DCP • Construction Certificate		• Council must first approve any work on public property before certificate provided

7.4 VEHICULAR ACCESS

7.4.1 Introduction

Vehicular access consists of both the crossing (as known as the *layback*) and driveway. The Vehicular crossing is the section adjoining the driveway located on the kerb-line whilst the driveway is the section of access between the kerb-line and the property boundary. This section refers to the provision and maintenance of vehicle access from public roads into private property.

A *Vehicular Access Application* must be made prior to the provision of any crossing and driveway in association with a development approval, or prior to the replacement or improvement of an existing vehicular crossing. Similar application must be made prior to the opening of any road, footpath, grass verge or the like. Attached to the application are Council's *Vehicular Access Guidelines and Specifications*, which provide further information to applicants of requirements in connection with the provision of vehicular access.

It is the responsibility of the developer of property to establish suitable access facilities taking into account road levels, drainage requirements and current vehicle access requirements, at no cost to Council.

7.4.2 How this subsection is used

This sub-section of the DCP provides the objectives and provisions to be addressed when providing vehicular access to and from development. Use this sub-section in conjunction with Council's *Vehicular Access Guidelines and Specifications* when intending to prepare information for lodging a vehicular access application, development application or construction certificate.

7.4.3 Objectives

O1 To ensure that vehicular access to and from development is simple, safe, direct and enhances visual amenity.

O2 To ensure that vehicular access is designed and constructed in accordance with Council standards.

O3 To ensure minimal impact on existing street parking.

O4 To ensure minimal disturbance to existing road infrastructure, public utility services and adjoining property.

7.4.4 Provisions

P1 Vehicular access provision (design and construction) should conform to the requirements of Council's *Vehicular Access Guidelines and Specifications*.

P2 All existing gutter bridges are removed. Council may consider the retention of a gutter bridge, but only if the following criteria are met:

(a) The value of the proposed works does not exceed $200,000; or

(b) The proposed development does not result in any increase in vehicular traffic across the gutter bridge; or

(c) The proposed development involves the demolition of or alteration and addition to more than 50% of the existing building on the site.

P3 For the purpose of P2, an increase in vehicular traffic refers to any:

(a) increase to the number of parking spaces on the site,

(b) increase in the number of bedrooms within a residential dwelling by 2 or more bedrooms, but only where additional cars can be accommodate on the site under its current or proposed form, or

(c) any other development in the opinion of Council that may result in an increase in vehicular traffic crossing the gutter bridge.

7.4.5 Monitoring and Maintenance

P1 The applicant should give Council 24 hours notice to inspect the formwork before constructing the access.

P2 Erosion and sedimentation controls should be in place before starting any excavation works. These devices should be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.

P3 If a bond applies, Council inspects the completed work for any damage to Council's infrastructure before returning the bond.

P4 Roadworks should be completed as soon as possible after constructing the vehicle crossing and driveway to minimise disruption to traffic.

7.4.6 Procedures

P1 Prior to commencement of footpath construction applicant should:

(a) Apply to Council for boundary alignment levels.

(b) Lodge a *Vehicle Access Application* and refer to the accompanying *Vehicular Access Guidelines and Specifications* for further information.

(c) Obtain a *Street Opening Permit* before starting work if required.

(d) Pay a *bond* if applicable.

(e) Obtain a construction certificate before constructing the works if the footpath is part of an application for a larger development.

P2 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

P3 In special cases where the vehicular access requires substantial adjustments of Councils road infrastructure, Council may consider carrying out *works in association* with works required by the developer.

P4 Council may require a *dilapidation report* to identify any defects present prior to development commencing and may also impose a bond on drainage work as a security against damage occurring to Council infrastructure. Any breach of consent conditions may result in Council revoking the consent and using the bond and security to restore the works and make the site safe.

7.4.7 Further Information

For more information about design and construction of vehicular access and associated details regarding permits, fees and charges consult with Council and refer to:

(a) North Sydney Council *Vehicle Access Application* and accompanying *Vehicular Access Guidelines and Specifications*.

(b) North Sydney Council *Performance Guide*.

(c) North Sydney Council *Infrastructure Specification Manual*.

7.4.8 Vehicular Crossings Matrix

Table D-7.2 comprises a Vehicular Crossings Matrix which describes the process, pre-requisites and references relating to the provision of vehicular crossings.

TABLE B-7.2: Vehicular Crossings Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Vehicular Crossings and Driveways	• Vehicular access between the public road and private property • Also includes any adjustments to public infrastructure required to provide suitable access	1. Lodge a Vehicular Access Application	• Provide information as required by the application such as design information, indemnity, Certificate of Insurance Currency application fees • Approval to adjust existing infrastructure	• This Section of the DCP • NSC Performance Guide	• NSC Infrastructure Specification Manual	• The vehicular access application must relate to the provision of vehicular access to an approved car stand within private property • Adjustment of existing infrastructure must be approved by council before submitting design plans
		2. Obtain approval of Vehicular Access Application	• Council assesses application based on the reliability of the information provided	• s.138 of Roads Act 1993 (if applicable) • s.68 Local Government Act (if applicable)		
		3. Constructing the vehicular access	• Approval of Vehicular Access Application • Street Opening Permit • 48 hrs notice for inspecting formwork by Council	• Development consent (if applicable) • Plans approved by Council • NSC Performance Guide • NSC Infrastructure Specification Manual		• Any adjustment required to existing infrastructure such as footpaths, kerb and gutter or road levels must be approved by Council
		4. Return of the Bond	• Final approval of the completed vehicular crossing by Council			• Ensure that no damage has been caused to Council' s infrastructure

7.5 FOOTPATHS

7.5.1 Introduction

Footpath infrastructure includes surface materials, landscaping, drainage, and provisions for the disabled. This section applies to the provision and maintenance of footpaths throughout North Sydney. Footpaths separate pedestrians from vehicular traffic and provide suitable all weather surface, safe and convenient for public use. Like Council's road network, footpaths provide a slightly varying function depending upon the location, the abutting development, location of shops, schools, community and service areas, as well as having a relationship with vehicular traffic volume.

New development generally creates the need to upgrade the standard of the footpath. Although Council maintains footpaths that have reverted to Council's ownership, new developments are responsible for constructing the footpath according to Council's specifications and at no cost to Council. Council has adopted a policy specifying types of footpaths for selected areas of North Sydney. Maps are available at Council showing these details.

7.5.2 How is this section used

This sub-section of the DCP provides the objectives and provisions to be addressed when constructing or reconstructing footpaths. Use this sub-section in conjunction with Council's *Infrastructure Specification Manual* when lodging a development application or construction certificate.

7.5.3 Objectives

O1 To ensure that footpaths are designed and constructed in accordance with Council standards, compliments surrounding streetscape and reflects heritage and conservation values.

O2 Ensure that footpaths provide a safe walking environment for all pedestrians and enhance visual amenity.

O3 Provide equal access opportunity that does not discriminate against the disabled.

O4 Minimise disturbance to existing road infrastructure, public utility services and adjoining property from provision of footpath.

7.5.4 Provisions

P1 Where appropriate, new and reconstructed footpaths should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council *Infrastructure Specification Manual*.

P2 Footpath work adjoining areas of heritage and conservation significance should be designed and constructed to complement the heritage and conservation character. Damaged heritage elements should be reinstated as near as possible to original condition at no cost to Council.

P3 Footpath design should:

(a) Show suitable profiles between kerb and floor levels at all doorways to a development.

(b) Allow for the planting of street trees in accordance with the North *Sydney Street Tree Strategy* and Part B: Section 16 – *Tree and Vegetation Management* of the DCP.

(c) Cater for the disposal of roof water piped beneath the footpath to the kerb (particularly for paved footpaths).

(d) Not contain steps where these did not previously exist.

(e) Not have obviously visible dips and humps adjoining driveways or doorways.

P4 Disabled access is to be accommodated within private property where footpaths have longitudinal slope at doorways.

7.5.5 Monitoring and Maintenance

P1 The applicant should give Council 24 hours notice to inspect the prepared base of the footpath.

P2 Erosion and sedimentation controls must be in place before starting any excavation works. These devices must be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.

P3 If a bond applies, Council will inspect the completed work for damage to Council infrastructure before returning the bond.

7.5.6 Procedures

P1 Prior to commencement of footpath construction applicant should:

(a) Apply to Council for alignment levels (prior to undertaking design).

(b) Lodge footpath design for approval with an application for Construction Certificate.

(c) Lodge footpath design to the Principal Certifying Authority (PCA) for the issue of a Construction Certificate.

(d) Obtain approval of public utility authorities where relevant services affected.

(e) Obtain a *Street Opening Permit* from Council.

(f) Pay bond if applicable.

(g) Submit to Council a work *as executed plan*, prepared by a surveyor or civil engineer if required.

(h) Obtain a construction certificate before constructing the works if the footpath is part of an application for a larger development.

P2 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

P3 Where a development's footpath works require substantial adjustments of Councils infrastructure, Council may consider carrying out *works in association* with works required by the developer, subject to conditions.

P4 Council may require a *dilapidation report* to identify any defects present prior to development commencing and may also impose a bond on drainage work as a security against damage occurring to Council infrastructure. Any breach of consent conditions may result in Council revoking the consent and using the bond and security to restore the works and make the site safe.

7.5.7 Further Information

For more information about design and construction of vehicular access and associated details regarding permits, fees and charges consult with Council and refer to:

(a) North Sydney Council *Performance Guide*.

(b) North Sydney Council *Infrastructure Specification Manual*.

7.5.8 Matrix

Table D-7.3 comprises a Footpath Matrix which describes the process, pre-requisites and references relating to the provision of footpaths.

TABLE D-7.3: Footpaths Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Public Footpaths in commercial, mixed use and residential areas	• Pedestrian access between the kerb and the boundary • Applies also to footpaths in pedestrian malls built on public property and the like	1. Lodge a Development Application showing footpath details as part of the larger development proposal	• Prepare survey details • Refer to Council' s footpath standards regarding surface finish, planters etc • Prepare detailed design of footpath	• Development Consent • NSC Performance guide	• Guidelines for Vehicular Access Application • NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough concept design details to demonstrate that the footpath concept complies with Council' s standards and is fit-for-purpose.
		2. Obtain development consent	• Council assesses DA based on details of the footpath designs submitted	• EP&A Act 1979		
		3. Obtain Construction Certificate	• Lodge final designs of the footpath with the s.138 Permit and pay contributions, fees, bonds	• Street Opening Permit • Guide for applying for Construction Certificate		• Application is lodged with the Principal Certifying Authority who approves work for construction
		4. Construct footpath as part of the main project	• Obtain the Construction Certificate	• Development Consent • Council' s corporate standards • NSC Infrastructure Specification manual	• NSC Infrastructure Specification Manual • Plans approved in accordance with Construction Certificate	• Council is authorised to issue a stop work order, if the work is not in accordance with approvals or is considered unsafe.
		5. Apply for release of bond	• Demonstrate by " As built drawings" that all work has been built in accordance with Council' s requirements • Obtain Council approval of the works	• Development consent conditions		• Since the footpath work will revert to Council' s ownership, Council requires all works to be constructed to Council' s specifications.
		6. Obtain Occupation Certificate	• Satisfy all requirements for construction	• Development consent • Construction Certificate		• Bonds may be held until expiry of defects period.

7.6 PERMITTED ENCROACHMENTS

7.6.1 Introduction

Permitted encroachments refer to structures that are permitted to encroach from private property onto the public property such as, but not limited to;

- Awnings
- Balconies
- Sunblinds
- Building signs
- Decorative structures
- Private security lighting
- CCTV cameras
- Special drainage structures

Elements encroaching within the public road reserve from private property may present a potential risk of safety to the public and therefore a potential risk of legal claims to Council if left unmanaged. Council has a duty to manage the risk and this is done by ensuring that the applicant, proposing the encroachments, remains responsible for identifying the risks, assessing the extent of the risks and undertakes to carry out all measures necessary to mitigate the risk to an acceptable level as determined by a Risk Management Study.

7.6.2 How this sub-section is used

This sub-section of the DCP provides objectives and provisions to be applied when proposing to apply for approval to install encroachments within public property. Refer to these when intending to prepare information for lodging a development application or construction certificate.

7.6.3 Objectives

O1 The objectives of this sub-section are to ensure encroachments from private property onto the public property are safe for pedestrians and vehicular traffic, designed and constructed to Council's expectations and conserve the desirable characteristics of an area.

7.6.4 Provisions

P1 Encroachments from private property onto the public property should not:

(a) Intrude into the amenity of the area by blocking access (both pedestrian and vehicular).

(b) Visually intrude or pollute a public area.

(c) Be positioned dangerously.

(d) Negatively impact on accessibility for disabled and visually impaired persons.

(e) Compromise local character, conservation and heritage values of an area.

P2 Design, location and construction encroachments should be to Councils expectations.

7.6.5 Monitoring and Maintenance

P1 Council may monitor encroachments to ensure that the public interest is maintained.

P2 It is the responsibility of the private property owner to maintain the encroachments in a fit-for-purpose condition.

P3 The private property owner may be required to hold and maintain professional indemnity and public liability insurance noting Council's interest, for the service-life of objects encroaching on public property.

P4 Approvals for encroachments may be for a specific time period.

7.6.6 Procedures

Specific Requirements

P1 Approval to install encroachments on public property shall be by development consent. Circumstances regarding encroachment from private property onto the public property are site specific. Enquire with Council prior to making an application to determine specific requirements.

General Requirements

P1 Council may require a *dilapidation report* to identify any defects present prior to development commencing. Any defects found to exist on completion of development that have not been identified in the dilapidation report, will be deemed to have occurred as a consequence of development work and therefore, will be the liability of the developer to re-instate at no cost to Council.

P2 Any breach of consent conditions may result in Council revoking the consent and use any developer bond and security to restore the works and make the site safe.

P3 Private property owners should be aware of the possible need to enter a *Deed of Agreement* or *Lease* with Council including indemnifying Council against relevant risks.

P4 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under section 138 of the *Roads Act 1993* and section 68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

7.6.7 Further Information

Contact Council's Planning and Development Advisor for more information on 9936 8100.

7.6.8 Matrix

Table D-7.4 comprises a Permitted Encroachments Matrix which describes the process, pre-requisites and references relating to permitted encroachments.

TABLE D-7.4: Permitted Encroachments Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Permitted encroachments	• Awnings • Balconies • Sunblinds • Building signs • Decorative structures • Private security lighting • CCTV cameras • Special drainage structures • Installation of electrical fittings within private property walls for public use • Installation of electrical fittings within public walls for private property use	1. Lodge a Development Application	• Survey details • Concept Design • Statement of Impact of Stormwater	• This section of the DCP • Development Application Guides	• NSC Performance Guide • NSC Infrastructure Specification Manual • Industry Codes for design and construction	• Provide enough information to allow Council to assess the merit of the proposal • The Statement of Environmental Impact must address the issues raised in the checklist within the EP&A Act
		2. Obtain development consent	• Council assesses DA based on details of the encroachment submitted	• EP&A Act 1979 • Conditions of any Deed of Agreement		• In order to minimise delay the applicant should ensure that the Information provided in the application is relevant, accurate and fit-for-purpose and meets Council' s performance expectations
		3. Lodge a Construction Certificate application	• Detailed design • S.138 approval • Pay all fees and bonds • Certification as required	• This section of the DCP • Development consent • s.138 of Roads Act 1993 (if Applicable) • BCA	• NSC Performance Guide • NSC Infrastructure Specification Manual • Conditions of any Deed of Agreement	• In order to minimise delay, ensure that design information provided in the application complies with the development consent. • No work is permitted on public property without a s.138 Permit • Bonds are a security against damage to Council Infrastructure
		4. Obtain Construction Certificate	• PCA Ensures all conditions of consent are met	• Development Consent • BCA		
		5. Start construction	• Give Council Notice	• This section of the DCP • Construction Certificate	• NSC Performance Guide • NSC Infrastructure Specification Manual	• A Construction Certificate must be obtained before construction may commence.

7.7 BOUNDARY ALIGNMENT LEVELS

7.7.1 Introduction

Boundary alignment level (called alignment level) refers to the finished surface level at the frontage of private property to a public road. Council provides alignment levels and the applicant must include alignment levels with the information presented to Council in a Development Application.

Council sets alignment levels to assist the property owner (developer) to establish:

- Suitable vehicle access from a public road into private property.
- Appropriate floor levels for a garage, carport or car-stand area.
- Foundations for a front fence to development.
- Service installation requirements.
- Appropriate matching footpath levels.
- Suitable roof water disposal from private development.
- To suit access for the disabled and visually impaired.

Failing to comply with Council's alignment levels may result in:

- Unsatisfactory vehicle access to private property.
- Floor level of car-stand area in private property being unsatisfactory.
- Services to a development being laid at a level that may result in damage.
- Level of boundary fences not complying with Council's requirements.
- Difficulty in providing access for the disabled and visually impaired.
- Difficulty in draining roof water from a development.
- Stormwater from the street or footpath entering private property.
- Council issuing an order to rectify any unauthorised works, or in the case of emergency works, to carry out rectification works at no cost to Council.

Conditions of the development consent and the approved construction certificate plans establish the construction requirements of works associated with alignment levels. Non-compliance with the consent or the construction certificate may result in difficulty in obtaining an occupation certificate. Rectification works required to gain compliance may be expensive.

Where difficulty is experienced in providing vehicle access to private property, the designer should arrange a meeting with Council to discuss the preferred design strategy.

On roads having a steep longitudinal fall along the footpath, difficulty may be encountered in designing floor levels at doorways and entrances to car parks. This may particularly apply to disabled access. If unsure of how to interpret alignment levels to meet Council's objectives, consult with Council before proceeding with design.

Council is not responsible for any damage caused to utility services that may be damaged by the applicant or its workers in meeting Council's alignment levels objectives. The applicant should obtain approval from the relevant utility service authority before doing any work likely to damage the service.

Council may require a *Dilapidation Report* to identify any defects present prior to development commencing. Any defects found to exist on completion of development that have not been identified in the Dilapidation Report, will be deemed to have occurred as a consequence of development work and therefore, will be the liability of the developer to re-instate at no cost to Council.

7.7.2 How this sub-section is used

This sub-section of the DCP provides objectives and provisions to be applied when intending to use alignment levels for a proposed development. Refer to these when intending to prepare information for lodging a development application or construction certificate.

7.7.3 Objectives

O1 To provide safe and fit-for-purpose finished surface levels at any boundary of private development, which have a road with kerb and gutter, able to meet Council's objectives by specifying a consistent standard of design.

O2 To ensure minimal risk of injury to people and damage to property.

O3 To provide a uniform standard of construction for vehicular access to private property.

O4 To provide an awareness of alignment levels when determining appropriate floor levels for car-stand areas within private property.

O5 To protect public utility services by providing appropriate alignment levels.

O6 To protect property located on the low side of roads from the effects of stormwater run-off.

7.7.4 Provisions

P1 Alignment levels are based on Council's standard footpath gradients, vehicle access limitations and footpath levels at adjoining properties.

P2 Residential floor levels and car-stand floor levels within buildings and private property should be designed to alignment levels provided by Council.

P3 Alignment levels should:

(a) Determine footpath shape.

(b) Govern floor level at door entrances.

(c) Provide access for vehicles and pedestrians without the risk of damage to vehicles and property and injury to people.

(d) Provide suitable access for disabled and visually impaired pedestrians.

(e) Enable roof water from private property to be piped under the footpath to the street.

(f) Be uniform with front boundary levels of existing adjoining properties and with existing footpath levels in the public road (where applicable).

P4 Property located on the corner of two intersecting public roads may require alignment levels for both frontages of the property.

P5 Council is authorised to fix the levels of a public road or vary the existing levels of a public road (including at the alignment with the boundary of private property) subject to meeting particular requirements. Council is also authorised to regulate the levels within private property for the purpose of meeting the above described objectives.

7.7.5 Monitoring and Maintenance

P1 Applicant is required to give Council 48 hours notice prior to carrying out works that are impacted by alignment levels.

P2 If a bond applies, Council must inspect the completed work for compliance with the alignment levels before returning any bond.

P3 Construction work in private and public property is checked for compliance by an accredited engineer. Compliance is issued subject to all works meeting the conditions of consent and the construction certificate. Any defective work must be made good before for compliance is issued.

P4 Council or its agent is authorised under the provisions of the *Local Government Act 1993*, after giving reasonable notice (or without notice in the case of an emergency), to inspect the work for the purpose of compliance and rectify any work found to pose a risk of injury to persons(s) or damage to property.

P5 The owner of the subject property is responsible for any inconvenience or damage caused to any other property or injury to people resulting from a failure to observe the alignment level requirements.

7.7.6 Procedures

P1 Council issues alignment levels. An application for alignment levels can be made at Council's Customer Service Centre.

P2 Council issues a development consent subject to information contained in the application complying with the requirements of the alignment levels.

P3 The principal certifying authority (PCA) issues a construction certificate subject to the information contained in the application complying with the requirements of the development consent.

P4 Prior to issuing a construction certificate all fees, bonds, securities must be paid and a Street Opening Permit obtained (if applicable).

P5 On completion of construction, the applicant may apply for a refund of any outstanding bond (if applicable).

P6 An occupation certificate is issued after completion of construction subject to the applicant demonstrating by survey that all work relevant to alignment levels has been completed in accordance with the development consent. An "as built drawing" may be required to be supplied by the applicant to confirm the adequacy of relevant work.

P7 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

7.7.7 Further Information

For more information about design and construction of vehicular access and associated details regarding permits, fees and charges consult with Council and refer to:

(a) North Sydney Council *Performance Guide*.

(b) North Sydney Council *Infrastructure Specification Manual.*

7.7.8 Matrix

Table D-7.5 comprises a Boundary Alignment Levels Matrix which describes the process, pre-requisites and references relating to boundary alignment levels.

TABLE D-7.5: Boundary Alignment Levels Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Boundary alignment levels	Boundary alignment levels are used to establish: • Vehicular access • Floor level for a garage, carport, or car-stand area • Boundary fence • Footpath levels • Roof water disposal under footpath • Disabled access	1. Lodge a Development Application	• Application for alignment levels • Survey details • Consider boundary alignment levels when preparing the concept design	• This section of the DCP • Development Application Guides	• NSC Performance Guide • NSC Infrastructure Specification Manual • Industry Codes for design and construction	• Provide enough information to allow Council to assess the merit of the proposal • The Statement of Environmental Impact must address the issues raised in the checklist within the EP&A Act
		2. Obtain development consent	• Council assesses DA based on details of the alignment levels	• EP&A Act 1979		• In order to minimise delay the applicant should ensure that the information provided in the application is relevant, accurate and fit-for-purpose and meets Council' s DCP objectives and controls
		3. Lodge a Construction Certificate application	• Detailed design • S.138 approval • Pay all fees and bonds • Certification as required	• This section of the DCP • Development consent • s.138 of Roads Act 1993 • BCA	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough detailed design information to show that work can be built as per development consent conditions • No work is permitted on public property without a 138 Permit • Bonds are a security against damage to Council Infrastructure
		4. Obtain Construction Certificate	• Submit information required by the development consent	• Development Consent • BCA		• PCA ensures that all consent conditions are met
		5. Start construction	• Give Council Notice	• This section of the DCP • Construction Certificate	• NSC Performance Guide • NSC Infrastructure Specification Manual	• A Construction Certificate must be obtained before construction may commence.

SECTION 8 CONSTRUCTION MANAGEMENT

8.1 INTRODUCTION

Construction activities, which includes demolition, earthworks, underpinning, construction or remediation activities have the ability to adversely affect the amenity of existing residents and workers of North Sydney through temporary increases in noise, vibration, airborne pollution and/or transport movements. These issues can sometimes be compounded when multiple sites in close proximity to one another are undergoing construction at the same time. Council is obliged to manage these temporary site issues for the benefit of the wider community.

In some instances, Council will require the preparation of a detailed Construction Management Plan (CMP). The need for a CMP depends upon the nature of work, likelihood of disruptions, impacts on local amenity, dangers or risks involved, traffic management or any other relevant issue that may cause adverse impacts on the wider community as a result of a development's construction.

The requirement for a CMP typically arises from the imposition of a specific condition/s on a development consent. Council recognises the high costs associated with the preparation of a detailed CMP and that contractors to construct a proposed development are typically not appointed until after a development consent has been issued and that the request for detailed CMP's may not be appropriate as part of the development application process. However, indicative CMP's maybe request depending on site circumstance. This Section of the DCP outlines the minimum requirements that need to be addressed in preparing a CMP. A development consent may also require additional matters over and above that contained within this Section of the DCP to be addressed.

8.1.1 General Objectives

The objectives of this Section of the DCP are to:

O1 Establish suitable time periods within which demolition, earthworks, construction or remediation activities can be undertaken;

O2 Establish a framework for the approval of out of hours permits for development works;

O3 Establish circumstances where a modification to the consent may be required to allow out of hours works;

O4 Establish the instances when a Construction Management Plan is required;

O5 Outline the matters for consideration in the preparation of Construction Management Plans.

8.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development that involve physical works to a site.

This Section also contains detailed heads of consideration for when a CMP is required to be prepared in accordance with a condition/s imposed on a development consent. A CMP may be required if a proposed development includes:

(a) Basement excavation;

(b) External works exceeding $1million;

(c) Demolition within 2m of a street alignment;

(d) Demolition of 2 or more storeys;

(e) Where traffic management measures are required for a period of two or more weeks; or

(f) Any other case where the consent authority considers that a CMP should be provided due to the nature of the work or locality or potential disruption to amenity, public safety, on street parking provision or traffic safety.

8.1.3 Relationship to Other Documents

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

(a) *Environmental Planning and Assessment Act 1979* (EP&A Act);

(b) *Environmental Planning and Assessment Regulation 2021* (EP&A Regulations);

(c) *Protection of the Environment Operations Act 1997* (PoEO Act);

(d) North Sydney Construction Works Management Strategy;

(e) North Sydney Enforcement and Compliance Policy

8.2 Operating Hours, Noise and Vibration

8.2.1 Objectives

O1 To minimise the impact of noise and vibration on the immediate neighbourhood.

O2 To provide a framework to plan and cater for construction activities outside normal hours.

O3 To minimise the likelihood of damage to adjacent buildings and structures.

O4 To manage general community and developer expectations.

8.2.2 Provisions

Primary Construction Hours

P1 Building works must not occur outside the time periods outlined in Table D-8.1.

TABLE D-8.1 – Primary Construction Hours

Location	Day	Hours
E2 Commercial Centre **MU1 Mixed Use**	Monday – Friday	7.00am – 7.00pm
	Saturday	8.00am – 1.00pm
	Sunday Public holiday	No work permitted
All other zones	Monday – Friday	7.00am – 5.00pm
	Saturday	8.00am – 1.00pm
	Sunday Public holiday	No work permitted

P2 Despite P1 above, construction activities that only involve the internal fit out of a fully enclosed space may be permitted up to 9pm on a Monday – Friday inclusive in the *E2 Commercial Centre* and *MU1 Mixed Use* zones only and subject to the further provisions of this policy.

P3 Extended primary construction hours may be considered beyond the hours outlined P1 either as part of the principal development application or by way of a modification application made under s.4.55 of the *EP&A Act*. Such requests must provide the following information:

(a) a detailed management plan including the nature of the proposed works and how impacts will be mitigated:

(b) supporting noise and traffic reports which demonstrate that impacts on the community can be minimised;

(c) details of how the extended works will be of benefit to the community and the environment generally, and

(d) the acceptance that approval will only be granted subject to conditions that will see the withdrawal or modification of the privilege so given upon justified and unresolved complaint.

Works outside of Primary Construction Hours: Out-of-Hours Permits

P4 The time periods within Table D-8.1 may be extended for certain "one-off" events, but only after an Out-of-Hours Permit has first been approved and issued by Council.

P5 In determining whether Council will approve of an out of hours permit, Council will consider the following:

(a) Nature, location and extent of work to be undertaken to limit potential nuisance;

(b) Location of the site in relation to sensitive zones (e.g. residential zones);

(c) The urgency or emergency nature of the works;

(d) Safety requirements such as risk to public/workers;

(e) Sequential / timing issues;

(f) Traffic management considerations;

(g) Noise reduction measures;

(h) Measures to be taken to address any potential complaints;

(i) Proven track record of the site;

(j) Requirements of other authorities; and

(k) Public interest

P6 An out of hours Permit will not be approved:

(a) if the site is located either directly adjacent to or across the road from a site that have been issued an Out-of-Hours Permit within 3 days of the request for an Out-of-Hours Permit;

(b) for more than 3 consecutive nights, unless it can be adequately demonstrated that it is required for the purposes of protecting public safety;

(c) for concreting works, or other low impact construction works which can be carried out within the normal construction hours;

(d) where there is no demonstrated justification with regard to traffic or public safety or amenity impacts;

(e) where previous Permits have been issued and have resulted in justified complaint; and

(f) if the request is received less than 72 hours before the proposed date of out of hours works are to commence.

Noise and Vibration

P7 Large scale demolition and construction projects/sites will be required to incorporate a Noise and Vibration Management Plan (N&VMP) within the CMP to address construction noise which may cause nuisance or disturbance as a result of the close proximity of any noise sensitive premises and/or the particular scope of the development or the equipment being employed. A N&VMP will need to be provided for demolition work and for potentially noisy building construction activities such as piling, compacting and concrete pouring processes.

P8 The N&VMP is to consider the time and duration of proposed activities, the nature of the activities intended at the site and the ambient background noise level in the surrounding noise sensitive uses and the actual likely impact on those sensitive uses.

P9 To ensure that noise and nuisance complaints are managed on site in the first instance, signage specifying any security measures and key contact details must be erected on the perimeter of the site in accordance with the signage provisions under Section 8.3.2 to Part D of the DCP below.

8.3 PUBLIC SAFETY, AMENITY AND SITE SECURITY

8.3.1 Objectives

O1 To ensure that the general public is adequately protected from activities occurring on building sites.

O2 To manage the protection of public assets and infrastructure.

8.3.2 Provisions

Fencing

P1 The site should be secured by a fence, hoarding or other suitable barrier.

P2 Hoardings, perimeter fencing or other site barriers used must not be able to be climbed or allow unauthorised entry.

P3 Before and during building work, all excavations must be fenced so they do not pose a danger to life or property to the satisfaction of the relevant certifying authority and Council.

P4 Hoardings, barriers and other perimeter fencing must be suitably lined to limit public viewing to designated viewing areas. This will ensure pedestrian flow is not impeded and adequate site-public interaction is accommodated.

P5 At least one viewing point per site must be provided.

P6 All hoardings and other safety related structures must be maintained to SafeWork NSW standards.

P7 Footpaths and roadways generally will be maintained in a fit for purpose condition at the developer's expense.

Safety and Security

P8 Adequate lighting, safety signage and traffic controls are to be provided. Temporary lighting shall provide an even lighting level and must meet the requirement outlined in the AS/NZS 1558 Road Lighting series.

P9 For refurbishments, renovations and additions, occupants of existing buildings must be prevented from accessing these areas of the building where works are being carried out through adequate security measures to the satisfaction of the relevant certifying authority.

P10 Security measures must be in place at all times when building activities are not in operation. This may include perimeter barriers, locks (either mechanical or electronic), surveillance systems, security lighting and motion detectors.

P11 Where a building site cannot be fully secured, consideration must be given to the use of a security service to prevent unauthorised access.

P12 Security measures must be provided to prevent construction work or protective measures from facilitating unauthorised access to an adjoining building(s) and to safeguard site materials and equipment.

P13 All dangerous chemicals need to be properly stored in secure areas located away from emergency exits, safety measures or stormwater pits. Required quantities of chemicals

need to be nominated and procedures put in place for the location of storage facilities, secure access and spillage procedures. Refer to AS 1940-1993 Storage and Handling of Flammable and Combustible Liquids. Signage for dangerous goods must be in accordance with AS1216 – 1995 Class Labels For Dangerous Goods Hazardous materials must be stored in a manner approved by SafeWork NSW.

P14 Explosives shall not be used for demolition or excavation.

Signage

P15 Signage specifying any security measures and key contact details shall be erected on the perimeter of the building site (i.e. attached to the building, fence or hoarding), with one sign provided on each street frontage and plainly visible to the public domain.

P16 At a minimum, each sign shall contain at least the following information:

(a) The name and contact details (including phone) of the:

(i) Developer;

(ii) Chief Contractor;

(iii) Principal Certifying Authority;

(b) A 24 hour emergency contact name and phone number;

(c) Website address where the community may find details of the construction activities in accordance with Part D: Section 8.8 of the DCP.

P17 One sign per street frontage is permitted advertising the proposed development under construction on the land. Each sign should not exceed a display area of five (5) square metres or 10% of the relevant ground level fence or hoarding elevation whichever is the lessor. It must not be an animated or internally-illuminated and be removed in its entirety when the construction work is completed or the security fencing or hoarding is removed.

P18 Any sign, road markings, street furniture, parking meters, etc, affected by the works shall be relocated or protected and, or, kept in good repair. When installing hoardings, attention shall be paid to the effects that such items may have on pedestrian and cycle travel paths at intersections. This may mean installing temporary pedestrian ramps, tactiles, etc. Approval shall be sought from Council to install temporary indents or pedestrian ramps, etc.

Public Domain

P19 Any damage to the footpath, road, kerb and channel, stormwater drains and street furniture that results from excavation, demolition and building work is the responsibility of the builder or developer. Any damage which may impact on pedestrians, cyclists and motorists' safety shall be repaired immediately.

P20 Bicycle paths must be maintained where existing bicycle access is provided adjacent to a construction site.

P21 Developers and builders must ensure there are no tripping hazards from the hoarding or perimeter fencing on nearby footpaths. Hoardings must be maintained in such a state as to minimise the risk of damage to pedestrians, their clothing and their belongings. Electrical, plumbing and other services extending over footpaths must be covered over, and pedestrian and disability access facilitated by a ramp. Ramps must have a non-slip surface, a handrail, and a minimum gradient of 1:14 unless the existing topography of the street or road dictates some variation to this ratio.

P22 Determine whether the street or footpath or part thereof needs to be occupied by builders, above or below the public domain. The general public must be protected from construction activities including vehicle loading and off-loading within the public domain. Precautions must be fully specified and include the following measures:

(a) The use of spotters and traffic controllers;

(b) Restriction on the hours of operation of these activities (non peak hours);

(c) Restriction on the type of work being carried out (welding, etc.);

(d) Machinery to be used;

(e) Security mesh or barriers to separate the public from the work area.

P23 When using skips or rubbish bins, take the following steps to prevent disruption to public areas:

(a) Place skips or rubbish bins away from public thoroughfares, pedestrian and bicycle access areas;

(b) Specify times and methods for loading and unloading of bins or skips;

(c) Indicate location and height of chutes (if proposed);

(d) Protect pavements and streets and conduct dilapidation surveys before and after works have taken place.

P24 When using cranes or mobile lifting equipment, take the following steps to prevent disruption to public areas:

(a) Ensure equipment does not restrict public thoroughfares and pedestrian access or, where restricted access is unavoidable, use gantries or other overhead protection;

(b) Determine lifting zones for medium to long term use of the equipment;

(c) Protect pavements and streets and conduct dilapidation surveys before and after works have taken place;

(d) Implement procedures and lifting techniques to ensure safety on adjoining streets and footpaths;

(e) Use traffic management controls and signage.

P25 Unless otherwise permitted, an obstruction must not protrude from premises causing it to interfere with pedestrians or traffic in a public place.

P26 Unless otherwise permitted, all construction materials must be stored onsite and not in the street or public space.

P27 When a crossover is required for vehicular access to the site, consider:

(a) The type and size of trucks entering the site;

(b) The loading and potential for damage to the existing crossover and footpath;

(c) The nature of protection of crossover and pavements;

(d) The need for a dilapidation survey of the footpath before and after works have taken place.

P28 In the case of potential damage to assets in the public domain, a financial deposit for an amount determined by Council must be lodged in conjunction with the necessary local law permit application, along with a requirement to reinstate damaged assets at the completion of works.

P29 In the event that works may disrupt parks and gardens managed by Council, consultation and approvals including park protection measures, ongoing maintenance requirements and reinstatement methods will be required from Council's Open Space and Environmental Services Division to ensure there is no damage to flora, fauna and services. Grass verges and medians are also to be protected.

Street Space Occupation

P30 All necessary permits must be obtained from Council to occupy and use the space on the road, footpath or other public land.

P31 Adequate barriers must be installed to prevent the public from accessing the construction area. Any occupation or activity presenting a hazard to the public must be provided with suitable barriers.

P32 Pedestrian access areas must have a minimum width of 1.2m clear on the footpaths (1.5m preferable). Where possible, two way passing bays 1.8m wide should be provided at not more than 20m intervals.

P33 Any permit issued by Council will be time limited. If the permit is not renewed within twenty one (21) days of its expiry orders will be issued to require the removal of any temporary structure or to restrain the use of the benefit otherwise permitted by the permit

Excavation

P34 Excavations adjacent to or in close proximity to a road or pathway must be designed to support the road or pathway.

P35 Excavations adjacent to existing adjoining buildings must be designed to support the adjoining buildings or structures.

P36 The location and extent of excavations on a site must be specified and the means of containing sediment, especially in wet weather, must be detailed. The area of land to be cleared must also be minimised and stripping and excavating the site should be avoided until building is about to start.

Prevent Unsightly Premises

P37 Raw materials stored on the site must be adequately secured to prevent unnecessary and unsightly dispersal of the materials around the site and public areas (streets and footpaths).

P38 Trucks leaving the site must be adequately cleaned to ensure soil, mud and other site debris is prevented from spilling onto adjoining roads and footpaths. Roads and footpaths should be cleaned on a regular basis with consideration to water efficiency.

P39 Graffiti and other posters or stickers on hoardings and fencing must be removed on at least a weekly basis, or immediately if it is offensive in nature.

General Management

P40 Existing trees and vegetation not proposed to be removed as part of any development consent must be protected in accordance with Section 3 to Part B of this DCP.

P41 If building works are for demolition only and the site is to be left vacant, it must be cleared of all unsightly debris, left in a clean state and fully fenced with solid hoarding. The owner is responsible for the site after it has been vacated by the demolisher, principal builder or contractor. Council may require a financial deposit to ensure the owner adequately accepts their responsibility.

P42 Pedestrian signs must not be damaged, defaced, removed or altered in any way. New pedestrian signs must not be installed without Council approval.

P43 Any precautions for public protection within the street/public domain must comply with Council's and WorkSafe requirements.

8.4 AIR AND DUST MANAGEMENT

8.4.1 Objectives

O1 To ensure that air quality (airborne dust and pollutants) in and around a construction site is maintained at acceptable levels throughout the construction period.

8.4.2 Provisions

P1 Provide details of any equipment and activities that may cause excessive dust or otherwise effect air quality. Dust suppression techniques/equipment may be required depending upon the following:

(a) Weather and wind conditions;

(b) Exposure/proximity to the public and surrounding buildings;

(c) Proximity to air intake vents on adjacent buildings. Intake from these vents must be prevented through the installation of adequate filters or other approved measures.

P2 Minimise dumping of loose materials on a site. If dumping of loose material is unavoidable, detail methods for preventing dust and other airborne matter impacting on the surrounding area. Ensure these measures are adequate when the site is unattended.

P3 Minimise airborne dust arising from trucks and other vehicles entering and leaving the site by providing details on the method and frequency of watering down driveways and trucks with consideration to water efficiency.

P4 Specify materials to be stored on site and their exposure to wind and the weather elements. Detail methods for preventing loose materials from becoming airborne.

P5 Perimeter fencing must be designed to minimise the impact of dust on the public and adjacent areas.

P6 Equipment powered by internal combustion engines must be properly maintained and regularly serviced to prevent the discharge of excessive pollutants, including smoke and/or toxic fumes or odours, and must meet acceptable noise levels.

P7 Exhausts and ductwork from equipment must be located away from air intakes, windows, enclosed areas and public areas.

P8 Materials can only be cut in designated areas set away from boundaries and public areas, with adequate dust (and noise) suppression. Where cutting needs to occur in situ, localised dust suppression measures must be utilised.

P9 The provisions of the *PoEO Act* and associated regulations also apply.

8.5 Erosion and Sediment Control

8.5.1 Objectives

O1 Prevent contamination of, or damage to, stormwater drains and waterways.

O2 Ensure sediment from the building site is retained on-site during construction work.

8.5.2 Provisions

P1 An Erosion and Sediment Control Plan is incorporated into the CMP and address the requirements within Section 4.2 – *Erosion and Sediment Control* to Part B of this DCP.

P2 The provisions of the *PoEO Act* and associated regulations also apply.

8.6 Waste Management

8.6.1 Objectives

O1 Maximise the re-use and/or recycling of construction and demolition waste.

O2 Waste material to be collected and stored on site until its removal.

8.6.2 Provisions

P1 A Waste Management Plan is incorporated into the CMP and address the relevant requirements within Section 5 – *Waste Minimisation and Management* to Part D of this DCP.

8.7 TRAFFIC MANAGEMENT

8.7.1 Objectives

O1 Minimise disruption to traffic (vehicles, pedestrians and cyclists) caused by construction activities to ensure the safety of all road users.

8.7.2 Provisions

P1 A Traffic Management Plan is incorporated into a CMP, where the proposed development will have an impact upon vehicle, waste collection, cyclist and/or pedestrian flows.

P2 The following issues must be considered in a Traffic Management Plan:

(a) The proposed method of access to and egress from the site for construction vehicles.

(b) Disruption to vehicular, pedestrian and cyclist traffic flows.

(c) Preferred construction access.

(d) Vehicles leaving the construction site in a forward direction.

(e) Through traffic is to be maintained at all times.

(f) Maintaining access to all neighbouring properties at all times.

(g) Proposed method of traffic control; controllers must be qualified.

(h) Proposed method of pedestrian management.

(i) Access routes through the Council area.

(j) Method of loading and unloading materials and equipment.

(k) Location of any cranes.

(l) Location of any Work Zones (approval of the construction management plan does not imply that the proposed Work Zone will be approved, that is still subject to Traffic Committee approval).

(m) Temporary, full or partial road closures.

(n) Information to local residents and advertising as required.

(o) Method of demolition and construction.

(p) Areas used for storage of demolition materials, construction materials and waste containers.

(q) Method/device to remove loose material from all vehicles and/or machinery.

(r) Method of support to any adjoining properties

(s) Protection for Council and adjoining properties.

(t) Other site-specific considerations (as applicable).

(u) Safe Work Method Statement.

P3 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

Monitoring and maintenance

P4 All traffic control work identified in a Traffic Management Plan, must be carried out in strict accordance with that Plan. Council is authorised to undertake any work for the

purpose of making the site safe in event of an emergency and all cost incurred will be borne by the developer.

P5 If a bond applies, Council must inspect the completed work for any damage to Council's infrastructure before returning the bond.

P6 Traffic works must be completed as soon as possible to minimise disruption to vehicular and pedestrian traffic.

Erosion and sedimentation controls must be in place before starting any excavation works. These devices must be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.

8.8 COMMUNITY INFORMATION

8.8.1 Objectives

O1 To keep the community informed as to the types and extent of construction activities occurring on construction sites, so that they may better plan their days around intrusive activities.

8.8.2 Provisions

P1 A website is to be established which outlines the staging of the proposed construction activities, types of noises to be anticipated and the length of time that such activities are to be undertake during the day and during each stage.

P2 Details of the website is to be provided on any security notice attached to the boundary of the site.

P3 At a minimum, the website is to be updated on a weekly basis if required to take into account any potential variations to the initial timeframes for works being undertaken.

SECTION 9 LATE NIGHT TRADING HOURS

9.1 INTRODUCTION

Late night trading premises can positively contribute to the character of an area through increased vitality and vibrancy of the urban environment outside of normal business hours. Conversely, the operation of such premises and associated actions of patrons also has the potential to adversely impact upon the amenity of nearby residential or other sensitive land uses.

This section of the DCP aims to assist in the management of impacts from the operation of late night trading premises on the sites and neighbourhoods in which they are located and in particular, to protect the amenity of local residents. This is to be primarily achieved through restricting trading hours dependant upon a premises location and promoting ongoing good management practices.

The provisions of this Section do not set out to curb or increase potential trading hours in a blanket fashion, but to allow opportunities for late night trading hours to occur in appropriate locations and with appropriate management actions.

It is particularly important for proponents of late night trading premises to demonstrate responsible management over time. This commitment should be demonstrated both at the development application stage and throughout the history of the operation of a premises.

Late night trading hours are considered by Council to be a privilege and not a right.

9.1.1 General Objectives

The objectives of this Section of the DCP are to:

O1 identify appropriate locations and trading hours for late night trading premises;

O2 ensure that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses;

O3 ensure that operators of late night trading premises commit to good management practices through the implementation of robust plans of management;

O4 encourage late night trading premises that contribute to vibrancy and vitality, as appropriate to the status of the zone within which it is located;

O5 encourage a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work, live and visit North Sydney;

O6 encourage a diversity of night-time activity in defined areas;

O7 prevent the proliferation of poorly managed late night trading premises;

O8 ensure that new late night trading premises do not reduce the diversity of retail services in an area;

O9 ensure that development applications are accompanied by sufficient information so that proposals for night trading premises can be fully and appropriately assessed;

O10 ensure that appropriate hours are permitted for outdoor trading; and

O11 ensure a consistent approach to the assessment of applications for premises seeking night trading hours.

9.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications for non-residential uses seeking to operate wholly or in part for trading hours between 8pm and 7am that involve:

(a) a change of use of a premises;

(b) new or extended trading hours to existing premises;

(c) refurbishment, additions or extensions that will result in an intensification of an existing use; or

(d) formalisation of trading hours following a trial period as prescribed in this Section of the DCP; or outdoor trading beyond 8pm.

For the purposes of (c) above, an intensification of use means any increase in the capacity of the premises to accommodate additional patrons, determined by:

(a) an increase in the amount of licensed floor area (via a liquor licence);

(b) an increase in the amount of floor space accessible to the public (excluding toilets, lifts, stairways, ramps, escalators, corridors, hallways, lobbies and the like);

(c) an increase in patron capacity; or

(d) an increase in the amount of footpath seating areas.

The application of this Section of the DCP is not retrospective nor does it derogate from existing consents.

This section of the DCP does not apply to development for new or alterations and additions to an existing brothel, home occupation (sex services), restricted premise, or sex service premise.

9.2 MATTERS FOR CONSIDERATION

Objectives

O1 To ensure that relevant matters are considered when determining what operating hours are considered to be acceptable.

Provisions

P1 Appropriate trading hours will be determined by taking into account a number of primary issues which include (but are not limited to):

(a) the location and context of the premises, including proximity to residential and other sensitive land uses and other late trading premises;

(b) the specific nature of the premises (e.g. pub, nightclub, restaurant etc) and the proposed hours of operation;

(c) the existing hours of operation of surrounding businesses;

(d) the size and patron capacity of the premises;

(e) the availability of amenities provided to premises;

(f) the impact of the premises on the mix, diversity and possible concentration, of late night uses in the locality;

(g) the likely operation of the proposal during day time hours;

(h) submission of a Plan of Management that demonstrates a strong commitment to good management of the operation of the business, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain;

(i) the diversity of retail services within an area and the impact of a late night proposal on this diversity;

(j) measures to be used for ensuring adequate safety, security and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding, the premises;

(k) the accessibility and frequency of public transport during late night trading hours.

P2 Consideration of all of these factors provides the basis for a consistent approach to the determination of appropriate trading hours and creates greater certainty both for the community and proponents of late night trading premises.

P3 Once these factors are taken into consideration late night trading hours may be permitted in appropriate circumstances, particularly in areas of North Sydney that already exhibit or have an emerging vibrant night-time character, as opposed to parts of the LGA that are predominantly residential in character where amenity impacts can be the greatest and most difficult to manage.

9.3 TRADING HOURS

9.3.1 Trading Hours

Maximum allowable trading hours have been established that are considered to represent the desired late night trading character for each zone. A development application for late night trading will only be granted the maximum trading hours where an application can demonstrate the use of the premises during these hours will satisfy all provisions within this DCP Section and result in acceptable impacts upon the surrounding locality.

Many of these late night trading areas directly adjoin residential zones. The impacts of late night premises within these interface areas must be carefully considered. In addition, many late night premises are located within mixed use buildings where residences are located directly above. Where these impacts cannot be reasonably addressed, these sites may be granted trading hours less than the maximum hours set out within the table.

Council will consider the extension of trading hours within the North Sydney CBD up to 24 hour trading but only where the uses are suitable for the locality. These uses will be subject to on-going trial periods with the maximum 5 year trial period permitted. This will enable monitoring of premises within the CBD to ensure these uses do not detract from the character of the area.

Objectives

O1 To ensure that trading hours are consistent with the desired character of each zone.

O2 To minimise adverse amenity impacts on nearby residents.

O3 To encourage a vibrant late night economy within North Sydney.

O4 To ensure a reasonable balance is achieved between late night uses and residential amenity.

O5 To ensure that residential zones located within the interface to late night trading areas are reasonably protected.

O6 To minimise amenity impacts resulting from parking and traffic caused by late night uses.

Provisions

P1 The **maximum** trading hours that will be granted for a premises within each zone are outlined within Table D-10.1 below. These hours will be granted only where an application satisfies the matters for consideration in Section 9.2 above to this Part D and all other relevant sections outlined within this Section of the DCP.

TABLE D-10.1 Maximum Trading Hours			
Zone		**Trading Hours**	
		Indoor	**Outdoor**
E2 Commercial Centre ***Refer to P2 & P3**		6am to Midnight	7am to 11pm
MU1 Mixed Use		7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm
E1 Local Centre	Properties in Kirribilli Village where small bars are permitted and as identified in Figure E-7.1	7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm
	1) Properties within Kirribilli Village, other than those identified in Figure E-7.1. 2) Properties with a frontage to Miller St, Cammeray 3) Blues Point Road, McMahons Point	7am to 10pm (Sun-Wed) 7am – 11pm (Thurs – Sat)	7am to 9pm
	All other locations	7am to 10pm	8am to 8pm
All other zones		7am to 10pm	8am to 8pm

Note: *1. All service of food, alcohol or relevant services shall cease immediately at the time specified above with all patrons being required to leave within 30 minutes of the closing time.*

2. Outdoor furniture shall be set up and removed within 30 minutes of approved outdoor seating trading hours.

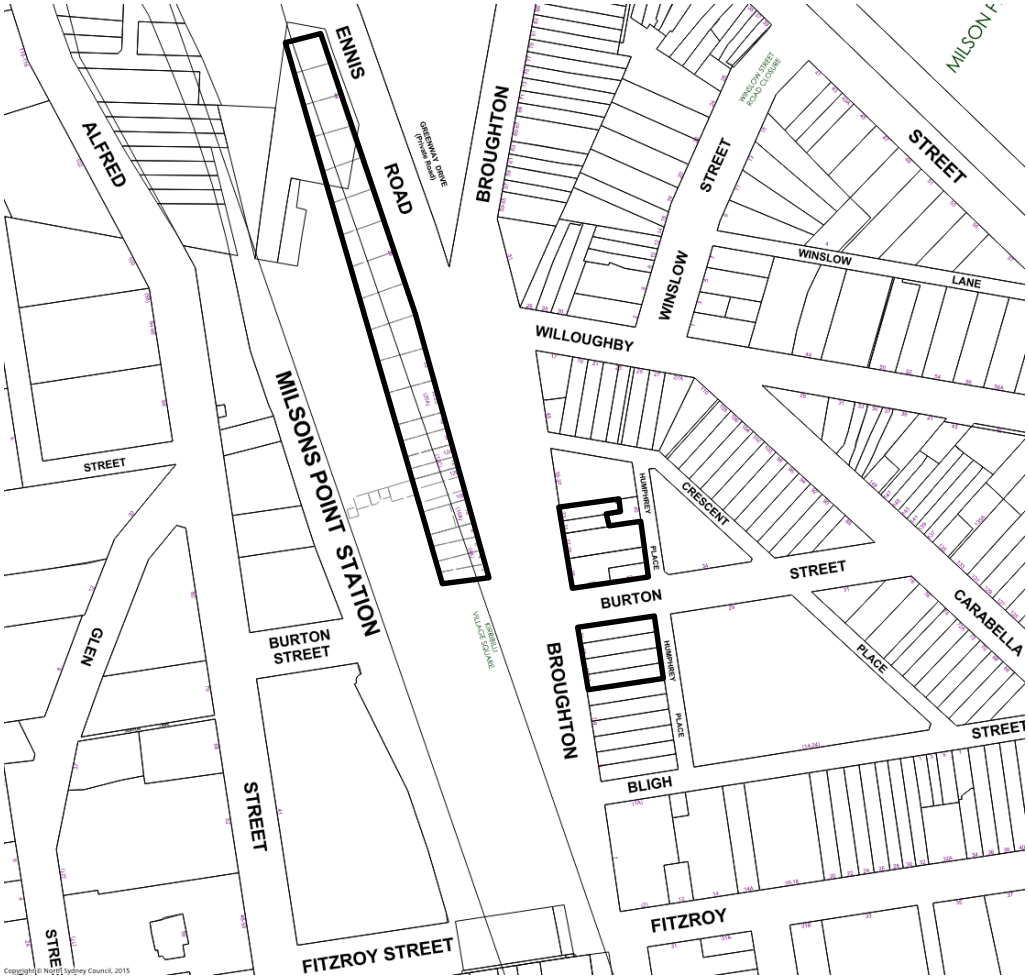

Figure D-10.1:

Areas within Kirribilli Village where small bars are permitted. For clarity purposes, it affects 11-33 Broughton Street, Kirribilli; 32 Burton Street, Kirribilli and 2-44 Ennis Road, Kirribilli.

E2 Commercial Centre zone – North Sydney Centre

P2 In addition to the hours stipulated in Table D-10.1, where an application satisfies the matters for consideration in Section 9.2 to Part D and all other relevant provisions of the DCP, an extension of trading hours up to 24 hour trading will be considered for premises located within the *E2 Commercial Centre* zone in the North Sydney Centre only.

P3 Any extension beyond 12 midnight would be subject to an on-going trial period with the maximum trial period granted of up to 5 years.

Existing Premises

P4 Existing premises which have approval to trade outside maximum trading hours may apply for these existing hours in new and refurbished areas within the premises and these will be considered provided it can be demonstrated that:

(a) The existing premises' operation has an acceptable impact upon the surrounding locality; and

(b) The impacts of the proposed trading hours are satisfactory having regard to the matters for consideration outlined in Section 9.2 to Part D and all other relevant DCP provisions.

Luna Park

P5 No extension to existing approved trading hours for Luna Park will be granted.

Extended Trading Hours – Non-licensed premises

P6 In addition to the hours stipulated in Table D-10.1, where an application satisfies the matters for consideration in Section 9.2 to Part D and all other relevant provisions of the DCP, extended trading hours may be considered for non-licensed premises such as shops, service stations, health service facilities, recreational facilities, information and education facilities and the like. Any extension beyond the trading hours set out within the DCP may be subject to a trial period.

9.3.2 Trial Periods

Objectives

O1 To enable Council to monitor and assess the management performance of a premises and its impact on neighbourhood amenity.

Provisions

P1 Prior to granting consent for the maximum or extended trading hours, Council may impose a one year trial period for a premises that, in the opinion of Council, may have the potential to generate adverse impacts on the amenity of the surrounding area.

P2 A Section 4.55 application must be lodged prior to the expiration of a trial period should the applicant seek to apply to formalise these hours. In most instances, a condition of consent will clarify that the extended trading hours will stand in place until such time as the modification application is determined.

P3 Following the trial period, the trial hours will be granted on a permanent basis only if Council is satisfied that the premises has demonstrated good management performance and compliance with a Plan of Management (if applicable), other than for premises within the North Sydney CBD as set out within P4.

P4 Trial periods within the North Sydney Centre shall be on-going and a maximum trial period of up to 5 years shall be granted. A Section 4.55 application must be lodged every 5 years should the applicant seek to renew these trading hours.

9.3.3 Acoustic Impacts

Objectives

O1 To ensure the use of premises do not result in any unreasonable acoustic impacts on surrounding residential properties.

Provisions

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

9.3.4 Waste Management

Objectives

O1 To ensure the appropriate siting of waste facilities to minimise noise impacts to surrounding residential properties.

Provisions

P1 Must comply with the requirements of Part D: Section 5 - *Waste Minimisation and Management* to this DCP.

9.3.5 Use of Smoking Areas

Objectives

O1 To ensure that the impacts of the use of areas on the site for smoking are properly considered.

O2 To minimise the impacts of the use of smoking areas on surrounding residential amenity.

Provisions

P1 Operating hours for smoking areas may equal those for indoor areas as shown in Table D-10.1 if Council is satisfied that the requirements of this section can be met.

P2 Council must be satisfied that the operation of late night smoking areas will not result in any additional impact on the surrounding area. Where a smoking area may impact upon the amenity of surrounding residential receivers, the following will need to be confirmed with any application for late night smoking areas for licensed premises:

(a) the purpose of the smoking area is to establish a short stop or short term 'breakout area' for smokers;

(i) there must be no music, entertainment or gaming machines in the area;

(ii) appropriate ashtrays will be installed;

(iii) smokers will be discouraged from remaining in the area longer than necessary than to have a cigarette.

(iv) The Plan of Management must nominate the maximum capacity for this area at any one time.

(b) Other than those required by emergency systems, PA or audio systems are not to be installed in outdoor smoking areas.

(c) Where necessary, the outdoor smoking area must incorporate the added feature of an air lock to minimise the potential for noise spill from the interior of the premises. Doors to air locks are to be fitted with appropriate door closing hardware to ensure that they are not 'held open' which could negate the acoustic benefits.

(d) The smoker's area is not to be used as an additional place for drinking and dining. No tables, chairs or service are to be provided. Service to patrons is to be restricted to internal areas. Staff should not serve patrons in the smoking area in the aim of discouraging patrons from remaining in the smoking area and encourage them to return to the primary facilities inside the premises.

(e) If a smoking area also doubles as an outdoor dining/drinking area, then any associated tables, chairs and the service of food, drinks and the like can be provided for the period of the approved outdoor trading hours only. Once the maximum approved outdoor trading hours have been reached, patrons cannot be given access to the chairs, tables, or the service of food and drink in these locations. The service of patrons is to be restricted to internal areas of the premises only. Staff should not serve patrons in the smoking area in the aim of discouraging patrons from remaining in the smoking area and encourage them to return to the primary facilities inside the premises.

(f) In instances where there is uncertainty over the appropriateness of the smokers' area, consent for its use as a smokers area will only be granted for a limited time (e.g. 12 months). After 12 months from the release of an Occupation Certificate, an applicant may seek the removal of the restrictive condition, via the lodgement of a Section 4.55 application. Any such application must be accompanied by an Acoustic Report providing details of acoustic testing carried out and the results of such tests demonstrating compliance with all relevant Acoustic Criteria within Part B: Section 7 – *Operational Noise* of this DCP.

9.4 PREMISES MANAGEMENT CHECKLISTS AND PLANS OF MANAGEMENT

All development applications for late night trading premises must be accompanied by a **Premises Management Checklist** as a minimum. This will provide Council with relevant information required to assess any late night trading Development Application.

Development Applications which have the potential to impact adversely on residential amenity and neighbourhood safety such as pubs and small bars are required to prepare a **Plan of Management** that includes verifiable data and actions. Plans of Management are to include information about the operational and contextual aspects of a premises (e.g. locality description, security numbers, noise emission, trading hours etc.) as well as details about what actions will be taken to ensure that premises will be responsibly managed (e.g. crowd control procedures, noise minimisation, waste management etc).

This ensures that proponents of late night trading premises have considered and addressed any potential impacts that may arise from the premise's operation during late night hours, as well as enabling the Council to effectively assess the impacts of a proposal. It is the responsibility of the licensee to facilitate a well run and managed premises and display sensitivity about the impact of the premises on the liveability of neighbourhoods.

Objectives

O1 To ensure that potential impacts from the operation of the premises are considered and addressed during the assessment of an application; and

O2 To enable Council to review Plans of Management to ensure that management practices are being appropriately applied to late night trading premises.

Provisions

Premises Management Checklist

P1 A Premises Management Checklist addressing all criteria set out in Section 9.4.1 of this Section of the DCP, must be submitted for any for development application proposing to operate between 8pm and 7am unless a Plan of Management is required.

Plan of Management

P2 A Plan of Management addressing all criteria set out in Section 9.4.2 of this Section of the DCP, must be submitted with a development application for any of the following late night trading premises proposing to operate between 8pm and 7am:

(a) pub,

(b) small bar,

(c) any use proposed to operate beyond the maximum trading hours.

P3 Plans of Management must be reviewed following any trial period and make revisions necessary to maintain a level of amenity and safety in the vicinity of the premises which is at an acceptable community standard.

P4 The Plan of Management shall form part of any development consent granted by Council.

***Notes**: It is at Council's discretion to request further information regarding the management of any late night premises if it is considered that the proposal may impact adversely on the amenity of the area.*

This additional information may be either in the form of a formal Plan of Management, or (where requested by Council) a letter that addresses a specific matter (or matters) of concern particular to the proposal (e.g. security provision, noise, waste management, staffing etc.)

9.4.1 Premises Management Checklists

Where relevant, at a minimum, management checklists must:

(a) Describe measures that will be taken to minimise internal and external noise impacts on adjoining properties and how such measures will be implemented;

(b) Outline the procedures for minimising and managing waste that is generated on site and how and when waste will be collected (e.g. disposal of bottles, waste removal etc.);

(c) Provide details of the type and number of staff that will be employed on the premises at any one time;

(d) Describe any arrangements that have been made for on-site security (if relevant). This is to include specific information on the number of licensed security staff, including details of any electronic surveillance systems within the premises;

(e) Describe any steps that will be taken to manage patron behaviour when leaving the premises late at night;

(f) Describe any methods for controlling and managing crowds within and outside the premises;

(g) Describe measures will be taken to manage large groups of people during peak trading periods;

(h) Provide a copy of a house policy that describes the measures to minimise harm associated with alcohol consumption to ensure the responsible service of alcohol;

(i) State the maximum capacity of the premises and the maximum number of patrons that will be standing and/or sitting at any one time;

(j) State the operating and/or trading hours of the premises;

(k) Describe any measures to increase patron awareness of public transport availability in the locality; and

(l) Describe when and how the site will be cleaned and generally serviced.

9.4.2 Plans of Management Criteria

Plans of Management should include the following information where relevant:

Site and Locality Details

(a) A description of the primary use of the premises as well as any secondary/ancillary uses (e.g. retail liquor sales, entertainment, outside trading areas, gaming areas etc). This may be in the form of a floor and/or site plan that indicates the use of all areas within the building or site.

(b) Identification of any 'active areas' adjacent to the boundaries of the site used in association with the use of premises (e.g. Outdoor seating, footway dining, patron queuing areas, parking etc).

(c) A floor plan that indicates the proximity of external doors, windows and other openings to residential and other sensitive land uses.

(d) Details of the maximum capacity of the premises and the maximum number of patrons that will be standing and/or sitting at any one time.

(e) The location of waste storage areas.

(f) Location of air conditioning, exhaust fan systems and security alarms.

(g) A site context plan that provides empirical details of on-site and off-site car parking within 100 metres radius of the site, including a description of the availability of public transport in the locality during the proposed trading hours. This should also include routes to taxi ranks or possible taxi pick-up and drop-off areas.

(h) Identification of the most commonly used pedestrian routes to and from the premises.

Operational Details

(a) ***Organisational Overview***

An overview of the organisation in the form of a brief statement that provides details about the company/licensee/proprietor that includes information regarding:

(i) the number and type of staff (including security);

(ii) other similar premises within the company's portfolio (if relevant);

(iii) any Liquor Licenses for the premises;

(iv) a description of any actions that the proprietor/licensee has taken to co-operate with NSW Police, the local community and incorporated resident groups regarding the management of the premises;

(v) membership of a Licensing Accord within the North Sydney LGA; and

(vi) actions taken to liaise with the local community about premises management and activities (e.g. meetings, letter drops).

(b) ***Hours of Operation***

(i) A schedule of the proposed operating hours for each day of the week for all areas of the premises (e.g. courtyards, rooftop, balcony, footway, gaming room etc.) showing the range of hours proposed for each day in the format above.

(c) ***Noise***

(i) The identification of all likely noise and vibration sources associated with the operation of the premises. This may include such sources as:

- entertainment, including amplified music from a band or disc jockey;
- external (outside) areas such as courtyards, rooftops, balconies etc;
- patrons leaving and entering the premises;
- the operation of mechanical plant and equipment; and
- waste disposal, sorting and collection of bottles etc.

(ii) A description of the existing acoustic environment during hours proposed beyond midnight (e.g. from vehicular traffic, noise from surrounding premises, pedestrian noise etc.).

(iii) The identification of all noise sensitive areas of different occupancy in close proximity to the proposed use (e.g. residential dwellings; boarding houses, backpacker accommodation, hostels etc.).

(d) ***Safety and Security***

(i) A description of any arrangements that will be made for the provision of security staff. This is to include (but is not limited to) the following:

- any recommendations from Local Licensing Police regarding appropriate security provision and a statement outlining the extent of compliance with police recommendations;
- the number of security personnel that will be patrolling inside and outside the premises including the frequency of security patrols;
- identification of the physical extent of any patrolled areas outside the premises;
- hours that security personnel will be on duty (including the period after closing time); and
- staff security training, weapons detection, and other security response methods.

(ii) Details of CCTV surveillance camera installation that identifies both indoor and outdoor areas monitored by cameras and camera technical specifications (e.g. recording capacity, frames per second etc.).

(iii) Details of signage that is to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises.

(iv) Written confirmation that the NSW Police Service raises no objection to trading hours beyond midnight (if trading hours beyond midnight are sought) and there is no record of significant crimes generated by the premises or records showing an increase in crime associated with the premises.

(v) Details of any complaints associated with the operation of the premises must be recorded in a Complaints Register which includes:

- Complaint date and time;
- Name, contact and address details of person(s) making the complaint;
- Nature of complaint;
- Name of staff on duty; and
- Action taken by premises to resolve the complaint.

Management Measures

(a) ***General Amenity***

(i) Details of all measures that will be taken to ensure that amenity impacts that may result from the operation of the premises are minimised. This should identify (where relevant) any measures taken to ensure that the operation of the premises will not materially affect the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

(ii) Details of all actions that will been taken to respond to complaints made about the operation of the premises (e.g. consultations with residents, discussions with Council Officers, liaison with Police, public access to Plans of Management, review of existing Plan of Management etc.).

(iii) A waste management plan that outlines the procedures for minimising and managing waste that is generated by the premises. This should address such matters as disposal of bottles, how and when waste will be removed, details of waste management facilities, waste collection and storage areas etc.

(iv) Details of when (frequency) and how the premises will be cleaned and serviced.

(v) If the premises has gaming machines, details of where gaming areas will be located in order to not be viewable from the street (e.g. away from the street frontage, not at ground level if multiple floors, appropriate screening); and how these areas will be patrolled.

(vi) A statement that addresses how the premises/use will impact/ contribute on the mix of uses in the area/locality during both day and night trading hours.

(vii) Details of methods that will increase patron awareness of public transport availability (e.g. signage, availability of timetables) as well as a description of any other measures that will assist patrons in using public transport (e.g. provision of a shuttle service, taxi assistance etc.).

(viii) Details of methods that will increase patron awareness of responsible disposal of cigarette butts.

(ix) Any other measures that will be undertaken to ensure that amenity impacts that may arise from the operation of the premises are addressed.

(b) ***Noise***

(i) Details of all on-site and off-site noise and vibration attenuation measures.

(ii) A statement outlining the premises' compliance with all relevant noise and vibration standards, guidelines and legislation (e.g. Australian Standards, *Protection of the Environment Operations Act 1997*, EPA Industrial Noise Guidelines, etc.).

(iii) Details of all actions that will be taken to ensure that the operation of the premises will not give rise to any "offensive noise" as defined under the *Protection of the Environment Operations Act 1997*.

(iv) Details of how management will address complaints relating to noise, and any noise control strategies that will be implemented to minimise the potential for complaints (e.g. liaison with neighbours and local police, maintaining a complaint register etc).

(v) Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies etc.

(vi) Details of any noise limiting devices to be installed.

(c) ***Security and Safety***

(i) Measures that will be taken by security personnel to ensure that the behaviour of staff and patrons when entering and leaving the premises will minimise disturbance to the neighbourhood.

(ii) Any provisions that will be made to increase security in times where higher than average patronage is expected (e.g. During live entertainment, peak periods on weekends, New Years Eve, following large sporting events in the locality, during special events and functions etc.).

(iii) Liaison that will be undertaken with other licensees or operators of late trading premises in the locality/area to improve security at night.

(iv) Details of measures that will be implemented to ensure that neighbourhood amenity and safety is protected. At a minimum this should include:

- emergency procedures;
- crowd control;
- search procedures;
- maintenance of an incident register;
- monitoring of patron behaviour;
- monitoring of numbers of patrons within the premises;
- recording of complaints and reporting of incidents to Police;
- where relevant, membership of the proprietor/licensee to a Licensing Accord (please refer to the Liquor and Gaming NSW website for details of Licensing Accords operating within the North Sydney LGA) and a demonstrated commitment to the strategies and principles of the Accord;
- dress codes;
- staff security training;
- distinctive security attire;
- availability of cloak rooms;
- internal and external security patrols;
- the location, design and type of footpath and external lighting that will be installed;
- measures to prevent glass drinking receptacles being carried from the premises by patrons;

- measures to ensure safe capacities (e.g. electronic counting of patrons, occupancy limits, signage);
- provision of pre-booking services for taxis; and
- availability of courtesy bus services.

(v) If queuing outside the premises is to occur, a description of any measures that will be taken to ensure that queuing is controlled in a manner that will not aversely impact the amenity of the neighbourhood and that the footpath will not be unreasonably impeded. This description may address such matters as:

- the use of temporary ropes and bollards;
- maximum queue numbers;
- actions taken to minimise loitering; and
- actions ensuring the fast and efficient movement of a queue.

(vi) Methods employed to implement harm minimisation and the responsible service of alcohol (RSA) requirements of the Casino, Liquor and Gaming Authority such as:

- employee training and awareness regarding RSA and harm minimisation;
- approaches that will be used to manage intoxicated and/or disorderly persons;
- promotion of non-alcoholic beverages;
- display of the premises' house policy;
- assisting patrons in accessing safe transportation from the premises (e.g. arranging taxis, public transport timetable information);
- encouraging responsible drinking; and
- actions taken to discourage drug use and to manage drug related incidents.

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PART E DEVELOPMENT TYPES

PREFACE

Part E of this 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:	Child Care Facilities
Section 6:	Sex Services and Restricted Premises
Section 7:	Advertising and Signage
Section 8:	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 character that is described in the relevant area character statements;

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.

TABLE E-1.1: Dwelling Mix

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.

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 and residential flat buildings that contain more than 5 dwellings must comprise adaptable housing[2].

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.

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).

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[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.*

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.

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 area character statement (refer to Part F of the DCP), or if not identified in the relevant area character statement 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.

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; 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
R3 Medium Density	Attached dwellings; Boarding houses; Dual occupancies; Dwelling houses; Group houses; Multi dwelling	1st storey (up to 4m)	900mm
		2nd storey (up to 7m)	1.5m

TABLE E-1.2 - Side Setback Requirements				
Zone	**Development Types**	**Minimum Setback Requirement**		
Residential	housing; Secondary dwellings; Semi-detached dwellings; Seniors housing	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 45^0 (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 45^0 (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	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 45^0 (refer to Figure E-1.1).	
		On land with a height limit greater than 12m	1st to 3rd storey (up to 10m)	4.5m
			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 - Non-residential Development in the Employment and Mixed Use zones 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 - Non-residential Development in the Employment and Mixed Use zones to this DCP.		

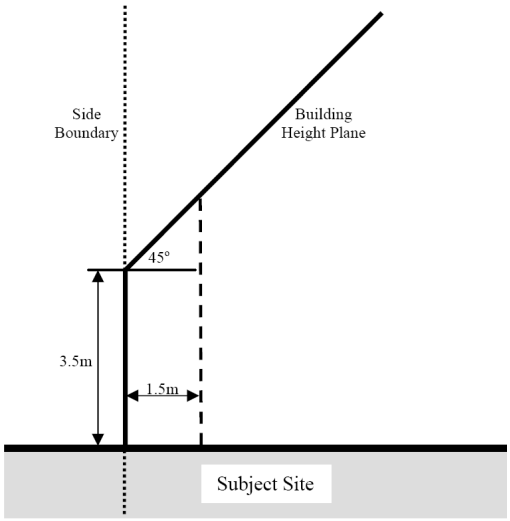

Figure E-1.1:
Setback and building height plane controls for the *R4 High Density Residential* zone, where the height limit is equal to 12m or less.

Note: *The actual setback of the building may need to be increased to satisfy building separation requirements within Section 6 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 adjoining properties are not characteristic, with setbacks identified in the relevant area character statement.

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 area character statement.

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 1.4.4 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 area character statement (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

(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 an area character statement (refer to Part F of the

DCP) for the neighbourhood, 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 area character statement (refer to Part F of the DCP), or if not identified in the relevant area character statement that positively relates to neighbouring buildings.

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.

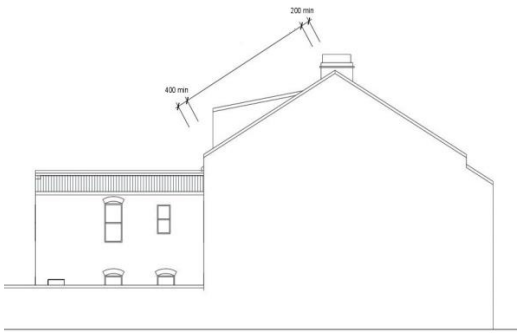

Figure E-1.2
Dormers are to be set below the main ridge line.

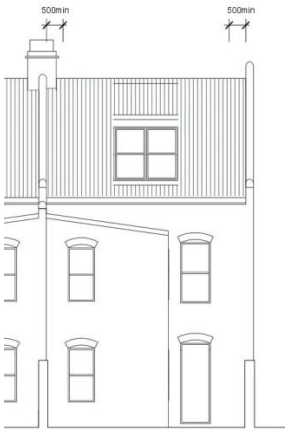

Figure E-1.3
Dormers should be inset from party walls.

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 $^1/_3$ 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 area character statement (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.

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 area character statement (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 areas[3]:

(a) Studio 35m^2

(b) 1 bedroom 50m^2

(c) 2 bedrooms 70m^2

(d) 3+ bedrooms 90m^2

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.

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.

[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.*

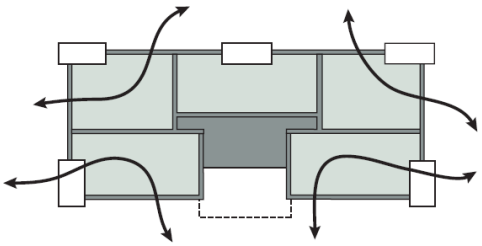

Figure E-1.4:
Corner apartments can achieve effective natural cross ventilation

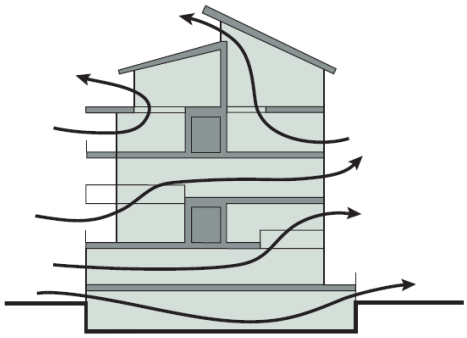

Figure E-1.5:
Good cross ventilation can be achieved with cross over apartments, maisonette apartments and semi-basement carparks

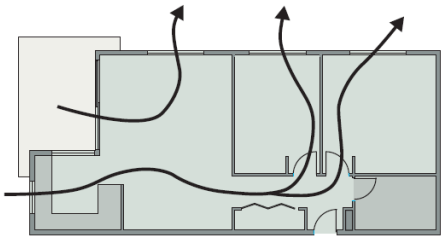

Figure B-1.6:
Natural ventilation in this corner apartment is drawn through windows having different orientation. This layout works well in upper floor apartments

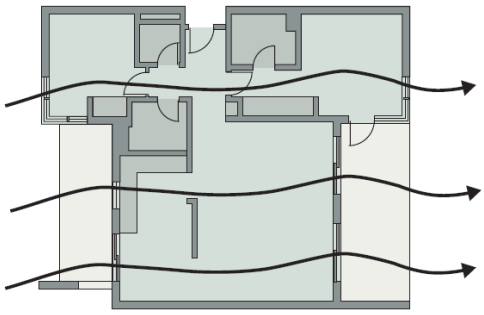

Figure B-1.7:
This optimal layout allows air flow directly from one side of the apartment to the other

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 in residential flat buildings should meet the requirements of the Apartment Design Guide which includes:

(a) Living rooms and private open spaces for at least 70% of dwellings should receive a minimum of 2 hours of solar access 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 they are provided with adequate access to natural light (e.g. by providing enlarged windows, skylights and the like). No more than 15% of all dwellings in the development must not receive no direct sunlight between 9am and 3pm at mid-winter.

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.

TABLE E-1.4: Internal acoustic insulation criteria

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 ≥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 ≥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 1.4.5 to Part E 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.

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-1.6.

TABLE E-1.6: 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**	All	45%
	Within zones E1, E2, MU1	All	N/A
	Within zone SP2	All	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 balconies[4], decks, pergolas and the like;

(k) paving and patios (porous and non-porous) and front entry terrace / portico;

[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.*

(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-1.7.

TABLE E-1.7: Minimum Landscaped Area and Un-built Upon Area Requirements

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	40%	15%
	Within zones E1, E2, MU1	All	N/A	N/A
	Within zone SP2	All	As per the most restrictive adjacent zone	

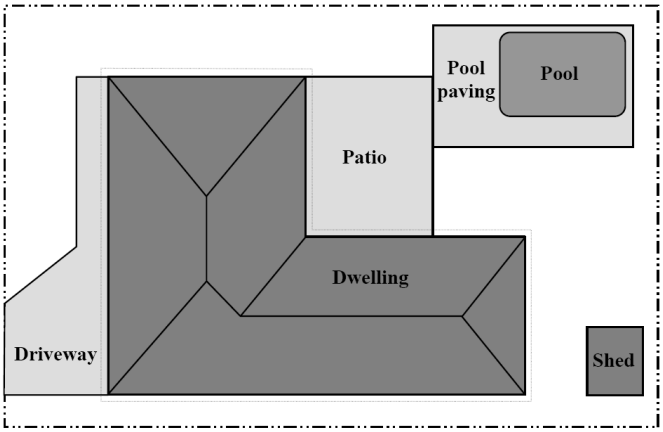

Figure E-1.8:
Areas of "landscaped area", "site coverage" and "ancillary hard surface area".

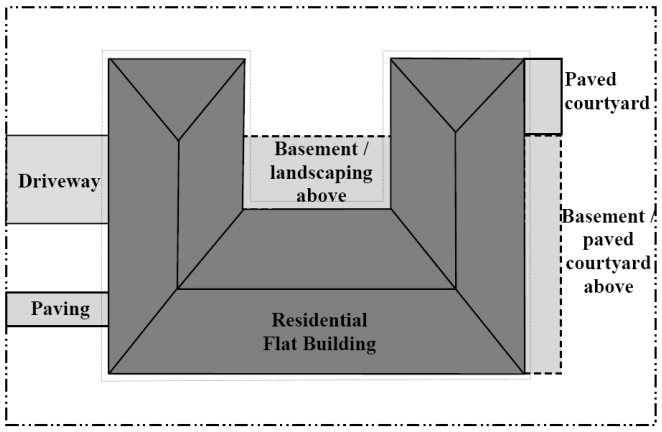

Figure E-1.9:
Areas of "landscaped area", "site coverage" and "ancillary hard surface area".

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 area[5];

(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 balconies[6], 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.

[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.*

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-1.8.

TABLE E-1.8: 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	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	All	25m^2	Studio	4m^2
			1 – Bed	8m^2
			2 – Bed	10m^2
			3 + -Bed	12m^2

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 $20m^2$ or $1m^2$ 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 $50m^2$ 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-1.9.

TABLE E-1.9: 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.

P4 Provide ancillary storage facilities within residential flat buildings and shop top housing at the rates outlined in Table E-1.10 and linked to each dwelling through provisions of the relevant Strata Plan (at least 50% within the apartment).

TABLE E-1.10: 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.

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

(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 Part E Section 2 applies to the non-residential component. The residential accommodation component of mixed use development is required to comply with the relevant requirements under Section 1 to Part E 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.

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.

2.3 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 area character statement (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 waning 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 area character statement (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 in the relevant area character statement (refer to Part F of the DCP).

P2 New development must give consideration to the setbacks of adjacent buildings and heritage items.

Front

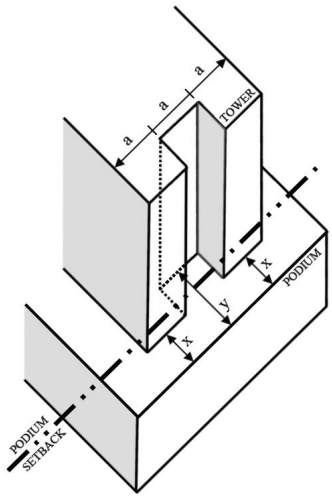

Figure E-2.1:
Weighted average is the average of projections and recesses from setback above podium (i.e. x +x+ y / 3 = podium setback)

P3 The entire building is to have a zero metre setback to all street frontages, unless an alternative setback is identified within the in the relevant area character statement (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 area character statement (refer to Part F of the DCP).

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 area character statement (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 Residentia*l, *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*.

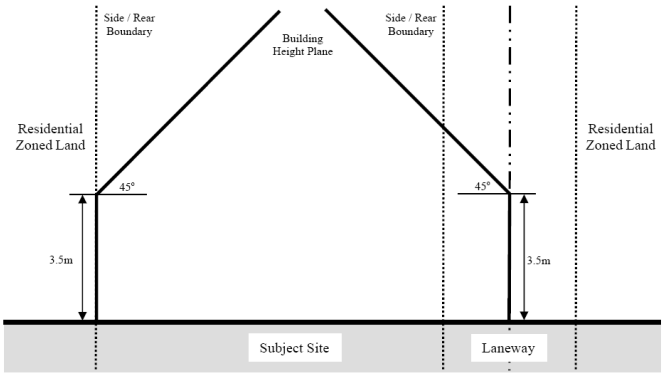

Figure E-2.2:
Building height plane requirements

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 area character statement (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.

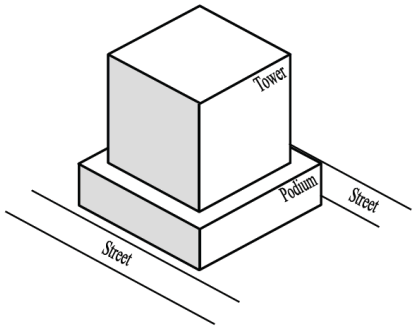

Figure E-2.3:
Podium/tower form of development

2.4.4 Building design

Objectives

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

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 in the relevant area character statement (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 area character statement.

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.

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 area character statement (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.

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 area character statement (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.

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;

(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

O1 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.

O2 To ensure that buildings interact with and contribute positively to their surroundings at street level.

O3 To ensure that buildings contribute to diversity, vitality, social engagement and "a sense of place".

O4 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.

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.

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 area character statements.

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.

(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.

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 area character statement (refer to Part F of the DCP), or if not identified in the relevant area character statement, 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.

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**	1st storey (up to 4m)	900mm	
	2nd storey (up to 7m)	1.5m	
	3rd 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	1st to 3rd storey (up to 10m)	4.5m
		Above 3rd storey (more than 10m)	6.0m

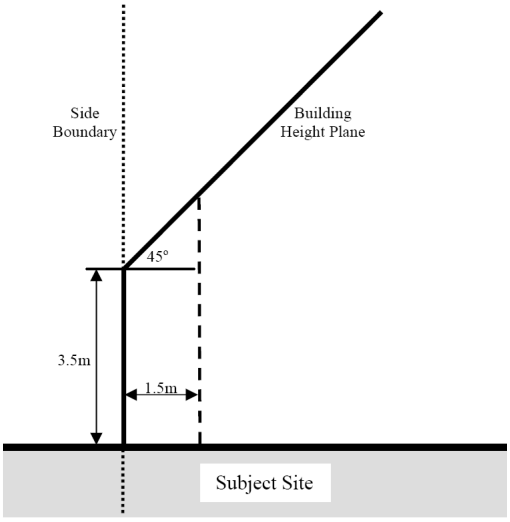

Figure E-3.1:
Setback and building height plane controls for the *R4 High Density Residentia*l zone, where the height limit is equal to 12m or less.

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

(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.

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 materials identified in the relevant area character statement (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 area character statement (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:

(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 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.

3.3.3 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 (m^2)**	**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;

(h) unenclosed balconies[1], 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.

[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.*

3.3.4 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.

TABLE E-3.3: Minimum Landscaped Area and Un-built upon Area Requirements

Zone	Lot Size (m^2)	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%
	All	30%	20%
R4 High Density Residential	All	40%	15%

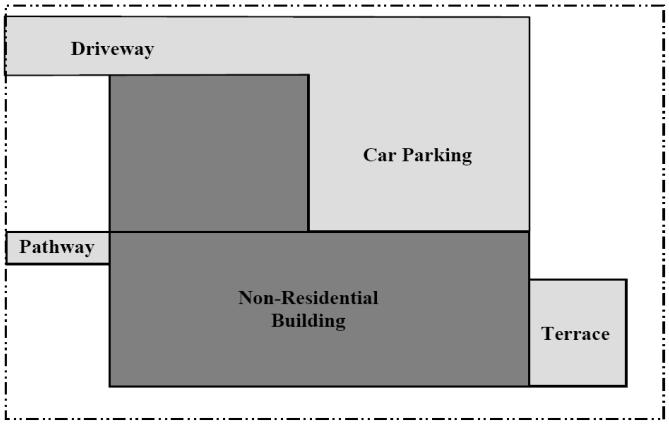

Figure E-3.2:
Areas of "landscaped area", "site coverage" and "unbuilt upon area".

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 area[2];

(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 balconies[3], 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 - 15m^2, with an additional 1m^2 per resident over 6 lodgers; and

(b) Bathroom(s) - 5m^2. 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.

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 $8m^2$ 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 EARLY EDUCATION AND CARE FACILITIES

[NOTE: Under section 3.27 to SEPP (Transport and Infrastructure) 2021, development controls for centre-based child care facilities under a Council's DCP have no effect, where development controls for the same matters are dealt with under the Department of Planning's Child Care Planning Guidelines. At the time that this version of the draft DCP was prepared, Council had not determined the full extent of duplication of provisions and therefore was not in a position to identify which provisions should be removed from the DCP. This review is ongoing and may result in further amendment to this Section which will be addressed as part of the future post exhibition report]

5.1 INTRODUCTION

Well located and designed early education and care facilities, whether they be home based, centre based or school based, contribute to the well being of children. Children and their caregivers require high quality service in facilities that enhance the occupants' well being. Services must meet State Government standards and offer a safe, healthy and accessible environment.

The design of early education and care facilities must serve the needs of children, babies, care giving staff, clerical staff, kitchen staff, cleaning staff and parents. The design must provide adequate space for each of these groups, and take into account their needs in using and working in the facility.

Early education and care facilities can have adverse impacts on the amenity and safety of an area, especially residential areas, through increased noise, traffic and parking impacts, and need to be considered in any development proposal.

5.1.1 General objectives

To ensure that early education and care facilities:

O1 provide affordable, high quality child care, in convenient locations, that meet the needs of the resident and working population;

O2 operate without adverse impacts on the local area; and

O3 guide applicants in providing best practice child care environments.

5.1.2 When does this section of the DCP apply?

This Section of the DCP applies to home-based child care or school-based child care facilities which do not satisfy the exempt development or complying development requirements under Chapter 3 – Educational establishments and Child Care Facilities to SEPP (Transport and Infrastructure) 2021, and therefore require the obtaining of development consent.

Development for the purposes of centre-based child care facilities are required to address the relevant requirements of Chapter 3 – Educational establishments and Child Care Facilities in the SEPP (Transport and Infrastructure) 2021 and the associated Child Care Planning Guideline (2021) published by the former NSW Department of Planning Industry and Environment. Under section 3.27 to SEPP (Transport and Infrastructure) 2021, development controls for centre-based child care facilities under a Council's DCP have no effect, where development controls exist for the same matters that are dealt with under the Department of Planning's Child Care Planning Guidelines.

5.1.3 Relationship to other documents

This Section has been prepared with regard to supplementing the following planning controls, guidelines and standards that apply to development for early education and care facilities:

(a) Chapter 3 – Educational establishments and Child Care Facilities to *SEPP (Transport and Infrastructure) 2021*;

(b) The Department of Planning and Environment's *Child Care Planning Guideline*; which is a mandatory consideration in the abovementioned SEPP and includes guidelines for the following in centre-based child care facilities:

(i) design quality principles on site context, built form, adaptive learning spaces, sustainability, landscape, amenity, safety;

(ii) site selection and location

(iii) local character, streetscape and the public domain interface

(iv) building orientation, envelope, building design and accessibility

(v) landscaping

(vi) visual and acoustic privacy

(vii) noise and air pollution

(viii) hours of operation

(ix) traffic parking and pedestrian circulation

(x) National regulations on the internal and external physical environment in child care centres.

(c) North Sydney Council's *Family and Children's Services Strategy*;

(d) North Sydney Council's *Child Care Centres Best Practice Guide*;

(e) North Sydney Council's *Best Practice Guidelines for Above Ground Floor Child Care Centres*, prepared by KU Children's Services (2019);

(f) NSW Cancer Council's *Shade for Early Childhood Services*(2010)

(g) the *Children (Education and Care Services) Supplementary Provisions Act 2011*;

(h) the *Education and Care Services Regulations*;

(i) the *Children (Education and Care services) Supplementary Provisions Regulation 2019;*

(j) the *National Quality Standard for Early Childhood Education and Care and School Age Care (2018);*

(k) the Association of Australian Acoustic Consultants' *Technical Guidelines – Child Care Centre Noise Assessment;*

(l) Australian and NZ Standard AS/NZS4422:1996 – Playground surfacing.

In this manner, and consistent with the requirements outlined within the Education and Care Services Regulations, a License is required from the Department of Education (DoE) prior to operation of the proposed child care facility. Applicants should consult with DoE to determine licensing requirements prior to lodgement of a development application with Council. It should be noted that the granting of development consent by Council will not necessarily result in the issuing of a licence from DoE.

In the case where an inconsistency exists between this Section of the DCP and the NSW *Education and Care Services Regulations* or the *Children (Education and Care services) Supplementary Provisions Regulation 2019*, these Regulations and their successors will prevail.

All applications are required to comply with:

(a) the performance based standards in the *National Quality Standard for Early Childhood Education and Care and School Age Care* (2009) and its successors;

(b) the performance based standards in the NSW *Education and Care Services Regulations* and the *Children (Education and Care services) Supplementary Provisions Regulation 2019* and their successors; and

(c) the relevant provisions contained within:

(i) the Building Code of Australia (Child Care Centres are classified as 9b buildings); and

(ii) Australian Standards 1428.3.

5.2 LOCATION

Objectives

O1 To ensure that the users of child care facilities are not affected by adverse noise or air quality or by the presence of inappropriate land uses.

Provisions

P1 Child care facilities must not front a state road (as defined under the *Roads Act 1993*).

P2 Child care facilities must not be located adjacent to or within 100m of a sex service premises or a restricted premises, injecting room, drug clinic or the like.

P3 An electro-magnetic field and radio frequency impacts assessment must be undertaken where the source is within 300m of a proposed child care facility.

5.3 SITING

It is preferable to provide child care facilities at the ground floor level as they enable high levels of access to soft landscaped outdoor play spaces and enable more efficient and safer evacuation if the need arises. However, Council acknowledges that locating facilities at the ground level may not always be possible due to the high levels of density of development in some areas (e.g. North Sydney, St Leonards, Neutral Bay town centres).

Objectives

O1 To provide access to naturally landscaped outdoor play areas.

O2 To ensure the safe evacuation of children in the event of an emergency.

Provisions

P1 Child care facilities should be located at ground level wherever possible.

P2 Council may consider approving a child care facility located above ground floor level, subject to the following criteria being met:

(a) A fire isolated safe haven is provided within the facility, where children and staff can muster during the initial stages of a fire alert or other emergency.

(b) The safe haven must be physically open onto either:

(i) a fire stair dedicated to the facility, incorporating handrails designed for children to hold onto and prevent children from falling through; or

(ii) an emergency fire rated lift dedicated to the facility.

(c) The safe haven should be of such a size to cater for the maximum capacity of the centre and is to be excluded from the indoor space controls per child (best practice is to provide a minimum of 0.25sqm per child and staff).

(d) An Emergency Evacuation Plan, prepared by the intended operator of the facility must be submitted with the development application. The Emergency Evacuation Plan must demonstrate how the child care facility may be evacuated

independently of any other use within the building. Details of the evacuation proceeds for the remainder of the building will also need to be provided.

(e) Indoor play areas are not impeded by internal features such as columns.

(f) The minimum area of indoor play spaces are to be increased by the same amount of any decrease in the minimum outdoor play space requirements, unless it can be adequately demonstrated that safe access to an off-site outdoor play area can be provided.

(g) Outdoor areas are provided with protection from adverse weather.

(h) Outdoor areas are oriented to the north to maximise solar access and natural light and views.

5.4 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.

O3 To ensure that appropriate numbers of staff are provided.

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.

P4 The ratio of staff to children must comply with those permitted under the *National Quality Standard for Early Childhood Education and Care and School Age Care* (2018).

5.5 ENTRY

Objective

O1 To ensure that patrons can easily identify the entrance to the facility and be protected from inclement weather.

O2 To ensure the safety of children using the facility.

Provisions

P1 Entrances to school-based child care facilities are clearly marked by appropriate signage.

P2 Weather protection, such as an awning, is provided to the main entry to the building containing a centre based or school-based facility and are designed and constructed to complement the building to which it is attached.

P3 Where a school-based child care facility is located within a building that also accommodates other uses, a separate dedicated entrance must be provided.

5.6 ACCESS AND MOBILITY

Objectives

O1 Safe and easy access within, into and out of the child care facilities.

Provisions

P1 Child care facilities must be designed in accordance with Australian Standard 1428.3 (Design for Access and Mobility. Part 3: Requirements for children and adolescents with physical disabilities).

5.7 SAFETY AND SECURITY

Objectives

O1 To ensure all users are capable of entering and leaving the child care facility in a safe manner.

Provisions

P1 On site parking spaces and set-down and pick-up areas are well lit.

P2 Entry gates are located within sight of staff in the office.

P3 Bells, alarms or other suitable mechanisms are to be provided on the entry gate to alert staff as to when someone is entering or leaving the child care facility.

P4 An Emergency Evacuation Plan must be submitted to Council with any development application.

P5 Entry to a child care facility should be limited to one secure point, which is to be:

(a) appropriately located to allow ease of access;

(b) adequately signposted;

(c) well lit;

(d) accessible by pedestrians and motorists;

(e) safe from pedestrian and vehicle transition areas;

(f) visible from the street if located within a separate building, or building foyer if located in a multiple occupancy building;

(g) of sufficient size to prevent congestion, taking into consideration the capacity of the child care facility;

(h) monitored through either natural or camera surveillance; and

(i) incorporate a transitional space which is to be adequately fenced and separated from the entrance.

5.8 AIR QUALITY

It is important to consider the health of children in the local area by providing for them an environment which, ideally, protects them from pollution, and if this is not possible, at least manages (and thereby minimises) their exposure to pollutants. This can be achieved by considering the location and design of a child care facility, and aspects of its operation.

Applications where the environmental risk assessment report indicates that exposure to pollutants cannot be reduced to the satisfaction of Council, may be refused on these grounds.

Objectives

O1 Minimise the health impacts from air pollution on children.

Provisions

P1 All applications must be accompanied by an Air Quality Assessment Report to determine the level of pollutants within and surrounding the site of the proposed child care facility.

P2 Child care facilities located on or adjacent to:

(a) major roads (including state and regional);

(b) roads where there is an average daily traffic rate of more than 5,000 vehicular trips per day; or

(c) sites where the external noise level exceeds 55 dBA (L_{A90} 24 hours),

must incorporate the use of pollution reduction measures such as:

(d) air conditioning systems; and

(e) play areas located away from pollution sources.

5.9 DROP OFF AND PICK UP OF CHILDREN

Objective

O1 To ensure the safe and efficient transfer of children to and from the child care facility.

Provisions

P1 Parking spaces for the set down and pick up of children are to be provided no more than 50m from the child care facility.

P2 The provision of associated car parking does not substantially modify the streetscape.

P3 Spaces are clearly marked to reflect that they are for the exclusive use of the child care users between the peak am and pm hours of the centre (i.e. 7.30am-9.30am and 4.30pm-6.30pm).

P4 Where the parking is provided underground, that parking is located within 20 metres of a lift which has access to the child care centre.

P5 Secure, undercover pram storage should be provided at 1 space for every 2 children under two years of age.

5.10 PLAY SPACES

Well designed indoor spaces enhance the well being of the users of the child care facility. The quality of the indoor space affects the level of child involvement and the type of interaction between staff and children.

Indoor space requirements refer to areas used by children for sleeping, eating and playing, and by staff for the caring of children and undertaking duties within the centre. Passageways, kitchens, toilets and shower areas, or other facilities such as cupboards, are not included when calculating this floor area.

Children require outdoor space so they can move freely and engage in vigorous play. Outdoor space also offers sensory stimulation, provided by different surfaces, exposure to fresh air, sunlight, wind and even rain.

Ideally outdoor space will be exposed to the sky to provide direct sunlight, breezes and fresh air, and will have access to shelter and shade. However, it is recognised that in some instances, such as within commercial zones, the provision of this type of space can be difficult, and outdoor space may also be in the form of:

(a) Podium levels - Particular consideration must be given to access to daylight and sunlight, the safety fencing of outdoor play areas, noise and fire exits.

(b) Rooftops - Particular consideration must be given to the impact of winds, plant and machinery on nearby rooftops, safety fencing of the play area, and fire exits.

(c) Indoor / outdoor areas - Particular consideration must be given to isolating the children from the effects of noise, pollution and winds, and access to natural light and air. Planting, climbing equipment and visual features must provide an interesting and stimulating experience for the children.

5.10.1 Indoor spaces

Objectives

O1 Ensure that adequate indoor space is provided for children and staff to learn and grow.

Provisions

P1 A minimum of 3.25m^2 of unencumbered indoor floor space per child care place must be provided.

Note: *To ensure a reasonable level of amenity is achieved, provision 4.5m^2 per child care place is considered to be best practice.*

P2 In addition to P1, a minimum of 10m^2 of unencumbered indoor floor space per employee must be provided to accommodate office space/s, staff room/s, sick bay area/s and adult toilet and shower facilities, located within the licensed floor area.

P3 Playroom spaces are to be designed such that they are not impeded by internal building features such as columns.

5.10.2 Transition Areas

A Transition Area comprises an indoor or outdoor area which performs an important role in helping extend children's play into the outside areas (e.g. covered verandah or terrace).

Objectives

O1 Outdoor play in all weather conditions.

O2 Integration of indoor and outdoor play spaces.

O3 Transition areas that are safe, comfortable and of a functional size.

Provisions

P1 Transition areas must be located between the indoor space and outdoor space and be able to be supervised from outside of the area.

P2 The area may be included in calculations of outdoor unencumbered space.

Note: *To ensure a reasonable level of amenity for the users of the facility, the provision of Transition Areas in addition to the minimum requirements for indoor and outdoor spaces is considered to be best practice.*

P3 The area should be a minimum of 4 metres wide.

P4 The transition area must be designed to allow indoor and outdoor activities to be conducted undercover.

P5 The transition area must be designed in a manner that offers protection from unfavourable weather conditions, including strong winds and rainfall.

5.10.3 Outdoor space

Objectives

O1 Ensure that outdoor spaces allow children to play and experience sunlight, breezes and fresh air.

O2 Ensure that outdoor spaces provide an environmentally, safe and healthy area for play.

Provisions

P1 A minimum of 7m^2 of open space per child care place must be provided.

Note: *To ensure a reasonable level of amenity is achieved, provision 10m^2 per child care place is considered to be best practice.*

P2 Must not be located directly adjacent to a state road.

P3 Ensure that exposure to adverse weather and environs such as external noise, pollution and winds is minimised.

P4 Locate seating and outdoor play equipment in shaded areas.

P5 Ensure outdoor space has a northern orientation with access to views and receives a minimum of 2 hours direct sunlight per day.

P6 Ensure outdoor space is adequately shaded in accordance with the NSW Cancer Council's *Guidelines to Shade*.

P7 Physical shading devices are to provide sun protection to children and to be integrated into the design of the building.

P8 The playground space should be a compact square, rectangular or L-shaped area sited on one or two sides of the building, to facilitate functional use by children and effective supervision by staff.

P9 Use plant species in landscaping that are not harmful to children or the environment. Avoid the use of noxious and environmental weeds (as listed on Council's website).

P10 A detailed landscape plan prepared by a qualified landscape architect or other design professional with demonstrated experience in the design of children's play spaces must be submitted with any development application for a child care facility. The landscape plan must illustrate:

(a) the separation of play areas for different age groups including the location of low fencing, planting and other structures which divide the areas but allow for interaction between the ages;

(b) the separation of outdoor play space into active and quiet zones;

(c) the type and placement of any fixed play equipment;

(d) the location and type of shade structures;

(e) the use of a variety of surfaces such as timber decking, artificial grass, sand etc. Surfaces are to comply with AS 4422 – Playground Surfacing;

(f) the use of a variety of textures, shapes and forms, with a blend of natural and artificial materials and plantings, that are highly interactive with the children and stimulate the senses;

(g) storage areas which can be used by staff without leaving the children;

(h) access to water should be available in the playground so that staff can fill up water troughs of supply water to the sandpit to enhance children's play;

(i) drainage;

(j) sandpits that:

(i) have a minimum depth of 450mm;

(ii) are designed to minimise the spillage of sand, preferably with an edge that can be swept; and

(iii) incorporate a cover when not in use.

(k) Outdoor play spaces located above ground level must be enclosed by a combination of walls and fences a minimum of 1800mm high to prevent children from falling or climbing out of the space and to prevent items from being thrown out of the space.

5.10.4 Indoor-Outdoor spaces

Objectives

O1 To ensure useable outdoor space is provided for children regardless of locational constraints.

Provisions

P1 Indoor-outdoor spaces will only be considered in locations where it can be proven that the required level of outdoor space can not be provided.

Note: *The North Sydney Centre, St Leonards and mixed use areas of Crows Nest, Milsons Point, Neutral Bay and Cremorne are examples of where the provision of indoor-outdoor spaces may be considered acceptable.*

P2 A landscape plan must be prepared by a qualified professional and submitted with any proposal for a child care facility detailing the same variety of elements and design considerations as for outdoor spaces in Section 5.9.3.

P3 Spaces are to be provided with natural light through windows and skylights.

P4 Spaces must incorporate higher floor to ceiling heights than indoor spaces.

P5 Spaces should be provided with access to natural air flows and the ability for children to see out.

P6 Spaces to be provided with a sandpit and associated drainage for water play.

P7 Spaces should include a variety of natural materials.

P8 Spaces must be physically separated from indoor spaces with visual and physical access between the two areas for staff and children.

P9 Spaces are not impeded by internal features such as columns.

5.10.5 Fences

Objectives

O1 To ensure that fences complement the exist design features of the building, and adjoining buildings where appropriate.

O2 To ensure that fences provide maximum protection for children.

Provisions

P1 All fences within and bordering child care facilities are to meet the Australian Standards for safety. The design and height of fencing should prevent children from scaling, or crawling under the fence.

P2 Use materials and finishes for fences that complement characteristic visual elements in the surrounding physical environment and do not dominate the streetscape.

P3 If perimeter fences of the outdoor space are close to a major road or a hazard, make them higher than the Australian Standard of 1200mm.

P4 Provide a childproof self-locking mechanism on all gates.

P5 Fences to outdoor play spaces located above ground level should be a minimum of 1800mm high.

5.11 VISUAL AND ACOUSTIC PRIVACY

Good management of privacy issues ensures the child care facilities are well integrated within the local context.

While child care facilities are beneficial within a community, there can be noise issues arising from the operation of the facility, which can be addressed by considering the location and orientation of outdoor space, driveways, parking and access. In residential areas the location of windows and doors can influence noise impacts on nearby homes.

5.11.1 Visual privacy

Objectives

O1 To ensure that both the users of the facility and adjoining property owners are afforded appropriate levels of visual privacy.

Provisions

P1 Provide screening by trees, fencing and window coverings to minimise overlooking and noise impacts.

P2 Locate any play structures at least 3m from any property boundary located adjoining a residential property.

5.11.2 Acoustic privacy

Objectives

O1 To ensure that the operation of the child care facility does not adversely impact on the acoustic amenity of adjoining properties.

Provisions

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

SECTION 6 SEX SERVICES AND RESTRICTED PREMISES

6.1 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.

6.1.1 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.

6.1.2 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.

6.1.3 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*.

6.2 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.

6.3 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.

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.

6.4 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.

6.5 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 7 - *Advertising and Signage* to this DCP.

6.6 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.

6.7 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 ADVERTISING AND SIGNAGE

7.1 INTRODUCTION

Advertising and signage is a prominent feature of the skyline and streetscape in North Sydney. It is an integral part of the streetscape in commercial centres, shopping villages and mixed uses areas, providing information to people on business locations, products and services. However, there is also a need to ensure that signage does not dominate or detract from the character of an area.

This Section has been formulated having regard to *Outdoor Advertising - An Urban Design-Based Approach* produced by the NSW Department of Planning and the Victorian Department of Planning and Housing. In particular, the Section aims to maintain the characteristics of buildings, streetscapes, vistas and the significance of Sydney Harbour and to encourage well designed and carefully positioned signs that contribute to the vitality and character of North Sydney, while having regard to the amenity of residents, pedestrians and the safety of motorists.

7.1.1 General Objectives

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

O1 is designed, sized and positioned in a consistent manner;

O2 does not detract from significant views, vistas and sensitive streetscapes;

O3 adds character to the streetscape and complements the architectural style and use of buildings;

O4 minimises visual clutter or environmental degradation through proliferation;

O5 minimises the potential for adverse impacts on sky glow from the illumination of signs;

O6 conveys the advertiser's messages or images without causing an adverse social impact upon the community; and

O7 Minimises impacts upon the safety of drivers and pedestrians.

7.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications incorporating signage that can be seen from a public place such as a street, waterway or public reserve. Some types of signage are also permitted without development consent (refer to Part 2 of *SEPP (Exempt and Complying Development Codes) 2008*).

7.1.3 Relationship to other documents and planning policies

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

(a) ***Chapter 3 – Advertising and Signage to SEPP (Industry and Employment) 2021***

The SEPP contains specific provisions relating to all forms of signage. Applications for all forms of signage, must give consideration to Parts 3.1, 3.2 and Divisions 1 and 2 to Part 3.3 and Schedule 5 of the SEPP. Applications for signage, other than building or business identification signs or signage which is exempt development, are also required consider the provisions of Division 3 to Part 3.3 and Part 3.4 of the SEPP.

(b) ***Transport Corridor Outdoor Advertising and Signage Guidelines***

This Guideline is required to be considered where signage is proposed to be located on Transport Corridor land as identified under *SEPP (Industry and Employment) 2021*.

(c) ***Building Code of Australia*** (BCA)

Part B of the BCA contains provisions dealing with dead and live loads, load combinations and wind loads which may have an impact the way a proposed sign is designed and affixed to a building or site.

(d) ***Australian Standard AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting***

This Standard contains relevant guidelines for external illumination devices providing recommended limits for the relevant lighting parameters to contain obtrusive illumination effects within tolerable levels.

7.2 ADVERTISING DESIGN ANALYSIS

The following advertising design analysis aims to provide guidance on desirable forms of advertising in North Sydney for different zones and areas. Advertising design should reinforce the character of advertising described in this analysis.

7.2.1 E1 Local Centre Zone

(a) Waverton, Cammeray, Kirribilli, Blues Point Road

These areas consist mainly of one and two storey buildings with shops at ground floor level that serve the local needs of the community and some shop top housing above. Existing signage is limited to small scale business identification signs such as fascia, under awning (some illuminated), top hamper and window signs. There are no large scale advertisements given the limited scale of the built form. The existing character of these villages should be retained by limiting signage to small scale business identification signs in the forms previously described.

7.2.2 MU1 Mixed Use Zone

(a) Milson's Point

Milsons Point has a diverse range of land uses including residential, commercial and retail that are mostly located in multi storey buildings that have a prominent location on the foreshores of Sydney Harbour. Signage in Milsons Point is a mixture of small business identification signs (fascia, under awning, wall, projecting wall signs). There are some larger wall and roof signs on building elevations that are quite visible from Sydney Harbour. To enhance the views of North Sydney from Sydney Harbour and the Bradfield Highway, future signage should be limited to small scale business and/or building identification signs at lower levels where commercial development is permitted under NSLEP 2013.

(b) Crows Nest

Crows Nest is a lively, interesting main street shopping village that is predominately two storey with mostly retail shops and cafes at ground level. Current signage is limited to small scale business identification signs (under awning signs, fascia signs, projecting wall signs and window signs). There are, however, three large roof signs at the major intersection of Falcon Street, Shirley Road and the Pacific Highway that have an adverse impact upon the streetscape. For this reason, further large and/or roof signs are discouraged in the Crows Nest area. Signage in the Crows Nest Village should remain small scale especially along Willoughby Road where there is a small scale village atmosphere and along Pacific Highway where the traditional two storey parapet shopfront is a dominate feature. Above awning signs on traditional shop frontages should be avoided to enhance the character of the Crows Nest Village Centre.

(c) St Leonards

St Leonards has been rezoned from a former commercial and industrial area to mixed use and commercial. There are a number of large existing roof and wall signs that currently dominate the skyline so any additional signage of this type should be avoided. Signage in this area should be limited to small scale business identification advertisements at ground

level (under awning, fascia, top hamper) and no new larger illuminated wall and roof signs at upper levels.

(d) Cremorne and Neutral Bay

The built form in the Cremorne and Neutral Bay villages is generally two storeys with small shops located at ground level. Signage is limited to small scale business identification signs (under awning, fascia, top hamper sign, window, projecting wall signs). There are two undesirable forms of signage that have an adverse impact on the streetscape including a bridge sign located on the pedestrian link to SCEGS Redlands and a large wall sign on Military Road near Wycombe Road. Future signage should, therefore, be limited to small scale business identification signs at ground floor level to promote commercial activity in the area.

7.2.3 E3 Productivity Support Zone

(a) McMahons Point

This area is a mixture of modern two or three storey commercial buildings amidst one or two storey historic terrace houses and timber or stone cottages. Most of the non-residential uses in McMahons Point provide support services for businesses located in the North Sydney Centre such as advertising agencies, printers, graphic designers, publishers. Existing signage is mostly small business or building identification signs including fascia and illuminated under awning signage. There are no large scale signs within the Productivity Support zone with signage limited and subdued to preserve the partially residential character of the area. Small scale business identification signage is the desired level of advertising for this area.

7.2.4 North Sydney Centre

North Sydney Centre is a vibrant, prosperous commercial centre consisting mainly of multi storey commercial buildings. The area is well serviced with community facilities such as North Sydney Oval, the Stanton Library and the Civic Centre Park and the Don Bank Museum. Within the North Sydney Centre are two conservation areas (McLaren Street and Walker Street) that contain significant landmarks such as St Thomas Church and the Council Chambers.

Signage within the North Sydney Centre is diverse with a number of large illuminated wall and roof business identification signs that dominate the skyline. In addition to larger advertisements, there are numerous small scale business identification signs at street level including under awning and window signs, top hamper signs, free standing signs, fascia signs and projecting wall signs.

The visual impact of the larger illuminated roof and walls signs in the North Sydney Centre is significant given their prominent location on the shores of Sydney Harbour and their close proximity to Bradfield Highway. To enhance views from Sydney Harbour, large business identification wall signs on multi storey buildings above first floor level should be limited to two per building that are incorporated into the overall design of the building. Generally, additional signage should be limited to small scale business identification signs at ground floor level to convey messages to potential customers in preference to large scale roof and/or sky signs.

7.3 FAÇADE GRID ANALYSIS

This is a simple technique that can be used to:

(a) comprehensively identify sign opportunities for inclusion by the council in any more detailed development control plan for specific precincts;

(b) identify appropriate sign opportunities for developers and occupants; and

(c) assess specific development applications for signs.

While the technique relates specifically to traditional building facades (such as those commonly found in strip- shopping centres), the principles can be applied to all building forms.

Signage does not necessarily have to be placed on a building's front facade. For example, they can be placed on side-walls provided they do not interfere with the adjoining development. In these circumstances the principles of the technique still apply.

The technique is set out in the four steps below.

STEP 1:

To identify sign opportunities, subdivide the building's facade along its main design lines to form a series of panels. Many traditional building designs can be easily broken into a grid based on the alignments of the parapet (skyline), cornice, verandah, window and door. An example of this procedure is shown in Figure E-7.1.

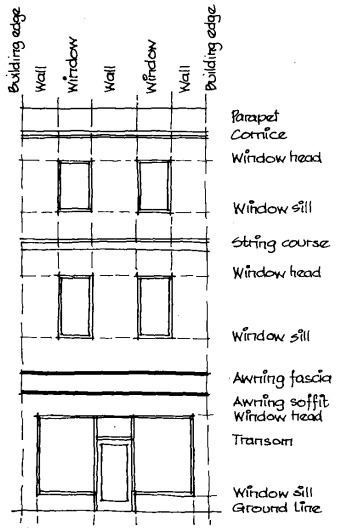

Figure E-7.1:
Establishing a façade-grid

STEP 2:

To identify possible signage locations, the rectangles of the grid may be used separately or be joined together to form horizontal or vertical panels (refer to Figure E-7.2).

The scale of advertising signs should be compatible with the buildings they are on, as well as with nearby buildings, street widths and other existing signs. In most cases appropriate dimensions are achieved by restricting signs to grid locations or panels. This ensures that the original architectural character (set by the lines of awnings, window and door openings, parapet lines and setbacks) remains dominant.

On buildings with decorative facades, signs should not be placed on the decorative forms or mouldings. Instead, they should appear on the undecorated wall surfaces, unless architecturally-designed sign panels are provided.

Figure 2 also shows that a building may be given a horizontal or vertical appearance simply by the way in which the sign panels are arranged across or down a building.



Figure E-7.2:
Horizontal or vertical panels

STEP 3:

Applying the technique to a series of buildings also illustrates the possible panels for the streetscape and provides the basis for developing patterns and themes for a group of buildings and or tenancies.



Figure E-7.3:
Developing patterns and themes



Figure E-7.4:
Improving discontinuities in streetscapes

Figure E-7.3 shows how the technique produces a uniform and clean series of sign possibilities instead of a haphazard array. It also shows that sign panels do not have to be

rectilinear in design or contained in a perimeter margin unless these impose an architectural formality or introduce a continuity with the surrounding area which is presently lacking in the building.

Figure E-7.4 shows how a variation of the technique can be used to help correct discontinuities in streetscape. The lines of adjacent buildings may be projected across the facade of the building, thereby defining horizontal panels in which signs may be located. This will achieve visual continuity with neighbouring buildings.

STEP 4:

Not every panel identified using this technique should be used to display a sign. The number and size of signs proposed is determined by provisions contained in the remaining parts of this Section of the DCP. In deciding which of the panels is the appropriate space for advertising, the following matters should also be considered:

(a) the number and location of existing signs;

(b) the quality of the streetscape; and

(c) the objectives and provisions of this Section of the DCP.

7.4 General Controls - Design, Scale and Size

Objectives

O1 To ensure that signage does not detract from the architecture of existing buildings, streetscapes and vistas.

Provisions

P1 Signage attached to buildings is to be designed, scaled and sized having regard to a façade grid analysis.

P2 Where practical signage not attached to buildings must be designed to have regard to the size, height and scale of nearby buildings and their elements.

P3 Signage should be visually interesting and integrated with the architecture of the building.

P4 Lettering, materials and colours should be used that complement the existing building or place.

P5 Signage must not dominate the building or site to which it is attached.

P6 Do not locate signage where it will obstruct views, vistas or cause significant overshadowing.

P7 Signage must not dominate the skyline or protrude above any parapet or eaves.

P8 Signage must not cover any window, other opening or significant architectural features of the building.

P9 The proposed means of fixture to the building or any support structure for freestanding signs must be consistent with the relevant character statement in Section 7.2.

P10 Avoid freestanding signs that dominate the skyline when viewed from the ground within one kilometre.

7.5 Location

Objectives

O1 To establish a consistent approach to the positioning of signage and to enhance the streetscape.

Provisions

P1 Where relevant, signage should be located to take account a façade-grid analysis.

P2 The preferred location for signage is identified in the relevant character statement in Section 7.2.

P3 Signage should be located such that they do not unreasonably obstruct accessible paths of travel for pedestrians.

P4 Signage should be located such that they do not obscure a driver's or pedestrian's sightlines, especially in the vicinity of intersections, traffic control devices or driveways.

P5 Provide signs that respect the viewing rights of other advertisers.

7.6 RESTRICTIONS

Objectives

O1 To avoid visual clutter and the proliferation of signs.

O2 To ensure that advertisements relate to the use of the land on which they are located.

O3 To preserve residential character, streetscapes and vistas.

O4 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 The following forms of advertising structures are not considered appropriate:

(a) Above awning signs,

(b) Flag pole signs,

(c) Inflatable signs,

(d) Moving and flashing signs,

(e) Sandwich boards,

(f) Video or variable message signs,

(g) Animated signs,

(h) Roof or sky signs, and

(i) Large signs (>20m^2 or higher than 8m), including billboards.

P2 Must not provide more than one large building and/or business identification sign per building, allocated to a major tenant of that building.

P3 Avoid advertising products that are not sold on the premises.

P4 Maximum of one directory board per multiple-occupancy buildings.

P5 Where provided, the name or logo of the person who owns or leases an advertisement must be integrated into the advertising display area and not exceed 0.25m^2 in area.

P6 Confine advertising signs for sex services and restricted premises to one business identification sign that identifies the street or suite number, telephone number and name of the person who conducts the business or the registered name of the business, and locate the sign at ground floor level outside the entrance to the premises with a maximum size of 0.5m x 0.5m.

P7 For advertising in outdoor dining areas and goods display on footpaths:

(a) Limited advertising may be displayed on furniture and equipment, with a maximum of one advertisement per item, limited in size so that it is a minor element only.

(b) Where logos are proposed, these are to comply with Schedule 6 of the ***North Sydney Outdoor Dining & Goods Display Policy***.

(c) Do not display any general advertising.

(d) Do not place sandwich boards on the footpath.

P8 Any consent granted by Council for advertising signs (i.e. not building identification or business identification signs) is valid for a maximum of three (3) years.

7.7 CONTENT

Objectives

O1 To minimise the social impact of advertising in the public interest.

Provisions

P1 All advertising must comply with the requirements of the Australian Association of National Advertisers' *Code of Ethics* and Outdoor Media Association's *Code of Ethics*. In particular, advertisements must:

(a) comply with any Commonwealth or State laws (i.e. the Tobacco Advertising Prohibition Act 1992);

(b) not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

(c) not depict material contrary to Prevailing Community Standards on health and safety.

P2 The advertising of alcohol products is not permitted, unless those products are sold on the subject premises.

P3 Changes in content or message of any Council approved sign does not require development consent, provided the proposal meets the exempt development provisions of Part 2 of SEPP (Exempt and Complying Development Codes) 2008 and relevant provisions of Chapter 2 - Infrastructure to *SEPP (Transport and Infrastructure) 2021*.

7.8 PEDESTRIAN AND ROAD SAFETY

Objectives

O1 To ensure that signage does not adversely affect driver and pedestrian safety.

Provisions

P1 Signage should be designed in accordance with the provisions contained within the *Transport Corridor Outdoor Advertising and Signage Guidelines* (2017).

P2 Messages and signage structures must be designed such that they do not result in a pedestrian or driver being confused with messages contained within road traffic signs, signals or other traffic information device.

P3 The proposed sign does not obscure a road hazard, traffic warning or directional sign or signal, oncoming vehicles or pedestrians.

P4 Avoid advertising messages, designs, or bright lighting that may distract motorists or pedestrians.

P5 Signs must not be located where drivers and pedestrians require a higher level of concentration (e.g. major intersections).

7.9 SIGNS ON HERITAGE ITEMS AND IN CONSERVATION AREAS

Objectives

O1 To ensure signage does not impact on the ability to conserve the significance of heritage items and/or conservation areas.

Provisions

P1 Maximum of one sign per property, which is a minor element and restrained in design.

P2 Despite P1, Council may consider permitting a maximum of 1 sign per non-residential tenancy, where the building contains multiple occupancies.

P3 Original signs are retained and conserved at the site where possible.

P4 Avoid new signs on side walls of buildings.

P5 Provide a high standard of materials and graphics.

P6 Where practical, use traditional designs, signage types, locations, colours, lettering and construction methods.

P7 Illuminated signs on heritage items are generally not permitted.

P8 Despite P7, Council may permit illuminated signage on a heritage item, but only if:

(a) The heritage significance of the item will not be unreasonably affected by the proposed illumination devices, and

(b) The form of illumination (i.e. externally or internally illuminated) generally reflects the period and style of the heritage item to which it is attached, and

(c) The illumination is required for operational purposes after dark.

7.10 ILLUMINATION

Objectives

O1 To ensure that the local amenity is preserved with appropriate levels of illumination.

O2 To minimise increases in sky glow that can impact on astronomical observations.

Provisions

P1 Signs must not be illuminated between 1.00am and 7.00am.

P2 All illuminated signs are to be fitted with automated timing devices to ensure compliance with operating hours to P1.

P3 Provide levels of illumination that do not cause light spillage for nearby properties.

P4 Avoid positioning illuminated signs on properties fronting laneways between residential and commercial areas.

P5 Must comply with the relevant requirements of *AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.

7.11 CONTROLS FOR SPECIFIC SIGN TYPES

Objectives

O1 To minimise the visual impacts on the quality of vistas, streetscapes and skylines.

O2 To permit building wrap advertisements in limited circumstances to improve the LGA's visual appearance during the construction of new building works and to permit limited third party advertising to assist in the cost of providing such advertisements.

O3 To provide limited opportunities to permit large scale temporary advertisements that relate to regional, state or national events of social, historical, cultural or sporting interest that are to occur within the Sydney Metropolitan Region.

Provisions

Roof or sky signs

P1 Roof or sky signs are generally not permitted. However, Council may consider new roof or sky signage, but only where:

(a) the new signs replace one or more existing roof or sky signs and improve the visual amenity of the locality; or

(b) the new signs improve the finish and appearance of the building and the streetscape.

P2 Roof or sky signs will only be permitted if they are associated with a non-residential use in the *E2 Commercial Centre* or *MU1 Mixed Use* zones.

P3 Roof or sky signs must not be positioned higher than the highest point of any part of the building, including lift overruns or air conditioning plants but excluding flag poles, aerials, masts and the like.

P4 Roof or sky signs must not be wider than any part of the building and also in accordance with the relevant desired character statement in Section 7.2.

Wall signs

P5 Only one wall sign per building elevation.

P6 Integrate wall signs into the overall design of the building.

P7 Avoid signs that have an area greater than:

(a) 10% of the area of the wall if the elevation is > 200m^2

(b) 20m^2 if the elevation is greater than 100m^2 but < 200m^2

(c) 20% for elevations of <100m^2

P8 Wall signs should not protrude more than 300mm from the wall to which it is attached.

P9 Avoid locating a wall sign on a building elevation if there is an existing building or business identification sign.

Under awning signs

P10 Under awning signs must be located 2.6m above natural ground level, not exceed 2.5m in length or 500mm in height.

Bus shelters

P11 Third party advertising is permissible on bus shelters, but only if it meets a public benefit test to ensure that the advertising will result in a positive gain or benefit for the community.

Multi-function poles

P12 The message of the advertisement must be limited to cultural and civic events.

Note: *A civic event comprises any event that is endorsed by Council.*
A cultural event comprises an event relating to sport, theatre, art, cinema, religious events, community festivals and the like.

P13 Advertisements are not to comprise more than 1 message per multi-function pole and not comprise more than 4 different messages for all multi-function poles within a particular commercial or village centre.

Free standing advertising panels

P14 Limited to land within the North Sydney Centre as identified by NSLEP 2013.

P15 Minimum setback of 600mm from the kerb line of any road or laneway.

P16 Must maintain a minimum unobstructed width of 2m across any footpath along the Pacific Highway and Miller Street and 1.5m on any other street or laneway.

P17 Not located:

(a) on kerb blisters;

(b) Within 10m of an unsignalised intersection, of the departure side of a marked pedestrian crossing or pedestrian refuge; and

(c) Within 20m of a signalised intersection, the approach to a marked pedestrian crossing or pedestrian refuge, a bus zone, the entrance of a railway station, reported pedestrian accident.

P18 A minimum clearance of 900mm is maintained between any freestanding advertising structure and trees and garden plots, public seating, rubbish bins, bicycle hoops, parking signs, parking meters and power poles.

P19 Freestanding advertising structures are not to be located in front of any ground floor business premises tenancy capable of being used for a food and drink establishment with any associated outdoor dining area.

P20 Freestanding advertising structures are not permitted to be located directly on that part of a footpath located directly adjacent to a heritage item.

P21 Any advertising structures are located such that they are clearly visible, well lit and colour contrasted where appropriate to assist people with vision impairments.

P22 Discouragement of signs supported on poles, which may be problematic for users of sight-canes.

P23 Whether hazard warnings, such as tactile indicators, are needed to indicate possible dangers for people with vision impairments.

P24 Any such advertising on publicly owned land must meet a public benefit test to ensure that the advertising will result in a positive gain or benefit for the community.

P25 The display area of a message on a freestanding advertising panel is limited 1.2m wide x 2.0m in height.

P26 Freestanding advertising structures are not to exceed any overall height of 2.6m above existing ground level.

P27 Must not result in any cumulative impacts or visual clutter created by the proposed signage.

Building wrap advertisements on scaffolding / hoardings

P28 Building wrap advertisements which form part of scaffolding on development sites will only be permitted in the following zones under NSLEP 2013:

(a) *E1 Local Centre*;

(b) *E2 Commercial Centre*;

(c) *MU1 Mixed Use*; and

(d) *E3 Productivity Support*.

P29 An advertisement will only be permitted where the scaffolding is in association with the construction of an approved new building or related work, and that such scaffolding must cover an entire elevation of that building subject to the approved works.

P30 Scaffolded elevations shall have the whole elevation covered by mesh to a good quality of workmanship and shall have any commercial element sitting within and framed by the mesh.

P31 The content of the advertisement or image is not permitted to change over the life of the scaffolding.

P32 The scaffold and any associated advertisement(s) must be removed as soon as the relevant building works have been completed. The consent will last no longer than the agreed building programme or one year, whichever is the shorter. Any application for renewal of consent will be considered by Council and consent for continued display in accordance with this policy may not be unreasonably withheld.

P33 Within sensitive areas such as heritage conservation areas or on or adjacent to a heritage listed building, the entire scaffolding mesh must be covered by a 1:1 scale image of the building being constructed / refurbished, or other similar appropriate image to the satisfaction of Council. Any commercial advertising must not occupy

more than 5% of the extent of the scaffolded elevation and is limited to the ground floor storey elevation only.

P34 A commercial advertisement element will only be permitted if a community message is provided and must not occupy more than 20% of the extent of the scaffolded elevation.

P35 The advertisements may be illuminated, but only by projecting lamps from above the sign.

P36 Council may consider the approval of a public artwork as the message to the advertisement.

Building wrap advertisements on completed buildings

P37 Building wrap advertisements which are to be attached to completed buildings will only be permitted in the following zones under NSLEP 2013:

(a) *E2 Commercial Centre*; and

(b) *MU1 Mixed Use*.

P38 Where applied to a mixed use building, the advertisement is to be limited to commercial component of a building only.

P39 Must not obscure any architectural features of the building.

P40 Must be mounted flush with the external façade of the building.

P41 Prior to the lodgement of any DA, discussions are to be made with Council's Public Art Officer.

P42 The advertisement must not cover more than two adjacent façade(s) of the building.

P43 The message of the advertisement must be limited to community and civic events.

P44 The advertisement must not be erected more than 1 month before the commencement of the event and must be removed within 2 weeks of the conclusion of the event.

P45 The consent will last no longer than the above period or one year, whichever is the lesser.

P46 Advertisements are not permitted on buildings which are located within a heritage conservation area or be located on land or adjacent to land containing an item of heritage significance as listed in Schedule 5 of NSLEP 2013.

P47 The advertisements must not be illuminated.

P48 No more than 1 building wrap advertisement may be permitted to be erected on a building at any one time.

P49 Council may choose to further limit the number, duration and timing of approvals to be granted under this subsection in the interest of maintaining the image of the LGA as one of high environmental quality.

7.12 SIGNAGE STRATEGIES

Objective

O1 To ensure that signage on new mixed use or non-residential developments or on a heritage item, is consistent and complementary in form, design and scale.

Control

P1 A signage strategy must be submitted with a development application involving signage for all new buildings for mixed use or non-residential purposes or for signage on a heritage item.

P2 The signage strategy must indicate the location, type, size, and number of signs and any associated type and form of illumination that is appropriate for the building or site.

In addition, signage strategies relating to heritage items are also to indicate appropriate types of materials, colours and fonts where applicable.

P3 All signs on a building or site are to be consistent with the approved signage strategy applying to that building or site.

P4 The signage strategy is to comply with the requirements of this Section of the DCP.

7.13 Display of Advertisements on Bus Shelters

Objective

O1 To provide limited opportunities to generate income to improve the public domain.

O2 To minimise the impact on the users of bus shelters

O3 To minimise the impact of the signage on residential amenity.

Control

P1 Must be limited to a single elevation of the bus shelter.

P2 Must be limited to the departure side of the bus shelter.

P3 Must not be located such that it faces directly towards a residentially zoned property (for instance the advertisement must be located perpendicular to the direction of the road).

P4 Illumination of signage does not result in adverse impacts upon nearby residents.

P5 Ensure that the proposed signage does not adversely restrict pedestrian movement to and around the bus shelter.

7.14 Special Promotional Advertisements

This clause primarily relates to the erection of signage on Council's multi-function poles.

Objective

O1 To allow the temporary erection of promotional advertisements in limited circumstances.

Control

P1 To ensure impacts are minimised, signage for this purpose is confined to land zoned:

(a) *E2 Commercial Centre*;

(b) *MU1 Mixed Use*;

(c) *SP2 Infrastructure* (and labelled "Classified Road" on the *Land Zoning Map*), but only where it is located adjacent to a zone listed in subclause (a) or (b) above.

P2 Design special promotional advertising in accordance with the relevant character statement.

P3 Special promotional advertisements must be consistent with provisions for the public domain in Section 2.6 to Part E of this DCP.

P4 Must not advertise for more than a three month period in any 12 month period.

P5 Avoid product images or corporate branding that exceeds 5% of the sign's display area.

7.15 Signage to Assist disabled Access

Objectives

O1 To ensure that signage is capable of being interpreted regardless of visual ability.

Provisions

P1 All signs and symbols including their location, size, and illumination should be designed to be understood by all users, including those with sensory disabilities in accordance with AS 1428 (*Building Code of Australia*).

P2 Display disabled access signs where they can be easily seen. Hearing loop logos should be provided if required.

P3 Include tactile communication methods in addition to visual methods to assist people with various disabilities.

P4 Provide international symbols with specifications relating to signs, symbols and size of lettering complying with AS 1428.2.

P5 Use letter height that complies with Clause 14 to AS 1428.1.

P6 Provide specification for visual communication systems relating to height of letters, illumination, location and background contrast in accordance with AS 1428.2.

7.16 NEW TECHNOLOGIES

Objective

O1 To provide some flexibility in Council's controls where new signage technologies become available.

Control

P1 Future advertising generated by new technologies will be considered on their merits.

P2 Proposals involving animation, video screens and other forms of movement are considered inappropriate.

P3 Advertisements that cover glass facades (for example, coloured film) are generally discouraged unless they are limited in size and period of use.

SECTION 8 TELECOMMUNICATIONS

8.1 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.

8.1.1 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.

8.1.2 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)*.

8.2 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, R3 and R4).

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.

8.3 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.

PART F

AREA CHARACTER OUTCOMES

PREFACE

This Part of the DCP contains a suite of Character Statements and associated objectives and development control provisions applying to specific neighbourhood planning and locality areas within the Local Government Area.

The Character Statements seek to set the desired future character of areas based on a "place management" approach. This Part focuses on tailored controls aiming to achieve a particular character for each unique place, supplementing other provisions applying to particular zones or land uses.

The Local Government Area has been divided into 9 Planning Areas, which are further subdivided into 61 Locality Areas.

Part F of the DCP includes the following sections containing character statements, objectives and development control provisions which apply specifically to each respective Planning Area and Locality Area:

Section 1:	Planning and Locality Areas
Section 2:	North Sydney Planning Area
Section 3:	St Leonards / Crows Nest Planning Area
Section 4:	Cammeray Planning Area
Section 5:	North Cremorne Planning Area
Section 6:	South Cremorne Planning Area
Section 7:	Neutral Bay Planning Area
Section 8:	Kirribilli Planning Area
Section 9:	Lavender Bay Planning Area
Section 10:	Waverton / Wollstonecraft Planning Area

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SECTION 1 PLANNING AND LOCALITY AREAS

1.1 APPLICATION OF THIS PART

The Part applies to all development applications.

Where there is an inconsistency between this Part and Parts B-E inclusive of the DCP, the provisions within this Part of the DCP prevail.

Applicants need to refer to both the Area Character Statements for the Planning Area and Locality Area relevant to their property, as matters covered for a Planning Area are not necessarily covered in a Locality Area.

1.2 PLANNING AREAS

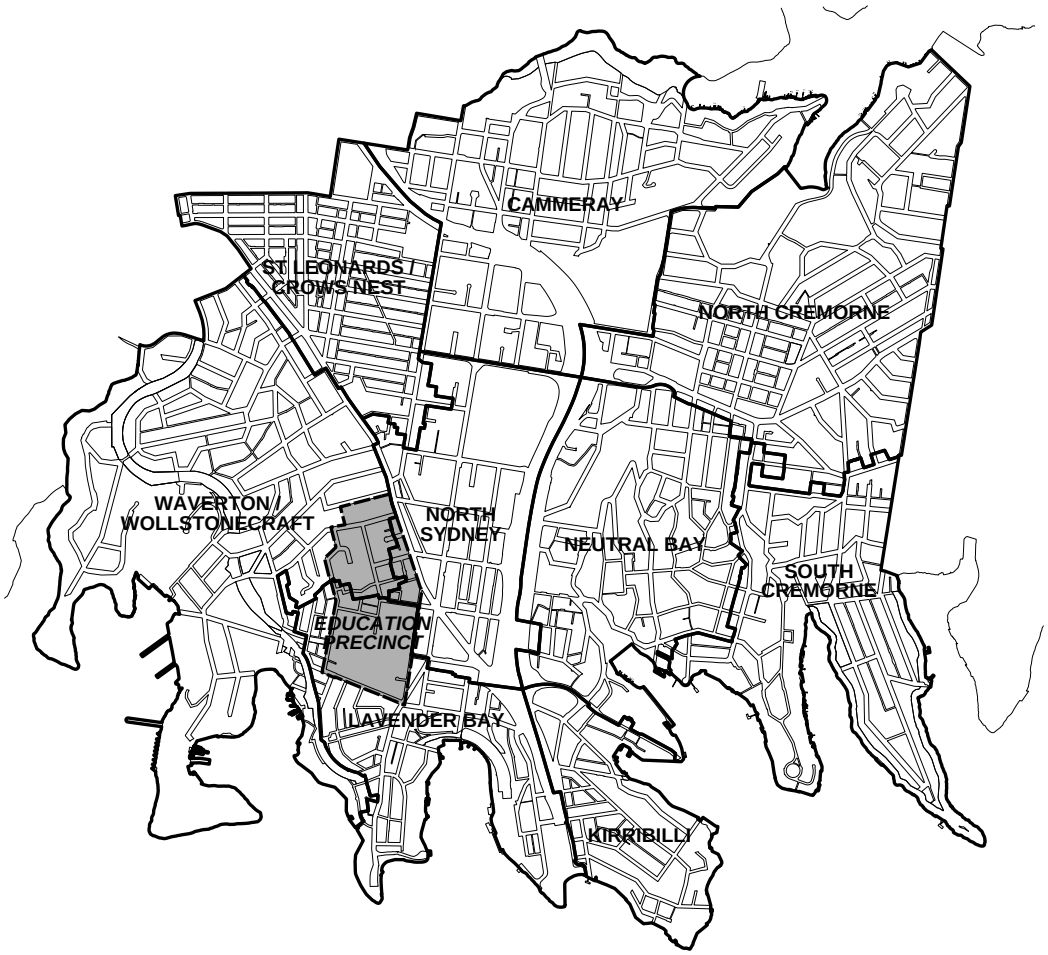


Figure F-1.1: Planning Areas

The Local Government Area is divided into 9 Planning Areas (refer to Figure F-1.1) and generally reflects the extent of each official suburb within the LGA. These Planning Areas are addressed in the following Sections of this Part of the DCP:

Section 2: North Sydney Planning Area

Section 3: St Leonards / Crows Nest Planning Area

Section 4: Cammeray Planning Area

Section 5: North Cremorne Planning Area

Section 6: South Cremorne Planning Area

Section 7: Neutral Bay Planning Area

Section 8: Kirribilli Planning Area

Section 9: Lavender Bay Planning Area

Section 10: Waverton / Wollstonecraft Planning Area

Figures F-2.1, F-3.1, F-4.1, F-5.1, F-6.1, F-7.1, F-8.1, F-9.1 and F-10.1 located in the opening sub-section to each of the above Planning Areas identifies the physical extent of each Locality Area in more detail.

1.3 LOCALITY AREAS

The nine (9) Planning Areas across the North Sydney LGA are further subdivided into a total of 62 Localities. Each Planning Area includes a number of Locality Areas which generally reflect the following hierarchy where applicable:

- Central Business District
- Town Centres
- Village Centres
- Neighbourhoods
- Conservation Areas

The extent of these areas generally reflects one of the following:

(b) a heritage conservation area,

(c) common land uses under the LEP, or

(d) an area exhibiting a generally consistent character.

Each Locality Area is subject to area specific character statements and provisions outlining the desired future outcomes. The Locality provisions do not necessarily describe the existing character or existing features of any of those neighbourhoods unless those features are to be retained. They also contain a suite of development controls to ensure that those outcomes can be met.

In some instances, site specific controls are identified within the Locality Area provisions. These additional controls have been incorporated to ensure that developments on specific sites have a minimal impact on the wider locality. These controls are contained within a sub-section to each Locality Area. Where there is an inconsistency between the site specific controls and those within the relevant Locality Area, the site specific controls will prevail.

The Locality Areas in this Part of the DCP are shown in Table F-1.1.

TABLE F-1.1: Identification of Locality Areas	
Planning Areas	**Locality Areas**
North Sydney	Central Business District
	Civic Neighbourhood
	Eden Neighbourhood
	Hampden Neighbourhood
	Walker/Ridge Street Conservation Area
	McLaren Street Conservation Area
St Leonards / Crows Nest	St Leonards Town Centre
	Crows Nest Town Centre
	Crows Nest Neighbourhood
	Holtermann Estate Conservation Area A
	Holtermann Estate Conservation Area B
	Holtermann Estate Conservation Area C
	Holtermann Estate Conservation Area D
Cammeray	Cammeray Village
	Cammeray Neighbourhood
	Anzac Neighbourhood
	Palmer Neighbourhood
	Plateau Conservation Area
	Cammeray Conservation Area
North Cremorne	Neutral Bay and Cremorne Town Centres
	Military Road Island Neighbourhood
	Waters Neighbourhood
	Benelong and Northern Foreshore Neighbourhood
	Murdoch Neighbourhood
	Montague Road Conservation Area
	Oaks Avenue Conservation Area
South Cremorne	Kurraba Point South Neighbourhood
	Kurraba Point Conservation Area
	Cremorne Conservation Area
	Cremorne Point Conservation Area
Neutral Bay	Forthsyth Neighbourhood
	Neutral Neighbourhood
	Whaling Road Conservation Area

TABLE F-1.1: Identification of Locality Areas	
Planning Areas	**Locality Areas**
Kirribilli	Kirribilli Village Centre
	Kirribilli Neighbourhood
	Careening Cove Conservation Area
	Kirribilli Conservation Area
	Jeffreys Street Conservation Area
Lavender Bay	Milsons Point Town Centre
	McMahons Point Business Precinct
	Luna Park Neighbourhood
	Graythwaite, Shore & St Joseph Neighbourhood
	Lavender Bay Neighbourhood
	McMahons Point Neighbourhood
	McMahons Point North Conservation Area
	McMahons Point South Conservation Area
	Lavender Bay Conservation Area
	Union, Bank, Thomas Street Conservation Area
Waverton / Wollstonecraft	Waverton Village Centre
	Upper Slopes Neighbourhood
	Wollstonecraft Peninsula Neighbourhood
	Gasworks Neighbourhood
	Waverton Village Neighbourhood
	Waverton Neighbourhood
	Waverton Peninsula Neighbourhood
	John Street Waterfront Neighbourhood
	Sawmillers Neighbourhood
	Wollstonecraft Conservation Area
	Crows Nest Road Conservation Area
	Edward Street Conservation Area
	Priory Road Conservation Area
	Bay Road Conservation Area

SECTION 2 NORTH SYDNEY PLANNING AREA

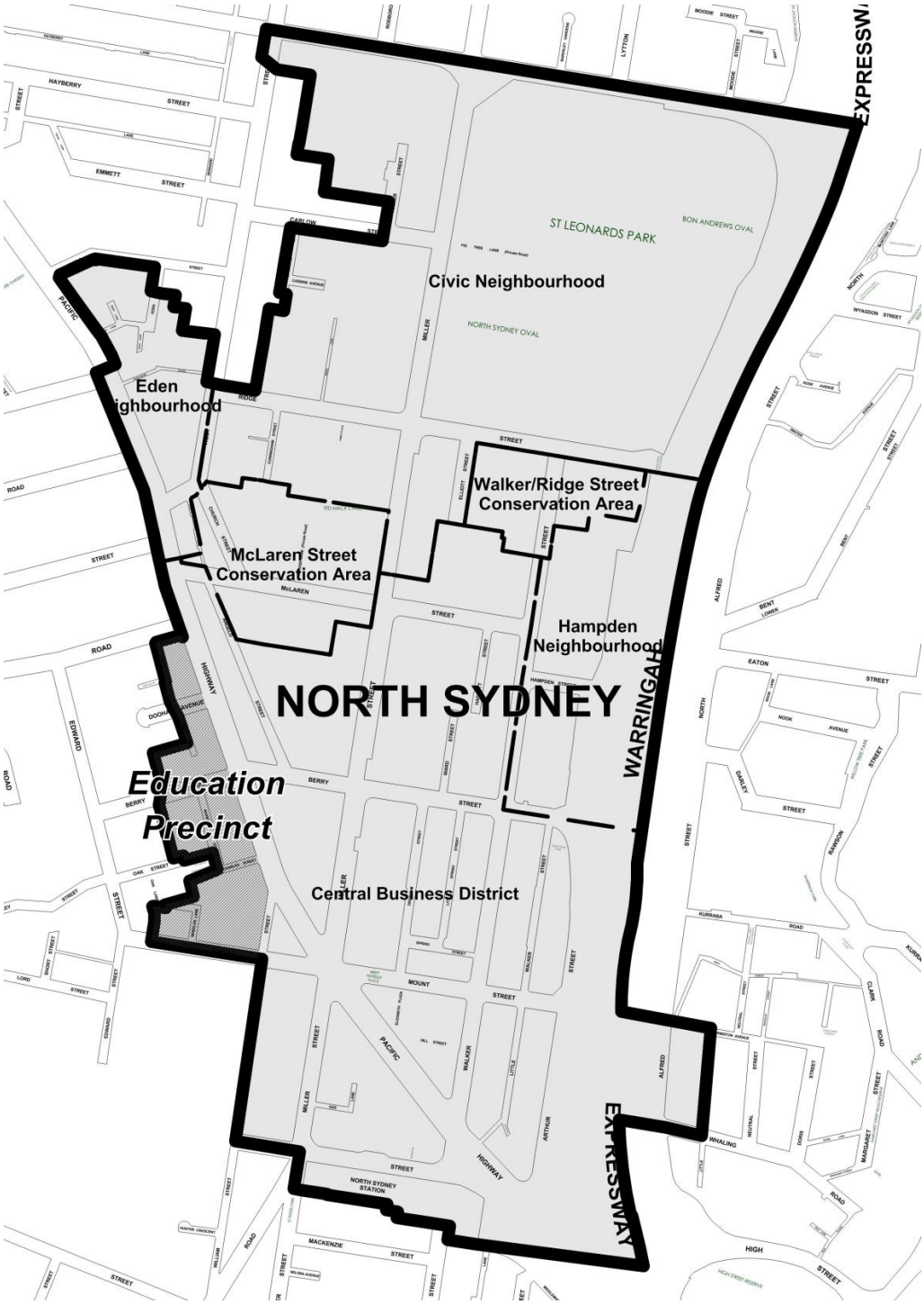
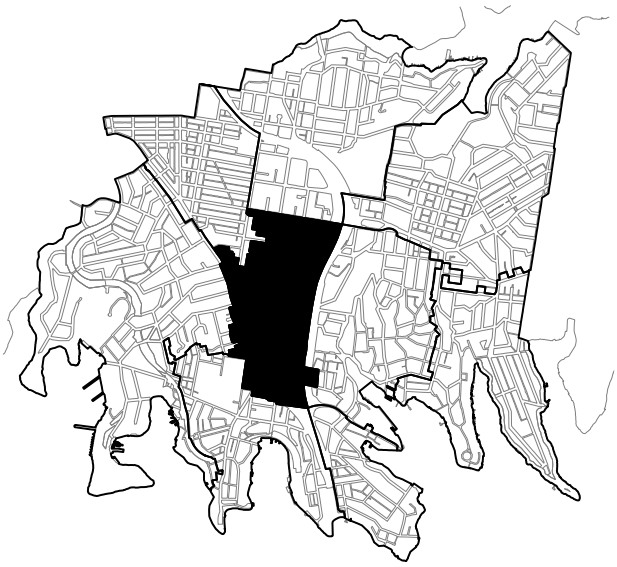


Figure F-2.1: North Sydney Planning Area and associated Locality Areas

2.0 NORTH SYDNEY PLANNING AREA CHARACTER STATEMENT



The North Sydney Planning Area is an iconic, attractive, and sustainable area, with the focus on the North Sydney CBD, which is identified under the Regional Strategy as a global commercial centre. A portion of the Education Precinct is located within the Planning Area on the western edge of the North Sydney CBD and the Ward Street Precinct is located within the northern portion of the Planning Area.

New development within the Planning Area should result in:

- a viable and attractive employment centre
- a diverse range of living, employment, recreation and social opportunities being provided that attract both local and regional populations which contribute to the vibrancy of the North Sydney CBD
- a vibrant and engaging Education Precinct with safe pedestrian networks and a range of formal and informal public spaces for students to study, socialise and engage with the local community
- the creation of a new vibrant public meeting place within the Ward Street Precinct for workers, residents and visitors which has high levels of amenity and is activated in the daytime, evenings and weekends
- a high level of amenity for residents, workers, students and visitors to enjoy
- a high quality built form
- a high level of public transport patronage which is easily accessible to residents, workers, students and visitors
- the area being linked to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus as well as by road and is a place of interchange between the various modes

and where:

Function

- The North Sydney CBD comprises one of Australia's largest commercial centres serving the local population and that of the Sydney region
- There is a mix of uses and activities to meet the demands of the residents, workforce, students and visitors
- There is a civic focus supported by community facilities such as North Sydney Oval, the Stanton Library and the Independent Theatre
- There is an education focus in the Education Precinct, supported by educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School
- Creation of a new pedestrian focal point centrally within the Ward Street Precinct, through the provision of new public squares which integrate with a highly permeable pedestrian network and is activated by commercial and community frontages
- Community facilities meet the needs of the CBD's working and resident population, students, visitors, and residents of nearby neighbourhoods, in terms of wellbeing, culture and recreation, and add to the diversity and activity of the CBD
- Various grades and sizes of commercial floorspace accommodate a mix of small and larger business, services and retail
- New residential development will not occur in the commercial core, with further high density housing to be concentrated in the areas zoned mixed-use
- There is housing choice in the mix of dwelling sizes and in the range of affordability
- There are active uses outside of standard business hours
- Parks and public spaces are well used and provide for a range of social and recreational activities

Environmental Criteria

- The extremes of sun, wind and rain are mitigated by good building design
- Buildings, public places and streets all receive good access to natural light
- Mechanical noise and other commercial noise is controlled, to protect residential amenity
- Use of local flora extends habitats for native birds and other fauna
- Solar access to special areas and open spaces is maintained and contributes to the enjoyment of those spaces for use by the public
- There is an opportunity to enjoy the views from and within the area towards the Sydney CBD, Sydney Harbour, heritage items and surrounding areas
- Additional public open space is provided for increased worker and residential populations

Built Form

- There is a pleasant, well designed and well-lit series of easily accessible and connected urban plazas and gardens
- The setback on the eastern edge of Miller Street between McLaren Street and Mount Street is maintained and incorporates landscaped areas and actively utilised open space

- Physical breaks are provided between tall commercial towers to afford occupants of commercial buildings reasonable levels amenity in terms of ventilation, daylight access, solar access and views
- Physical breaks are provided between tall commercial towers to afford users of the public domain reasonable levels of amenity in terms of daylight access, solar access, sky views and reduction in adverse wind impacts
- Avoiding continuous, uninterrupted walls of towers to reinforce a human scale when read from the public domain
- The significance of heritage items is retained, and promotes the rich development history and provides interest in the physical fabric of the area
- Heritage items are protected, and significant streetscape elements are conserved in the Walker and McLaren Street Conservation Areas
- Predominant early 20th Century character of the McLaren Street Conservation Area is maintained and protected
- Victorian and Federation character of streets in the Walker Street Conservation Area is maintained and protected
- Pedestrian connections provide alternate east/west and north/south routes through the CBD to promote pedestrian movement

Quality Urban Environment

- There are links to the Sydney CBD, other suburban centres and many parts of the Sydney region by ferry, rail, bus and road and the CBD is a place of interchange between the various transport modes
- Public transport, including walking and cycling, is the main form of access to the North Sydney CBD and the Education Precinct
- Traffic is managed so that pedestrians can move within the area freely and safely, and amenity is maintained
- Parking is managed in a way that maintains pedestrian safety and the quality of the public realm and minimises traffic generation
- The cumulative desired future built form outcome within the Ward Street Precinct does not result in a nett increase in traffic generation for the Precinct
- Rear lanes allow for the primary vehicular access to properties
- Limited increase to the capacity of private parking
- Pedestrians are assisted to safely cross barriers such as the Pacific Highway
- Educational establishments are oriented to the public domain to provide increased surveillance and activation
- Loading and delivery facilities should be located away from the street and where possible be located underground

Efficient Use of Resources

- Energy efficient design and life cycle assessment of buildings enables the conservation of natural resources and minimisation of use of non-renewable energy resources
- Stormwater runoff is minimised, and recycled on-site where possible

Public Domain

- Additional open space is provided to service the increased residential, working and student population of the North Sydney CBD and the Education Precinct
- A new public square/s be provided centrally within the Ward Street Precinct which is integrated with a highly permeable pedestrian network

- Streetscape improvements occur in accordance with the *North Sydney Centre Public Domain Strategy, Education Precinct Public Domain Masterplan* and *Ward Street Precinct Masterplan*

The North Sydney Planning Area includes the following Locality Areas in which development is also subject to the provisions below:

Section 2.1: Central Business District

Section 2.1.4: 45 McLaren Street

Section 2.2: Civic Neighbourhood

Section 2.3: Eden Neighbourhood

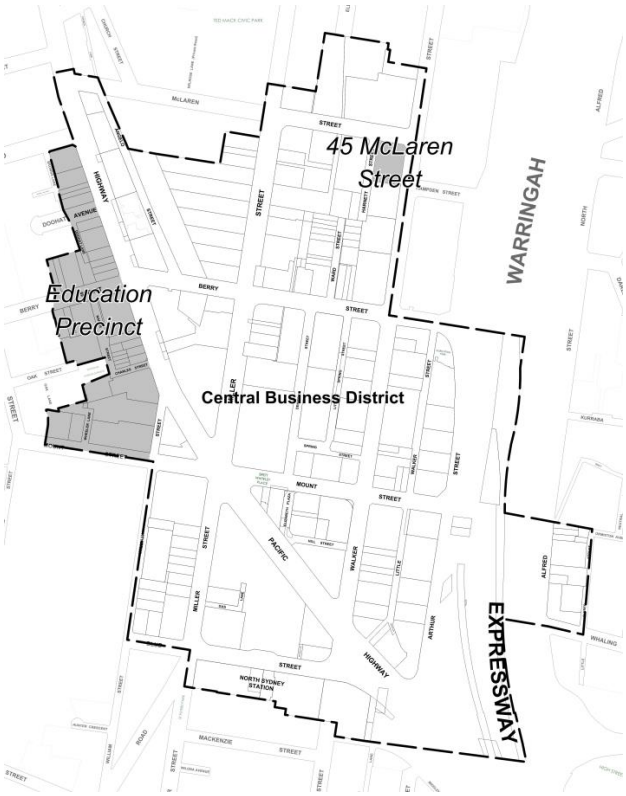
Section 2.4: Hampden Neighbourhood

Section 2.4.4 East Walker Street Precinct

Section 2.5: Walker/Ridge Street Conservation Area

Section 2.6: McLaren Street Conservation Area

2.1 CENTRAL BUSINESS DISTRICT



2.1.1 Significant Elements

Land Use

P1 Predominantly high-rise commercial development.

P2 Medium to high rise mixed commercial and residential development at the fringes.

P3 Educational facilities.

P4 Regional rail and road infrastructure.

Topography

P5 Typically falling from the north to the south towards Sydney Harbour.

Natural Features

P6 Natural rock outcrops at 136 Walker Street.

Views

P7 The following views and vistas are to be preserved and where possible enhanced:

(a) From the plaza at No.5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge.

(b) From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district.

(c) Views along the Pacific Highway to the Post Office on Mount Street from the south-east.

(d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.

Identity / Icons

P8 Brett Whiteley Place.

P9 Greenwood.

P10 Post Office and Court House.

P11 MLC Building.

P12 Don Bank Museum.

Subdivision

P13 Predominantly large consolidated allotments within a rigid grid pattern.

P14 Smaller allotments generally along the Pacific Highway north of Berry Street.

Streetscape

P15 Wide fully paved footpaths, promoting heavy pedestrian use.

P16 Active street frontages provided with a variety of shops, cafes and other commercial uses.

P17 Buildings generally built to the boundary, with entry at street level.

P18 Continuous awnings provided on commercial buildings.

P19 Street trees.

Public transport

P20 Development is to take advantage of the accessibility provided by existing and planned public transport infrastructure.

2.1.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 High rise and medium density, commercial and mixed use developments.

P2 Provision of a variety of different sized office, retail, community and entertainment spaces.

P3 Provision of a variety of outdoor and indoor community spaces (e.g. urban plazas, gymnasium; gardens; outdoor and indoor dining areas and food courts).

P4 The commercial focus of the CBD is to be enhanced by preventing any further residential development from occurring in its core (i.e. the *E2 Commercial Centre* zone).

P5 Development above the Victoria Cross metro station will provide significant commercial floorspace, as well as retail, dining and community uses that will contribute to the overall amenity and vitality of the CBD.

P6 Council will pursue its vision for Miller Street as the civic heart of North Sydney. This will involve significant interventions and public domain improvements aimed at creating a vibrant place for people, with vehicle movements removed or minimised as much as practicable and both sides of Miller Street activated.

P7 Creation of a substantial new public space within the middle of the street block bound by McLaren, Walker, Berry and Miller Streets, activated by surrounding buildings and new community facilities consistent with the *Ward Street Precinct Masterplan*. This space is to be designed to be highly adaptable for events and prominent activities and

form a spill over space for other community events associated with community facilities to be located in adjacent buildings.

P8 Brett Whiteley Place is a key public space for the North Sydney CBD which will incorporate an expanded Elizabeth Plaza, as well as portions of Denison Street and Mount Street. This expanded plaza will provide dedicated space for outdoor dining, large and small events, and other activities.

P9 Consideration be given to expanding Berrys Square to the northern side of Berry Street.

P10 The Central Laneways Precinct will become a major focal point of pedestrian activity and amenity.

P11 Active frontages to the Metro site, 1 Denison Street and the MLC building will contribute to the activation of the public domain in the Central Laneways Precinct.

P12 A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.

P13 Alternatives to the current entry of the commercial car park entry at 100 Miller Street (Northpoint) will be pursued to reduce or remove traffic on Miller Street and improve pedestrian amenity.

P14 Provide roof top gardens and/or public facilities that allow the public and/or residents to access district views.

P15 Development should maximise opportunities to incorporate retail, restaurant, bar facilities and other non-residential floor space at ground level to promote street level activation, amenity, diversity and place making objectives.

P16 Provide a diverse mix of higher density, non-residential land uses in the *MU1 Mixed Use* zone of the Education Precinct, including education, shops, cafes, gyms, entertainment and small businesses.

P17 Provide continuous active uses such as shops and cafes at the ground level of all buildings along Pacific Highway, Berry Street and Napier Street, especially within the Education Precinct.

P18 Consideration should be given to the inclusion of educational or community-related purposes in the redevelopment of 110, 112, 116 and 120 Pacific Highway and 9 Napier Street.

P19 Community facilities that are of a type that support the creation of a cultural destination which is activated in the daytime, evenings and weekends are to be incorporated into the lower levels of the redevelopment of 56-66 Berry Street and the Ward Street Carpark site and these facilities are to front onto a new public square/s consistent with the *Ward Street Precinct Masterplan*.

Accessibility and permeability

P20 Victoria Cross metro station is designed to enhance the North Sydney CBD as a major commercial centre and further encourage the use of public transport. Pedestrians are prioritised throughout the CBD with a number of interconnected pedestrian routes that facilitates all direction movement and encourages fine grain retail and dining uses.

P21 Consideration be given to providing a direct vertical pedestrian connection between the new public open space located centrally within the Ward Street Precinct and the Victoria Cross Metro Station concourse.

P22 Barriers to pedestrian movement, particularly within the Ward Street Precinct, Miller Street, Berry Street and the Pacific Highway, will be reimagined such that their function and treatment favour pedestrian movement and amenity.

P23 New development focuses on the use of public transport, cycling and walking.

P24 Pick up and drop off points for public transport and taxi ranks are located as close as possible to public spaces and activities, and main building entries.

P25 Loading and delivery facilities should be located away from the street and where possible be located underground.

P26 The following through site links are to be provided, retained and enhanced:

(a) A north - south pedestrian link from McLaren Street to Elliot Street across 52 and 54 McLaren Street.

(b) A north - south pedestrian link from McLaren Street to Ward Street across the vehicle access of 221 Miller Street.

(c) An east-west pedestrian link of at least 3m in width is provided from Miller Street to the future public open space off Ward Street along the northern boundary of 201 Miller Street.

(d) An east-west pedestrian link of at least 6m in width is provided from Miller Street to the future public open space off Ward Street along the southern boundary of 213-219 Miller Street.

(e) An east - west pedestrian link from Miller Street to Ward Street across 221 Miller Street.

(f) A north - south pedestrian link from Charles Street to Wheeler Lane across 100 Pacific Highway and 16 Mount Street.

(g) An east - west pedestrian link from Harnett Street to Walker Street across 142 Walker Street.

(h) An east - west pedestrian link from Harnett Street to Walker Street across 144-150 Walker Street.

(i) An east-west pedestrian link from Harnett Street to Walker Street across 45 McLaren Street.

(j) An east - west pedestrian link from Walker Street to Little Walker Street across 81-83 Walker Street.

(k) An east - west pedestrian link from Little Walker Street to Arthur Street across 100 Arthur Street.

(l) An east - west pedestrian link from Napier Street to Oak Street across the southern side of 8-20 Napier Street.

(m) A north - south pedestrian link from the green space of 100 Pacific Highway to Wheeler Lane across the western side of 1 Wheeler Lane. The pedestrian link may be made through the building envelope or an alternative architectural treatment that gradually 'reveals' the establishments on either side.

(n) An east – west pedestrian link through the Victoria Cross metro station linking Miller Street and Denison Street.

(o) A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.

(p) A widened and improved pedestrian link from Little Spring Street and Walker Street across 102 Walker and 110 Walker Street.

P27 Consideration should be given to the provision of an east - west pedestrian link from the Pacific Highway to Napier Street across either the northern side of 120 Pacific Highway or the southern side of 33 Berry Street.

P28 Consideration should be given to the demolition of the single-storey structure at the northern end of 105 Miller Street (MLC Building) to improve accessibility and permeability to Miller Street and the Victoria Cross metro station.

2.1.3 Desired Built Form

Subdivision

P1 Development sites should be of a size which enable:

(a) the creation of large high quality floor plates which helps to reinforce the Centre's role as a Global City as identified within the Regional Strategy; and

(b) the incorporation of adequate setbacks and breaks between tall commercial towers above the podium level to maintain reasonable access to sky views and daylight to the public domain.

P2 Development on small sites should not detrimentally impact on the long-term ability of the amalgamation of sites for significant commercial development.

P3 Site amalgamation should occur generally in accordance with that identified within the Ward Street Precinct Masterplan to maximise the delivery of the desired outcomes of the Masterplan.

Form, massing and scale

P4 Buildings should be carefully designed to minimise the impact of their height and bulk on surrounding residential areas.

P5 Roof design contributes to building's appearance from a regional view catchment.

P6 Buildings on 116 and 120 Pacific Highway and 9 Napier Street should be designed such that their bulk steps down from the Pacific Highway to Napier Street to protect sunlight access to the Don Bank Museum and enhance pedestrian amenity to Napier Street.

P7 No part of a building located above the podium and which exceeds 45m in height may have a horizontal width of more than 60m.

P8 Development is to be designed to maximise year round solar access to the new public squares to be created centrally within the Ward Street Precinct.

P9 Despite any other provision in this DCP, development must not result in a nett increase in overshadowing to the main southern square to be created centrally within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

Setbacks

Note. *Additional setbacks may be required for any part of the building located above the podium level.*

P10 Buildings are to provide a zero metre setback to all street frontages and adjacent to heritage items, with the following exceptions:

(a) In accordance with cl.6.4 of the LEP for all properties on the eastern side of Miller Street, north of the Pacific Highway.

(b) 5m from the western side of Walker Street, north of 76 Berry Street.

(c) 5.4m from the southern side of Berry Street, between Pacific Highway and Miller Street.

(d) 14.5m from the western side of Miller Street, at No.60 Miller Street.

(e) 15m from the southern side of Mount Street, at No.60 Miller Street.

(f) Maintaining the setback of existing buildings to all properties comprising Monte St Angelo Convent and Girls School.

(g) Maintaining the setback of existing buildings to all properties on the northern side of McLaren Street.

(h) 1.5m whole of building setback from the eastern side of Napier Street, at No. 1-9 Napier Street and No.120 Pacific Highway.

(i) 2m setback to the ground level of buildings fronting Arthur Street.

P11 Buildings must be setback to conserve views to, and the setbacks and settings of, heritage items at 86 and 144 - 150 Walker Street, 94 Pacific Highway (Post Office), 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168 - 172 Pacific Highway and 1-7 Napier Street.

P12 The setback of new buildings or alterations and additions to existing buildings on land fronting McLaren Street between Miller and Walker Streets are to match that existing to protect the existing fig trees. Encroachments will only be permitted where the development does not cover the drip line of any of the existing trees.

Podium Heights

P13 Podiums are to be provided in accordance with the Podium Heights Map (refer to Figure F-2.2).

P14 Despite P13, a podium of between 3 and 5 storeys above the finished level of the new public squares to be created centrally within the Ward Street Precinct, where buildings front onto those squares, maintaining a human scale to the squares.

P15 The entirety of a podium must be setback from any street frontage if required under Provisions P10 – P12 to s.2.1.3 to this Part of the DCP.

P16 Podiums are to be built to all side and rear boundaries that do not have a street frontage, except where the site directly adjoins residentially zoned land (i.e. *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential*) or requires a through site link as required under P23 to s.2.1.2 to this Part of the DCP.

P17 Podium heights should match or provide a transition in height between immediately adjacent buildings.

P18 Podium heights should match the height of adjacent heritage items.

P19 Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.

Above Podium Setbacks

P20 All parts of a building located above the podium are to be setback from the podium's frontage to a street or laneway in accordance with the Above Podium Setbacks Map (refer to Figure F-2.3). Setbacks are to be measured from the outer wall of the podium. Where a weighted setback is required, it applies to the width of the building's façade located above the podium.

P21 Despite P20, no part of any building may be located within 3m of the outer wall of the podium level fronting a street or laneway.

P22 Despite P20 and P21, for buildings fronting Ward Street and the new public squares to be created within the Ward Street Precinct, that part of the building located above the podium is to be setback a sufficient distance to ensure the minimising of potential wind impacts and maintaining a human scale to the squares.

P23 Where a building is to be erected on land zoned *E2 Commercial Centre* or on any other land and the building will not contain residential accommodation, all parts of the building located above the podium must be setback a minimum of 6m from any side boundary, unless:

(a) the area of the site is less than 1,000sqm; and

(b) the building does not exceed 45m in height.

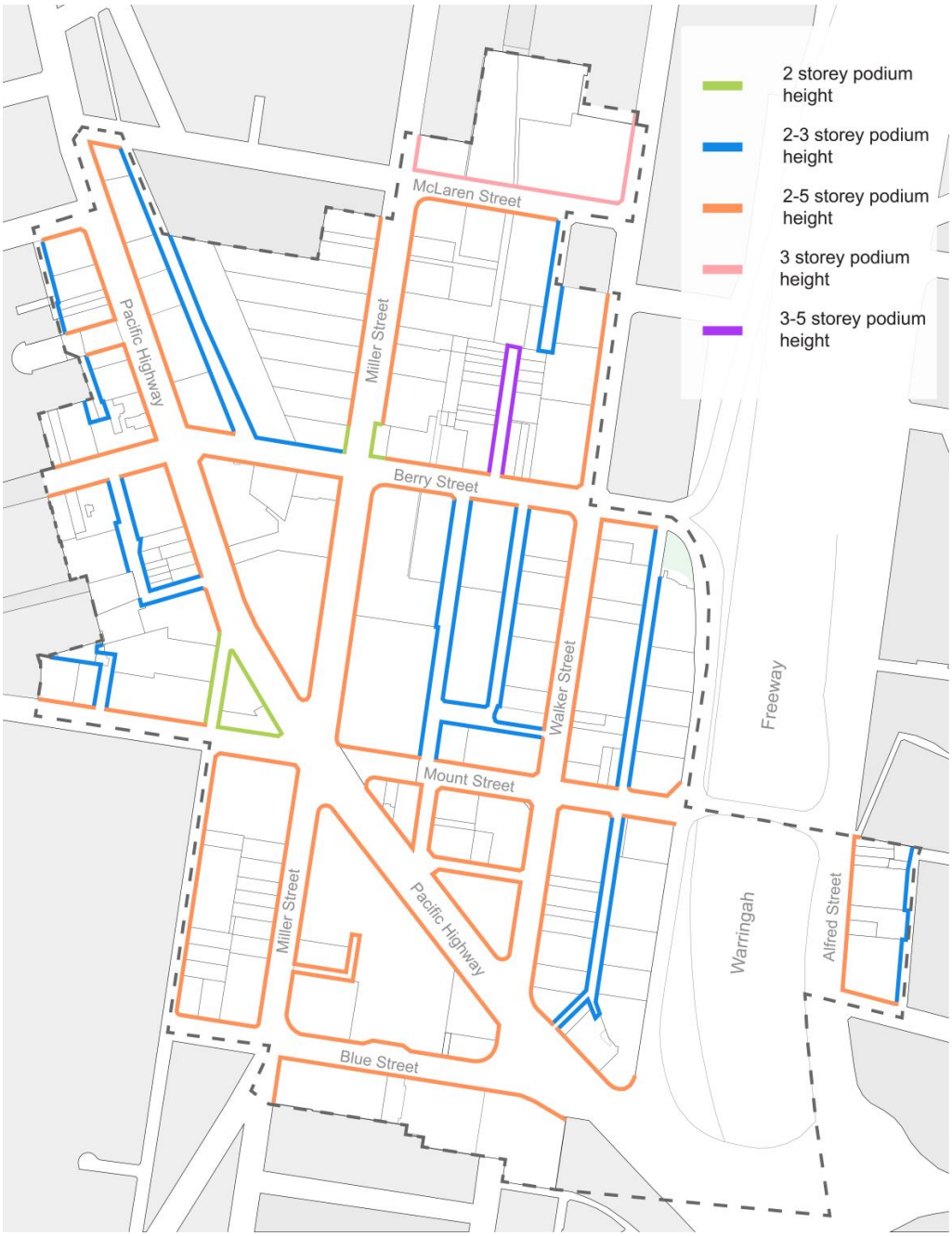


Figure F-2.2: Podium Heights Map

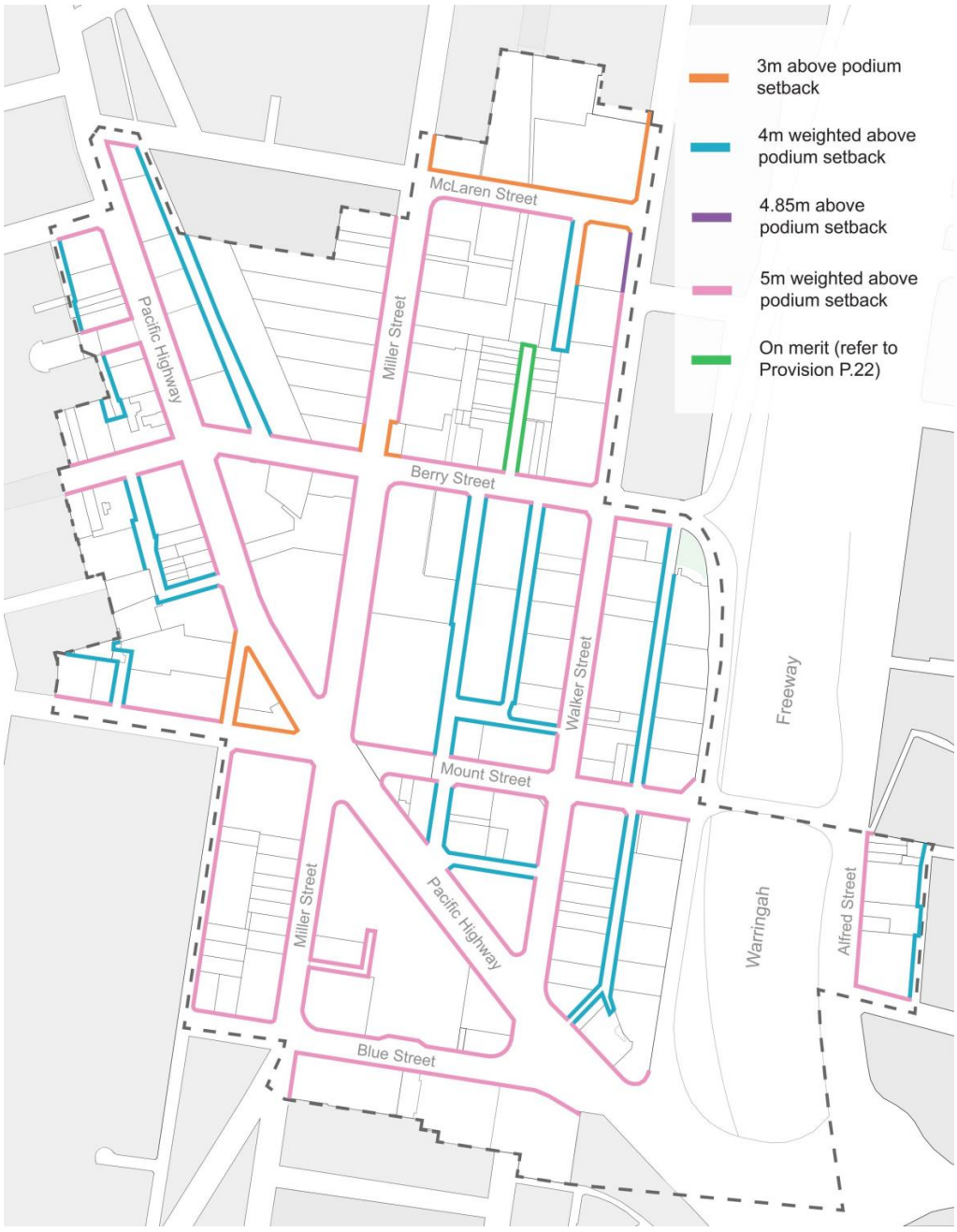


Figure F-2.3: Above Podium Setbacks Map

P24 Despite P23, no setback is required above the podium level to:

(a) the southern boundaries of 122 Arthur Street (SP 57439) or 100 Walker Street (Lots 1 and 2, DP 542915), if developed in isolation from sites to their north;

(b) the southern boundary of 90 Arthur Street (Lot 1, DP 738262), if developed in isolation from the site to the south;

(c) the northern boundary of 20 Berry Street (Lot 1, DP 550167) if developed in isolation from the site to the north;

(d) the eastern boundary of 80 Mount Street (Lot 1, DP 566189) if developed in isolation from the site to the east; and

(e) the southern boundary of 1 Wheeler Lane (Lot 101, DP 1076397) if developed in isolation from the site to the south.

P25 Where a building does not contain residential accommodation, all parts of the building located above the podium must be setback a minimum of 6m from any rear boundary that does not have a street or laneway frontage.

P26 Despite P25, no setback is required above the podium level to the western boundary of 65 Berry Street (Lot 2, DP 1230458) if developed in isolation from the site to the west.

P27 Where there is more than one tower located above the podium level on land zoned *E2 Commercial Centre* or on any other land and the building will not contain residential accommodation, the towers must maintain a minimum 12m separation from one another.

Building design

P28 Provide architectural detailing, high quality materials and ornamentation provide a rich visual texture and a symbolic/decorative reference to the history of the place, the building's use or occupant.

P29 Provide a visually rich intimate pedestrian environment with active street frontages at ground level.

P30 The natural rock outcrop at 136 Walker Street should be incorporated into the design of any redevelopment proposal for the site.

Awnings

P31 Continuous awnings must be provided to all commercial buildings, except on the eastern side of Miller Street between the Pacific Highway and McLaren Street.

P32 Consideration should be given to the provision of weather protection at the pedestrian entrances or over outdoor seating areas for buildings fronting Miller Street between the Pacific Highway and McLaren Street.

Streetscape

P33 A 'sense of arrival' is established at North Sydney Station with strong linkage to the north to connect with the pedestrian bridge over Pacific Highway and Denison Street.

P34 The Greenwood historic school building and large Moreton Bay Figs are retained and incorporated as the southern pedestrian gateway to the North Sydney CBD.

P35 The intersection of Miller Street and Pacific Highway forms an important focal point of the North Sydney Centre with a distinctive character reinforced by the Post Office and the MLC building.

P36 Improve amenity and safety by installing lighting, public art and/or landscape along the eastern facade of 12-14 Mount Street.

P37 Provide a consolidated green space over the Don Bank Museum and 100 Pacific Highway. Consideration should be given to extending this green space over the western side of 1 Wheeler Lane to allow for a more direct north – south pedestrian link from Charles/Napier Street to Wheeler Lane.

P38 33 Berry Street should be designed such that Napier Street is activated by non-residential tenancies such as commercial or educational facilities (At least 50% of its frontage should comprise of non-residential tenancies at the ground level).

Public Domain

P39 Have regard to Public Domain designed in accordance with the *North Sydney Centre Public Domain Strategy* and *North Sydney Council Infrastructure Manual.*

P40 A new multi-purpose public square with a minimum dimension of 52m by 40m is to be created in the centre of the Ward Street Precinct and integrated with a secondary public square of minimum dimension 35m by 33m consistent with the *Ward Street Precinct Masterplan*. The squares are to be designed to maximise the flexibility of uses.

P41 Consideration be given to activating the secondary northern square within the Ward Street Precinct with a café, public facilities or other active and community uses.

P42 Consideration be given to expanding Berry Square across to the northern side of Berry Street.

Landscaping

P43 Continued use of tree planting and use of native vegetation to enhance the urban environment and attract birdlife.

P44 Choice of trees and vegetation in accordance with *North Sydney Centre Public Domain Strategy, Street Tree Strategy* and *North Sydney Council Infrastructure Manual.*

Car accommodation

P45 Short stay parking spaces should be located within or as close as possible to meeting places.

P46 Reduce the amount of long stay commuter parking on site.

P47 Reduce the amount of non-residential parking on site.

Vehicle Servicing

P48 Consideration to be given to providing all vehicular access to 213-219 Miller Street, 56-66 Berry Street and the Ward Street Carpark site from Harnett Lane and underneath the proposed new public squares, to maximise pedestrian amenity within the Ward Street Precinct.

P49 Vehicular access to 76 Berry Street is to be provided from Walker Street.

2.1.4 45 McLaren Street



2.1.4.1 Desired Future Character, Design Objectives and Key Principles

P1 Development is to respond to the scale and character of existing development and desired future character of the surrounding area.

P2 Built form, scale and massing is to transition in scale across the site from north to south and east to west, whilst respecting the built form of adjacent and neighbouring heritage items.

P3 Deliver a mixed use development with active frontages to McLaren and Harnett Streets.

P4 Development is to maximise solar access to the proposed squares within the Ward Street Precinct.

P5 Maintaining a landscaped setback to Walker Street.

P6 An improved pedestrian through site link between Walker Street and Harnett Street.

2.1.4.2 Desired Built Form

Objectives

O1 To provide for increased opportunity for height and density in the North Sydney CBD, in close proximity to public transport and services.

O2 To allow an appropriate stepping down in built form between 168 and 150 Walker Street.

O3 To ensure that solar access to the proposed public spaces within the Ward Street Precinct is maximised.

O4 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.

O5 To positively relate to the heritage context surrounding the site.

Provisions

Building Height

P1 Development must not exceed 14 storeys above the crown of McLaren Street as it presents to McLaren Street.

P2 Development must not exceed 10 storeys above ground level existing fronting its southern boundary.

Side Setbacks

P3 Buildings must be setback a minimum 1.5m setback to the southern boundary.

Podium Height

P4 A podium must:

(a) comply with the requirements illustrated in Figure F-2.2 to this section of the DCP. and

(b) not exceed 3 storeys to the southern boundary.

Above Podium Setbacks

P5 The following minimum setbacks must be provided above the podium level:

(a) the minimum setback illustrated in Figure F-2.3 to this section of the DCP, and

(b) 4.5m from the site's southern boundary, and

P6 Despite Provision P5(a) above, the consent authority may permit a balcony to encroach into the setback area to McLaren street, but only if:

(a) The balcony is unenclosed on at least two sides, and

(b) The balcony maintains a minimum 1m setback to McLaren Street, and

(c) The cumulation of balconies on any one level does not exceed 50% of the façade's length to McLaren Street.

2.1.4.3 Landscaped Area

Objectives

O1 To ensure that landscaping is used to provide appropriate amenity for development and soften the appearance of buildings and their interface with the neighbouring dwellings and the public domain.

O2 To provide a quantum of landscaping reflecting the transition between the North Sydney CBD and adjoining residential areas.

O3 To incorporate appropriate materials conducive of its heritage context.

Provisions

P1 Any basement structure should be setback at least 5m to Walker Street, to ensure the provision of deep soil zones to accommodate trees and vegetation of a scale reflective with the scale of the proposed future development on the site.

P2 Despite P1, a basement may be permitted within the setback area to Walker Street, but only where it can be adequately demonstrated that the setback area is predominantly soft landscaped and is capable of accommodating trees and vegetation of a scale reflective of the proposed future development on the site.

P3 Consideration to be given to using sandstone or natural rock features in the landscaping or lower parts of buildings, reflective of the site's heritage context.

2.1.4.4 Through-Site Link

Objectives

O1 To enhance the existing through site link that runs across the northern boundary of 144-152 Walker Street between Walker Street and Harnett Street.

Provisions

P1 All buildings are to be setback a minimum of 1.5m from the southern boundary to enable the construction of a through site pedestrian link between Walker Street and Harnett Street which is integrated with the existing through site link across the northern boundary of 144-152 Walker Street.

P2 Consideration is to be given to the use of sandstone to line surface or any adjacent retaining walls or walls to the through-site link.

P3 Appropriate lighting be provided to ensure this link provides adequate safety for users.

2.1.4.5 Vehicular Access

Objectives

O1 To ensure vehicular and pedestrian conflicts are minimised.

O2 To maximise activation of street frontages.

Provisions

P1 No vehicular access is to be provided from McLaren Street.

P2 Vehicular access should be provided from Walker Street, subject to ensuring that pedestrian safety is maximised.

2.2 CIVIC NEIGHBOURHOOD



2.2.1 Significant elements

Land Use

P1 Predominantly community based facilities such as educational establishments, places of public worship and public administration buildings.

P2 Mixed commercial and residential development.

P3 Passive and active recreational spaces.

Topography

P4 Generally flat forming the top of the ridgeline, with a fall from the north to the south along Miller Street south of McLaren Street.

Views

P5 The following views and vistas are to be preserved and where possible enhanced:

(a) To Kirribilli and Sydney Harbour from St Leonards Park.

Identity / Icons

P6 Stanton Library.

P7 St Leonards Park & North Sydney Oval.

P8 North Sydney Council Chambers.

P9 Independent Theatre.

P10 Civic Centre and Park.

P11 Warringah Freeway a major arterial thoroughfare.

P12 Miller and Falcon Streets a major sub-arterial thoroughfare.

Subdivision

P13 Regular grid pattern with rectangular lots of varying sizes.

Streetscape

P14 Wide fully paved footpaths.

P15 Buildings are aligned to the street.

P16 Awnings generally provided for shops, cafes and other commercial uses on Miller Street.

P17 A variety of street trees and shrubs.

Public transport

P18 Development is to take advantage of high accessibility to high frequency public bus services along Miller and Falcon Streets.

P19 Public transport, cycling and walking are the main forms of public transport.

P20 Traffic calming measures along Miller Street, Falcon Street, and Ridge Street.

2.2.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 A variety of specialty uses including education, public services, community facilities and recreational parks.

P2 Active street frontages from such activities as cafes and shops at ground level on both Miller and Ridge Streets.

P3 Limited residential development in the form of dwelling houses, semi-detached dwellings, multi dwelling housing and residential flat buildings according to zone.

P4 Open space used by local residents, students and the wider regional population for social and recreational purposes.

Accessibility and permeability

P5 Pedestrian connections are to be provided to Stanton Library from Ridge and Miller Streets.

P6 Pedestrian connections through Civic Park and St Leonards Park.

P7 Pedestrian routes are as direct as possible with direct through views from adjacent streets or public domain.

Public spaces and facilities

P8 Cohesiveness throughout the area is achieved through landscaping and tree planting.

P9 Safe pedestrian links with improved lighting and passive surveillance.

Junction and termination of streets

P10 Junction at Miller and Falcon Streets provides a gateway to North Sydney Centre.

2.2.3 Desired Built Form

Form, scale and massing

P1 Generally 1-3 storeys in height with a strong relationship with adjacent building heights.

P2 Development is to be designed to maximise solar access year round to the new public squares to be created within the Ward Street Precinct.

P3 Development must not result in a nett increase in overshadowing to the main southern square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

Setbacks

P4 Minimum front setback of 3m for residentially zoned land with landscaping, including trees and shrubs provided at street frontage.

Fences

P5 Front fences no higher than 800mm.

Gardens

P6 Substantial planting including trees in front gardens to complement street trees.

Car accommodation

P7 Short stay metered car parking for visitors on-street.

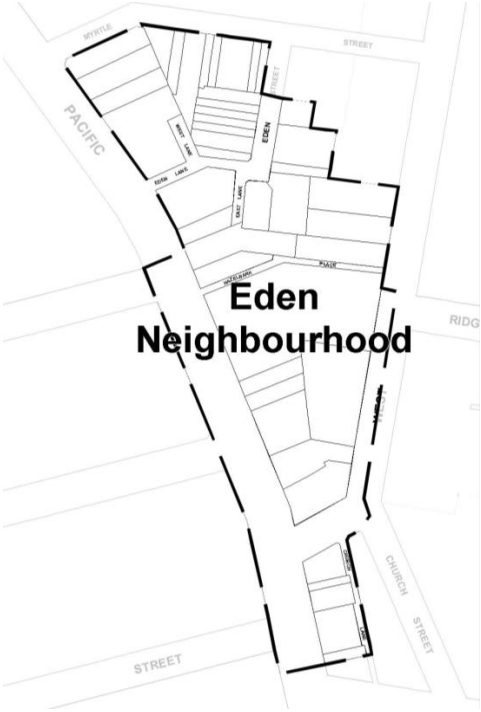
P8 Retention and enhancement of off-street public car parking at the Ridge Street car park.

Streetscape

P9 Avenue of trees to line roads provides attractive streetscape and provides borders to the road.

P10 Encourage open street frontages with low fences or no fences, landscaping to complement street planting.

2.3 EDEN NEIGHBOURHOOD



2.3.1 Significant elements

Land Use

P1 Predominantly commercial and mixed commercial and residential development.

Topography

P2 Slight falls to the south west from West and Myrtle Streets.

Views

P3 The following views and vistas are to be preserved and where possible enhanced:

(a) Views to the North Sydney CBD along the Pacific Highway.

Identity / Icons

P4 Union Hotel.

P5 Freemasons Hall (Wellbeing Centre).

P6 Pacific Highway, a major sub regional thoroughfare.

Subdivision

P7 Irregular grid pattern, due to the streets aligning with the topography.

Streetscape

P8 Wide fully paved footpaths.

P9 Buildings built to street along the Pacific Highway.

P10 Awnings provided along the Pacific Highway.

P11 Irregular planting of street trees and shrubs.

Public transport

P12 Development to take advantage of high levels of accessibility to high frequency bus services along the Pacific Highway.

2.3.2 Desired Future Character

Diversity

P1 Diverse range of activities including residential, public services (including the postal service and police) commercial and retail.

P2 A variety of different sized non-residential spaces (e.g. smaller showrooms, small offices).

P3 Pick up and drop off points for public transport and taxi ranks are located close to public spaces and activities, and main building entrances.

Accessibility and permeability

P4 The following through site links are to be provided, retained and enhanced:

(a) An east-west pedestrian link along Hazelbank Place from West Street to Pacific Highway, with good lighting and paving.

(b) New pedestrian links which encourage access along Eden Lane to Myrtle Street, West Street and Pacific Highway.

(c) New pedestrian links which encourage access to and from Pacific Highway, West Street and Ridge Street.

P5 Through site links are made safe through adequate lighting and passive surveillance.

2.3.3 Desired Built Form

Form, massing and scale

P1 A variety of building heights in the mixed use area with the average height being 4 storeys.

P2 Buildings adjacent to conservation areas transition in height to match building height in conservation areas.

Podiums

P3 A podium of 4 storeys to all streets, with a weighted setback of 3m above the podium with the following exceptions:

(a) A podium of 4 storeys to Eden Street, Eden Lane and Myrtle Street, with a setback of 1.5m above the podium.

(b) A podium of 3 storeys to Hazelbank Lane and Church Lane, with a setback of 1.5m above the podium.

Building Design

P4 Building form differs throughout the area, with an emphasis on quality mixed use design to complement heritage items.

P5 Form, scale and massing reflects surrounding development to provide visual interest through a range of detailing such as recesses, balconies and a variety of materials.

P6 Ground floor commercial/retail uses to provide activity and interest along Pacific Highway, Eden Street and Eden Lane.

P7 Active uses along Eden Street and Eden Lane such as outdoor dining to encourage activity outside standard business hours.

P8 Mixed use development complements lower scale residential development in adjoining conservation areas.

Noise

P9 Elevations of buildings fronting the Pacific Highway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

Awnings

P10 Consistent awnings along Pacific Highway to provide shelter from weather conditions.

Car accommodation

P11 Short stay metered on-street parking for visitors.

P12 Access to underground car parking should be provided through a single combined entry and exit.

Public Spaces and facilities

P13 Footpath paving along property frontages in accordance with Council's specifications.

P14 Roof top gardens and public facilities that allow public access to district views from higher floors.

P15 Encourage active uses outside standard business hours to encourage active streets and street surveillance.

P16 Locate any outdoor dining within clearly defined areas located away from main roads; provide weather protection providing equal and unobstructed pedestrian movement.

Streetscape

P17 Streetscape to provide consistency with surround areas with street tree planting and use of street furniture.

P18 Tree lined streets encourage birdlife and lessen impact to traffic noise.

2.4 HAMPDEN NEIGHBOURHOOD



2.4.1 Significant elements

Land Use

P1 Residential accommodation.

P2 Educational establishments.

Topography

P3 Moderate falls to the south from Ridge Street and steep falls to the east from Walker Street to the Warringah Expressway.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) Maintain views of Kirribilli and the Harbour from Walker Street.

(b) Strong vista along Walker Street to southern part of CBD.

Identity / Icons

P5 North Sydney Club.

P6 Warringah Expressway, a major arterial thoroughfare.

P7 Sandstone wall in the middle of Walker Street.

Streetscape

P8 Tree lined streets with grassed verges and concrete footpaths.

P9 Split level streets to Hampden Street.

P10 Landscaped medians on Hampden Street.

P11 Double rail timber fences on Hampden Street.

P12 Low front fences of brick or masonry on Walker Street.

P13 Residential flat buildings are setback from the boundary and aligned with the street frontage.

Public transport

P14 Development to take advantage of reasonable proximity to high levels of public bus and train services.

P15 Public transport, cycling and walking are the main forms of public transport.

2.4.2 Desired Future Character

Diversity

P1 A mixture of modern multi-level residential flat buildings with older low rise residential flat buildings.

P2 Retention of the 2-3 storey original attached dwelling houses on Hampden Street.

Accessibility and permeability

P3 Pedestrian walk along the western side of Warringah Expressway accessed from Hampden Street.

2.4.3 Desired Built Form

Form, scale and massing

P1 Early and original residential buildings complement the topography to maintain views and easy access.

P2 Ground floors may not relate to street level due to topography of the area, with high sandstone retaining walls at ground level.

P3 Generally a maximum of 2 storeys on Hampden Street.

P4 Development is to be designed to maximise solar access year round to the new public squares to be created within the Ward Street Precinct.

P5 Development must not result in a net increase in overshadowing to the main southern square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

Setbacks

P6 Maintain existing setbacks from property boundary along the eastern side of Walker Street and the northern side of Berry Street.

Fences

P7 Low fences (max 800mm).

P8 Small picket fences above sandstone bases.

Car parking

P9 Located off-street and below ground for all residential flat buildings and multi dwelling housing.

P10 Located on-street parking for all heritage listed attached dwellings.

P11 Short term on-street meter parking.

P12 Existing sandstone retaining walls on street frontages must not be breached to accommodate garages or car parking spaces.

Streetscape

P13 Heritage features such as Walker Street and Hampden Street sandstone walls.

P14 Substantial gardens within front setback area.

P15 Steps and pathways along Walker and Hampden Streets are maintained.

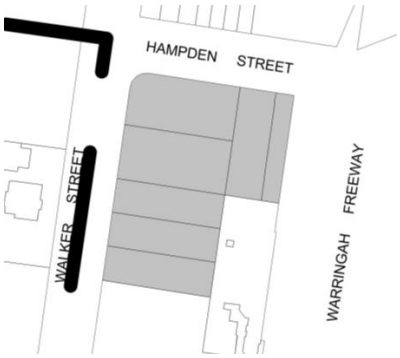
P16 Landscaping in front gardens/private open space.

P17 Tree lined streets and mature vegetation on median enhances area.

Noise

P18 Elevations of buildings fronting the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

2.4.4 East Walker Street Precinct



Where there is an inconsistency between the East Walker Street Precinct Controls and the Hampden Neighbourhood Controls, the East Walker Street Precinct Controls prevail.

Building Setbacks

Front setbacks

P1 2m landscaped setback to Walker Street.

P2 2m landscaped setback to Hampden Street.

Side setbacks

P3 Nil side setbacks to the eastern side property boundary of 17 Hampden Street.

Rear setbacks

P4 12m for Walker Street properties (173-179 Walker Street).

P5 12m for Hampden Street properties (15-17 Hampden Street).

Podium Height

P6 2 storeys to Walker Street.

P7 2–3 storeys to Hampden Street.

P8 The Hampden Street podium is to respond to the rhythm and grain of the adjacent heritage properties through the incorporation of vertical proportions.

Above Podium Setbacks

P9 3m above the podium level.

Building Separation

P10 12m separation distance above the podium, is to be provided between the two building forms.

P11 The building separation is to provide a view corridor through the site.

2.5 WALKER/RIDGE STREET CONSERVATION AREA



2.5.1 History

The Walker/Ridge Streets Conservation Area was subdivided as part of the Town Plan for North Sydney, known at the time as St Leonards, but remained largely undeveloped until the 1880s. Some of the first buildings were "Lamona", built by Dr Kelynack in 1883, "Park House" built by Francis Punch in 1886, followed by "St Helens" 1889.

Land on the western side of Walker Street was owned by Francis Lord as part of an estate surrounding his house "The Lodge". A smaller block was owned by William Tucker. Subdivision and development on the western side of Walker Street occurred in the late 19th century, mostly for private homes. The area was once comprised part of "the Macquarie Street of the north" due to the number of doctors surgeries and cottage hospitals. A portion of the area is now occupied by Wenona School.

The main building period is 1880-1900.

2.5.2 Description

The Walker/Ridge Streets Conservation Area includes the eastern end of Ridge Street and the sloping, northern portion of Walker Street. It is bounded St Leonards Park to the north, Elliot Street to the west and the Warringah Expressway to the east.

The landform falls to the south. Subdivision is determined by the grid pattern of the streets and lot sizes are irregular and many are developed for attached housing.

The area is characterised by intact groups of single and two storey detached and attached dwelling houses in a mix of Victorian Italianate and Federation styles with St. Helens being a remnant of the Victorian Georgian. The main buildings at the northern end of Walker Street are substantial residences in the Federation Arts and Crafts and Queen Anne styles. There is some modern residential infill and educational buildings associated with Wenona.

Street verges are 3.5 metres wide with concrete footpaths and lined with regularly spaced street trees.

The vista towards the War Memorial in St Leonards Park up Walker Street is a significant feature of the Conservation Area and there are views from the eastern edge to Sydney Harbour. Original fencing and retaining walls are important unifying elements in the streetscape.

Mature landscaping is a unifying and significant feature of the Conservation Area and the gardens to Walker Street contribute to this. There are street trees to Walker Street.

Uncharacteristic elements include contemporary multi-storey buildings; over-scaled, two storey additions; over-scaled and poorly detailed carports and garages; front and side

dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

2.5.3 Statement of Significance

The Walker/Ridge Streets Conservation Area is significant:

(a) For its late 19th and early 20th century character defined by the number of intact heritage items in the area.

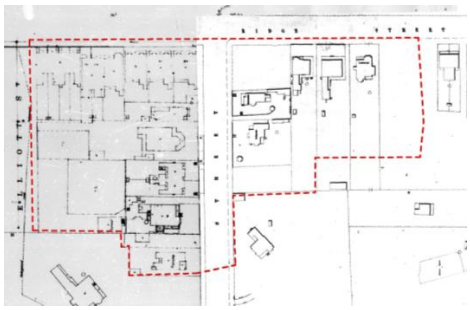
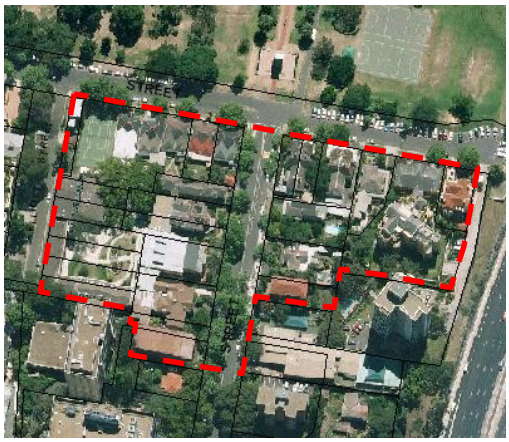


Figure F-2.5.1 (left):
Circa 1890

Figure F-2.5.2 (below left):
Circa 1943

Figure F-2.5.3 (below):
Circa 2008





2.5.4 Significant elements

Topography

P1 Steeply sloping to the south along Walker Street from Ridge Street.

Subdivision

P2 Lot sizes – 700m^2 to 1250m^2.

P3 Rectilinear with narrow boundary to street.

Streetscape

P4 Continuity of fences and landscaping.

Views

P5 Warringah Expressway Lookout at the end of Ridge Street. Towards St Leonards Park War Memorial along Walker Street.

2.5.5 Characteristic buildings

P1 Detached and attached Victorian Italianate dwelling houses.

P2 Detached Federation Queen Anne and Arts and Crafts style dwelling houses.

2.5.6 Characteristic built elements

Siting

P1 Dwellings are oriented to face the street, parallel to the street alignment.

P2 Dwellings are sited forward and middle of lot.

Form, massing and height

P3 Single-storey and two-storey dwelling houses with hipped and gabled roofs with skillion rear wings.

P4 Reduced height and scale to rear.

P5 Open verandahs to front.

P6 Projecting front gables beside recessed verandahs.

P7 Detached and semi-detached dwelling houses of identical design often have continuous front verandahs.

P8 Strong skyline of simple pitched roofs and chimneys visible from street and St Leonards Park.

P9 Front setbacks generally between 4-5m.

P10 Side setbacks of 1.5m.

Roofs

P11 Pitched between 30 and 45 degrees without dormers or openings that can be seen from the street.

P12 Hipped roofs with some gabled elements.

P13 Gabled ends for projecting bays to the street.

P14 Skillion roofs to rear extensions.

P15 Brick and rendered chimneys with terracotta chimney pots.

External Materials

P16 Face brick on Federation buildings with sandstone foundations.

P17 Original rendered walls on Victorian buildings.

P18 Slate, corrugated metal and terracotta tiled roofs.

P19 Timber windows, doors and joinery.

P20 Original front garden landscaping.

Windows, doors and joinery

P21 Consistent with building period and style. Timber.

Fences and kerbing

P22 Original front fences less than 800 mm height with views to the garden.

P23 Timber fences to rear and side.

P24 Sandstone plinths, sandstone piers, metal palisade and gates, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.

P25 Sandstone kerbing.

Car accommodation

P26 No garages or carports located in front of building line.

2.5.7 Desired built form

P1 Views to the war memorial in St Leonards Park should not be obstructed and opportunities oi improve the vistas to and from the park along Walker Street should be sought.

P2 Improve the interface of the Walker/Ridge Street conservation area boundary with ST Leonards Park.

2.5.8 Uncharacteristic elements

P3 Modern infill development, loss of original detailing and materials on elevations visible from the public domain, dormers and skylights on front or side elevations, modified roof planes, glazed roofing, new balconies and decks above street level, infilled verandas and balconies, roof cut-outs for decks and terraces, full width roof additions, glazed balustrades, metal wall cladding, extensive glazing, infill of breezeways, paved gardens, lack of landscape setting including trees, high solid walls and fences to the street, parking except at the rear, concrete kerbing.

2.6 McLAREN STREET CONSERVATION AREA



2.6.1 History

The McLaren Street Conservation Area was subdivided as part of the Town Plan for North Sydney, known at the time as St Leonards.

The land for St Thomas' Church was allocated in 1842 and the first church erected in 1843. Further land was purchased by the Church and a schoolhouse was erected in 1848. The original Church was replaced by a larger Church erected around it between 1877 and 1884 to a design by Edmund Blacket.

A rectory, designed by E. Jeaffreson Jackson, was built to the east of the Church in 1900, and a memorial hall was added to the site in 1922. The earliest recorded occupant of adjacent land was James Husband, and plans from 1892 show "St Thomas' Terrace" fronting Miller Street.

During the 1890's a large residence and doctor's surgery, designed by E. Jeaffreson Jackson, was erected for Dr Capper at the corner of Miller and McLaren Streets. The building was acquired in 1926 and remodelled as Council Chambers for North Sydney Council.

At the turn of the 20th century Miller Street was known as the "Macquarie Street of the North Shore" because of the concentration of doctors, dentists and hospitals.

2.6.2 Description

The McLaren Street Conservation Area is made up of two areas either side of McLaren Street and Church Street including the park to the north of the North Sydney Council Chambers.

The topography slopes down from Ridge Street towards McLaren Street with Church Street following the slope. The park is modelled with small rises and a terraced area towards Miller Street. The subdivision pattern relates only to McLaren Street and Church Street and the Victorian pattern has been lost in the Civic precinct.

The characteristic buildings in the area are typically Federation and Edwardian Queen Anne with pockets of Victorian dwelling houses along Church Street. The area contains several public buildings including St Thomas's Church and Hall and the North Sydney Council Chambers, a Federation building with modern extension. The buildings are typically:

(a) single and two-storey, freestanding buildings with materials relating to the age of construction,

(b) Victorian rendered dwelling houses with verandahs and slate and corrugated metal roofs, and

(c) Federation face brick dwelling houses with verandahs and terracotta tile roofs.

The church is a prominent, stone building with associated vestry building and halls.

There are street plantings along each of the streets and plantings in the park.

2.6.3 Statement of Significance

The McLaren Street Conservation Area is significant:

(a) As an area that is close to the centre of North Sydney that retains representative details from its development from the late 19th and early 20th centuries, including street formation, buildings, gardens and fencing.

(b) For its landmark qualities and associations with St Thomas' Church, North Sydney Council buildings, park and public court.



Figure F-2.6.1 (left):
Circa 1890

Figure F-2.6.2 (below left):
Circa 1943

Figure F-2.6.3 (below):
Circa 2008





2.6.4 Significant elements

Topography

P1 Sloping to the south from Ridge Street.

Subdivision

P2 Variety of lot sizes related to land use and building/dwelling type. Generally rectilinear with narrowest frontage to street for perimeter development.

Streetscape

P3 Buildings at street level or raised above it.

P4 Varying scale of housing facing the street in garden settings located forward on the lot.

P5 Public buildings in landscaped setting.

P6 Concrete and stone kerbs, sandstone walls, palisade fences, street gardens.

P7 Street trees and Stanton Park.

Views

P8 Views within area along Miller and McLaren Streets to St Thomas' Church and the Council buildings.

2.6.5 Characteristic buildings

P1 Victorian and Federation.

2.6.6 Characteristic elements

Siting

P1 Dwellings are oriented to face the street, parallel to the street alignment, forward on lots.

P2 Front setback 6-8m and side setbacks of 1.5-2m.

Form, massing and height

P3 Single and two-storey, detached dwelling houses.

P4 Simple forms articulated with verandahs to front.

P5 Reduced bulk and scale to the rear.

P6 Multi-storey public buildings.

P7 Mainly gabled and hipped roofs pitched between 30 and 45 degrees.

Materials

P8 ***Walls***: render, stone and face brick on sandstone foundations.

P9 ***Roofs***: slate, terracotta and corrugated metal on rear extensions.

P10 ***Windows and doors***: Timber.

P11 Tall chimneys with chimney pots, stucco and face brick.

P12 Tessellated tiles to verandahs.

Windows and doors

P13 Consistent with building period and style. Timber.

Fences

P14 Brick or sandstone piers and base with metal palisade and timber panels.

P15 Stone boundary wall to Church.

Car accommodation

P16 Locate garages and carports to rear of the property.

P17 No garages or carports located in front of building line.

P18 Single driveways.

2.6.7 Uncharacteristic elements

P1 Modern additions and buildings; painting and rendering of face brick; high fences to street; excessive paved areas for parking; buildings built to the front boundary.

P2 Modern shopfront to 5-7 McLaren Street.

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SECTION 3 ST LEONARDS / CROWS NEST PLANNING AREA

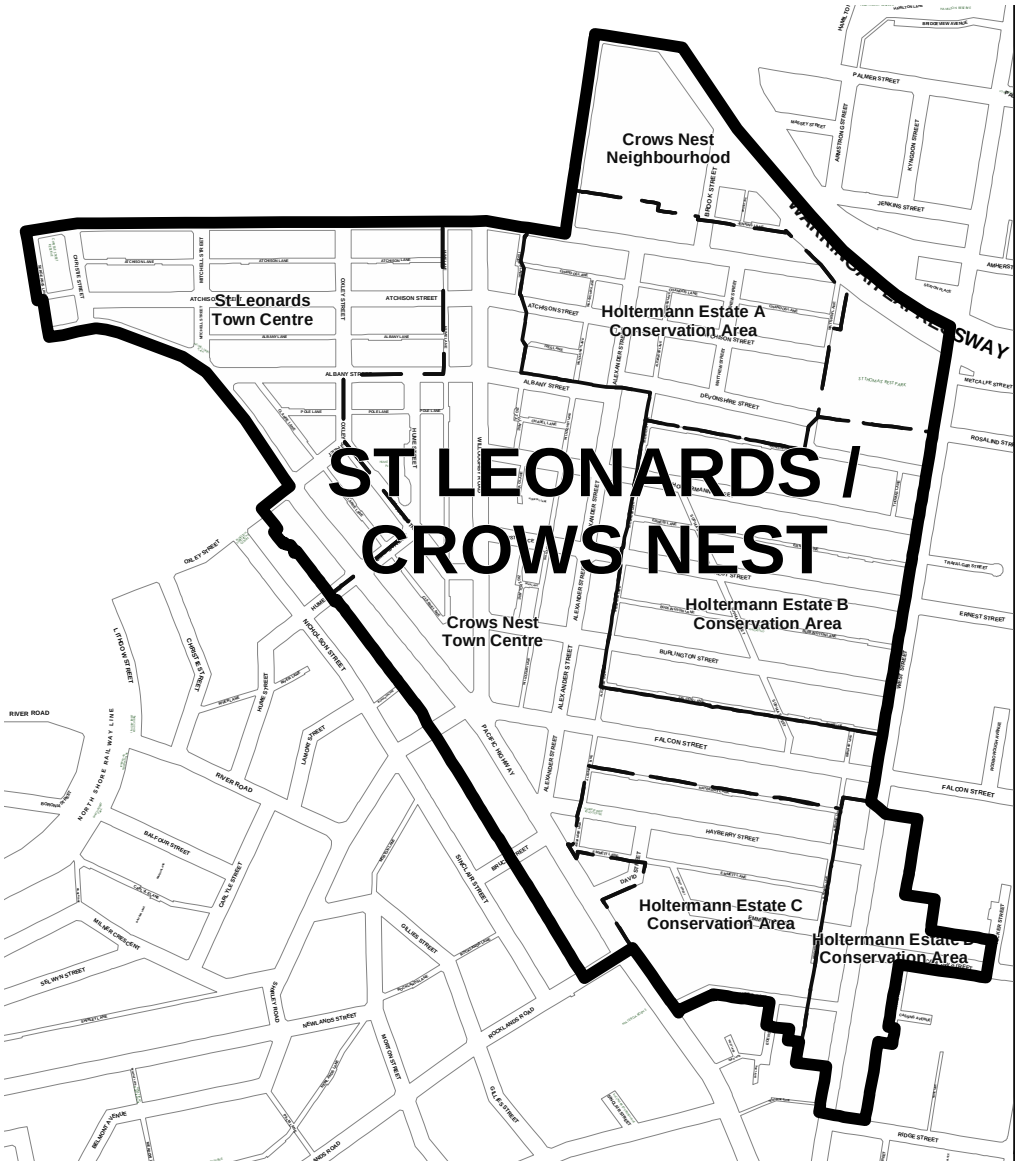
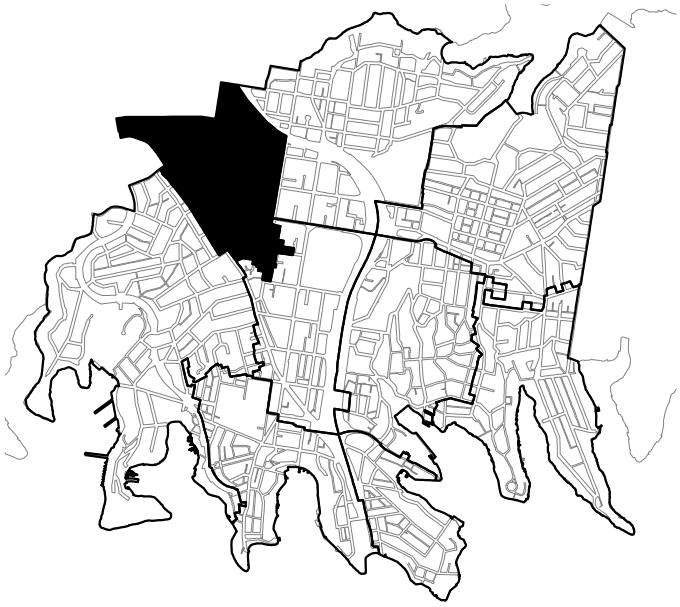


Figure F-3.0: St Leonards / Crows Nest Planning Area and associated Locality Areas

3.0 ST LEONARDS / CROWS NEST PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the St Leonards/Crows Nest Planning Area. This statement has been informed by aims and desired outcomes of Council's Planning Studies undertaken in the Planning Area and the State Government's *2036 Plan for St Leonards Crows Nest*. The Planning Area is located partially within the Crows Nest Transport Oriented Development Precinct and is subject to the requirements of *Crows Nest Transport Oriented Development Precinct Design Guide* (Design Guide). In the event of any inconsistency between the Design Guide and this DCP, the objectives and provisions of the Design Guide will prevail to the extent of that inconsistency. Where no provisions are indicated in the Design Guide, the relevant provisions of this DCP will apply.

The Planning Area is focussed around the town centres of St Leonards and Crows Nest in the north-west of the Local Government Area, both of which are situated on major vehicular traffic routes. The remainder of the Planning Area comprises a number of predominantly low-density residential neighbourhoods, much of which is characterised by retention of the historic subdivision pattern.

The St Leonards Town Centre is identified as a Strategic Centre within the heart of the Eastern Economic Corridor and forms part of an identified Health and Education Precinct under the Regional Plan. In particular, it is a dense, significant, sustainable and busy urban centre where:

- it will accommodate sustained growth in the health and technology sectors, whilst supporting creative industries, small to medium sized businesses, startups, galleries, entertainment and speciality retail to ensure it enhances the economic function of North Sydney
- a diverse range of living, employment, recreation and social opportunities are provided which serve both local and regional populations and contribute to the vibrancy of the Town Centre

- residents, workers and visitors enjoy a high level of amenity and quality of the natural and built environment
- residents, workers and visitors can easily access the Planning Area through excellent public transport links to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus.

The Crows Nest Town Centre is smaller in scale in comparison to St Leonards, with 19th Century, two storey shopfront parapets along Willoughby Road and parts of the Pacific Highway. The Town Centre services the daily needs of residents and visitors, as well as having a lively dining district. Traffic is actively managed so pedestrians can move freely across Willoughby Road.

The quiet residential neighbourhoods in the east of the Planning Area are low in scale and characterised by wide roads with street tree plantings. Laneways facilitate movement and provide rear lane access to properties. Local shops, dispersed throughout the area, serve both local and regional needs. St Thomas Rest Park, located toward the north-eastern edge of the Planning Area, as well as Hume Street Park, provides much needed open space and complements pocket parks within the area, with access to St Leonards Park on its eastern edge.

and where:

Function

- various grades and sizes of business spaces are provided in the St Leonards and Crows Nest Town Centres to accommodate a mix of small to large business premises, retail premises and community services
- the lower levels of commercial and mixed use buildings in the St Leonards Town Centre are designed to provide flexible spaces to support the growth of creative industries, small to medium sized businesses, startups, galleries, entertainment and speciality retail
- active uses outside normal business hours are encouraged to be established to enhance the vitality of the Town Centres
- the village atmosphere of Crows Nest is maintained and enhanced, with Willoughby Road continuing to be an active high street.
- community facilities meet the needs of the Planning Area's working and resident population, visitors, and residents of nearby neighbourhoods, in terms of wellbeing, culture and recreation, and add to the diversity and activity of the Town Centres
- there is housing choice in the mix of dwelling types and in the range of affordability
- public transport, including walking and cycling, is the main form of access to the Town Centres
- the grid pattern of streets and lanes imposes order and allows freedom of movement
- mid-block pedestrian connections provide alternative routes through long street blocks at street level to assist pedestrian movement
- the area is highly permeable for pedestrians

Environmental Criteria

- the extremes of sun, wind and rain are mitigated by continuous awnings and other good building design elements
- natural light reaches buildings, public places and streets
- solar access to existing and proposed public open spaces is maximised and contributes to the enjoyment of those spaces used by the public

- mechanical and other noise is controlled to protect residential amenity
- there is opportunity for sharing of views within the area
- additional public open space is provided and existing spaces embellished to cater for increases in resident and worker populations
- increased opportunities for tree planting are provided at the ground level to minimise the urban heat island effect

Quality Built Form

- a safe, high quality urban environment is achieved through careful design of buildings and use of materials, and a well designed and maintained public domain
- the high ridge that underlies St Leonards is reflected in its built form and the skyline is an interesting and distinctive feature in the broader landscape
- buildings are scaled down from the railway and metro stations towards surrounding areas, to fit in with lower scale development and reducing adverse affects on lower scale areas
- high rise development is generally focused along the Pacific Highway and the area generally contained by the Pacific Highway to the west, Oxley Street to the east and south and Chandos Street to the north
- the character in the St Leonards Town Centre is highly urbanised, but softened through urban design and landscaping
- the visual characteristics of the Crows Nest neighbourhood's heritage conservation areas are reflected in new development, with low rise small scale dwellings predominating
- heritage items retain their heritage significance, and contribute to area's rich development history and provide interest in the physical fabric of the area

Quality Urban Environment

- tree planting in private and public spaces and small landscaped areas provides softening from the built form
- traffic is managed so that pedestrians can move within the area safely and freely and amenity is maintained
- parking is managed to maintain pedestrian safety, maximise public and active transport modes and minimise traffic generation
- pedestrians are assisted to safely cross barriers such as the Pacific Highway and the railway at grade
- the perceived extent of the public domain is increased through the incorporation of landscaped setbacks and reversed podiums
- rear lanes are used for vehicle access to properties

Efficient Use of Resources

- energy efficient design and life cycle assessment of buildings enables the conservation of natural resources and minimal use of non-renewable energy resources
- stormwater runoff is minimised, and reused on-site where possible

The St Leonards / Crows Nest Planning Area includes the following Locality Areas in which development is also subject to relevant provisions below:

Section 3.1: St Leonards Town Centre

Section 3.2: Crows Nest Town Centre

Section 3.2.4 Hume Street Park

Section 3.2.5 27-57 Falcon Street, Crows Nest

Section 3.3: Crows Nest Neighbourhood

Section 3.4 Holtermann Estate Conservation Area A

Section 3.5: Holtermann Estate Conservation Area B

Section 3.6: Holtermann Estate Conservation Area C

Section 3.7: Holtermann Estate Conservation Area D

3.1 ST LEONARDS TOWN CENTRE



Figure F-3.1-1: Locality Area Map

3.1.1 Significant elements

Land Use

P1 Predominantly retail and mixed commercial and residential development.

P2 Commercial development.

P3 High density residential development.

P4 Community facilities.

P5 Passive and active recreational spaces.

Topography

P6 Slight falls to the east and north east from the Pacific Highway which generally follows the ridgeline.

P7 Slight fall to the west along the Pacific Highway from Albany Street.

Identity / Icons

P8 The Forum development and plaza.

P9 St Leonards Railway Station and Crows Nest Metro Station, major transport interchange hubs.

P10 Pacific Highway, a major sub-arterial thoroughfare.

P11 Christie Street Reserve.

P12 Hume Street Park.

Subdivision

P13 Generally rectilinear grid pattern with dual frontages.

Streetscape

P14 Wide fully paved footpaths along Pacific Highway and adjacent to other commercial and mixed use buildings.

P15 Atchison Street between Christie Street and Mitchell Street is one way only, with wide paved footpaths, landscaping and other urban furniture.

P16 Awnings provided along the Pacific Highway and for other commercial and mixed use buildings.

P17 Irregular planting of street trees.

Public transport

P18 Development is to take advantage of high levels of access to high frequency public train, Metro and bus services.

P19 Public transport, cycling and walking are the main forms of transport to the Centre.

3.1.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 Predominantly high to medium-high rise, commercial and mixed commercial and residential development.

P2 Provision of a variety of different sized commercial office, business, retail, recreation, (indoor and outdoor) community, entertainment, food and drink and other active non-residential uses at the street level in the *E2 Commercial Centre* and *MU1 Mixed Use* zones.

P3 Intensify the provision of commercial office and business premises in close proximity to the railway and metro stations with active uses such as food and drink premises and retail located at the ground level addressing the public domain.

P4 Maximise ground level activation along Christie, Mitchell, Oxley, Atchison, Chandos and Clarke Streets by focusing food and drink premises and retail within a fine grain built form. This can be achieved through the emphasis of small to medium sized tenancies which directly address the public domain.

P5 High density residential accommodation within mixed use buildings is concentrated closes to the railway and metro stations and along the Pacific Highway.

P6 Retention of the medium density residential precinct in the north-eastern corner of the Locality Area.

Public spaces and facilities

P7 Establish Atchison Street as the civic main street by:

(a) ensuring that the design of building exteriors at the lower levels incorporates high levels of architectural modulation (i.e. no blank walls) along with high quality materials and finishes;

(b) maximising active uses such as retail, food and drink and outdoor dining at the ground level; and

(c) improving the public domain in accordance with Council's Public Domain Style Manual and Design Codes.

P8 Outdoor dining to be concentrated along widened footpaths to Atchison, Chandos, Mitchell, Oxley and Clarke Streets.

P9 Maintain and enhance Christie Street Reserve as a sunny and inclusive landscaped space which is activated along its southern edge with ground floor retail premises to 100 Christie Street.

P10 Maintain and enhance Mitchell Street Plaza at the intersection of Mitchell Street and Pacific Highway.

P11 A linear landscaped park is provided along the western side of Mitchell and Oxley Streets, between Chandos and Pacific Highway.

P12 A shared way is provided along Mitchell Street between Atchison Street and Albany Lane.

P13 Consideration be given to integrating artworks, water features and wind breaks into the design of Mitchell Street Plaza.

P14 Plazas incorporate space for public entertainment and expression of community identity, large enough to hold an open air performance or market.

P15 Roof top gardens and public facilities that allow public access to district views from higher floors.

3.1.2.1 Accessibility and permeability

Objectives

O1 Improve permeability and provide connections to main pedestrian and cycling networks, key destinations and residential areas.

O2 Ensure that the design of through site links and mid-block connections is high quality, safe, well-lit, accessible and pedestrian friendly.

O3 Encourage walking and cycling as part of the broader street network to promote community interaction, better health outcomes and reduce vehicle movements.

O4 Encourage active frontages along through site link without compromising safe pedestrian access and use.

O5 Ensure that any proposed privately owned lanes have a fully public nature equivalent to the public domain.

Provisions

P1 The through site links identified in Figure F-3.1-2 are to be provided, retained and enhanced.

P2 New through site links are to align as best as possible with existing through site links to maximise permeability.

P3 Through site links that are proposed in addition to those identified under P1 must demonstrate that it meets the objectives and provisions of this subsection.

P4 Through site links are to be provided in accordance with Section 2.4.7 to Part E of the DCP and the following criteria:

(a) The design and finish must be in accordance with the relevant Public Domain Strategy.

(b) Include landscaping where practical to assist guiding people along the link while maintaining long sightlines.

(c) Be fully open to the sky. Internal through site links will only be considered where they are provided with double height spaces to convey a sense of publicness.

(d) Provide public access 24 hours a day 7 days a week.

(e) Be activated on both sides of the link.

(f) Be clearly distinguished from vehicular accessways.



Figure F-3.1-2: Through Site Link Map

3.1.3 Desired Built Form

3.1.3.1 Subdivision

Objectives

O1 To enable the development of feasible built forms which also incorporate suitable side and rear setbacks at the upper levels to afford daylight and ventilation between buildings.

Provisions

P1 Maintain a frontage of 20m - 40m, which equates approximately to the amalgamation of two or three original allotments.

P2 Development on consolidated allotments with a frontage wider than 20m - 40m frontage is to be broken down by articulation, design and detailing, change in materials and colours.

3.1.3.2 Form, massing and scale

Objectives

O1 To ensure that density and scale is concentrated close to the rail and metro stations and along the Pacific Highway.

O2 To ensure a positive transition in height and scale down from tall towers to neighbouring and adjoining lower density areas.

O3 To enable the lower levels of buildings to be converted between retail, commercial and community uses over time.

O4 To increase amenity for the occupants of buildings by providing direct access to sunlight, daylight and natural ventilation.

O5 To maximise year round solar access to existing and new public spaces to be created within the Planning Area.

Provisions

P1 Buildings should generally transition in height from St Leonards Railway Station, Crows Nest Metro Station and Pacific Highway down to the surrounding areas and the lower scale development on Chandos Street, Willoughby Road, Crows Nest Town Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.

P2 Roof design presents a varied, composed and interesting skyline when viewed from a regional context.

P3 Architectural detailing and ornamentation provides a rich visual texture and a symbolic reference to the history of the place, the building's use or occupant.

P4 Developments on land greater than 1,000sqm should consider the incorporation of internal courtyards adjacent to laneways and through site links to broaden the range and form of open space in the locality.

P5 Development is to be designed to maximise year round solar access to existing and the new public spaces to be created within the Planning Area.

P6 Tower elements located above the podium level should not exceed 45m in width, unless it can be adequately demonstrated that sufficient physical vertical articulation can be provided to break the tower elevation into distinct elements.

P7 Minimum floor to floor heights on land zoned *E2 Commercial Centre* or *MU1 Mixed Use* must be provided:

(a) Ground floor level: 4.0 – 4.5m

(b) First floor level: 3.6m

(c) Levels above: 3.0m (residential uses) or 3.6m (non-residential uses)

P8 Residential floor to floor heights should generally not exceed 3.2m, except on the first floor level in accordance with P7 above.

P9 Rooftop plant and structures should be designed and positioned to comprise a minor element of the roofscape and minimise any increases to the building's overall overshadowing impacts.

3.1.3.3 Setbacks

Objectives

O1 Reinforce the spatial definition of streets and public spaces.

O2 Emphasise the street as a distinct spatial entity and design the street wall frontage with an appropriate human scale and sense of enclosure for the street.

O3 Ensure consistent street frontages along the street alignment.

O4 Recognise the variation in street frontage heights throughout the centre and allow flexibility to respond to context.

O5 Ensure adequate transition in scale between employment / mixed use zones and residential zones.

O6 Enable deep soil planting along the Pacific Highway and identified linear parks.

Provisions

Note. *Additional setbacks may be required for any part of the building located above the podium level. Refer to Section 3.1.3.5 to this Part.*

P1 Buildings are to be setback from all street frontages in accordance with the Building Setbacks Map (refer to Figure F-3.1-3).

P2 A nil setback is permitted to all side and rear boundaries without a street frontage on land zoned *E2 Commercial Core* or *MU1 Mixed Use*.

P3 Despite P2, a minimum 6m setback is required where land zoned *E2 Commercial Centre* or *MU1 Mixed Use* directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.

P4 A minimum 4.5m setback is required to all side and rear boundaries without a street frontage on land zoned *R4 High Density Residential*.

P5 Despite P1 and P2, setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).

P6 Despite P1-P4, where a site contains a heritage item and that item is to be retained, the heritage item may maintain its existing setback.

P7 Despite P1-P4, increased setbacks may be required for podium levels that contain residential uses to achieve adequate building separation in accordance with *SEPP (Housing) 2021*.

P8 Building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape. In some places, this may require greater building setbacks than those specified in Figure F-3.1-3).

P9 Where a whole of building setback is required to the Pacific Highway, Chandos Street, Oxley Street or Mitchell Street, any basement is also required to be setback the same distance, unless it can be adequately demonstrated that sufficient soil depth can be provided to enable the planting of canopy trees capable of growing to at least the height of any adjacent podium.



Figure F-3.1-3: Building Setbacks Map

3.1.3.4 Podium Heights

Objectives

O1 To strengthen the urban form of the Centre with consistent street wall heights.

O2 To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.

O3 To enhance the distinctive character of streets within the Centre.

O4 To ensure the context of heritage items are not adversely eroded.

Provisions

P1 Podiums are to be provided in accordance with the Podium Heights Map (refer to Figure F-3.1-4).

P2 Despite P1, corner sites are to maintain a consistent podium height to all street frontages to achieve consistent built form.

P3 Despite P1, sites containing a heritage item and where that heritage item is to be retained the existing podium height may be retained.

P4 Despite P1 podium heights may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD). However, distinct architectural elements are to be incorporated to reflect the desired podium heights.

P5 If required, podiums are to step down with the topography.



Figure F-3.1-4: Podium Heights Map

3.1.3.5 Above Podium Setbacks

Objectives

O1 To protect daylight access to the street level to enable the successful growing of street trees.

O2 To permit sky views from the street and neighbouring residential areas.

O3 To ensure that built form achieves comfortable public domain conditions for pedestrians, with adequate daylight, appropriate scale, and mitigation of urban heat and wind effects of tower buildings.

O4 To reinforce important elements of the local context including public spaces, heritage buildings, monuments and landscape elements.

O5 To provide adequate privacy, access to light, air and outlook for the occupants of buildings, neighbouring properties and future buildings.

O6 To ensure towers are sufficiently separated to be seen in the round and reduce the cumulative overshadowing impact of towers on neighbouring residential areas.

O7 To ensure development does not prejudice the re-development of adjoining sites in the future.

O8 To avoid awkward ziggurat style built forms.

Provisions

P1 All buildings are to be designed to provide setbacks above the podium in accordance with the Above Podium Setbacks Map (refer to Figure F-3.1-5). Setbacks above the podium are to be measured from the outer wall of the podium.

P2 A minimum above podium setback to all side and rear boundaries is required as follows:

(a) 4.5m for buildings up to 8 storeys in height; or

(b) 6m for buildings from 9 storeys up to 18 storeys in height; or

(c) 12m for buildings over 18 storeys in height.

P3 Despite P1 and P2, above podium setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).

P4 Despite P2, a minimum 15m above podium setback, measured from the property boundary, is required where land zoned *E2 Commercial Centre* or *MU1 Mixed Use* directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.

P5 Despite P1-P4, increased setbacks above the podium may be required to achieve adequate building separation in accordance with *SEPP (Housing) 2021*.

P6 Only one step in the built form between the podium walls and tower is permissible.

P7 An existing adjacent building, even if heritage listed, cannot be used to justify a reduced setback that would compromise the development potential of the adjacent site in the future.

Note. *Setbacks are measured to the outer face of any part of the building including balconies, architectural detailing and the like.*



Figure F-3.1-5: Above Podium Setbacks Map

3.1.3.6 Active Frontages

Objectives

O1 To provide for the amenity, interest and liveliness of the street environment and public open spaces.

O2 To ensure a positive experience for pedestrians with the necessary fine grain environment of the street.

O3 To enable sensory engagement with the street and public spaces.

O4 To provide an active ground floor frontage that is accessible and integrated with the design of the public domain.

O5 To maximise the extent of active frontages in the public domain.

O6 To promote activity, connectivity and variety in the public domain.

O7 To increase passive surveillance of the street and other public spaces and enhance safety.

Provisions

P1 Buildings must contain active frontages to all street frontages with the exceptions of public laneways.

P2 Despite P1, an active frontage is to be provided to Sergeants Lane along the southern boundary to 100 Christie Street.

P3 Active frontages to public laneways are encouraged where practical.

P4 Where a site has a direct frontage to an existing or proposed open space, an active frontage is to be provided to that interface. In particular, active frontages are to be provided to:

(a) Christie Street Reserve;

(b) Mitchell Street, between Chandos Street and Pacific Highway;

(c) Oxley Street, between Chandos Street and Pacific Highway; and

(d) Clarke Street, between Oxley Street and Hume Street.

P5 Active frontages are to be provided along both sides of the through site links.

P6 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.

P7 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.

P8 Avoid the use of colonnades along all street frontages.

3.1.3.7 Awnings

Objectives

O1 To maximise pedestrian comfort and continuous protection.

Provisions

P1 Awnings are to be provided along all street frontages in the *E2 Commercial Centre* and *MU1 Mixed Use* zones.

3.1.3.8 Solar access

Objectives

O1 To ensure existing and future parks and public spaces in and around the Centre are afforded a high level of amenity through the maintaining and maximising of solar access during periods in the day when they are most used throughout the year.

O2 To promote active and passive recreation to public spaces to service existing and planned population of the Centre and surrounds.

O3 To ensure the successful growth and survival of trees and vegetation within the parks and public spaces.

Provisions

P1 Development is to be designed to maximise year round solar access to existing and proposed new public spaces to be created within the Planning Area.

P2 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):

(a) Christie Street Reserve, comprising all land within Lots 2 and 3, DP 733528 and zoned *RE1 Public Recreation*; and

(b) Hume Street Park, comprising all land located between Pole Lane, Willoughby Road, Clarke Street and Oxley Street and zoned *RE1 Public Recreation*; and

(c) Ernest Place, comprising all land within the Ernest Street road reserve located between Willoughby Road and Willoughby Lane and zoned *RE1 Public Recreation*; and

(d) Holtermann Reserve (proposed), comprising that part of Lot 1, DP 785343 and zoned *SP2 Infrastructure – Car Park*.

P3 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):

(a) Willoughby Road road reserve, between Chandos Street and Falcon Street; and

(b) Mitchell Street road reserve and the whole of building setback requirement to the western side of Mitchel Street as required under s.3.1.3.3, between Chandos Street and the Pacific Highway; and

(c) Oxley Street road reserve, and the whole of building setback requirement to the western side of Oxley Street as required under s.3.1.3.3, between Chandos Street and Clarke Street

P4 Despite P2 and P3, development on land located directly adjacent to the identified public spaces may result in a net increase in overshadowing of that space, but only if that development strictly complies with key built form envelope controls that apply to that land under both NSLEP 2013 and this DCP.

3.1.3.9 Noise

Objectives

O1 Ensure adequate amenity to occupants of future development adjacent primary vehicular routes.

Provisions

P1 Elevations of buildings fronting the Pacific Highway and Chandos Street are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

3.1.3.10 R4 – High Density Residential Zone

Note: *These provisions only apply to land within the R4 High Density Residential zone. Provisions to s.3.1.3.10 prevail over the provisions under s.3.1.1-s.3.1.3.9 to Part F of the DCP to the extent of any inconsistency that arises.*

Objectives

O1 Ensure that development complements the physical form of development in the adjoining mixed use areas.

O2 Promotion of communal open space areas.

O3 Promotion of casual visual surveillance over the public domain.

Provisions

P1 Generally 5 storeys in height, with flat roofs and the topmost storey setback from the levels below.

P2 Height of development responds to adjacent building height and form.

P3 Landscaped areas should be accessible to all residents and not fenced off into separate courtyards.

P4 Rear open spaces must be accessible from the street.

P5 Laneway fences generally between 900 and 1200mm high.

3.1.3.11 Car accommodation

Objectives

O1 To minimise the impact on pedestrian safety.

O2 Ensure that traffic generation is minimised.

O3 To minimise the visual impact of vehicles.

O4 Ensure high levels of accessibility.

Provisions

P1 Where a property has a frontage to a laneway, vehicular access must be provided from the laneway.

P2 All off-street car parking must be provided underground.

P3 Pick up and drop off points for public transport and taxi ranks should be located close to public spaces and activities, and main building entries.

P4 Short stay (ten minute) parking spaces should be located close to meeting places.

P5 The level of parking provided on sites in close proximity to the railway and metro stations should be minimised as far as practical.

3.2 CROWS NEST TOWN CENTRE



Figure F-3.2-1: Locality Area Map

3.2.1 Significant elements

Land Use

P1 Predominantly retail and mixed commercial and residential development.

P2 Commercial development.

P3 Public parking facilities.

P4 Community facilities.

P5 Medium and high density residential accommodation.

P6 Passive and active recreational spaces.

Topography

P7 Slight falls to the east and north east from the Pacific Highway which generally follows the ridgeline.

P8 Substantial fall down from Alexander Street to Alexander Lane south of Falcon Street.

Natural Features

P9 Ridge line following the alignment of Pacific Highway.

Views

P10 The following views and vistas are to be preserved and where possible enhanced:

(a) Vista north along Willoughby Road (incorporating the St Leonards Catholic Church steeple) and Pacific Highway.

(b) District views from the upper levels of taller buildings.

Identity / Icons

P11 Crows Nest Fiveways intersection.

P12 Formalised outdoor dining on Willoughby Road, Burlington, Ernest and Holtermann Streets.

P13 Pacific Highway and Falcon Streets, major sub-arterial thoroughfares.

P14 Crows Nest Metro Station.

P15 Hume Street Park.

P16 Ernest Place, Crows Nest Community Centre and the proposed Holtermann Street Park.

Subdivision

P17 Regular grid pattern interrupted by diagonal streets.

P18 Generally long narrow allotments with dual street frontages.

Streetscape

P19 In mixed use areas, buildings are generally built to the street and aligned with the street frontage.

P20 Continuous awnings provided for shops, cafes and other commercial uses.

P21 Wide footpaths with designated outdoor dining areas on Willoughby Road, Burlington, Ernest, Holtermann and Clarke Streets.

P22 Landscaping provided along Willoughby Road to improve amenity for pedestrians and outdoor diners.

P23 Traffic calming and pedestrian crossings provided near shops and cafes on and around Willoughby Road.

P24 Irregular planting of street trees and shrubs.

Public transport

P25 Development is to take advantage of the Area's high levels of accessibility to public metro, train and bus services.

3.2.2 Desired Future Character

3.2.2.1 Diversity of activities, facilities, opportunities and services

P1 Intensify commercial and mixed use development in close proximity to the Metro station and along the Pacific Highway with active uses at the ground floor levels, commercial within the podium levels and residential above.

P2 Maintaining a low scale built form to Willoughby Road, between Falcon Street and Albany Street, with two storey parapet shopfronts with shops at ground level, non-residential or residential above, with additional height set back above a 2 storey parapet.

P3 Predominantly medium rise mixed use development, built boundary to boundary, with setbacks to laneways, and above the podium, with shops at ground level, non-residential/residential on first floor and residential above.

P4 Medium density residential development along Falcon Street, consistent with its residential zoning.

P5 Expansion of Hume Street Park to provide a large connected piece of open space connecting Willoughby Road to Oxley Street.

P6 Provision of a new public open space off Holtermann Street and backing onto the Crows Nest Community Centre.

3.2.2.2 Accessibility and permeability

Objectives

O1 Improve permeability and provide connections to main pedestrian and cycling networks, key destinations and residential areas.

O2 Ensure that the design of through site links and mid-block connections is high quality, safe, well-lit, accessible and pedestrian friendly.

O3 Encourage walking and cycling as part of the broader street network to promote community interaction, better health outcomes and reduce vehicle movements.

O4 Encourage active frontages along through site link without compromising safe pedestrian access and use.

O5 Ensure that any proposed privately owned lanes have a fully public nature equivalent to the public domain.

Provisions

P1 Provide, retain and enhance through site links for pedestrians identified on the Through Site Link Map (refer to Figure F-3.2-2).

P2 New through site links are to align as best as possible with existing through site links to maximise permeability.

P3 Through site links that are proposed in addition to those identified under P1 must demonstrate that it meets the objectives and provisions of this subsection.

P4 Through site links are to be provided in accordance with Section 2.4.7 to Part E of the DCP and the following criteria:

(a) The design and finish must be in accordance with the relevant Public Domain Strategy.

(b) Include landscaping where practical to assist guiding people along the link while maintaining long sightlines.

(c) Be fully open to the sky. Internal through site links will only be considered where they are provided with double height spaces to convey a sense of publicness.

(d) Provide public access 24 hours a day 7 days a week.

(e) Be activated on both sides of the link.

(f) Be clearly distinguished from vehicular accessways.



Figure F-3.2-2: Through Site Link Map

3.2.2.3 Public spaces and facilities

Objectives

O1 To increase the quantum of public open space in the locality.

O2 To ensure public spaces are enhanced to maximise their amenity.

Provisions

P1 Maintain Willoughby Road as the civic main street of the Town Centre by:

(a) ensuring that the design of building exteriors at the lower levels incorporate high levels of architectural modulation (i.e. no blank walls) along with high quality materials and finishes;

(b) maximising active uses such as retail, food and drink and outdoor dining at the ground level;

(c) seamlessly integrating with adjoining and neighbouring public open spaces; and

(d) improving the public domain in accordance with Council's Public Domain Style Manual and Design Codes.

P2 Hume Street Park is expanded to provide the principle public open space area within the St Leonards / Crows Nest locality, generally located on land bound by Pole Lane, Oxley Street, Clarke Street and Hume Streets, with an integrated connection through to Willoughby Road.

P3 Ernest Place provides a strong community focus for the Town Centre.

P4 A new park off Holtermann Street adjacent to the Crows Nest Community Centre will provide additional public open space with excellent year-round sunlight.

P5 Ensure that community facilities are integrated with public open spaces to maximise their use.

3.2.3 Desired Built Form

3.2.3.1 Subdivision

Objectives

O1 To enable the development of feasible built forms which also incorporate suitable side and rear setbacks at the upper levels to afford daylight and ventilation between buildings.

Provisions

P1 Maintain a frontage of 20m - 40m along the Pacific Highway, which generally equates approximately to the amalgamation of two or three original allotments.

P2 Maintain a 10m - 15m frontage in the remainder of the Locality Area (except residentially zoned land) consistent with two storey parapet shopfront scale, especially along Willoughby Road and Alexander Street.

P3 Development on consolidated allotments with a frontage wider than that identified in P1 or P2 is to be broken down by articulation, design and detailing, change in materials and colours.

3.2.3.2 Form, massing and scale

Objectives

O1 To ensure that density and scale is concentrated close to the metro station and along the Pacific Highway.

O2 To ensure a positive transition in height and scale down from tall towers to neighbouring and adjoining lower density areas.

O3 To enable the lower levels of buildings to be converted between retail, commercial and community uses over time.

O4 To increase amenity for the occupants of buildings by providing direct access to sunlight, daylight and natural ventilation.

O5 To maximise year round solar access to existing and new public spaces to be created within the Planning Area.

Provisions

P1 Buildings should generally transition in height from the Crows Nest Metro Station and Pacific Highway down to the surrounding areas and the lower scale development within the Crows Nest Town Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.

P2 Roof design presents a varied, composed and interesting skyline when viewed from a regional context.

P3 Architectural detailing and ornamentation provides a rich visual texture and a symbolic reference to the history of the place, the building's use or occupant.

P4 Consistent parapet facade heights are provided along Willoughby Road and the Pacific Highway.

P5 Developments on land greater than 1,000sqm should consider the incorporation of internal courtyards adjacent to laneways and through site links to broaden the range and form of open space in the locality.

P6 Development is to be designed to maximise year round solar access to existing and the new public spaces to be created within the Planning Area.

P7 Tower elements located above the podium level should not exceed 45m in width, unless it can be adequately demonstrated that sufficient physical vertical articulation can be provided to break the tower elevation into two distinct elements.

P8 Minimum floor to floor heights on land zoned *E2 Commercial Centre* or *MU1 Mixed Use* must be provided:

(a) Ground floor level: 4.0 – 4.5m

(b) First floor level: 3.6m

(c) Levels above: 3.0m (residential uses) or 3.6m (non-residential uses)

P9 Residential floor to floor heights should generally not exceed 3.2m, except on the first floor level in accordance with P7 above.

P10 Rooftop plant and structures should be designed and positioned to comprise a minor element of the roofscape and minimise any increases to the building's overall overshadowing impacts.

3.2.3.3 Setbacks

Objectives

O1 Reinforce the spatial definition of streets and public spaces.

O2 Emphasise the street as a distinct spatial entity and design the street wall frontage with an appropriate human scale and sense of enclosure for the street.

O3 Ensure consistent street frontages along the street alignment.

O4 Recognise the variation in street frontage heights throughout the centre and allow flexibility to respond to context.

O5 Ensure adequate transition in scale between employment / mixed use zones and residential zones.

Provisions

Note. *Additional setbacks may be required for any part of the building located above the podium level. Refer to Section 3.2.3.5.*

P1 Buildings are to be setback from all street frontages in accordance with the Building Setbacks Map (refer to Figure F-3.2-3). Where a street setback is not indicated on the Buildings Setback Map, setbacks are to be in accordance with:

(a) Section 1.3.6 to Part E of the DCP for land zoned *R3 Medium Density Residential*; or

(b) Section 3.2.5 to Part F of the DCP for land zoned *R4 High Density Residential*.

P2 A nil setback is permitted to all side and rear boundaries without a street frontage on land zoned *E2 Commercial Centre* or *MU1 Mixed Use*.

P3 Despite P2, a minimum 6m setback is required where land zoned *E2 Commercial Centre* or *MU1 Mixed Use* directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.

P4 Side and rear setbacks on residentially zoned land are required to be setback in accordance with Section 1.3.6 to Part E of the DCP.

P5 Despite P1 and P2, setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).

P6 Despite P1-P4, where a site contains a heritage item and that item is to be retained, the heritage item may maintain its existing setback.

P7 Despite P1-P4, increased setbacks may be required for the podium levels contain residential uses to achieve adequate building separation in accordance with *SEPP (Housing) 2021*.

P8 Building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape. In some places, this may require greater building setbacks than those specified in Figure F-3.2-3.



Figure F-3.2-3: Building Setbacks Map

3.2.3.4 Podium Heights

Objectives

O1 To strengthen the urban form of the Centre with consistent street wall heights.

O2 To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.

O3 To enhance the distinctive character of streets within the Centre.

O4 To ensure the context of heritage items are not adversely eroded.

Provisions

P1 Podiums are to be provided to in accordance with the Podium Heights Map (refer to Figure F-3.2-4).

P2 Despite P1, corner sites are to maintain a consistent podium height to all street frontages to achieve consistent built form.

P3 Despite P1, sites containing a heritage item and where that heritage item is to be retained the existing podium height may be retained.

P4 Despite P1 podium heights may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD). However, distinct architectural elements are to be incorporated to reflect the desired podium heights.

P5 If required, podiums are to step down with the topography.



Figure F-3.2-4: Podium Heights Map

3.2.3.5 Above Podium Setbacks

Objectives

O1 To protect daylight access at street level and permit views of sky from the street by providing setbacks above the podium that promote separation between buildings and assist in mitigating urban heat.

O2 To ensure that built form achieves comfortable public domain conditions for pedestrians, with adequate daylight, appropriate scale, and mitigation of urban heat and wind effects of tower buildings.

O3 To reinforce important elements of the local context including public spaces, heritage buildings, monuments and landscape elements.

O4 To provide adequate privacy, access to light, air and outlook for the occupants of buildings, neighbouring properties and future buildings.

O5 To ensure towers are sufficiently separated to be seen in the round and reduce the cumulative overshadowing impact of towers on neighbouring residential areas.

O6 To ensure development does not prejudice the re-development of adjoining sites in the future.

O7 To avoid awkward ziggurat style built form outcomes.

Provisions

P1 All buildings are to be designed to provide setbacks above the podium in accordance with the Above Podium Setbacks Map (refer to Figure F-3.2-5). Setbacks above the podium are to be measured from the outer wall of the podium.

P2 A minimum above podium setback to all side and rear boundaries is required as follows:

(a) 4.5m for buildings up to 8 storeys in height; or

(b) 6m for buildings from 9 storeys up to 18 storeys in height; or

(c) 12m for buildings over 18 storeys in height.

P3 Despite P1 and P2, above podium setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).

P4 Despite P2, the following minimum above podium setbacks, measured from the property boundary, is required where land zoned *E2 Commercial Centre* or *MU1 Mixed Use* directly adjoins land which is residentially zoned along the zone interface:

(a) 12m for buildings up to 8 storeys in height; or

(b) 15m for buildings over 8 storeys in height.

This requirement does not apply if the land is separated by a public road.

P5 Despite P1, P2 and P3, increased setbacks above the podium may be required to achieve adequate building separation in accordance with *SEPP (Housing) 2021*.

P6 Only one step in the built form between the podium walls and tower is permissible.

P7 An existing adjacent building, even if heritage listed, cannot be used to justify a reduced setback that would compromise the development potential of the adjacent site in the future.

Note. *Above podium setbacks are measured to the outer face of any part of the building including balconies, architectural detailing and the like.*



Figure F-3.2-5: Above Podium Setbacks Map

3.2.3.6 Active Frontages

Objectives

O1 To provide for the amenity, interest and liveliness of the street environment and public open spaces.

O2 To ensure a positive experience for pedestrians with the necessary fine grain environment of the street.

O3 To enable sensory engagement with the street and public spaces.

O4 To provide an active ground floor frontage that is accessible and integrated with the design of the public domain.

O5 To maximise the extent of active frontages in the public domain.

O6 To promote activity, connectivity and variety in the public domain.

O7 To increase passive surveillance of the street and other public spaces and enhance safety.

Provisions

P1 Buildings must contain active frontages to all street frontages, with the exceptions of public laneways.

P2 Where a site has a direct frontage to an existing or proposed open space, an active frontage is to be provided to that interface. In particular, active frontages are to be provided to:

(a) Hume Street Park, including the link between Willoughby Road and Hume Street;

(b) Ernest Place, between Willoughby Road and Willoughby Lane; and

(c) Holtermann Reserve (proposed).

P3 Active frontages are to be provided along both sides of through site links.

P4 Active frontages to public laneways are encouraged where practical but not where they do not have an interface with residentially zoned land.

P5 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.

P6 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.

P7 Avoid the use of colonnades along all street frontages.

3.2.3.7 Solar access

Objectives

O1 To ensure existing and future parks and public spaces in and around the Centre are afforded a high level of amenity through the maintaining and maximising of solar access during periods in the day when they are most used throughout the year.

O2 To promote active and passive recreation to public spaces to service existing and planned population of the Centre and surrounds.

O3 To ensure the successful growth and survival of trees and vegetation within the parks and public spaces.

Provisions

P1 Development is to be designed to maximise year round solar access to existing and proposed new public spaces to be created within the Planning Area.

P2 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):

(a) Hume Street Park, comprising all land located between Pole Lane, Willoughby Road, Clarke Street and Oxley Street and zoned *RE1 Public Recreation*; and

(b) Ernest Place, comprising all land within the Ernest Street road reserve located between Willoughby Road and Willoughby Lane and zoned *RE1 Public Recreation*; and

(c) Holtermann Reserve (proposed), comprising that part of Lot 1, DP 785343 and zoned *SP2 Infrastructure – Car Park*.

P3 Development must not result in a net increase in overshadowing to the Willoughby Road road reserve, between Chandos Street and Falcon Street between 10am and 3pm from the March Equinox to the September Equinox (inclusive).

P4 Despite P2 and P3, development on land located directly adjacent to the identified public spaces may result in a net increase in overshadowing of that space, but only if that development strictly complies with relevant built form envelope controls that apply to that land under both NSLEP 2013 and this DCP.

3.2.3.8 Awnings

Objectives

O1 To maximise pedestrian comfort and continuous protection.

Provisions

P1 Awnings must be provided to all street frontages on land zoned *E2 Commercial Centre* and *MU1 Mixed Use*, except laneways.

3.2.3.9 Car accommodation

Objectives

O1 To minimise the impact on pedestrian safety.

O2 Ensure that traffic generation is minimised.

O3 To minimise the visual impact of vehicles.

O4 Ensure high levels of accessibility.

Provisions

P1 Where a property has a frontage to a laneway, vehicular access must be made from the laneway.

P2 No vehicular access is permitted to:

(a) Willoughby Road,

(b) Pacific Highway, or

(c) Falcon Street.

P3 Shared vehicular access to Shirley Road must be maintained to all properties between 286 and 306 Pacific Highway.

P4 All off-street car parking must be provided underground, except when owned and operated by Council as a public car park.

P5 The level of parking provided on sites in close proximity to the metro station should be minimised as far as practical.

3.2.4 Hume Street Park

Plan of Management

P1 Development is not permitted on the Hume Street Park site:

(a) until a Plan of Management has been prepared for the site; and

(b) the development is consistent with the Plan of Management.

Diversity

P2 The principal purpose is to provide a large recreational area and urban plaza with a variety of community, recreational and business purposes provided below ground level.

Form, massing and scale

P3 Development is predominately located below ground, to ensure that the land is highly accessible for pedestrians and can be actively used as a recreational space and urban plaza.

P4 Any development located above ground shall not exceed 1 storey in height.

3.2.5 27-57 Falcon Street

3.2.5.1 Desired Future Character, Design Objectives and Key Principles

P1 Development is to respond to the scale and character of the existing development and desired future character of the surrounding area.

P2 Built form, scale and massing is to transition in scale across the site from a mixed use, higher density typology in the western portion reflective of the Crows Nest Town Centre to a lower to medium density residential typology on the eastern portion.

P3 Development should balance the provision of new residential flat buildings within a Town Centre, while maintaining a reasonable level of amenity, privacy and solar access for low density neighbouring residents on Alexander Lane, Falcon Street and in the Hayberry Conservation Area.

P4 A mixed-use typology with medium rise residential flat buildings built to the boundary with commercial on ground level at the corner of Falcon Street and Alexander Lane. A residential typology to the eastern part of the site along Falcon Street setback from the street, with multi dwelling housing fronting Hayberry Lane to respond to the existing scale of the Hayberry Conservation Area.

P5 Built form to transition to the existing lower scale development in the Hayberry Conservation Area.

P6 Road widening along Alexander Lane with pedestrian amenity and road widening with a landscaped response and pedestrian amenity to Hayberry Lane.

P7 Vehicular access from Alexander Lane with two-way access from / to Falcon Street.

P8 A secure pedestrian through site link between Falcon Street and Hayberry Lane.

3.2.5.2 Desired Built Form

Objectives

O1 To provide for increased opportunity for height and density in the growing Crows Nest Town Centre, close to public transport and services.

O2 Building envelopes are to respond to the site's surrounding context which transitions in character from the Crows Nest Town Centre to the lower scale Heritage Conservation Area on Hayberry Street.

O3 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.

O4 To ensure appropriate building lengths, a variety of building facades and a 'fine-grain' response to the public domain.

Provisions

Building Height

P1 Buildings must not exceed the maximum height in storeys as shown on the Site Layout Plan at Figure F-3.5 and the following provisions:

(a) Building A - a maximum height of 6 storeys and stepping down in height to a maximum of 3 storeys at the Hayberry Lane frontage.

(b) Building B - a maximum height of 6 storeys and stepping down in height to a maximum of 2-3 storeys at the Hayberry Lane frontage.

(c) Building C - a maximum height of 4 storeys.

(d) Building D - a maximum height of 3 storeys with a maximum 2 storey presentation to Hayberry Lane, with the third storey generally accommodated within the roof form.

P2 NSLEP 2013 may allow minor exceedances of the maximum heights stipulated on the Height of Buildings Map where it relates to plant and lift overruns only.

Street and Side Setbacks

P3 Building setbacks must, at a minimum, comply with the setbacks shown on the Site Layout Plan at Figure F-3.5 and the following provisions:

(a) The following minimum setbacks are required to Falcon Street:

(i) Building A - 0m.

(ii) Building B – 0m.

(iii) Building C - 2m.

(b) The following minimum setbacks are required to Hayberry Lane:

(i) Building A – 3m

(ii) Building B – 3m.

(iii) Building D - 1.5m.

(c) The following minimum side setbacks are required to 56-63 Falcon Street:

(i) Building C - 4.5m.

(ii) Building D - 1.5m.

(d) Building A is to be setback a minimum of 6m from the existing centreline of Alexander Lane.

3.2.5.3 Site Coverage

Objectives

O1 To ensure that development is balanced and in keeping with the optimum capacity of the site acknowledging its unique size and location within the Crows Nest Town Centre at the interface between employment / mixed use zones and residential zones that accommodates a mix of building typologies.

O2 To achieve appropriate building envelopes that ensure the development responds to its surrounding context and provides appropriate open space and landscaped area for residents and visitors.

Provisions

P1 The maximum site coverage for this site is 65%.

P2 For the purposes of P1, site coverage is to be determined in accordance with P2 to s.1.4.7 to Part E of the DCP.

3.2.5.4 Communal Open Space

Objectives

O1 To provide high quality communal open space at ground level and on buildings with a reasonable level of outdoor amenity without reducing privacy to neighbouring dwellings.

O2 To provide a level of communal open space commensurate with *Apartment Design Guidelines* that is mindful of the site's unique location and building typologies.

O3 To ensure communal open space is useable.

Provisions

P1 Communal open space is provided in the locations shown on the Site Layout Plan at Figure F-3.5.

P2 Communal open space can be provided on the Building B rooftop only if the space is designed such that there is no potential for overlooking into private open space and its location will not create any noise issues for surrounding dwellings.

3.2.5.5 Landscaped Area

Objectives

O1 To ensure that landscaping is used to provide appropriate amenity for development and soften the appearance of buildings and their interface with the neighbouring dwellings and the public domain.

O2 To provide a level of landscaped area commensurate with *Apartment Design Guidelines* that is mindful of the site's unique location and building typologies.

Provisions

P1 The minimum landscaped area for the site is 20%.

P2 For the purposes of P1, landscaped area is to be determined in accordance with P2 to s.1.4.8 to Part E of the DCP.

3.2.5.6 Traffic, Access and Parking

Objectives

O1 To regulate traffic movements and reduce congestion on Falcon Street.

O2 To ensure that vehicular access is safe for motorists and pedestrians.

O3 To facilitate road widening along Alexander Lane.

O4 To facilitate road widening and the provision of a shared way along Hayberry Street.

O5 To create a safe, accessible and shared laneway network.

O6 To provide appropriate amount of basement parking spaces for residents, visitors and staff.

Provisions

P1 Vehicular access to the site must be from Alexander Lane and be located as far as practicable from Falcon Street.

P2 To facilitate vehicular access from Hayberry Lane, Alexander Lane is to be widened to allow for the provision of two-way traffic between Falcon Street and Hayberry Lane.

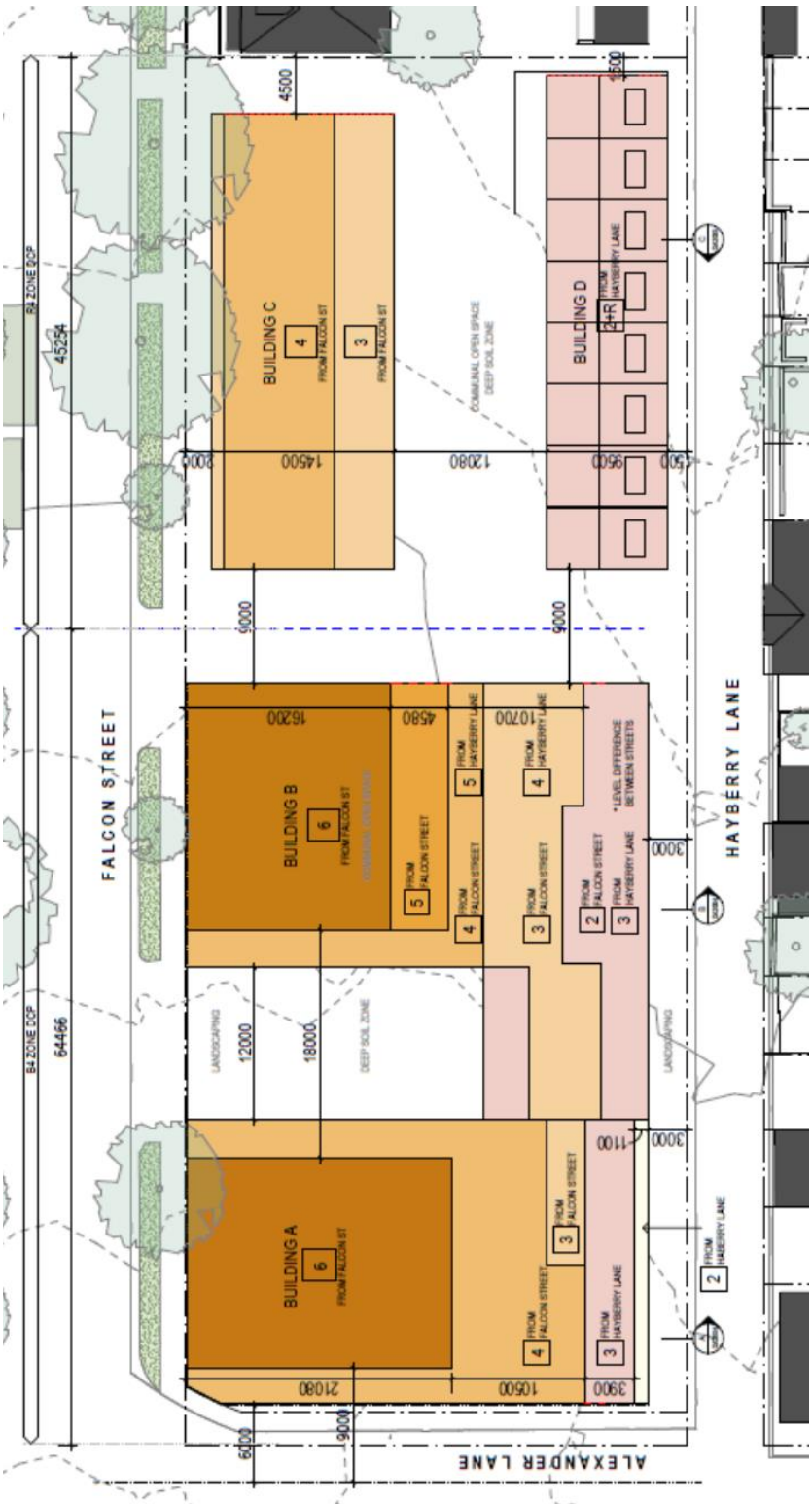
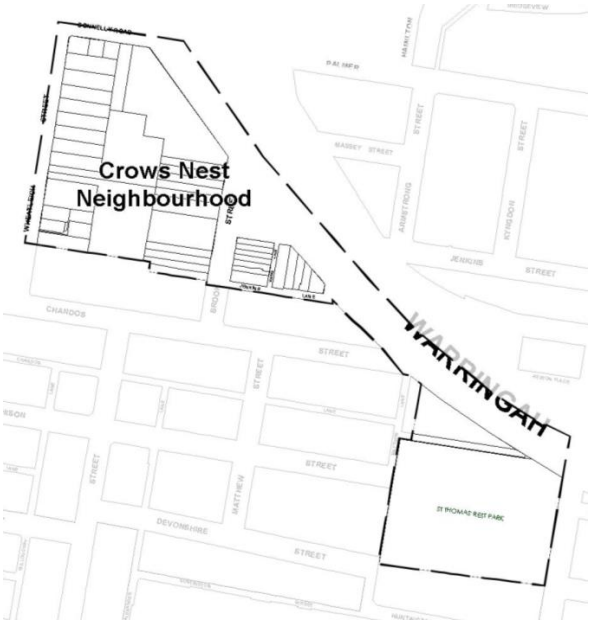


Figure F-3.5: Site Layout Plan

3.3 CROWS NEST NEIGHBOURHOOD



3.3.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

P2 Passive recreational spaces.

Topography

P3 Gentle falls to the north-east towards the Warringah Expressway.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) Vista north along Willoughby Road and Pacific Highway.

Identity / Icons

P5 Warringah Expressway a major arterial thoroughfare.

P6 St Thomas Rest Park.

P7 Holtermann Estate Conservation Areas.

Subdivision

P8 Traditional grid subdivision pattern interrupted by the juxtaposition of the Warringah Expressway.

P9 A mix of narrow deep allotments reflecting detached and semi-detached housing forms and larger consolidated allotments reflecting multi dwelling housing and residential flat building forms.

Streetscape

P10 Tree lined streets with grassed verges and concrete footpaths.

P11 Buildings setback from the boundary and aligned with the street frontage.

P12 Low brick fences.

3.3.2 Desired Future Character

Diversity

P1 Predominantly a mix of dwelling houses, attached dwellings, multi dwelling houses and residential flat buildings according to zone.

P2 Retention and enhancement of existing public open spaces.

3.3.3 Desired Built Form

Form, massing and scale

P1 Retention of a low density residential character along Wheatley Street.

Access

P2 Vehicle access on Brook Street should be carefully designed to minimise disruption to vehicular traffic.

Noise

P3 Elevations of buildings fronting Chandos Street and Warringah Expressway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

3.4 HOLTERMANN ESTATE A CONSERVATION AREA



3.4.1 History

The Holtermann Estate Conservation Areas are part of original land grants to Alexander Berry, JR Hatfield and A Mosman. Extensive land purchases by BO Holtermann in the 1880s led to consolidated subdivision of large areas.

Holtermann's Estate sought to provide "comfortable working men's houses". The Holtermann Estate A Conservation Area was subdivided and offered for sale during the 1880s and 1890s.

Main period of construction-1884 to 1915.

3.4.2 Description

The Holtermann Estate A Conservation Area is the northern most section of the larger Holtermann Estate and is bounded by St. Thomas Rest Park, the Warringah Expressway and commercial development to the west.

The landform falls slightly to the north and west. Subdivision is determined by a grid pattern of wide streets, rear lanes and narrow cross lanes. Lot sizes are slightly larger than other parts of the Holtermann Estate though many lots have been developed for attached dwelling houses.

The area is characterised by its low scale of single storey, hipped roof, detached and attached dwelling houses that includes a mix of late 19th and early 20th century building styles, and restrained examples of Victorian Georgian, Filigree and Italianate, Federation Queen Anne and Federation Bungalow. There are also some Inter-War Californian Bungalow and Art Deco styles with post war residential flat buildings and modern infill housing.

Street verges are typically 3.5m wide and include grass with concrete or bitumen footpaths and crossings to off-street parking. Deep set sandstone kerbs remain in some locations. Houses to the high side of the street are often set on sandstone plinths with retaining walls to the street. Rear lanes are lined with fences, carports and garages with some development fronting the lanes.

There are long views along the main streets and cross views along the lanes.

Front gardens contribute to the landscaping of the streets. Gardens follow the natural fall of the land with steps to the street on the high side. High and low scale street trees.

3.4.3 Statement of Significance

The Holtermann Estate A Conservation Area is significant:

(a) as a late 19th century subdivision for speculative housing.

(b) For its regular grid of streets, rear lanes and cross lanes.

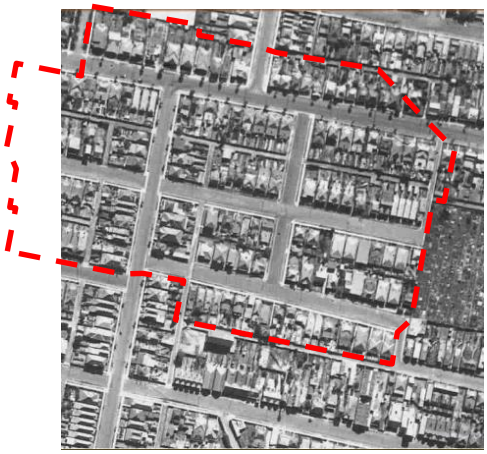
(c) For its consistent late 19th and early 20th century residential character and the unity of its low scale built form that derives from its regular grid subdivision pattern and its single storey, detached and attached dwelling houses in a mixture of late Victorian and early Federation styles.



Figure F-3.4-2 (left):
Circa 1890

Figure F-3.4-3 (below left):
Circa 1943

Figure F-3.4-4 (below):
Circa 2008





3.4.4 Significant elements

Topography

P1 Slight falls to the north and west.

Subdivision

P2 Detached houses: 380m^2 lots with 10m frontage.

P3 Semi-detached and attached houses and some detached houses: 180m^2 to 260m^2 lots with 4-6m frontages. Long narrow lots with frontages to street and laneway (where they occur).

Streetscape

P4 Street trees align streets.

P5 Sandstone retaining walls relate to changes in level between streets and lots.

P6 Continuous grass verges and sandstone kerbs without vehicle crossings.

P7 Buildings addressing laneways have a low scale and service character.

Views

P8 Vistas along major streets and lanes.

3.4.5 Characteristic buildings

P1 Single storey, detached, semi-detached and attached dwelling houses.

3.4.6 Characteristic built elements

Siting

P1 Located towards the front of the block.

P2 Consistent setbacks.

Form, massing and scale

P3 Single storey with hipped and gabled roofs at the front, with skillion rear extensions.

P4 Reduced height and scale to rear.

P5 Open verandahs to front.

P6 Projecting front gables beside recessed verandahs.

P7 Dwelling houses in groups of identical design (detached, semi-detached and attached) often have continuous front verandahs.

P8 Strong skyline of simple pitched roofs and tall chimneys visible from street and rear lanes and stepped along the streets/lanes.

Roofs

P9 Hipped roofs pitched between 30 and 45 degrees without dormers or openings that can be seen from the street.

P10 Gabled ends for projecting bays to the street.

P11 Skillion roofs to rear extensions.

P12 Brick and rendered chimneys with terra cotta chimney pots.

External Materials

P13 Sandstone, timber weatherboards or face brick on sandstone foundations.

P14 Original rendered walls.

P15 Slate, corrugated metal and terra cotta tiled roofs.

P16 Timber windows, doors and joinery in a Victorian, Federation or Edwardian style.

P17 Original front garden landscaping.

Fences

P18 Original low front fences.

P19 Timber fences rear and side.

P20 Sandstone plinths, sandstone piers, metal palisade and gates, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.

Car accommodation

P21 Located off rear lanes.

3.4.7 Uncharacteristic and undesirable buildings and built elements

P1 Over-scaled, two storey additions; contemporary buildings with laneway frontages; two storey buildings to laneways; over-scaled and poorly detailed carports and garages; front and side dormers and rooflights; modified roof forms; removal of original detailing; verandah infill; rendered and painted face brickwork; modern facades; high walls and fences to the street.

3.5 HOLTERMANN ESTATE B CONSERVATION AREA



3.5.1 History

The Holtermann Estate Conservation Areas are part of original land grants to Alexander Berry, JR Hatfield and A Mosman. Extensive land purchases by BO Holtermann in the 1880s led to the consolidated subdivision of large areas.

Holtermann's Estate sought to provide "comfortable working men's houses". The area between West Street and Willoughby Road was subdivided and offered for sale during the 1880s and 1890s.

Main period of construction 1880-1915.

3.5.2 Description

The Holtermann Estate B Conservation Area includes the central portion of the larger Holtermann Estate.

The landform is generally level, with slight falls to the south. Subdivision is determined by a grid pattern of wide streets and narrow, rear lanes. Lot sizes vary and many lots have been developed for attached houses.

The area is characterised by is low scale of single storey, hipped roof, detached and attached dwelling houses that include a mix of late 19th and early 20th century building styles, and restrained examples of Victorian Georgian and Filigree, Victorian Italianate, Federation Queen Anne and Federation Bungalow. There are also some Inter-War Californian Bungalow and Art Deco styles with some post war residential flat buildings and modern infill housing. There are examples of high quality attached dwellings.

Street verges are typically 3.5m wide and include grass with concrete or bitumen footpaths. Deep set sandstone kerbs remain in some locations. Rear lanes are lined with fences, garages and carports with some remnant dunnies. The lane intersections are sometimes terminated by the side profile of a corner building oriented to the cross street.

Sophia Street provides diagonal views.

Front gardens contribute to the landscaping of the streets. Gardens follow the natural fall of the land with steps to the street on the high side. There are high and low scale street trees and shrubs.

3.5.3 Statement of Significance

The Holtermann Estate B Conservation Area is significant:

(a) As a late 19th century subdivision for speculative housing.

(b) For its regular grid of streets, rear lanes and cross lanes.

(c) For its consistent late 19th and early 20th century residential character and the unity of its low scale built form that derives from its regular grid subdivision pattern and its single storey, detached and attached dwelling houses in a mixture of late Victorian and early Federation styles.



Figure F-3.5-2 (left):
Circa 1890

Figure F-3.5-3 (below left):
Circa 1943

Figure F-3.5-4 (below):
Circa 2008





3.5.4 Significant elements

Topography

P1 Generally level, slight falls to the south east.

Subdivision

P2 Detached dwelling houses: 380m^2 lots with 10m frontage.

P3 Detached, semi-detached and attached dwelling houses: 180m^2 to 260m^2 lots with 4-6m frontages.

P4 Long narrow lots with frontages to street and laneway (where they occur).

Streetscape

P5 Street trees and shrubs align streets. Sandstone retaining walls relate to changes in level between streets and lots. Continuous grass verges and sandstone kerbs without vehicle crossings. Buildings addressing laneways have a low scale and service character.

Views

P6 Along Sophia Street.

3.5.5 Characteristic buildings

P1 Single storey, detached, semi-detached and attached dwelling houses.

3.5.6 Characteristic built elements

Siting

P1 Located towards the front of the block.

P2 Consistent setbacks.

Form, mass and height

P3 Single storey with hipped and gabled roofs with skillion rear extensions.

P4 Reduced height and scale to rear.

P5 Open verandahs to front.

P6 Projecting front gables beside recessed verandahs with decorative detailing.

P7 Dwelling houses in groups of identical design (detached, semi-detached and attached) which often have continuous front verandahs.

P8 Strong skyline of simple pitched roofs and tall chimneys visible from the street and rear lanes.

Roofs

P9 Hipped roofs pitched between 30 and 45 degrees without dormers or openings.

P10 Gabled ends for projecting bays to the street.

P11 Skillion roofs to rear extensions.

P12 Brick and rendered chimneys with terra cotta chimney pots.

External Materials

P13 Sandstone, timber weatherboards or face brick on sandstone foundations.

P14 Original rendered walls.

P15 Slate, terra cotta tiles, corrugated metal roofs.

P16 Original timber windows, doors and decorative joinery in a Victorian, Federation and Edwardian style.

P17 Original front garden landscaping.

Fences

P18 900-1600mm high to the street.

P19 1800mm high to laneways.

P20 Sandstone plinths, sandstone piers, metal palisade fences and gates, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.

Car accommodation

P21 Located off rear lanes.

3.5.7 Uncharacteristic and undesirable buildings and built elements

P1 Over-scaled two storey additions; contemporary buildings with laneway frontages; two storey buildings to laneways; over-scaled and poorly detailed carports and garages; front and side dormers and rooflights; modified roof forms; removal of original detailing; verandah infill; rendered and painted face brickwork; modern facades; high walls and fences to the street.

3.6 HOLTERMANN ESTATE C CONSERVATION AREA



3.6.1 History

The Holtermann Estate Conservation Areas are part of original land grants to Alexander Berry, JR Hatfield and A Mosman. Extensive land purchases by B. O. Holtermann in the 1880s led to consolidated subdivision of large areas.

Holtermann's Estate sought to provide "comfortable working men's houses". The area between West Street and Willoughby Road was subdivided and offered for sale during the 1880s and 1890s.

The main period of construction across the Holtermann Estate was between 1884 and 1915.

3.6.2 Description

The Holtermann Estate C Conservation Area includes part of the southern end of the larger Holtermann Estate and is bounded by Falcon Street, West Street and the Pacific Highway.

The landform is generally level with some stepping across the streets. Lot sizes are irregular and the urban form is determined by a strongly defined grid pattern of wide streets and narrow rear lanes.

The area is characterised by modest, speculative cottages in the Victorian Georgian and Filigree, Victorian Italianate, Federation Queen Anne and Federation Bungalow styles. There are also some Inter-War Californian Bungalow and Art Deco styles and later infill development including the large campus o the Sydney Girls High School.

Street verges are typically 3.5m wide and include grass with concrete or bitumen footpaths. Deep set sandstone kerbs remain in some locations. Front cottage gardens contribute to the landscaping of the streets. Gardens are sometimes raised with centrally located steps to the street.

Rear lanes are important to the townscape and allow car access that helps the streets to maintain a pedestrian character. There are intrusive off street parking structures where rear lane access is not available. Other uncharacteristic and undesirable buildings and built elements include two storey additions constructed to the street, lot amalgamations and loss of original subdivision pattern, contemporary buildings with laneway frontages.

3.6.3 Statement of Significance

The Holtermann Estate C Conservation Area is significant:

(a) For its late 19th and early 20th century residential character that is characterised by single storey, detached and semi detached dwelling houses of modest scale in a mixture of late Victorian and early Federation styles.

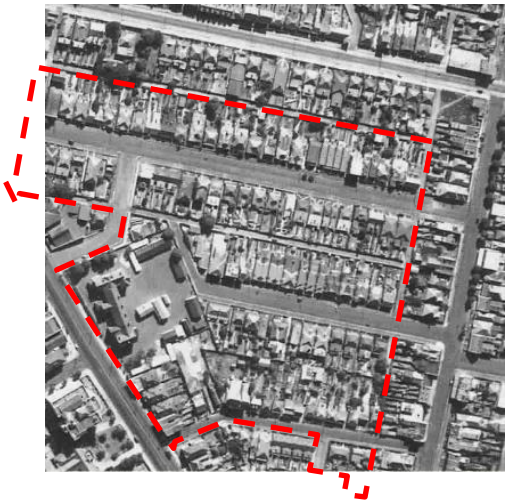
(b) As an area that represents the working class residential development of North Sydney at the turn of the century.



Figure F-3.6-2 (left):
Circa 1890

Figure F-3.6-3 (below left):
Circa 1943

Figure F-3.6-4 (below):
Circa 2008





3.6.4 Significant elements

Topography

P1 Generally level, slight falls to the north and west with stepped street.

Subdivision

P2 Long narrow lots with frontages to street and laneway (where they occur). Semi-detached houses and some detached house.

Streetscape

P3 Sandstone retaining walls relate to changes in level between streets and lots.

P4 Continuous grass verges and sandstone kerbs without vehicle crossings.

P5 Lanes have an open, low scale and service character with lines of timber fences.

Views

P6 Limited street views.

3.6.5 Characteristic buildings

P1 Detached, late Victorian, Federation and Edwardian semi-detached dwelling houses.

3.6.6 Characteristic built elements

Siting

P1 Located towards the front of the block, with gardens to rear.

P2 Consistent setbacks.

Form, massing and scale

P3 Predominantly single storey.

P4 Rear extensions located within a single storey roof line of reduced height and scale to the main dwelling.

P5 Dwelling houses with wide frontages have projecting bays to the street beside recessed verandahs.

P6 Dwelling houses in groups of identical design (detached, semi-detached and attached) with continuous front verandahs.

P7 Strong skyline of a series of simple pitched roofs and tall chimneys stepped along the streets/lanes and following the natural changes in landform.

Roofs

P8 Hipped roofs pitched between 30 and 45 degrees and without dormer windows or openings that can be seen from the street.

P9 Gabled ends for projecting bays to the street, skillion roofs to rear extensions.

P10 Brick chimneys are unpainted, unrendered or rendered with detailing, or rough cast with chimney pots.

Materials

P11 Walls: face brick, timber weatherboards or sandstone on sandstone foundations.

P12 Roofing materials: unglazed terra cotta tiles, or slate and corrugated metal on Victorian cottages and rear extensions.

Windows and doors

P13 Late Victorian, Federation and Edwardian.

Fences

P14 Rusticated sandstone base walls, face brick, timber (vertical pickets and horizontal railing and wire fences) or metal palisade. Face brick or sandstone piers and base with metal palisade panels. Higher timber fences to rear.

Car accommodation

P15 Located off rear lanes.

3.6.7 Uncharacteristic and undesirable buildings and built elements

P1 Contemporary buildings and additions; two storey buildings to laneways; loss of original detail, painting and rendering of face brickwork; removal of original detailing, front and side dormers and rooflights.

3.7 HOLTERMANN ESTATE D CONSERVATION AREA



3.7.1 History

The Holtermann Estate Conservation Areas are part of original land grants to Alexander Berry, JR Hatfield and A Mosman. Extensive land purchases by B.O. Holtermann in the 1880s led to consolidated subdivision of large areas.

Holtermann's Estate sought to provide "comfortable working men's houses". The area between West Street and Willoughby Road was subdivided and offered for sale during the 1880s and 1890s.

The main period of construction across the Holtermann Estate was between 1884 and 1915.

3.7.2 Description

The Holtermann Estate D Conservation Area is set to both sides of the southern end of West Street and is defined by Falcon Street and Ridge Street.

The landform is generally level and the urban form is determined by a strongly defined grid pattern of wide streets and narrow rear lanes.

The Area is characterised by modest, speculative cottages that include a mix of late 19th and early 20th century building styles including Victorian Georgian and Filigree, Federation Queen Anne and Federation Bungalow. There are also some two storey Victorian Italianate and Victorian Filigree terraces and Inter-War, Californian Bungalow and Art Deco styles.

The mature street trees are also a prominent and unifying feature of the West Street streetscape.

Front cottage gardens contribute to the landscaping of the streets, and are typical of small lot development of the pre-war era.

There are rear lanes that have a distinct character that is different to the streets and that allow car access.

3.7.3 Statement of Significance

The Holtermann Estate D Conservation Area is significant:

(a) for its consistent late 19th and early 20th century residential character that is characterised by single storey dwelling houses of modest scale and two storey attached dwellings in a mixture of late Victorian and early Federation styles.

(b) for its regular grid subdivision pattern, the level landform and development over a single main development period.



Figure F-3.7-2 (left):
Circa 1890

Figure F-3.7-3 (below left):
Circa 1943



Figure F-3.7-4 (below):
Circa 2008



3.7.4 Significant elements

Topography

P1 Generally level, slight falls to the north and west.

Subdivision

P2 Long narrow lots with frontages to street and laneway (where they occur).

Streetscape

P3 Sandstone retaining walls relate to changes in level between streets and lots. Continuous grass verges and sandstone kerbs without vehicle crossings. Street trees align streets. Buildings addressing laneways have an open, low scale and service character with lines of timber fences.

Views

P4 Along West and Carlow Streets.

3.7.5 Characteristic buildings

P1 A mixture of single storey detached and semi-detached dwelling houses and two storey attached dwellings.

3.7.6 Characteristic built elements

Siting

P1 Located towards the front of the block.

P2 Consistent setbacks.

Form, massing and scale

P3 Single storey detached and semi-detached dwellings.

P4 Two storey attached dwelling houses.

P5 Single storey, rear extensions within single storey roof line – reduced height and scale to rear of housing.

P6 Dwelling houses with wide frontages have projecting bays to the street beside recessed verandahs.

P7 Dwelling houses in groups of identical design often have continuous front verandahs.

P8 Strong skyline of a series of simple pitched roofs and tall chimneys stepped along the streets/lanes.

Roofs

P9 Hipped roofs pitched between 30 and 45 degrees and without dormer windows or openings that can be seen from the street.

P10 Gabled ends for projecting bays to the street, skillion roofs to rear extensions.

P11 Brick chimneys are unpainted, unrendered or rendered with detailing, or rough cast with chimney pots.

Materials

P12 Walls: face brick, timber weatherboards or sandstone on sandstone foundations. Where walls are painted darker shades are typically used for detailing.

P13 Roofs: unglazed terra cotta tiles, or slate and corrugated metal on Victorian cottages and rear extensions.

Windows and doors

P14 Late Victorian, Federation, Edwardian and Inter War.

Fences

P15 A mixed use of:

(a) low rusticated sandstone base walls, face brick;

(b) timber (vertical pickets and horizontal railing and wire fences);

(c) metal palisade;

(d) face brick or sandstone piers and base with metal palisade panels.

Car accommodation

P16 Located off rear lanes.

3.7.7 Uncharacteristic and undesirable buildings and built elements

P1 Over-scaled, two storey additions; contemporary buildings with laneway frontages; two storey buildings to laneways; front and side dormers and rooflights; modified roof forms, removal of original detailing; verandah infill; rendered and painted face brickwork; modern facades; high walls and fences to the street, car parking in front setback, lot amalgamation and loss of original subdivision pattern.

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SECTION 4 CAMMERAY PLANNING AREA

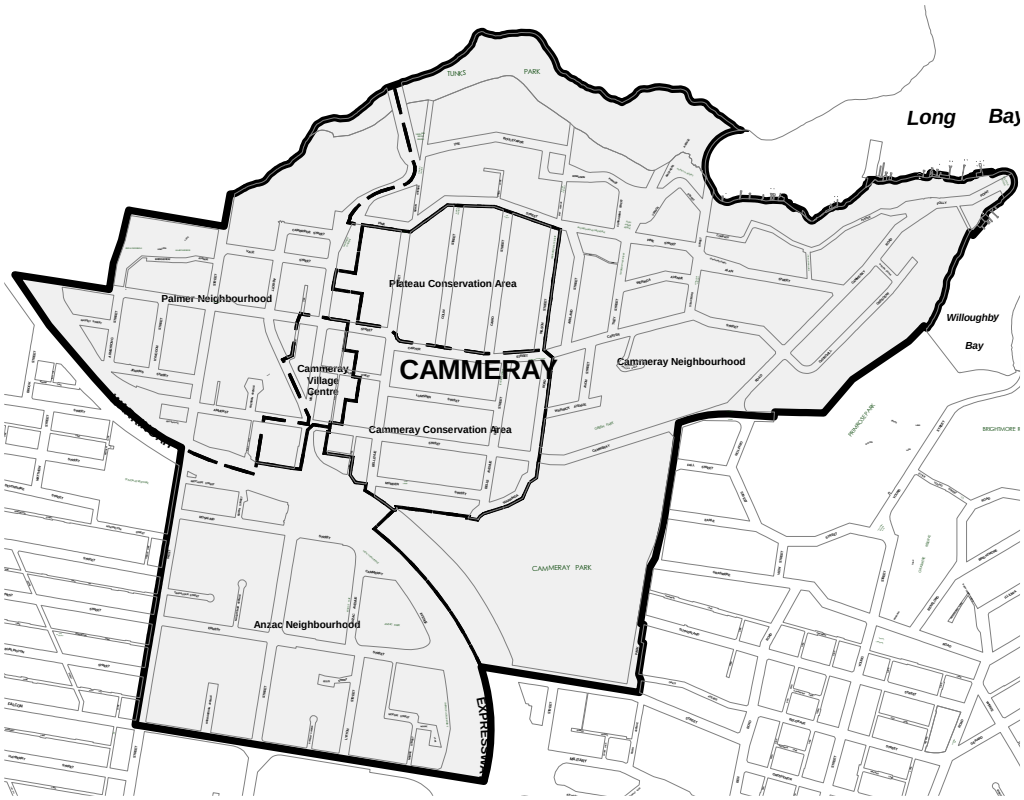
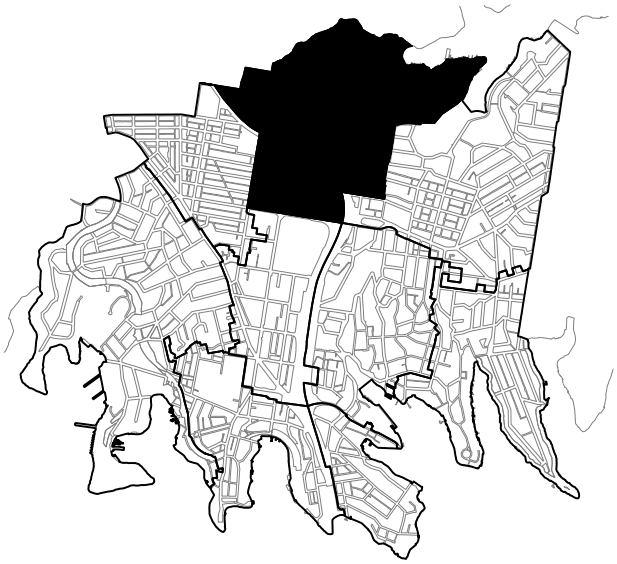


Figure F-4.1: Cammeray Planning Area and associated Locality Areas

4.0 CAMMERAY PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the Cammeray Planning Area.

The Planning Area is focussed around Cammeray Village, which is an active, pedestrian friendly shopping area that has small scale shops and provides street level activity with an lively pedestrian environment, where:

- local shops cater to the local community and are balanced between basic needs such as food and grocery, and recreation such as cafes and galleries
- development on both sides of Miller Street is unified through common elements
- there is safe and easy pedestrian movement across Miller Street

The surrounding residential neighbourhoods are diverse in nature, where:

- most of the existing dwelling houses and dual occupancies are retained
- capacity exists to accommodate some attached dwellings, multi dwelling housing and residential flat buildings close to existing public transport, services and facilities
- the density of residential development generally reduces the further away from Miller and Falcon Streets a property is located.

and where:

Function

- large areas of open space are used by locals and the wider regional population for recreation

Environmental Criteria

- the natural foreshores and water courses of Willoughby and Long Bay are conserved and protected, with pedestrian access to these areas is extended and improved

- the scale and form of foreshore development protects and enhances the scenic, environmental and cultural qualities of the foreshore and adjoining lands
- major views from lookouts and other vantage points are not obscured by buildings or landscaping
- existing natural features such as rock outcrops and sandstone cliffs are conserved
- bushland and wetlands are protected from the adverse effects of development – such as stormwater runoff, spread of exotic plants and weeds, and visual impact of buildings and structures
- use of locally indigenous flora extends habitats for native birds and other fauna
- man made noise is limited, especially near foreshore areas and bushland
- noise insulation and orientation minimises noise impacts on developments close to the Warringah Expressway and main roads

Quality Built Form

- any development that occurs, reflects and reinforces the existing distinctive built form/ landscape areas and distribution of accommodation types
- the significance of heritage items and Conservation Areas are maintained

Quality Urban Environment

- public transport, cycling and walking are the preferred means of transport
- parking is managed to reduce impacts to local residents from regional commuter parking
- comfortable and safe pedestrian routes are maintained and extended
- cohesiveness throughout the area and its many built forms is achieved through landscaping and street tree planting
- backyards are provided for a variety of social and recreational activities
- public plazas provide a vibrant focal point for the local community

Efficient Use of Resources

- existing buildings and materials are conserved
- stormwater is retained for re-use onsite

The Cammeray Planning Area includes the following Locality Areas in which development is also subject to relevant provisions below:

Section 4.1: Cammeray Village

Section 4.2: Cammeray Neighbourhood

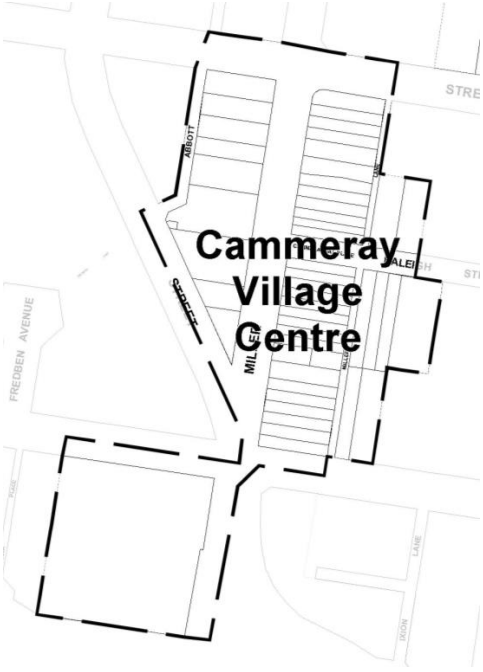
Section 4.3: Anzac Neighbourhood

Section 4.4: Palmer Neighbourhood

Section 4.5: Plateau Conservation Area

Section 4.6: Cammeray Conservation Area

4.1 CAMMERAY VILLAGE CENTRE



4.1.1 Significant Elements

Land Use

P1 Predominantly mixed commercial and residential development.

Topography

P2 Generally flat, straddling the topmost part of the ridge following the alignment of Miller Street.

Natural Features

P3 Forms topmost part of the ridge following the alignment of Miller Street.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) District views to Middle Harbour from the upper levels of some buildings.

Identity / Icons

P5 Cammeraygal Place.

P6 Cammeray Square.

Subdivision

P7 Generally small narrow allotments in multiple ownerships to the east of Miller Street.

P8 Generally large consolidated allotments to the west of Miller Street.

Streetscape

P9 Wide, fully paved footpaths.

P10 Buildings built to street and laneway frontages.

P11 Continuous awnings along Miller Street.

P12 Irregular planting of street trees.

P13 Active frontages to Miller Street and Raleigh Street.

Public transport

P14 Development to respond to the high level of accessibility to high frequency public bus services along Miller Street.

4.1.2 Desired Future Character

Diversity

P1 Generally small scale commercial activities, concentrated at the ground level, with a mix of commercial and residential uses above.

Active Streets

P2 The ground level of all buildings should be designed to activate streets, laneways and the public car parks to which they front.

P3 Active frontages must be provided to the ground floor level of buildings directly fronting Raleigh Street.

Traffic

P4 Development should minimise impacts to traffic flow on Miller Street.

P5 Development should ensure that pedestrian access continues to unify both sides of Miller Street.

4.1.3 Desired Built Form

Form, massing & scale

P1 Vertical design elements to reduce the visual bulk of buildings and create an appearance similar to traditional shops.

P2 Parapet heights and setbacks to be consistent along the Miller Street frontage.

P3 Where lots are consolidated, the built form reflects the former fine grain subdivision pattern.

Setback

P4 Setback 3m, at ground level from the Palmer Street frontage. Landscaping including trees is to be provided within this setback.

Podiums

P5 Podium of 8.5m (2 storeys) at street frontage with a setback of 2.5m above the podium.

Awnings

P6 Awnings to be provide along all street frontages.

Noise

P7 Elevations of buildings fronting Miller Street and the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

Car accommodation

P8 Car parking must be provided underground, with the exception of Council owned or operated public car parking.

P9 Trees in Council car park to be retained contribute to amenity of area.

4.2 CAMMERAY NEIGHBOURHOOD



4.2.1 Significant Elements

Land Use

P1 Predominantly residential development.

Topography

P2 Generally falling from the ridge along Carter Street and Cammeray Road down to the foreshores of Long Bay and Willoughby Bay.

P3 Steeper land generally adjacent to the foreshore areas.

Natural Features

P4 Natural vegetation and landforms, including shoreline with rock outcrops and native vegetation.

P5 Wetlands in the form of Coastal Saltmarsh along the foreshores of Willoughby Bay (refer to Section 15 – Bushland to Part B of the DCP).

Views

P6 The following views and vistas are to be preserved and where possible enhanced:

(a) Pine Street lookout (7), Tiley Street lookout (8), Stratford Street lookout (9), Churchill Crescent lookout (12), Folly Point lookout (13).

(b) District views to Middle Harbour and the suspension bridge over Tunks Park.

Identity / Icons

P7 Tunks Park.

P8 Long Bay.

P9 Primrose Park.

P10 Bushland on slopes above Tunks Park and Primrose Park.

P11 Suspension bridge over Tunks Park.

P12 Willoughby Bay, Long Bay and foreshores.

P13 Cammeray Park.

P14 Warringah Expressway.

Subdivision

P15 Regular grid patterns on the upper slopes of the Area.

P16 Irregular grid pattern adjacent to the foreshore areas due to the steep and irregular topography.

P17 Long narrow lots adjacent to the foreshores of Long Bay.

Streetscape

P18 Narrow width roads and split carriageways adjacent to foreshore and Tunks Park with garages, carports and retaining walls built to the street.

P19 Wide roads with grassed verges on the upper slopes of the Area and informal street planting.

P20 Double rail timber fences.

P21 Tall sandstone fences and sandstone retaining walls.

P22 Buildings generally setback from the boundary with a skewed alignment to respective street frontages.

Public transport

P23 Regular public bus services through the area.

4.2.2 Desired Future Character

Diversity

P1 Primarily low-density residential development consisting of dwelling houses, semi-detached houses concentrated along the foreshore areas.

P2 Multi dwelling housing and residential flat buildings concentrated towards the tops of the ridges.

P3 The density of development along foreshore areas and in areas of steep terrain must be kept to a minimum.

4.2.3 Desired Built Form

Siting

P1 Buildings should provide adequate separation to bushland and foreshore areas.

P2 Buildings should not obstruct views from neighbouring properties. This is especially important in foreshore areas or sites that enjoy water views.

P3 Buildings should not obstruct views and vistas from public places to the waterway.

Form, scale and massing

P4 Buildings near foreshore areas should address the waterway.

P5 Buildings on sloping land should be designed to follow the slope of the land, with minimum cut and fill to be undertaken.

Foreshore

P6 Boat sheds are small in scale and do not dominate the foreshore frontage.

P7 Development associated with boating activity is kept to minimum and is compatible with the surrounding uses.

P8 Development adjoining foreshore or bushland areas (such as Tunks and Primrose Parks) use muted colours and non-reflective materials to ensure the scenic and environmental Qualities are enhanced.

P9 Walls and fences along the foreshore should be kept low enough to allow views of private gardens from the waterway.

4.3 ANZAC NEIGHBOURHOOD



4.3.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

P2 Passive and active recreational spaces.

P3 Educational and community facilities.

Topography

P4 Falling from Miller Street eastwards towards the Warringah Expressway.

Views

P5 The following views and vistas are to be preserved and where possible enhanced:

(a) District views towards Middle Harbour from the upper levels of some buildings.

Identity / Icons

P6 Cammeraygal High School.

P7 Warringah Freeway.

P8 ANZAC Park Primary School.

P9 ANZAC Park.

Subdivision

P10 Rectilinear grid pattern.

Streetscape

P11 Wide street reserves with grass verges, concrete footpaths and street trees.

P12 London Plane trees to Miller Street.

P13 Mixture of low full masonry and part masonry and timber paling fences.

P14 Buildings setback from the boundary and aligned with the street frontage.

Public transport

P15 Development to take advantage of high levels of accessibility to high frequency public bus services along Miller, Ernest and Falcon Streets.

4.3.2 Desired Future Character

Diversity

P1 Predominantly medium to high density residential development such as attached dwellings, multi dwelling housing and residential flat buildings according to zone.

P2 Any increase in residential density should be primarily focused on sites situated on Miller Street, Falcon Street and West Street which have good access to public transport.

4.3.3 Desired Built Form

Siting

P1 Development to provide gardens within the front setback, especially facing busy roads.

Noise

P2 Elevations of buildings fronting the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

4.4 PALMER NEIGHBOURHOOD



4.4.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

Topography

P2 Falling from Miller Street north-west towards Tunks Park.

Natural Features

P3 Bushland on slopes above Tunks Park

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) Fred Hutley Reserve lookout Hamilton Avenue (1), Palmer Street lookout (2).

(b) District views to the suspension bridge over Tunks Park.

Identity / Icons

P5 Tunks Park.

P6 Suspension Bridge over Tunks Park.

P7 Warringah Freeway.

Subdivision

P8 Generally regular grid pattern.

Streetscape

P9 Generally single storey built form appearance fronting West Street between Palmer Street and Amherst Street.

P10 Tree lined streets with grassed verges and concrete footpaths.

P11 A mixture of masonry and sandstone retaining walls built to street frontages and dividing split carriageways.

P12 Buildings setback from the boundary and aligned wit the street frontage.

P13 Low rendered masonry retaining walls to the high side of streets.

P14 A mixture of paling and double rail timber fences.

Public transport

P15 Development to take advantage of high levels of accessibility to high frequency public bus services along Miller Street.

4.4.2 Desired Future Character

Diversity

P1 Predominantly medium to high density residential development such as attached dwellings, multi dwelling housing and residential flat buildings according to zone.

4.4.3 Desired Built Form

Siting

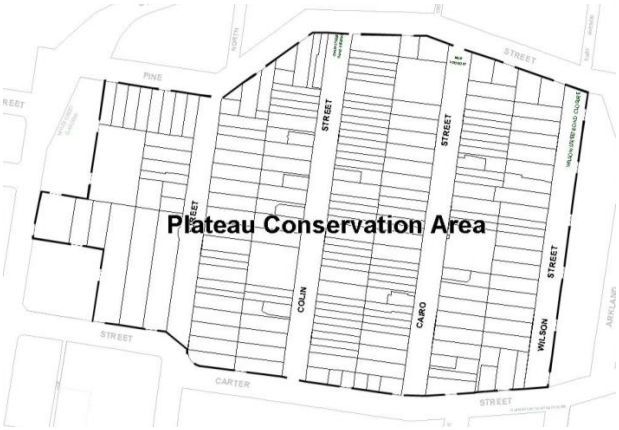
P1 Substantial gardens in front setback especially facing busy roads.

P2 Buildings should provide adequate separation to bushland areas.

Noise

P3 Elevations of buildings fronting the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

4.5 PLATEAU CONSERVATION AREA



4.5.1 History

The Plateau Conservation Area was subdivided as part of the 1899 *Cooliatta Estate* that was formed from the 23 acres grant to Alexander Macarthur in 1853.

In comparison with other parts of North Sydney the area was relatively remote, although the opening of the Suspension Bridge in 1892 and extension of the tramway along Miller Street in 1909 improved access.

The main period of development in the Conservation Area was in the early 20th century when the area developed slowly with modest houses on narrow blocks of land. Additional houses came after the First World War when the area was consolidated, particularly along the sloping northern boundary of Pine Street.

4.5.2 Description

The Plateau Conservation Area is located on a natural plateau at the northern end of Cammeray. The area is defined by escarpment along Pine Street, Wilson Street, Carter Street and Miller Street.

The landform slopes to the southeast and is a small plateau with escarpments to the north and east. The subdivision pattern is a regular grid of rectangular lots with dead end streets at the escarpments.

The Plateau Conservation Area is characterised by single storey Federation and Edwardian dwelling houses, reflecting the area's main period of development. The houses range from freestanding dwellings on large lots to small, semi-detached dwellings on narrow lots. There are also examples of Victorian Georgian style, weatherboard cottages.

The buildings generally have small setbacks from the street with cottage gardens and a mix of fence types.

The Brushbox street trees are characteristic of the area's main period of development, and give a strong regularity to the streetscape. Front gardens are well established, and often have extensive plantings to give an overall impression of a landscaped garden suburb.

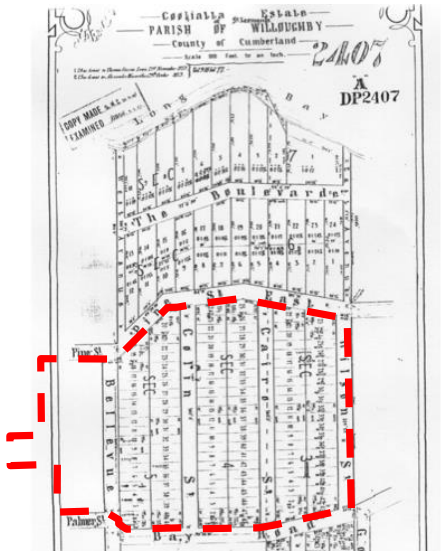
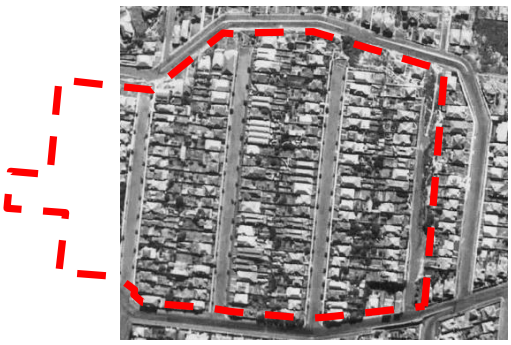


Figure F-4.2 (left):
Circa 1890

Figure F-4.3 (below left):
Circa 1943

Figure F-4.4 (below right):
Circa 2008





4.5.3 Statement of Significance

The Plateau Conservation Area is significant:

(a) For the unity of its subdivision history and consistency of the housing stock which is evident in the built form of the area.

(b) For its largely intact residential form that illustrates small-scale housing including timber buildings, and which has survived without large scale intrusions.

(c) For its strong landscape quality defined by street trees and front garden plantings that give an overall impression of a landscaped garden suburb.

4.5.4 Significant elements

Topography

P1 Level plateau with escarpments to the north and east.

Subdivision

P2 Regular rectangular lots.

Streetscape

P3 Street trees and street gardens.

P4 Sandstone kerbing, sandstone and concrete retaining walls, street gardens. Changes of level in topography.

Views

P5 North facing lookouts: Bellevue Street, Colin Street, Carter Street, Cairo Street. Views from Colin, Wilson, Bellevue and Pine Street steps.

4.5.5 Characteristic buildings

P1 Single storey, detached and semi-detached Federation and Edwardian dwelling houses sometimes in groups. Some Victorian cottages.

4.5.6 Characteristic built elements

Siting

P1 To the front of the lot with large gardens to the rear.

Form, massing and height

P2 Detached and attached dwellings with projecting bays and verandahs to street.

P3 Double fronted cottages with projecting bays and flanking verandahs.

P4 Single storey, rear extensions within single storey roof line. Reduced scale to the rear.

Roofs

P5 Hipped roofs pitched between 30 and 45 degrees without dormer windows or openings that can be seen from the street.

P6 Gabled ends for projecting bays to the street, skillion roofs to rear extensions.

P7 Brick and rendered chimneys.

Materials

P8 ***Walls***: Weatherboards; Face brick on sandstone foundations

P9 ***Roofs***: Slate and corrugated metal on older dwellings; Terracotta tiles with corrugated iron or corrugated sheet metal on rear extensions.

P10 Timber verandahs. Timber windows and doors.

Windows and doors

P11 Consistent with building period. Timber.

Fences

P12 Low height front fences and walls to 800mm in height.

P13 Timber fences to side and rear.

P14 Timber picket, stone, face brick and brick piers with timber pickets or horizontal rails.

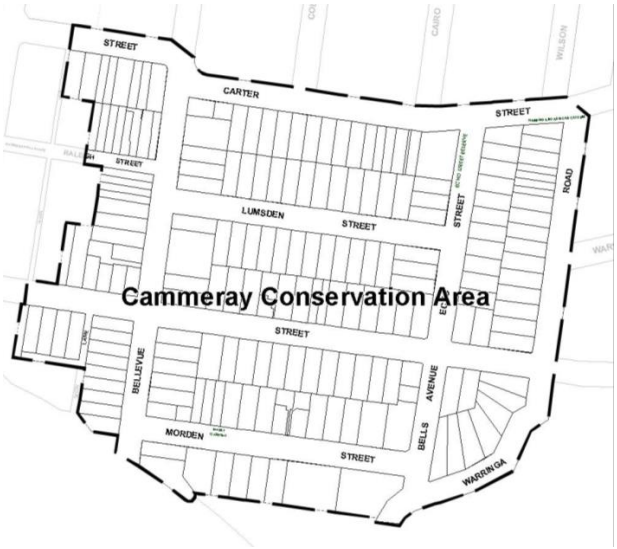
Car accommodation

P15 No off street parking.

4.5.7 Uncharacteristic and undesirable buildings and built elements

P1 Over-scaled additions; dormers to front roof slopes; carports and garages to the street; paved front gardens; high solid fences to the street; rendering and painting of face brick; loss of original detail; aluminium windows; contemporary buildings development.

4.6 CAMMERAY CONSERVATION AREA



4.6.1 History

Most of the Cammeray Conservation Area was subdivided in 1889 by Alexander Maxwell as the *Cooliatta Estate* on land granted to Alexander Macarthur in 1853. The south-western part of the area was called *Bells Paddock*.

The opening of the Suspension Bridge in 1892 and extension of the tramway along Miller Street in 1909 improved access to the area and provided a trigger for development. Most of the area was purchased as the Bell's Estate in 1909 after which time the area developed.

Very little redevelopment occurred in the area until the 1960s when uncharacteristic, three storey residential flat buildings were built in Morden Street.

4.6.2 Description

The Cammeray Conservation Area is bounded by Carter Street, the Freeway to the south, Warringa Road to the east, and Miller Street properties to the west.

The landform slopes down from the north towards the south and east and there are escarpments at Morden Street and Echo Street that form dead end roads.

The subdivision pattern is a regular grid that overlays the topography.

The characteristic buildings of the area are typically later Federation and Edwardian Queen Anne, reflecting the predominant period of development. Buildings are typically single storey, freestanding and constructed on a sandstone base with face brick walls and terracotta tiled hipped roof with asymmetrical street elevations with projecting gabled bays projection and a flanking verandah.

Street plantings and raised verges reinforce the cohesive character and regular pattern formed by the buildings and underlying lot pattern.

Several late Victorian residences are located in the northwest corner of the area, and timber houses are represented in Palmer, Bellevue and Raleigh Streets. There is some modern development to the southern edge.

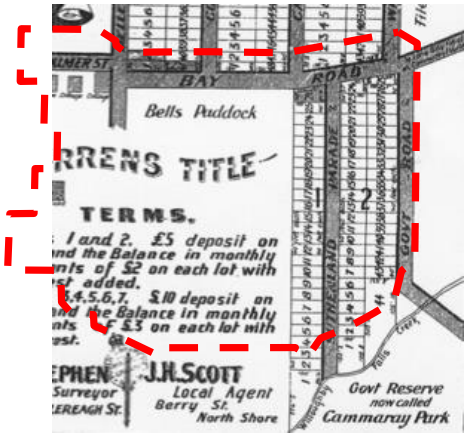


Figure F-4.5 (left):
1890 Subdivision Plan of the Cooliatta Estate

Figure F-4.6 (below left):
Circa 1943

Figure F-4.7 (below right):
Circa 2008





4.6.3 Statement of Significance

The Cammeray Conservation Area is significant:

(a) For the unity of its subdivision history which is evident in the built form of the area and that overlays its sloping and stepped topography;

(b) As an area of modest Federation speculative builder housing set out in a geographically defined area that has survived without large-scale intrusion; and

(c) For its landscape quality defined by street trees, stone boundary walls, rock escarpments, raised and front garden plantings that combine to give an impression of a landscaped garden suburb.

4.6.4 Significant elements

Topography

P1 Sloping towards east and south with sandstone escarpments.

Subdivision

P2 Regular grid pattern overlying topography.

Streetscape

P3 Houses at street level or raised above it.

P4 Consistent scale of housing addressing the street in garden setting.

P5 Raised verges, sandstone kerbing, sandstone and concrete retaining walls, street gardens.

P6 Street trees, including central plantings.

Views

P7 Carter Street lookout. Views from Morden Street to the south.

4.6.5 Characteristic buildings

P1 Single storey, free-standing, double fronted Federation dwelling houses.

P2 Late Victorian residences in the north-western portion.

4.6.6 Characteristic built elements

Siting

P1 Detached dwelling houses to the front of the lots with gardens to front and rear.

Form, massing and height

P2 Single storey, detached dwelling houses.

P3 Simple forms articulated with projecting bays and verandahs to front.

P4 Reduced bulk and scale to rear.

Roofs

P5 Hipped and gabled roofs pitched between 30 and 45 degrees with overhanging eaves.

P6 Gabled ends for projecting bays to the street.

P7 Skillion roofs to rear wings.

P8 Brick and rendered chimneys.

External Materials

P9 Timber or face brick on sandstone bases.

P10 Terracotta tiles with corrugated metal on rear wings. Slate and corrugated metal on older dwellings.

P11 Shingled or half-timbered gable roofed bays.

Windows and doors

P12 Late Victorian and Federation. Decorative leadlights and glazing.

Fences

P13 Low height front fences and walls to 800mm.

P14 Timber fences to rear and side.

P15 Stone, face brick and brick piers or timber pickets and horizontal rails.

Car accommodation

P16 Garages and carports located to the side and rear of dwellings.

P17 No garages or carports located in front of the building line.

P18 Single driveways.

4.6.7 Uncharacteristic and undesirable buildings and built elements

P1 Carports, garages or paving to front of lot; dormers to front of roofs; over-scaled additions; painting and rendering of face brickwork; high fences to street; and inappropriate detailing.

SECTION 5 NORTH CREMORNE PLANNING AREA

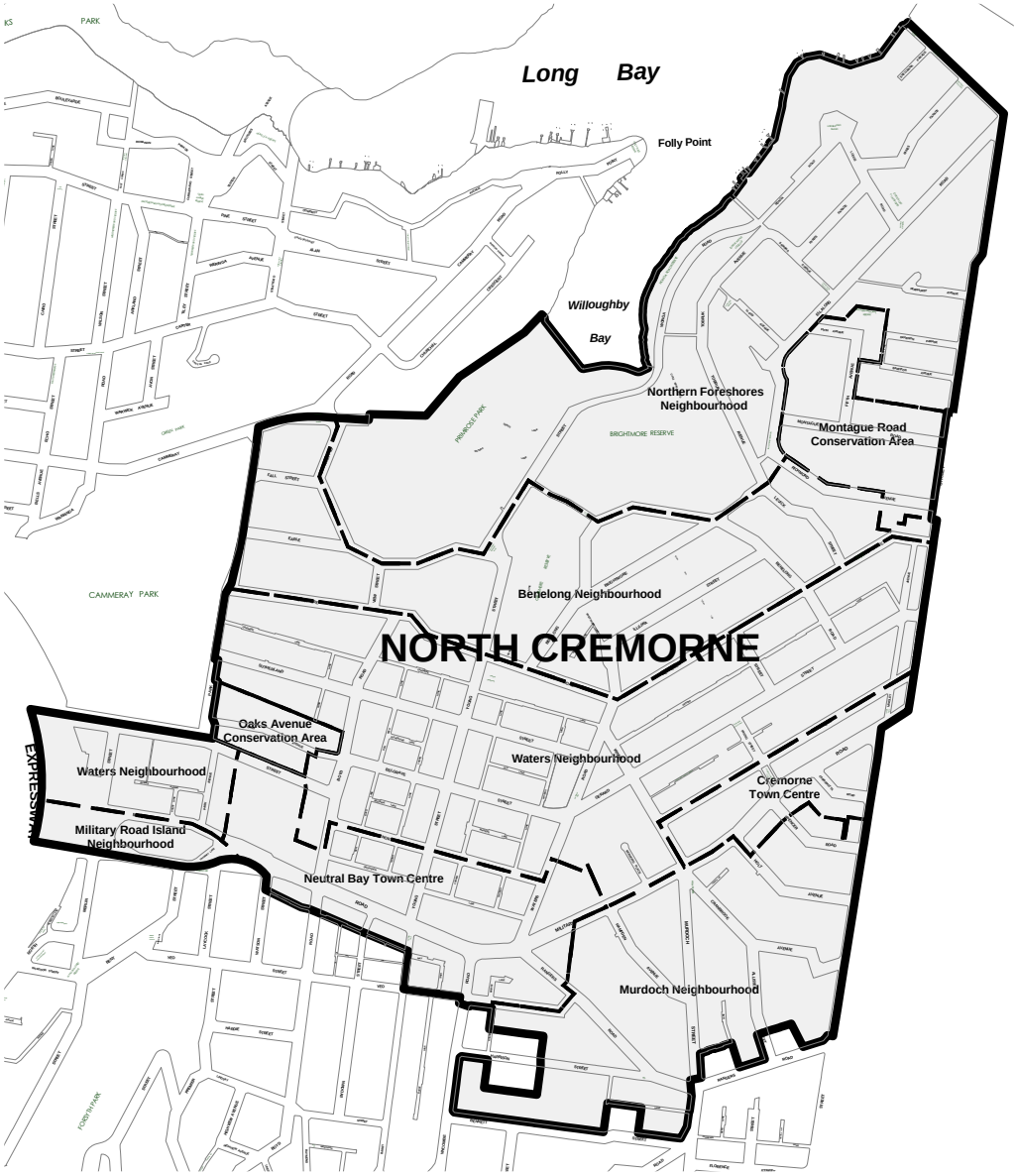
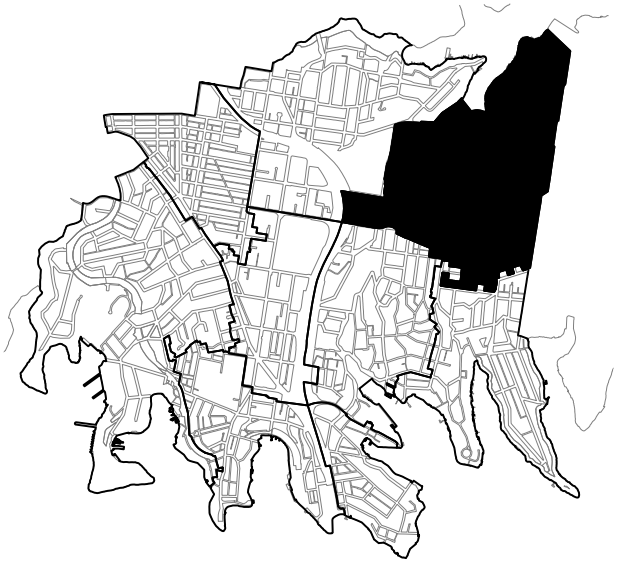


Figure F-5.1: North Cremorne Planning Area and associated Locality Areas

5.0 NORTH CREMORNE PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the North Cremorne Planning Area.

North Cremorne is a primarily residential neighbourhood providing a diverse range of housing forms for a mixed population. It is bound on its southern side by the Neutral Bay and Cremorne Town Centres, which are bustling places where people live, shop, eat, work and socialise providing a high level of amenity for all users.

Development within the Planning Area should result in:

- residential growth being provided in accordance with Council's Local Housing Strategy, with the growth concentrated within the Mixed Use zones of the Town Centres located on or in the vicinity of Military Road, and the remainder comprising of multi dwelling housing and residential flat buildings in the surrounding residential areas
- residential densities not being increased in foreshore areas and areas of steep terrain
- development within the *R2 Low Density Residential* zone being of a similar scale to existing characteristic development
- a wide range of residential types and sizes being distributed throughout the area according to zone
- a range of retail and commercial premises, services and facilities being available to the local community within the Town Centres

and where:

Function

- there are safe and accessible community facilities and meeting places
- the few non-residential uses operate without an adverse effect to the amenity of the residential neighbourhood

- services and facilities meet the needs of different population groups
- accessible and safe pedestrian routes are extended throughout the neighbourhood linking to the open spaces of Primrose Park and Brightmore Reserve
- additional public open space is provided for increased residential population
- public transport, cycling and walking are preferred means of transport
- local icons, cultural resources and heritage provide tangible evidence of the area's past and reflect the community's cultural values

Environmental Criteria

- parkland and natural foreshore areas are conserved, protected and easily accessible to pedestrians
- ecology of bushland and wetland areas are protected from adverse impacts of development such as stormwater runoff, dumping of fill soil and vegetation, leaching of fertilisers, spread of introduced plants and weeds and visual impact of structures
- habitat for native fauna is provided through the planting and maintenance of local flora
- good sunlight is available to both public and private spaces

Quality Built Form

- high quality residential accommodation in the Town Centre incorporates internal amenity for residents and energy efficient design
- open meeting places in the form of courtyards act as focal points, and are located in areas that provide relief from traffic noise
- residential development respects and maintains existing characteristic built form with buildings setback from all boundaries and landscaped front gardens, softening the built form
- the built environment is sympathetic to the topography and vegetation, allowing views of the surrounding area and Willoughby Bay
- heritage items are protected and significant streetscape elements are conserved in the Oaks Avenue and Montague conservation areas

Quality Urban Environment

- backyards are provided for a variety of practical and recreational needs of residents
- car parking does not adversely affect the character of the area and quality of residential streets
- front fences are low and offer good outlooks to house fronts and gardens

Efficient Use of Resources

- existing residential buildings are maintained to prevent unnecessary waste of building materials
- stormwater is captured and re-used on site

The North Cremorne Planning Area includes the following Locality Areas in which development is subject to the relevant provisions below:

Section 5.1: Neutral Bay and Cremorne Town Centres

Section 5.1.4: North Sydney Bus Depot

Section 5.1.5: 1-11 Rangers Road

Section 5.1.6: Grosvenor Plaza

Section 5.2: Military Road Island Neighbourhood

Section 5.3: Waters Neighbourhood

Section 5.3.4: 14-16 Military Road

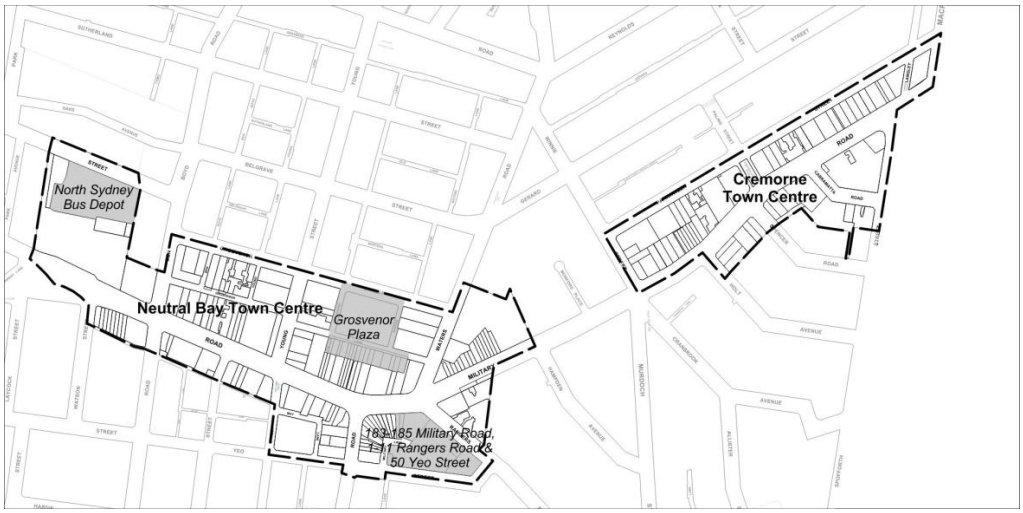
Section 5.4: Benelong and Northern Foreshore Neighbourhood

Section 5.5: Murdoch Neighbourhood

Section 5.6: Montague Road Conservation Area

Section 5.7: Oaks Avenue Conservation Area

5.1 NEUTRAL BAY AND CREMORNE TOWN CENTRES



5.1.1 Significant Elements

Land Use

P1 Predominantly mixed commercial and residential development.

Topography

P2 Generally flat, straddling the topmost part of the ridge along Military Road.

Natural Features

P3 Area forms the topmost part of a ridge following Military Road.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) District views to Middle & Sydney Harbours from the upper levels of some buildings.

Identity / Icons

P5 Orpheum Theatre is a community focal point and regional attraction that enhances the identity of the area.

P6 Military Road, a major regional thoroughfare.

Subdivision

P7 A diverse mixture of large consolidated sites intermixed with long narrow sites with dual frontages.

Streetscape

P8 Wide fully paved footpaths incorporating outdoor dining areas.

P9 Buildings built to street and laneway frontages.

P10 Continuous awnings along Military Road.

P11 Irregular planting of street trees.

P12 Active frontages to Military Road, Grosvenor Street.

P13 90° on-street parking to Parraween Street.

Public transport

P14 Development is to take advantage of high levels of accessibility to high frequency public bus services along Military Road.

5.1.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 Mixed commercial and residential development, primarily focused on Military Road.

P2 A variety of commercial, retail, restaurants and cafes are provided at footpath level, non-residential or residential on the first floor and residential only on the upper floors.

P3 Commercial activities should be maintained to all street frontages at ground level to stimulate pedestrian activity.

P4 Activities should not have a detrimental impact to the safety and efficiency of vehicular traffic on Military Road.

5.1.3 Desired Built Form

Subdivision

P1 Redevelopment sites should have a frontage of approximately 25m-30m.

Form, massing and scale

P2 Generally 4-5 storeys.

P3 5-6 storeys in the block bounded by Military Road, Cabramatta Road and Spofforth Street.

P4 Larger facades are broken up with changes in building frontage alignment and architectural detailing to reflect the former subdivision patterns, especially fronting Military Road.

Public spaces and facilities

P5 Outdoor dining areas:

(a) are located within clearly defined spaces;

(b) are located away from main roads;

(c) are weather protected; and

(d) provide equal and unobstructed pedestrian movement.

P6 Pedestrian arcades should be provided between Military Road and parallel laneways/streets to the north and south of Military Road to enhance pedestrian connectivity.

P7 Views of shop fronts should not be obstructed from footpaths and roadways.

P8 Encourage the retention and enhancement of trees within the public domain to improve public amenity.

Setbacks

P9 Buildings should be built to all street frontages at ground level, except as follows:

(a) Setback 1.5m from the northern side of Military Road, at ground level between Young Street and Waters Road, and

(b) Setback 1.5m at ground level from all laneways.

Podiums

P10 Podium of 8.5m (two storeys) to Military Road, east of Hampden Avenue, with a setback of 3m above the podium.

P11 Podium of 10m (three storeys) to Military Road, west of Hampden Avenue, with a setback of 3m above the podium.

P12 Podium of 8.5m (two storeys) to laneway frontages and frontages not to Military Road, with a setback of 3m above the podium.

P13 Podium of 8.5m (2 storeys) to the east and west of Barry Street Plaza, with a setback of 3m above the podium.

P14 Provide adequate podium setbacks where a site adjoins residential or open space zones.

Building design

P15 Ground floor access to shops is to be provided to all properties with a frontage to Military Road, a frontage to the Grosvenor Lane car park / plaza, and those with a dual frontage between Military Road and Parraween Street.

P16 Building elements, materials, finishes, and windows should relate to neighbouring buildings.

P17 Laneways should be provided with active frontages, wherever possible.

Car Parking & Access

P18 Vehicular access from sites should not be provided to Military Road.

Noise

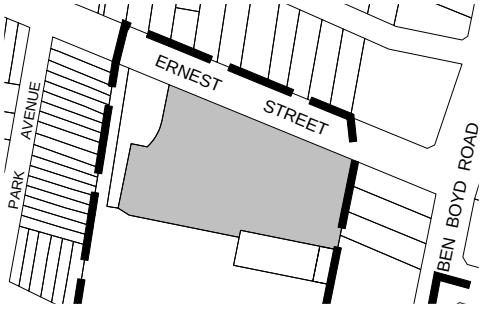
P19 Elevations of buildings fronting Military Road and Ernest Street are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

P20 Services located at the rear of buildings at the interface with a residential zone should be carefully designed and located to ensure that they do not have a detrimental impact to the residential amenity of the neighbouring property.

Awnings

P21 Awnings are provided along all street frontages.

5.1.4 North Sydney Bus Depot



Diversity of activities, facilities, opportunities and services

P22 Continued operation of the bus depot as important public transport infrastructure.

P23 If the bus depot ceases to operate, then the site should be used for mixed use development.

P24 Incorporate community functions in the form of open space, through site links and / or other community uses.

P25 Development provides active frontages to Ernest Street and internal public spaces.

P26 Amalgamation with Big Bear site provides further opportunities for public benefit.

P27 Redevelopment of an amalgamated Bus Depot and Big Bear site should be informed by a masterplan for the entire street block.

Form, massing and scale

P28 Transition scale of built form down from central / southern portion of site to surrounding lower scale development and heritage conservation area.

P29 Maximise solar access to internal public spaces.

Public Benefit

P30 Provide public benefit with any proposed change to existing planning controls.

P31 Affordable housing is a public benefit priority for the site.

Podiums

P32 Podium of 10m (three storeys) to Ernest Street.

Ecologically Sustainable Development

P33 In implementing ESD best practice, explore opportunities to incorporate ESD demonstration project in redevelopment.

Access

P34 Create safe and active pedestrian links between Ernest Street and Military Road, particularly where possible via the Big Bear site.

P35 Vehicular access minimises the impact on the flow of traffic along Ernest Street.

Noise

P36 Elevations of buildings fronting Ernest Street are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of vegetation, cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

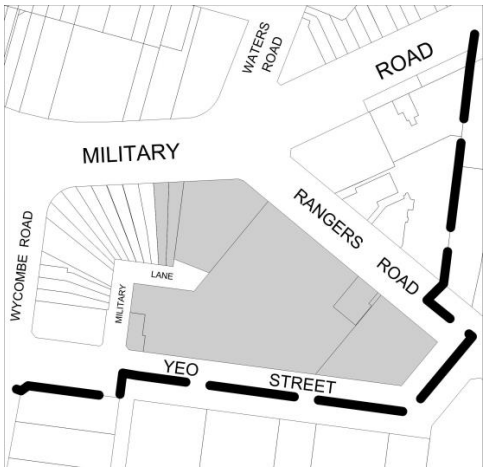
Heritage

P37 Protect and respond architecturally to existing heritage items.

P38 Subsurface archaeological material is assessed prior to excavation.

5.1.5 1-11 Rangers Road

** This section has been informed by the Neutral Bay Village Planning Study (2024).*



5.1.5.1 Diversity

Objectives

O1 To provide a mixture of uses that contribute to enhancing of the amenity, identity and desirability of Neutral Bay.

O2 Ensure non-residential and residential uses are adequately separated to maximise the amenity for both residents and workers.

O3 To increase access to open public spaces with high levels of amenity.

Provisions

P1 Provide a mixed use building typology, with retail at the ground level, commercial space on the second storey and residential accommodation above.

P2 Provide a fine grain of retail and other business premises fronting all street frontages, the future public plaza and where practical, to laneways.

P3 Relocate the existing supermarket underground to assist in positively activating streets and future public plaza.

P4 Create a new public plaza across both 183-185 Military Road and 1-7 Rangers Road with a minimum size of 1,000sqm.

P5 Maximise opportunities to accommodate outdoor dining.

P6 Provide a mixture of commercial tenancy sizes and flexible floorplates.

5.1.5.2 Form, massing and scale

Objectives

O1 To ensure that density and scale is concentrated toward Military Road and provides a positive transition in height and scale down to the adjoining residential areas.

O2 To maximise year round solar access to existing and new public open spaces to be created in the Planning Area.

O3 To minimise overshadowing impacts on residential development to the south of Yeo Street.

Provisions

P1 Allotments should be consolidated to establish suitable building footprints to accommodate additional height and the establishment of a new public plaza.

P2 Height should transition from Military Road and the northern portion of Rangers Road down to Yeo Street.

P3 Development addresses laneways with active uses, where practical.

P4 Ensure that all dwellings on the southern side of Yeo Street receive a minimum of 2 hours sunlight to living areas at the winter solstice.

P5 Building elements located above the podium level must not exceed 45m in horizontal width or length, unless punctuated with a significant visual break or articulation element.

5.1.5.3 Setbacks

Objectives

O1 To reinforce the spatial definition of streets and public spaces.

O2 To provide a wider footpath to Military Road to enhance pedestrian movement and comfort and provide outdoor dining opportunities.

Provisions

P1 Buildings must be setback from the following road frontages:

(a) 2.5m from Military Road, and

(b) 0m from Rangers Road, except the ground level which is to be setback a minimum of 1.5m, and

(c) 0m to Yeo Street and Military Lane.

P2 Buildings must be setback 0m to the public plaza.

P3 Buildings should be setback 0m from all side boundaries.

5.1.5.4 Podium Height

Objectives

O1 To positively relate to the heritage context surrounding the site.

O2 To create a human scaled interface within the public plaza and adjoining laneways.

O3 To positively relate to the scale of development of the opposite side of Rangers Road and Yeo Street.

Provisions

P1 A podium must be:

(a) 2 storeys in height to Military Road, the east-west alignment of Military Lane and to the proposed public plaza, and

(b) 4 storeys to Rangers Road, and

(c) 3 storeys or a maximum of 10m, whichever is the lesser, to Yeo Street and the north-south alignment of Military Lane.

5.1.5.5 Above Podium Setbacks

Objectives

O1 To provide a consistent street frontage and minimise overshadowing impacts to the public plaza.

O2 Minimise overshadowing impacts to residential properties on the southern side of Yeo Street.

O3 To reduce the scale and bulk of buildings when viewed from the public domain.

Provisions

P1 The following minimum setbacks (measured from the outer wall of the podium) must be provided above the podium level:

(a) 3m to Military Road, Rangers Road and Military Lane.

(b) 3m to Yeo Street, with a further 3m setback to any part of the building above 5 storeys.

(c) 3m to any podium facing the public plaza and through site link.

(d) 0m to the entire length of the side boundary between 183-185 Military Road and 181A Military Road, with 6m above 6 storeys.

(e) 6m to the side boundary between 1-7 Rangers Road and 9-11 Rangers Road, along the Rangers Road frontage.

(f) 0m to the side boundary between 1-7 Rangers Road and 9-11 Rangers Road, along the Yeo Street frontage

Note. *Setbacks are measured to the outer face of any part of the building including balconies, architectural detailing and the like.*

Despite P1(e) and (f), a 6m setback is required to the entire length of the side boundary between 1-7 Rangers Road and 9-11 Rangers Road, if the through-site link is not provided open to the sky.

5.1.5.6 Public Plaza

Objectives

O1 To create additional publicly accessible space.

O2 To ensure that the space is sufficiently sized to provide a mixture of passive and active recreational opportunities.

O3 To maximise the amenity of the public space.

O4 Maximise the activation of the space.

O5 To increase landscaping and tree canopy within the Neutral Bay Town Centre.

Provisions

P1 A public plaza of at least 1,000sqm is to be provided across both 183-185 Military Road and 1-7 Rangers Road. The minimum area of the plaza is to exclude any pedestrian through-site link between the plaza itself and Yeo Street and is to open to the sky.

P2 The public plaza is to be located adjacent to the Military and Rangers Road intersection.

P3 At least 50% of the public plaza must be able to receive solar access between 10am and 1pm at the Winter Solstice.

P4 All ground level frontages to the public plaza are to be appropriately activated.

P5 Provide a variety of functions to activate the space, including outdoor dining, public seating, community lawn, playground, water feature, public artwork, landscaping, fixed bicycle parking.

P6 If 183-185 Military Road is to be redeveloped in isolation from 1-7 Rangers Road, then the building at 183-185 Military Road must be setback at the ground level from its eastern boundary, to ensure that appropriate pedestrian access arrangements can be made independently, without reliance on reciprocal rights of way between 183-185 Military Road and 1-7 Rangers Road.

5.1.5.7 Through-site Link

Objectives

O1 To improve pedestrian permeability through the area.

O2 To provide clear visual connections between different parts of the Neutral Bay Town Centre.

O3 To maximise casual surveillance over the space.

Provisions

P1 A minimum 6m wide through-site link is to be provided between the proposed public plaza and Yeo Street to enable pedestrians to traverse between the intersection of Military Road and Rangers Road and Yeo Street.

P2 The through-site link should be open to the sky to maximise legibility in wayfinding through the area and avoid the creation of extensive wall lengths along Yeo Street.

P3 Despite P1 and P2, a through-site link may only be built over, but only where the consent authority is satisfied that the through-site link is widened to a minimum of 8m and have a minimum 7m clearance to any storey located above.

P4 The ground level of buildings fronting the through-site link are to be appropriately activated.

P5 The through-site link is to be publicly accessible at all times.

P6 The through-site link should be integrated with the proposed public plaza.

5.1.5.8 Activation

Objectives

O1 To provide for the amenity, interest and liveliness of the street environment and public open spaces.

O2 To ensure a positive experience for pedestrians with the necessary fine grain environment of the street.

O3 To enable sensory engagement with the street and public spaces.

O4 To provide an active ground floor frontage that is accessible and integrated with the design of the public domain.

O5 To maximise the extent of active frontages in the public domain.

O6 To promote activity, connectivity and variety in the public domain.

O7 To increase passive surveillance of the street and other public spaces and enhance safety.

Provisions

P1 Buildings must contain active frontages to all street frontages, with the exceptions of public laneways.

P2 Despite P1, active frontages to public laneways are encouraged where practical.

P3 Buildings which have a direct interface with the proposed public plaza are to provide an active frontage to that interface.

P4 Active frontages are to be provided along both sides of all through-site links.

P5 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.

P6 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.

5.1.5.9 Access

Objectives

O1 To prioritise pedestrian movements along Military Road, Rangers Road and Yeo Street.

Provisions

P1 No vehicular access is to be provided from Military Road or Rangers Road.

P2 Vehicular access should be provided from Military Lane.

P3 Despite P2, vehicular access may be provided from Yeo Street subject to adequate demonstration that it will not present any adverse conflicts to the traffic flow on Yeo Street.

P4 Where practical, commercial and residential vehicular access should be separated.

P5 All service access is to be provided from Military Lane.

P6 The number of retail and commercial customer spaces for the Woolworths site redevelopment (1-7 Rangers Road and 50 Yeo Street), is to be limited to 180 parking spaces.

P7 There be the provision of a single ingress and egress on Yeo Street in order to promote pedestrian safety.

5.1.5.10 Landscaping

Objectives

O1 To minimise privacy impacts of residents within and adjoining the development.

O2 To soften the appearance of buildings and their interface with neighbouring buildings and the public domain.

O3 To minimise heat island effects.

Provisions

P1 Terrace planting is to be provided to soften the building appearance and contribute to the overall aesthetic of building facades.

Perimeter planting is to be established along the edges of the podium and rooftop terraces.

Where practical, landscaping should be used to screen any rooftop plant.

Consideration is to be given to the use of green roofs and green walls.

5.1.6 Grosvenor Lane Car Park

** This section has been informed by the Grosvenor Lane Planning Study 2014*



Diversity

P1 Provide a fine-grain of retail and other frontages at the interface with the public realm, including the public plaza, to maximise variety of uses.

P2 Provide opportunities for outdoor dining.

P3 Provide active frontages to the plaza and where possible to laneways.

Public Domain

P4 Create a public plaza on the current public car park site.

P5 Implement shared zones or widen footpaths where possible to improve pedestrian safety and amenity.

P6 Design plaza to be flexible and able to accommodate passive recreation and special events.

P7 Design of built form should facilitate the revitalisation and improvement of the public domain along Military Road.

P8 Upgrade adjoining laneways to complement the public plaza.

P9 Provide quality, active pedestrian links between Military Road and the public plaza.

Setbacks

P10 Set back buildings 1.5m at ground level on all street and laneway frontages.

Built Form

P11 Minimise the impact of development on the public domain and plaza.

P12 Minimise the impact of development on surrounding residential land.

P13 Podium of 10m (three storeys) to Grosvenor Street, with a setback of 3m above the podium.

P14 Mitigate noise from Military Road in design of through site link and built form.

Access and Parking

P15 Relocate public parking underground and provide additional public car spaces.

P16 Maintain existing laneway network or provide adequate alternative for small scale loading, short term parking and vehicular circulation.

P17 Loading facilities should not impact on amenity of plaza and should ideally be provided underground.

Public Infrastructure

P18 Upgrade or relocate Neutral Bay Community Centre as part of any redevelopment incorporating the existing site.

P19 Provide improved bus stop infrastructure on Military Road.

Heritage

P20 Protect and respond architecturally to heritage items within the area.

5.2 MILITARY ROAD ISLAND NEIGHBOURHOOD



5.2.1 Significant Elements

Land Use

P1 Predominantly residential development in the form of semi-detached dwellings.

Topography

P2 Generally flat with a slight fall to the south to Falcon Street.

Natural Features

P3 Area forms the topmost part of a ridge following Military Road.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) Potential district views to Middle and Sydney Harbours from the upper levels of some buildings.

Identity / Icons

P5 Military Road, a major regional thoroughfare.

P6 Falcon Street, a major regional thoroughfare.

Subdivision

P7 Regular grid pattern.

P8 Site areas of 200m^2 to 350m^2.

Streetscape

P9 Wide one way streets.

P10 Street trees.

Public transport

P11 New development to maximise the use of the area's high level of accessibility to high frequency public bus services.

5.2.2 Desired Future Character

Diversity

P1 Residential flat buildings with some mixed use, according to zone.

5.2.3 Desired Built Form

Subdivision

P1 All land should be consolidated to create a single allotment of sufficient size to create a series of residential flat buildings which can be appropriately located behind large landscaped buffers.

Siting

P2 Towards the north, having regard to the acquisition of land for road widening purposes.

Setbacks

P3 Setback on Falcon Street frontage incorporates substantial landscaping and creates a buffer to traffic.

Podiums

P4 Podium of 13m (four storeys) to all elevations of a building, with a setback of 3m above the podium.

Form, massing and scale

P5 Large facades are broken up with changes in building frontage alignment and architectural detailing.

P6 Internal courtyard or landscaped open space with solar access between 11am and 3pm, 21st June.

Access

P7 Maintain pedestrian crossings across Military Road and Falcon Street.

P8 Vehicle access is provided off Military Road.

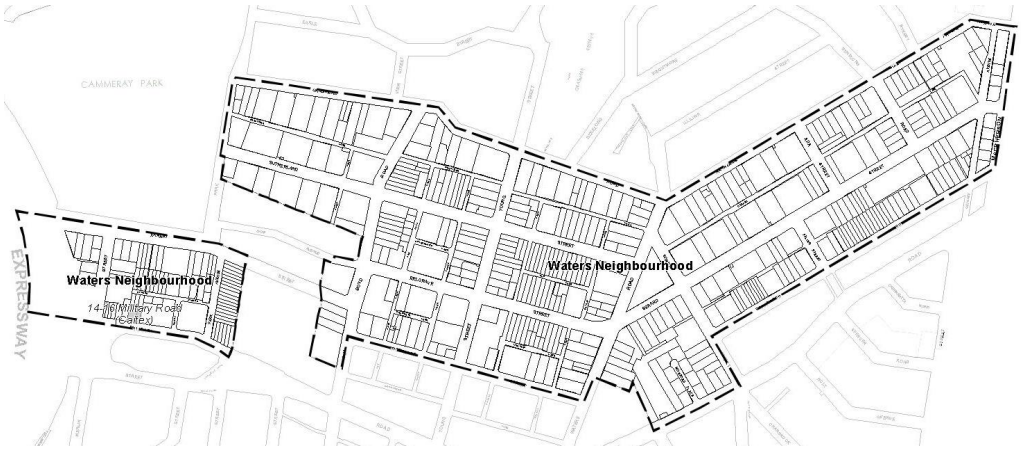
P9 Vehicular access for service and delivery vehicles and resident/occupant vehicles is combined.

P10 Regional traffic is concentrated on Falcon Street and Military Road to north of the street block is a local road.

Noise

P11 Elevations of buildings fronting Military Road and Falcon Streets are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

5.3 WATERS NEIGHBOURHOOD



5.3.1 Significant Elements

Land Use

P1 Predominantly residential development.

Topography

P2 Gentle fall to the north from the ridge aligning with Military Road.

Views

P3 The following views and vistas are to be preserved and where possible enhanced:

(a) along Park Avenue of Cammeray Park.

(b) Vistas to Middle Harbour down Ben Boyd Road and Young Streets.

(c) District views to Middle Harbour from the upper levels of some buildings.

Identity / Icons

P4 SCEGGS – Redlands School.

P5 Cammeray Park.

P6 Military Road, a major arterial thoroughfare.

P7 Ernest, Belgrave Road and Gerard Streets, a sub-arterial thoroughfare.

Subdivision

P8 A regular grid pattern with street blocks generally running east / west, with a large number of properties having dual frontages associated with a large number of laneways.

Streetscape

P9 Wide tree lined streets with grass verges and concrete paths.

P10 Narrow fully paved laneways.

P11 A mixture of tall and low rendered masonry fences to the street, with taller fences generally located along Ernest, Belgrave and Gerard Streets in front of low and medium density housing.

P12 Buildings setback from the boundary and aligned with the street frontage.

Public transport

P13 Development should take advantage of the high level of public bus services operating along Military Road, Ernest Street, Belgrave Street and Gerard Street.

5.3.2 Desired Future Character

Diversity

P1 Predominantly medium to high density residential accommodation, generally comprising attached dwellings, multi-dwelling housing and residential flat buildings, according to zone.

P2 The density of development generally reduces the further away a property is located from Military Road.

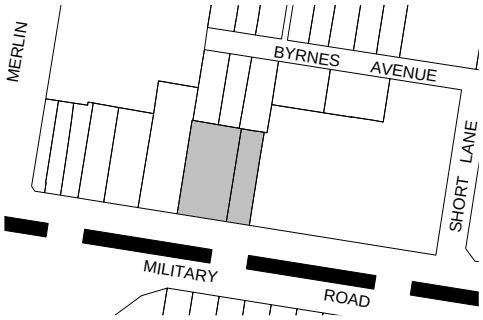
5.3.3 Desired Built Form

Form, massing and scale

P1 Future development of high density housing must have a sympathetic relationship to other surrounding development in terms of height, bulk and scale, privacy and access to views (for example stepping down to lower height).

P2 Buildings adjacent rear laneways should be ancillary to the main building on a site.

5.3.4 14-16 Military Road



Noise

P1 Where 14-16 Military Road, Neutral Bay is to be used for non-residential purposes, an acoustic wall is to be erected, which:

(a) matches the height, alignment, design, materials and finishes of the existing acoustic wall over 18-38 Military Road, Neutral Bay; and

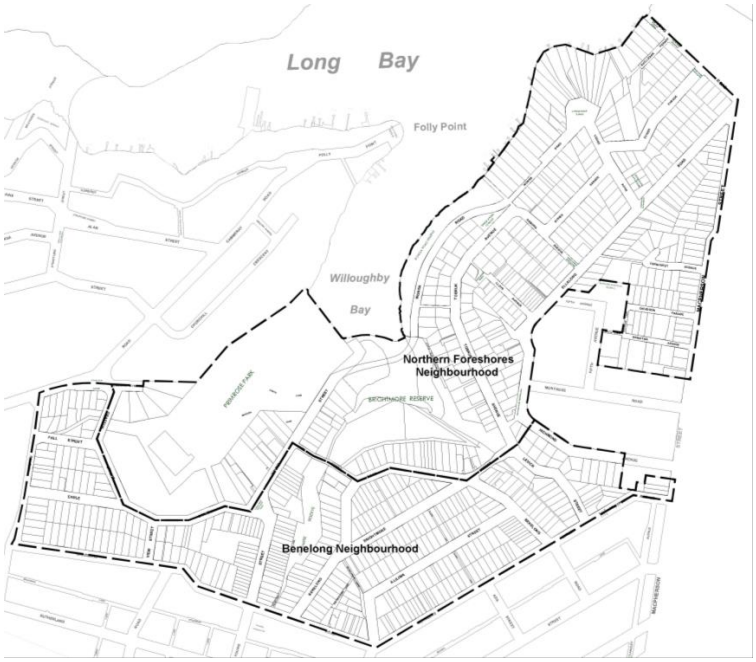
(b) extends for the entire length of the northern boundary and its southern face is setback a minimum of 483mm from the common boundary with No.s 1 to 5 Byrnes Avenue; and

(c) extends for the entire length of the western boundary and is setback a minimum of 3m from the eastern alignment of the residential flat building on the adjoining allotment at 12 Military Road.

Visual impact

P2 The setback between the western boundary of 14-16 Military Road, Neutral Bay and the acoustic wall required by P1 above, must be landscaped with vegetation capable of growing to the height of the acoustic wall to ensure effective screening.

5.4 BENELONG AND NORTHERN FORESHORE NEIGHBOURHOODS



5.4.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

P2 Passive and active recreation areas.

Topography

P3 Generally falling to the north and northwest to the foreshores of Willoughby Bay.

P4 Generally flat over the public open space areas adjacent to the foreshore.

P5 Steep slopes to the southern and western ends of Primrose Park and residential properties in the vicinity of the foreshore.

Natural Features

P6 Remnant natural shoreline areas in North Cremorne.

P7 Remnant bushland of Primrose Park, Brightmore Reserve and Willoughby Bay

P8 Wetlands in the form of Coastal Saltmarsh along the foreshores of Willoughby Bay (refer to Section 15 – Bushland to Part B of the DCP).

P9 Natural sandstone cliffs adjacent to the western edge of Primrose Park.

Views

P10 The following views and vistas are to be preserved and where possible enhanced:

(a) District views to Middle Harbour from the upper levels of some buildings.

(b) Primrose Park Lookout (10), Earle Street Lookout (11), Tobruk Avenue Lookout (14), Lodge Road Lookout (15), Ellalong Road Lookout (17).

Identity / Icons

P11 Primrose Park and Brightmore Reserve.

P12 Willoughby Bay.

Subdivision

P13 Irregular grid pattern, informed by the irregular topography of the area.

Streetscape

P14 Tree lined streets with grassed verges and concrete footpaths.

P15 Split carriageways with large sandstone retaining walls.

P16 A mixture of low picket, palling, double rail timber and masonry fences. Continuity of particular fencing types in certain streets.

P17 Buildings generally setback from the boundary with garages and carports built to the boundary in the Northern Foreshores Area.

Public transport

P18 Limited access to public bus services through the Area.

5.4.2 Desired Future Character

Diversity

P1 Primarily low density residential accommodation, generally comprising dwelling houses, semi detached houses and dual occupancies.

P2 Potential for limited attached dwellings and multi dwelling housing according to zone.

P3 Enhancement of existing passive and active recreation areas.

5.4.3 Desired Built Form

Subdivision

P1 The long narrow lots in Lodge Road are not to be subdivided because of adverse impacts on drainage, landscaping, views and the natural foreshore.

Form, massing and scale

P2 Minimise the building footprint to preserve natural features, native vegetation and rock outcrops, particularly on land adjoining or near foreshores.

P3 Buildings should provide adequate separation to bushland and foreshore areas.

P4 Densities should not be increased in areas of steep terrain. Development on sloping land should be designed to follow the fall of the land.

Roofs

P5 Development should maintain low pitched roofs.

P6 Flat roofs may be considered on Wonga Road and Ryries Parade to retain views for neighbouring property. However they will not be permitted to gain an additional storey.

Views

P7 Buildings should not obstruct views and vistas from public places to the waterway.

P8 Development should not adversely restrict views from neighbouring properties. This is especially important in foreshore areas or sites that enjoy water views.

Setback

P9 Front: 3m

P10 Rear: 10m

Foreshore

P11 Development adjacent to the foreshore is small in scale and does not dominate the foreshore frontage.

P12 Development associated with boating activity is kept to a minimum and is compatible with the surrounding land uses.

P13 Development adjoining foreshore or bushland areas (such as at Wonga Road) use muted colours and non-reflective materials, such as brick and timber to ensure the scenic and environmental qualities are enhanced.

5.5 MURDOCH NEIGHBOURHOOD



5.5.1 Significant Elements

Land Use

P1 Predominantly residential development.

P2 Educational establishments.

Topography

P3 Gentle falls to the south from the ridge along Military Road.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) Views between buildings and along Murdoch Street to the Sydney CBD and Sydney Harbour.

Identity / Icons

P5 SCEGGS – Redlands School.

P6 Military Road, a major regional thoroughfare.

Subdivision

P7 Irregular grid pattern, informed by the irregular topography of the area.

Streetscape

P8 Tree lined streets with grassed verges and concrete footpaths.

P9 Mixture of low full masonry and part masonry and timber paling fences.

P10 Buildings setback from the boundary and aligned with the street frontage.

Public transport

P11 Development is to take advantage of high levels of accessibility to high frequency public bus services along Military Road.

5.5.2 Desired Future Character

Diversity

P1 Primarily high density residential accommodation, generally comprising residential flat buildings.

P2 Limited opportunities for attached dwellings dwelling houses, semi-detached houses, dual occupancies and multi dwelling housing.

P3 The density of development generally reduces the further away a property is located from Military Road.

5.5.3 Desired Built Form

Setback

P1 Front: 5m

P2 Buildings should be setback to all side boundaries in accordance with Part B of the DCP, except as follows:

(a) A minimum of 2m from the eastern boundary of No. 4 Rangers Road to retain existing trees.

P3 Rear 10m.

P4 Residential flat buildings have substantial front, rear and side setbacks.

5.6 MONTAGUE ROAD CONSERVATION AREA



5.6.1 History

The Montague Road Conservation Area was originally part of Alfred Thrupp's land grant, which was later acquired by Daniel Cooper and his heirs. In 1891 a large 25 acres of the land was purchased by James Ernest Holt and later subdivided. The upper portion to Macpherson Street was developed as the *Surrey Estate* and placed for auction in 1907 and 1910.

Despite subdivisions in the area in the 1890's, little development occurred until the early 20th century because of it remoteness from the main development areas of North Sydney. The area's development was facilitated by the construction of tramways which increased its accessibility.

5.6.2 Description

The Montague Road Conservation Area is a residential neighbourhood that is characterised by small to medium scale houses setback from the street.

The topography of the area is a sloping plateau with a bluff along Ellalong Avenue. Richmond Avenue runs along the contours with the other roads in a grid pattern sloping with the topography. Montague Road is a wide Street with grass verges.

Street trees vary in size and species.

The area has views from the high vantage points to Willoughby Bay. Frontages often have retaining walls in a variety of finishes and low picket fences.

The conservation area is characterised by the good quality, single and two storey detached and semi-detached buildings on medium to large size lots in the Federation Queen Anne styles interspersed with some California Bungalows with articulated facades and front verandahs with decorated timber detailing.

Characteristic building materials are face brick with brick or sandstone bases, roughcast render, fibro. Most houses have brick chimneys with terracotta chimney pots.

5.6.3 Statement of Significance

The Montague Road Conservation Area is significant:

(a) As an example of a subdivision that responds to the topography and the resulting built form that features stepped and elevated housing forms.

(b) As a consistent and intact early 20th century residential area with medium sized detached and attached Federation Queen Anne houses and California bungalows.

(c) For the quality and collective significance of the buildings within the area.

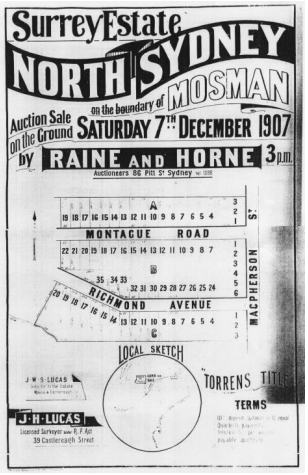


Figure F-5.2 (left):
Circa 1890

Figure F-5.3 (below left):
Circa 1943

Figure F-5.4 (below right):
Circa 2008





5.6.4 Significant elements

Topography

P1 Plateau sloping down towards Willoughby Bay.

Subdivision

P2 Rectilinear subdivision with boundary to street frontage.

Streetscape

P3 Split carriageway and changes in level in Ellalong Road and Richmond Avenue. Low timber fences. Slot views over and between buildings to the city and Harbour Bridge.

P4 Double rail timber fences.

Views

P5 Brothers Memorial Park Fifth Avenue Lookout, Ellalong Road Lookout, Richmond Avenue Lookout. Street views along Richmond and Fifth Avenues.

5.6.5 Characteristic buildings

P1 Detached single storey dwelling houses on small lots.

P2 Federation, Queen Anne and California Bungalow styles.

5.6.6 Characteristic built elements

Siting

P1 Principal frontage oriented and parallel to the street, forward towards front boundary.

P2 Front setback 4-5 m.

P3 Side setback 1-1.5 m.

P4 Rear setback 5-6 m

Form, massing and scale

P5 Characteristic height - single storey.

Roofs

P6 Pitched between 30 and 45 degrees, small scale and with a variety of roof forms. Terracotta tile or slate with corrugated metal to rear extensions.

P7 Smaller roof forms to the rear.

External Materials

P8 Dry pressed face brick, sandstone base courses.

Windows, doors and joinery

P9 Consistent with building period and style. Timber.

Fences

P10 Low in scale (800mm max). Face brick or timber vertical picket timber fences.

Car accommodation

P11 Located behind the main building line (i.e. not verandahs) or located at the rear with hipped and/or gabled roof forms.

5.6.7 Uncharacteristic elements

P1 Uncharacteristic developments in the area include unsympathetic alterations, second floor additions, attic room conversions, with dormers or skylights on front roof plane; residential flat buildings and battle-axe multi-dwelling housing developments; parking and large areas of paving in the front setback.

5.7 OAKS AVENUE CONSERVATION AREA



5.7.1 History

The Oakes Avenue Conservation Area was originally part of Alfred Thrupp's land grant. The southern half of Oakes Avenue was subdivided in 1887 by J Cooper, who bought the land from Thrupp, as the "Oaks Brickworks Estate". This land was then leased to Oliver Clews, who built seven "Brick and Iron" houses on the southern side of the road in 1989. The land on the northern side of the road was vacant at this time.

The remaining houses on the southern side of Oakes Avenue and houses on the northern side were built between 1899 and 1901. The first appeared in Council's 1902 Valuation Book.

5.7.2 Description

The Oakes Avenue Conservation Area is a discrete residential neighbourhood that is characterised by small lots.

Oakes Avenue is a relatively short street, with a slight level change along its length. The buildings on the northern side of the street are set down to those on the southern side.

Street vegetation is a mix of box and eucalypt trees planted in the early to mid 20th century. Street and foreground planting contribute to the sense of place.

The Conservation Area is characterised by the consistent row of single storey, modest sized houses. A number of the lots are splayed to Oakes Avenue leading to stepped building alignments and setbacks.

5.7.3 Statement of Significance

The Oakes Avenue Conservation Area is significant:

(a) For the unity of its subdivision pattern and the resulting built form.

(b) As a consistent and intact early 20th century residential area with a mix of Federation and 1920s single storey houses.

(c) As a remnant of the former "Oakes Brickworks Estate".

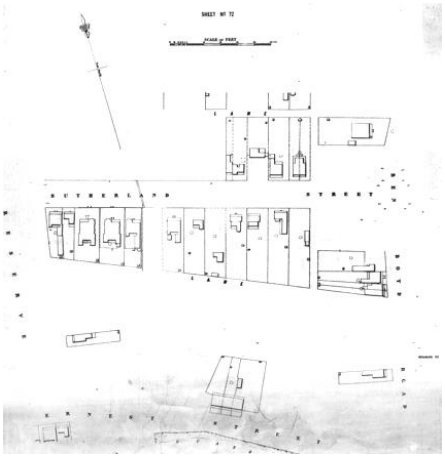


Figure F-5.5 (left):
Circa 1890

Figure F-5.6 (below left):
Circa 1943

Figure F5.7 (below right):
Circa 2008





5.7.4 Significant elements

Topography

P1 Slight slope to the north.

Subdivision

P2 Detached dwelling houses on regular subdivision with narrowest boundary to street.

P3 Typically narrow allotments and approximately 450sqm in area.

Streetscape

P4 Sandstone kerbs, grass verges and concrete paths. Street trees planted in verges mainly Box and Eucalypts. Low walls in stone and timber.

Views

P5 Views to Cammeray Park at the top of the street.

5.7.5 Characteristic buildings

P1 Single storey, moderately scaled Federation and Queen Anne dwellings.

5.7.6 Characteristic built elements

Siting

P1 Principal frontage oriented to the street with garden to the front.

P2 Front setback 4 – 5 m,

P3 Side setback 1 – 1.5 m.

P4 Rear setback 5 – 6 m.

Form, massing and scale

P5 Single storey with hipped and gabled roofs.

P6 Reduced height to rear.

P7 Simple forms articulated with projecting bays and verandahs to the front.

Roofs

P8 Hipped and gabled. Pitched between 30 to 45 degrees.

Materials

P9 Face brick walls, sandstone base courses.

P10 Terracotta tile roofs with corrugated metal to rear extensions.

P11 Timber windows, doors and joinery.

P12 Tessellated tiles to front verandahs.

Windows and doors

P13 Consistent with building period and style. Timber.

P14 Step though double hung windows to front with narrow sidelights and multi paned fanlights.

Fences

P15 Low front fences to 800mm in height.

P16 Sandstone, face brick, timber vertical pickets and iron.

P17 Gates are offset from stairs and front door.

Car accommodation

P18 No garages or driveways located to the front.

5.7.7 Uncharacteristic buildings

P1 Garages and carports, large rear additions, changes to original front fences, contemporary flat buildings, two storey attached dwellings and carriage style developments. Other unsympathetic changes are verandah enclosures, high front brick fences, cement rendering and painting face brick or stone walls.

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SECTION 6 SOUTH CREMORNE PLANNING AREA

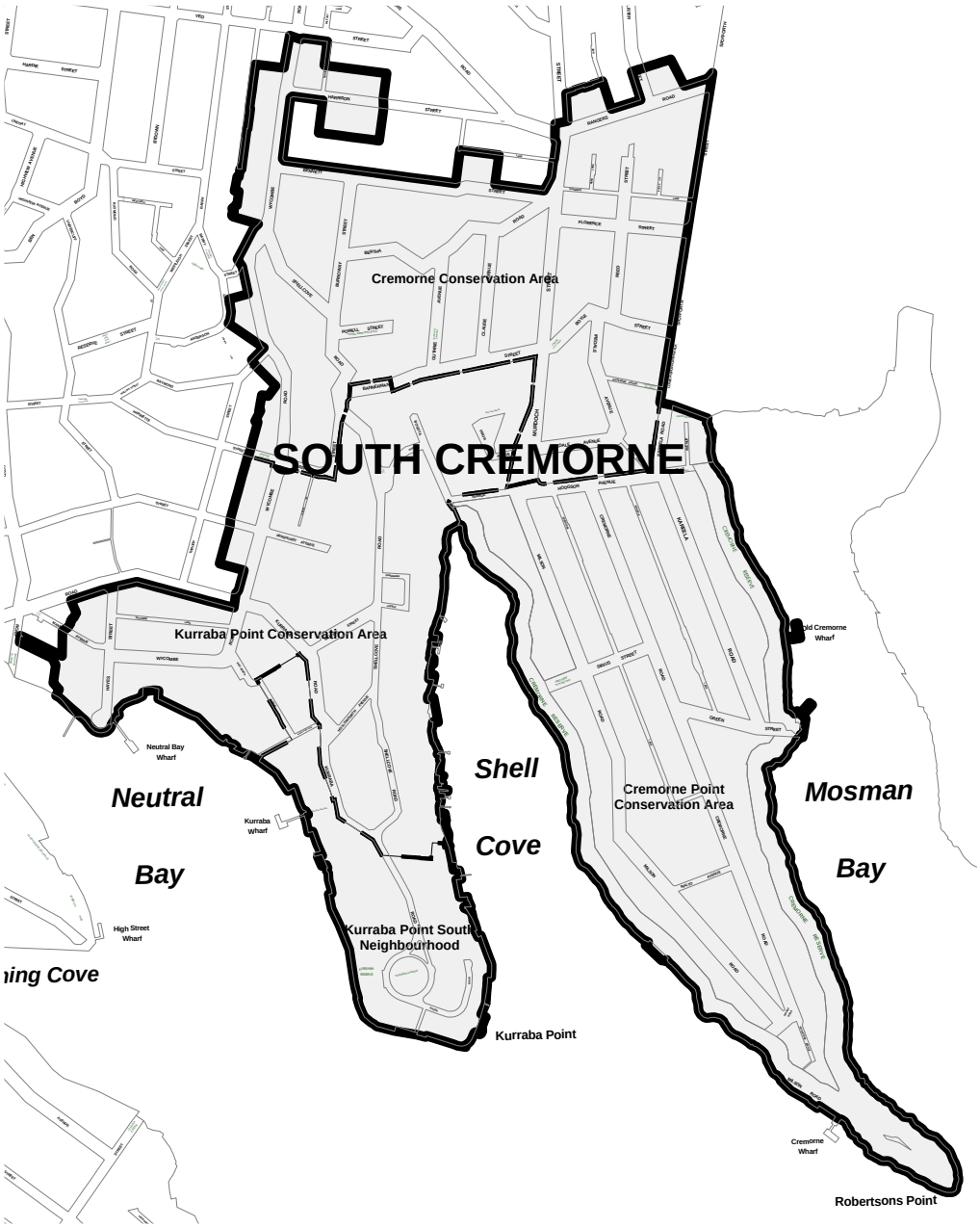


Figure F-6.1: South Cremorne Planning Area and associated Locality Areas

6.0 SOUTH CREMORNE PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the South Cremorne Planning Area.

South Cremorne is a green, leafy area sympathetic to its harbourside setting. The design of new buildings is to be sympathetic to the landscape and character of buildings within the locality, complementing existing building forms in respect to massing, composition, materials, colours and maintaining the original subdivision pattern.

Development within the Planning Area should result in:

- no substantial change to residential densities
- no significant change in intensity of development
- a wide range of single household residential types being distributed in a number of distinctive built form/landscape areas
- the conservation of features which contribute to the local identity

and where:

Function

- a limited number of non-residential uses, such as small scale convenience stores and cafes, coexist with the residential character without adverse effect
- areas of open space are used by locals and the wider regional population for a variety of recreational purposes
- comfortable and safe pedestrian routes are maintained and extended
- public transport, cycling and walking are the preferred means of transport
- through traffic is discouraged and commuter parking managed through parking schemes
- local identity, icons and heritage are conserved

Environmental Criteria

- the remaining natural foreshores and water courses are conserved and protected, and pedestrian access to these areas is extended and improved
- bushland is protected from the adverse effects of development – such as stormwater runoff, spread of exotic plants and weeds, and visual impact of structures
- additional street trees and onsite landscaping contribute to amenity while minimising impact on solar access and residents views
- arrangement of building forms and street pattern allows good sunlight access to properties
- stormwater management measures prevent runoff and pollution of the harbour
- boat sheds and other structures along the foreshore minimise bulk and avoid clutter. Materials and colours utilised are unobtrusive
- use of locally indigenous flora extends habitats for native birds and other fauna
- man made noise is limited to protect the ambience of the natural environment

Quality Built Form

- development reflects and reinforces the existing distinctive built form/landscape areas and distribution of accommodation types
- development in conservation areas incorporates design, architectural detailing, materials and colours sympathetic with the area
- buildings address streets, reserves and waterways where appropriate
- cohesiveness throughout the area a is achieved through landscaping and street tree planting
- views from lookouts and other vantage points are not obscured by structures or landscaping
- pedestrian routes such as footpaths and "shortcuts" are maintained as local landmarks important to the community

Quality Urban Environment

- Cremorne Reserve is protected and enhanced by complementary planting and landscaping in adjoining private gardens
- backyards are used for a variety of activities particularly for families with children and for the practical and recreation needs of residents in residential flat buildings

Efficient Use of Resources

- stormwater is retained for reuse on site.

The South Cremorne Planning Area includes the following Locality Areas in which development is subject to relevant provisions below:

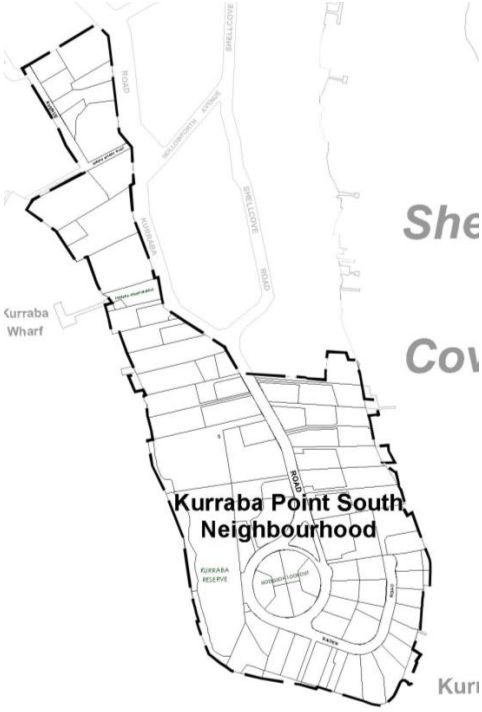
Section 6.1: Kurraba Point South Neighbourhood

Section 6.2: Kurraba Point Conservation Area

Section 6.3: Cremorne Conservation Area

Section 6.4: Cremorne Point Conservation Area

6.1 KURRABA POINT SOUTH NEIGHBOURHOOD



6.1.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

P2 Passive and active recreational spaces.

Topography

P3 Falls from the ridge along Kurraba Road down to the foreshores of Sydney Harbour.

P4 Steep falls generally adjacent to the foreshore.

Natural Features

P5 Low topographic profile and steady slopes with sections of shallow topography.

P6 Along the eastern side of Kurraba Point, generally retained edges, some small jetties and boatsheds, mixed with natural shoreline.

P7 Natural vegetation, varying degrees of private landscaping of native and introduced species.

Views

P8 The following views and vistas are to be preserved and where possible enhanced:

(a) views from streets and reserves to Sydney Harbour and beyond.

(b) Hodgson lookout (41), Spains lookout (42), Kurraba Wharf lookout (43).

Identity / Icons

P9 Hodgson Lookout.

P10 Sydney Harbour.

Subdivision

P11 Irregular grid pattern following the topography of the land.

P12 Deep narrow lots adjacent to the foreshore.

Streetscape

P13 Narrow carriageways with fully paved verges for pedestrians.

P14 Tall rendered masonry retaining walls built to street frontages on the high side of the street, interrupted with garage openings.

P15 Buildings generally setback a minimum from the boundary with a skewed alignment to respective street frontages

Public transport

P16 Development takes advantage of high levels of access to regular public ferry services from Kurraba Wharf.

6.1.2 Desired Future Character

Diversity

P1 Primarily medium to high density residential accommodation, generally comprising attached dwellings, multi dwelling housing and residential flat buildings according to zone.

P2 Limited opportunities for low density housing, generally comprising dwelling houses and dual occupancies.

P3 Any increases in density should be concentrated in the vicinity of Kurraba Wharf.

6.1.3 Desired Built Form

Siting

P1 Buildings address both the street, as well as the foreshore.

P2 In narrow streets, towards rear boundary (subject to foreshore building line) to produce a more open streetscape.

P3 Sites should provide front setbacks to allow for soft landscaping.

Colours and materials

P4 Development adjoining foreshore or bushland areas (such as at Wonga Road) use muted colours and non-reflective materials, such as brick and timber to ensure the scenic and environmental qualities are enhanced.

6.2 KURRABA POINT CONSERVATION AREA



6.2.1 History

The Kurraba Point Peninsula was part of the land grant to Alfred Thrupp, later acquired by Daniel Cooper. It remained in the Cooper family until the 1880s when long-term leases began to be converted to freehold.

Early development was limited to a small number of waterfront residences near the present Hayes Street, established in the 1830s. Leasehold properties became available from the 1850s and from the 1860s a number of large mansions were built on Kurraba Point. Industry in the area was minimal: a quarry on Kurraba Point operated in the 1840s to supply stone to Fort Denison; later it was used as a soap works then a ferry depot.

The improvement in transport opened the area for development. Waterfront properties were taken up with large, architect designed homes, some later replaced with residential flat buildings in the 1920s. Most of the earlier subdivisions have been subdivided for infill development.

6.2.2 Description

The Kurraba Point Conservation Area is bounded by the Kurraba Road, Wycombe Road, Bannerman Road and the shore of Shell Cove.

The landform follows the slope of the land towards the water to Neutral Bay and Shell Cove with roads following the contour lines.

The higher section has a more regular subdivision pattern but the sloping part have an irregular subdivision determined by the street pattern and topography. Some later battle axe blocks to the waterfront sites. Lot sizes vary and many are developed for large architect designed houses with residential flat buildings on sites close to the water.

The area is characterised by the medium to large Federation and Edwardian homes with some earlier Victorian development, inter war dwelling houses and 1930s residential flat buildings. There some very fine examples of the period particularly along, Shell Cove Road, Kurraba Road, Hayes Street Wallaringa Road including Nutcote, home of the author May Gibbs. The group of dwelling houses and reserve in Bannerman Street and Prior Avenue form an unusual subdivision with a private reserve and tennis courts.

Elevated sites provide extensive views to Sydney Harbour and there are views from the Bogota Avenue, Kurraba Wharf, down Hayes Street and Lower Wycombe Road.

Front gardens contribute to the landscaping of the street. Gardens follow the slope of the site with stone walls to the street. There are street trees that add to the leafy character of the area.

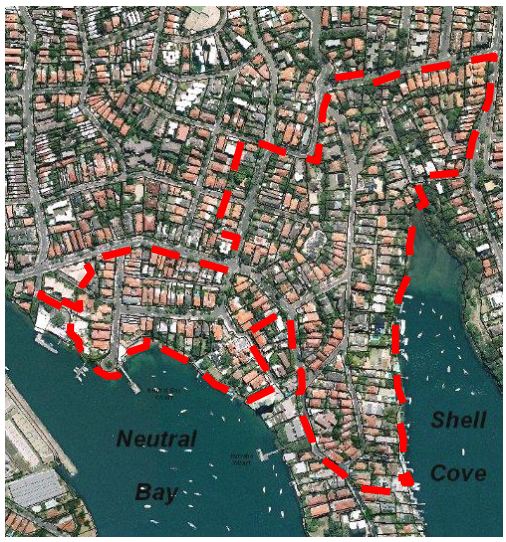


Figure F-6.2 (left):
Circa 1890

Figure F-6.3 (below left):
Circa 1943

Figure F-6.4 (below):
Circa 2008





6.2.3 Statement of Significance

The Kurraba Point Conservation Area is significant:

(a) As an early harbourside suburb that has retained significant elements if its major 19th century development phase with good examples of later periods of development including some fine inter war flat buildings.

(b) For the large number of architecturally distinguished homes some that have a strong relationship with the water and include the works of B. J. Waterhouse, Jefferson Jackson and Walter Liberty Vernon.

(c) For its irregular subdivision pattern with irregular street pattern and widths that allied to the topography and plantings and mature trees add to a high quality luxuriant character.

6.2.4 Significant Elements

Topography

P1 Undulating topography with falls to Neutral Bay and Shell Cove.

Subdivision

P2 Rectilinear subdivision to upper level. Irregular subdivision to the lower slopes.

Streetscape

P3 Irregular street pattern following the contours. Street trees and stone walls align streets and paths.

Views

P4 Prior Avenue Lookout, Bogota Avenue Lookout, Kurraba Wharf Lookout. Views from Hayes Street and Lower Wycombe Road.

6.2.5 Characteristic buildings

P1 Federation and Edwardian detached dwelling houses. Inter war dwelling houses. Inter war residential flat buildings.

6.2.6 Characteristic built elements

Siting

P1 Centrally on lots with front and rear garden.

Form, massing and scale

P2 Single and two storey, detached dwelling houses with hipped and gabled roofs.

P3 Skillion wings and reduced height and scale to rear.

P4 Open verandahs to front.

P5 Strong skyline of simple, pitched roofs and chimneys visible from the street stepped along the sloping streets.

P6 Multi-level residential flat buildings.

Roofs

P7 Pitched between 30 and 45 degrees with some use of parapets to the street.

P8 Skillion roofs to rear extensions.

P9 Brick and rendered chimneys.

External Materials

P10 Face and rendered brick on sandstone base.

P11 Slate, terracotta tiles, corrugated metal roofs.

P12 Original timber windows doors and decorative joinery.

Windows, doors and joinery

P13 Consistent with building period and style. Timber.

Fences

P14 Original low scale front fences. Timber fences to rear and side. Sandstone walls, timber gates; timber pickets; timber rails; face brick with piers.

Car accommodation

P15 To the side or rear of dwellings.

6.2.7 Uncharacteristic and undesirable buildings and built elements

P1 Contemporary residential flat buildings; contemporary buildings and additions; over-scaled additions; over-scaled and poorly detailed carports and garages to the street frontages; front and side dormers and rooflights; extensive glazing; glazed balustrades; removal of original detailing; infilled verandahs; rendered and painted face brickwork; modern facades; high walls and fences to the street.

6.3 CREMORNE CONSERVATION AREA



6.3.1 History

The Cremorne Conservation Area was contained within the Alfred Thrupp grant of 1815, which was subsequently acquired by Daniel Cooper. The Coopers did little to improve the property but commenced leasing land around 1850.

From the 1870s, with Military Road constructed and the ferry services available on the Harbour, demand for residential land boomed. This area was promoted as highly desirable and included large blocks of land on which expensive mansions were built.

Freehold land was available from the 1890s and such development continued until the early twentieth century. The Neutral Bay Land Company, who employed architects such as Walter Liberty Vernon and William Wardell to prepare house designs, developed an area of Wycombe and Shell Cove Roads north of Harriette Street, which features substantial, architecturally distinguished housing of the 1890s.

6.3.2 Description

The Cremorne Conservation Area is located on the sloping ground above Shell Cove and extends to Spofforth Street the east to the boundary of the LGA.

The landform slopes to the harbour with an irregular pattern of streets that follow the contours and slopes. The subdivision pattern varies with irregular lots that follow the topography.

The Conservation Area is characterised by a mix of small, medium and substantial late Victorian and Federation era dwelling houses with two and three storey, Inter-war residential flat buildings. Buildings are generally set in established gardens.

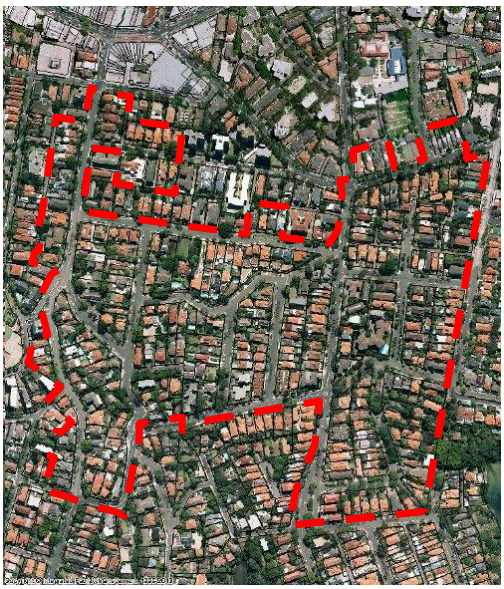


Figure F-6.5 (left):
Circa 1890

Figure F-6.6 (below left):
Circa 1943

Figure F-6.7 (below):
Circa 2008





6.3.3 Statement of Significance

The Cremorne Conservation Area is significant:

(a) as a consistent late 19th/early 20th Century residential area with a mix of Victorian, Federation one and two storey housing, mixed with Inter-war residential flat buildings,

(b) as a largely intact early 20th Century suburb retaining much of the urban detail and fabric seen in gardens, fencing, street formations, use of sandstone, sandstone kerbing, natural rock faces, wide streets and compatible plantings, all of which are a response to the topography of the area.

6.3.4 Significant elements

Topography

P1 Sloping sites falling towards Shell Cove.

Subdivision

P2 Irregular lots following the street pattern and topography.

Streetscape

P3 Split roads. Double rail timber fences. Street reservation planting.

Views

P4 Bertha Road lookout (19), Guthrie Avenue lookout (20), Boyle Street (Hunts and Cremorne Point lookouts - 21, 22).

P5 Views from Lower Murdoch Street, Glade Avenue, Reed Street, Burroway Street, Wycombe and Shell Cove Road intersection, Barry Street and Wycombe Road intersection.

6.3.5 Characteristic buildings

P1 Single and two storey detached late Victorian, Federation and Edwardian dwelling houses. Inter war residential flat buildings.

6.3.6 Characteristic built elements

Siting

P1 To the middle of the lot with gardens to the front and rear.

Form, massing and scale

P2 Two storey terraces. Single and two storey detached dwellings. Reduced scale to the rear. Low, multi-storey residential flat buildings.

Roofs

P3 Pitched, hipped and gables roofs pitched between 30 and 45 degrees with skillion roofs to rear. Brick and rendered chimneys. Parapets to flat roofed residential flat buildings.

Materials

P4 ***Walls***: Face and rendered brick on sandstone foundations; dark brick to Inter-war residential flat buildings.

P5 ***Roofs***: Slate; terracotta tile and corrugated metal to the rear; flat roofs to residential flat buildings.

P6 Timber verandahs and Federation and Arts and Crafts detailing.

Windows and doors

P7 Consistent with building period and style. Timber.

Fences

P8 Low scale 900-1200 mm height; sandstone walls; metal palisade; timber pickets.

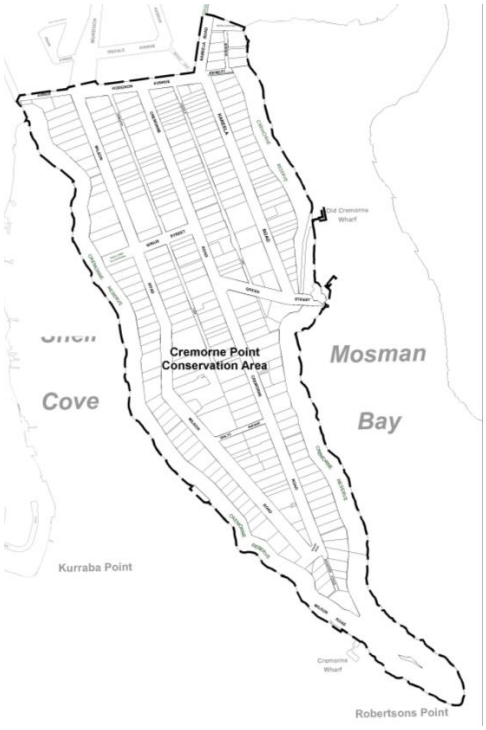
Car accommodation

P9 Set back from the main building line.

6.3.7 Uncharacteristic and undesirable buildings and built elements

P1 Over-scaled additions; dormers and skylights to front roof slopes; roof terraces; carports and garages to the street; paved hardstand areas within front setbacks high solid fences to the street; rendered and painted face brick; loss of original detail; contemporary buildings and additions and residential flat buildings.

6.4 CREMORNE POINT CONSERVATION AREA



6.4.1 History

Little development occurred on the peninsula until the 1850s. An area on Cremorne Point was leased to Clarke and Woolcott to establish the "Cremorne Gardens" recreation ground. It closed after a short time leaving the area as a well-known picnic spot on the harbour. A number of subdivisions were planned in the 1870s and 1880s. Coal mining was proposed after coal was found in the 1890s.

During the 1880s the Government demanded and eventually acquired a 100 foot foreshore reservation for public recreation after many years of negotiations, including a court case. Cremorne Point Reserve was gazetted in 1905. Subdivision finally occurred from this time and residential development was rapid thereafter with the major phase of development taking place in the first 20 years of the century.

Access to the peninsula was principally by water and tram. Cremorne Point opened as a tram terminus in 1911, with a line from Cremorne Junction to the ferry wharf. The line operated until 1956. Two ferry wharves operated from the earliest development of the area at Old Cremorne and Cremorne Point.

6.4.2 Description

The Cremorne Point Conservation Area is located on a peninsula between Shell Cove and Mosman Bays, and is bounded by Hodgson Street to the north.

The landform slopes southwards from a central ridgeline and down to the bays on each side. The street pattern follows the topography with roads and service lanes following the ridge line with secondary lanes giving access to the lower sites close to the water. Some streets have terraced footpaths set above or below the roads with exposed rock outcrops.

The Cremorne Point Conservation Area is characterised by large, single and two storey, freestanding Federation and Edwardian dwellings, reflecting the area's main period of

development. Some dwelling houses have their primary elevation to the water with garaging and carports to the rear. There are also examples of single storey Inter-war dwelling houses with multi-storey Edwardian and Inter-war residential flat buildings. There is considerable Post-war infill development of single dwelling houses and multi-storey residential flat buildings.

The buildings generally have irregular setbacks from the street with level or terraced gardens and a mix of fencing types. There is extensive use of stone in boundary and retaining walls.

The main roads are well landscaped with nature strips and street plantings. Front gardens are well established, and often have extensive plantings to give an overall impression of a landscaped, garden suburb. The peninsula has a landscaped public reserve to its perimeter that is unusual in the Sydney area.

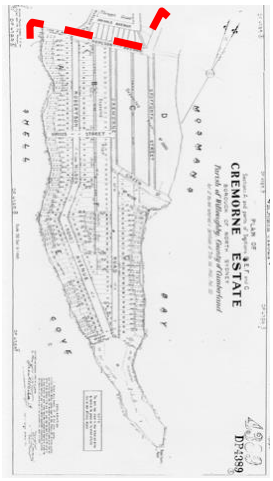
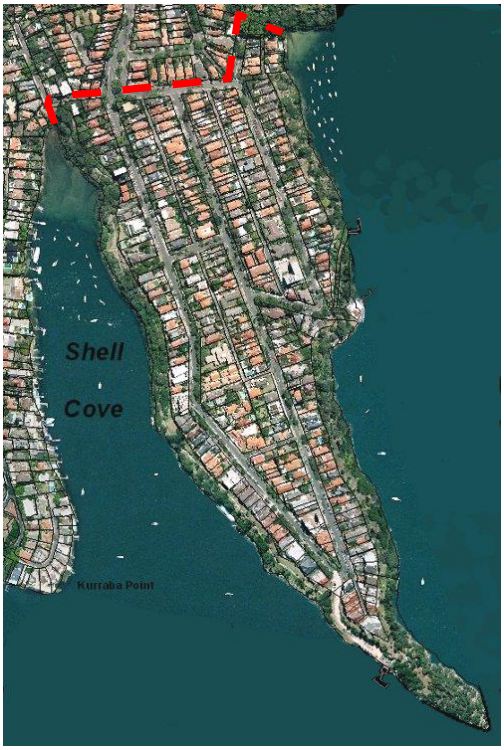


Figure F-6.8 (left):
Circa 1890

Figure F-6.9 (below left):
Circa 1943



Figure F-6.10 (below):
Circa 2008



6.4.3 Statement of Significance

The Cremorne Point Conservation Area is significant for:

(a) Consistent early 20th Century residential area with a mix of Federation and 1920s one and two storey housing mixed with inter-war residential flat buildings of two to three storeys, all built on large allotments with a strong orientation to the water.

(b) Unique foreshore reserve that predates the residential subdivision, which demonstrates the concern for recreation, public access and suburban amenity, and the importance of headlands in the visual character of Sydney Harbour.

(c) The visual unity derived from its subdivision history that is still apparent.

6.4.4 Significant elements

Topography

P1 Low ridgeline along a peninsula between to bays that slopes to the water.

Subdivision

P2 Regular rectangular lots.

Streetscape

P3 Continuity of fences and landscaping. Sandstone kerbing, sandstone and concrete walls, street gardens.

Views

P4 Cremorne Reserve Walk lookouts (many, including 34, 35, 38, 40), Hodgson Avenue lookout (24), Bromley Avenue lookout (25), Bogota Avenue lookout (26), Cremorne Road lookout (27), Sirius Park lookout (28), Kareela Lane lookout (29), Green Street lookout (30), Cremorne Lane lookout (31), St Chads lookout (32), Milson Road lookout upper level (33), Wallenundgal lookout, Milson Road (36), Wharf Road lookout (37), Kareela Lane lookout (29). Views from Rialto Avenue, Kareela Road.

P5 Cremorne Reserve is protected and enhanced by complementary planting and landscaping in adjoining private gardens.

6.4.5 Characteristic buildings

P1 Single and two storey, detached Federation and Edwardian dwelling houses. Edwardian and Inter-war residential flat buildings.

6.4.6 Characteristic built elements

Siting

P1 To the middle of the lot with gardens to the front and rear.

P2 Buildings sited to retain slot views above and to the side to harbour.

P3 Front setback 7 9m; 10-15 m east side of Kareela Rd and west side of Cremorne Rd between Sirius St and Hodgson Ave.

P4 Side setbacks of 1.5 m or 5 m where lots are amalgamated.

Form, massing and scale

P5 Single and two storey detached dwellings. Double elevations to waterfront properties. Reduced scale to the rear on non waterfront properties. Multi-storey residential flat buildings.

Roofs

P6 Hipped and gables roofs pitched between 30 and 45 degrees without dormer windows or openings that can be seen from the street. Brick and rendered chimneys.

P7 Flat or pitched roofs; parapet walls to Inter-War residential flat buildings.

Materials

P8 ***Walls***: Face and rendered brick on sandstone foundations; shingle spandrels and gables; fibre cement sheeting, battened gables and rough cast render.

P9 ***Roofs***: Slate; terracotta tile and corrugated metal; flat roofs to some residential flat buildings.

P10 Timber verandahs and Federation and Arts and Crafts detailing.

Windows and doors

P11 Consistent with building period and style. Timber.

Fences

P12 Low scale to 900 mm height. Up to 1.2 m for large Federation residences.

P13 Sandstone walls; timber pickets.

Car accommodation

P14 Parking provided off rear lanes.

6.4.7 Uncharacteristic and undesirable buildings and built elements

P1 Over-scaled additions; dormers and skylights to front roof slopes; roof terraces; carports and garages covering more than 1/3 of the street frontage; high solid fences to the street; rendering and painting of face brick; extensive glazing; glazed balustrades; loss of original detail; contemporary buildings and additions; and residential flat buildings.

SECTION 7 NEUTRAL BAY PLANNING AREA

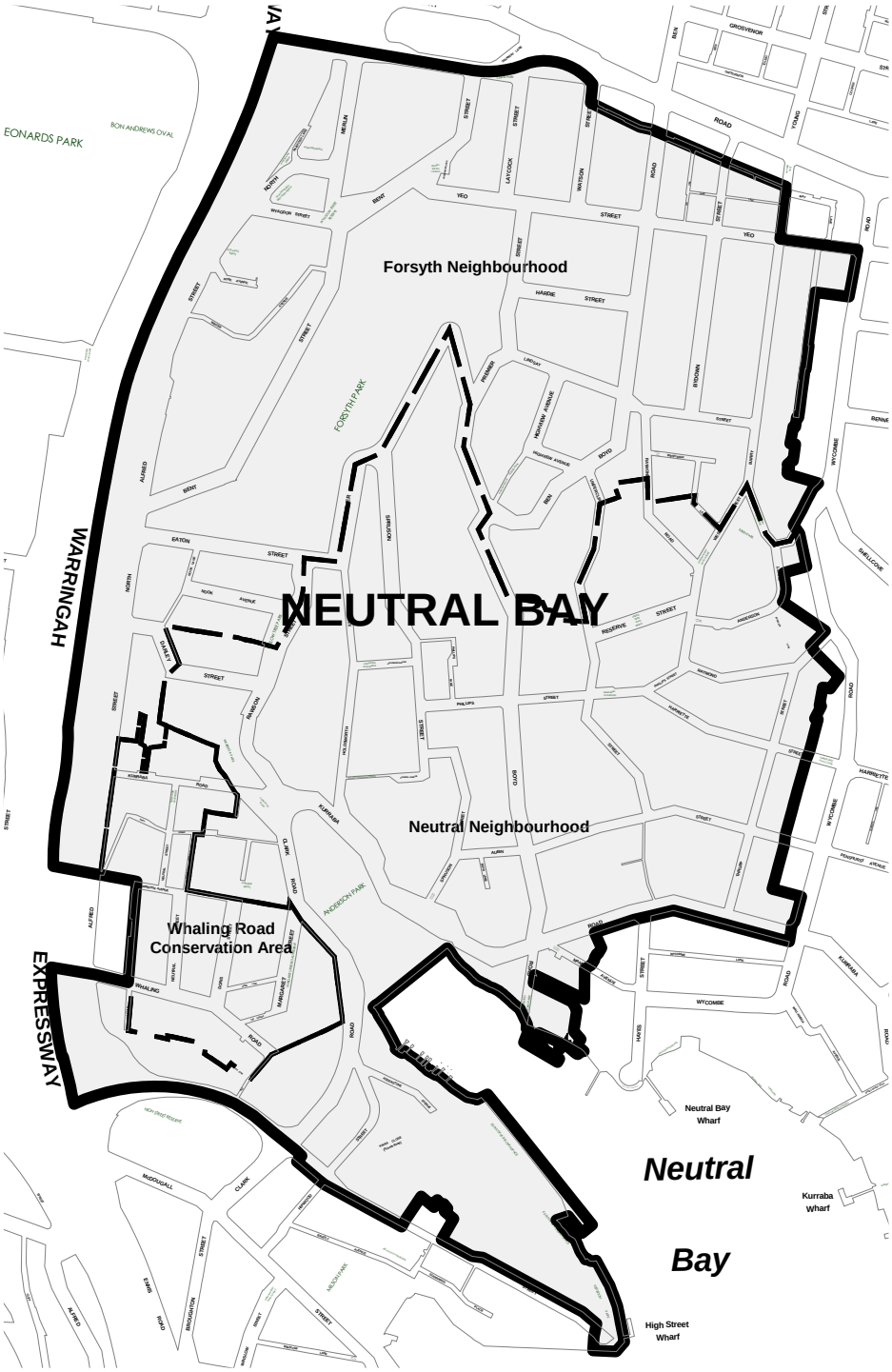
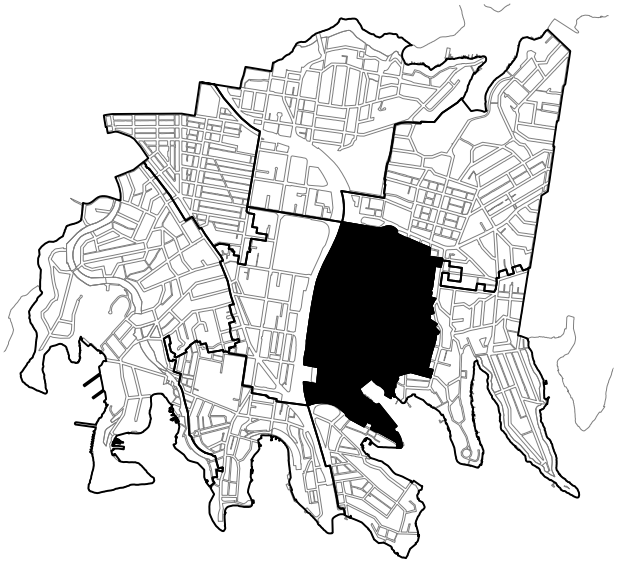


Figure F-7.1: Neutral Bay Planning Area and associated Locality Areas

7.0 NEUTRAL BAY PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the Neutral Bay Planning Area.

Neutral Bay is a diverse residential neighbourhood. Lower density development exists in the neighbourhood where there are small allotments, conservation areas and heritage items. Small shops, community and school facilities cater for the local residents. The waterfront and harbour setting of the Neutral Bay Area provide passive and active recreation pursuits, access to transportation, to other parts of the harbour via ferries and contribute to the natural and scenic qualities of the neighbourhood.

Development in the Planning Area should result in:

- residential growth occurring in accordance with Council's Local Housing Strategy, principally in the high density residential zones situated in the vicinity of Military Road
- a wide range of residential types and sizes being distributed throughout the area
- a scattered range of shops, services and facilities being available to the local community
- any alterations and additions being of a similar scale to existing buildings

and where:

Function

- there are safe and accessible community facilities and meeting places
- a few non-residential uses operate without adverse effect on the residential neighbourhood
- accessible and safe pedestrian routes are extended from Forsyth Park to the foreshore at Anderson Park
- public transport, cycling and walking are the preferred means of transport in an effort to reduce through traffic within Neutral Bay.

Environmental Criteria

- parkland and natural foreshore areas are conserved and protected and pedestrian access to these is incorporated and improved
- good sunlight is available to public spaces and parks
- ecology of bushland is protected from adverse impacts of development such as stormwater runoff, dumping of fill soil and vegetation, leaching of fertilisers, spread of introduced plants and weeds and visual impact of structures
- habitat for native fauna is abundant through planting local flora
- preservation and enhancement of tree coverage in line with Council's Urban Forest Policy

Quality Built Form

- new development is consistent with the existing built form
- buildings are of a lower scale and stepped on sloping terrain with vegetation abundant on steep slopes
- buildings are set back from all boundaries and have landscaped front gardens, softening the built form
- views of surrounding areas and the harbour are available through sites and achieved through setbacks of the built form from all boundaries and low, open fencing
- heritage items are protected, and significant streetscape elements are conserved in the Whaling Road conservation area
- wharf areas in Neutral Bay have a high level of amenity, have active uses nearby and provide a safe point for commuters to and from the area

Quality Urban Environment

- backyards are used for private recreational needs of residents in apartment buildings, particularly for families and children
- front fences are low and offer good visual surveillance to house fronts and gardens

Efficient Use of Resources

- existing buildings are generally maintained to prevent unnecessary waste of building materials
- storm water is captured on site and used to water gardens

The Neutral Bay Planning Area includes the following Locality Areas in which development is subject to relevant provisions below:

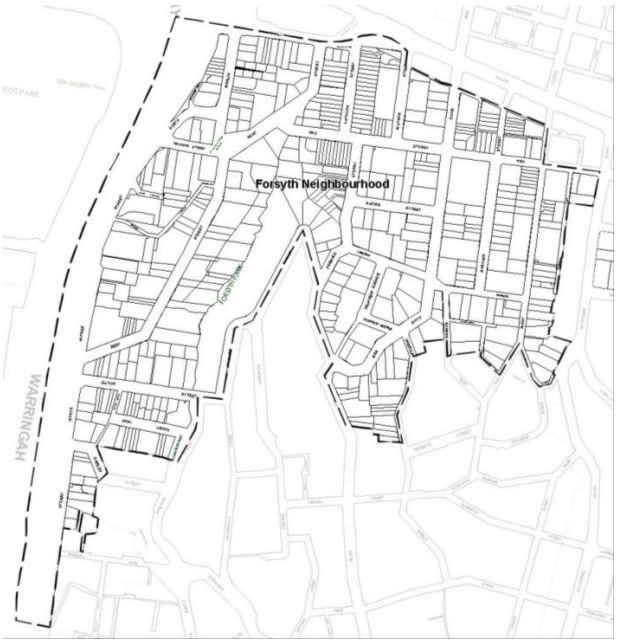
Section 7.1: Forthsyth Neighbourhood

Section 7.2: Neutral Neighbourhood

Section 7.2.4: HMAS Platypus

Section 7.3: Whaling Road Conservation Area

7.1 FORSYTH NEIGHBOURHOOD



7.1.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

P2 Passive and active recreational spaces.

P3 Educational establishments.

Topography

P4 Generally falls to the south-east from the ridge along Military Road and from the Warringah Freeway.

P5 Steep falls occurring adjacent to northern and western sides of Forsyth Park.

Natural Features

P6 Remnant bushland at the northern end of Forsyth Park.

Views

P7 The following views and vistas are to be preserved and where possible enhanced:

(a) District views from streets and reserves to Sydney Harbour and beyond.

(b) Kenneth Bolton Lookout (44), Bent & Yeo Streets Lookout (45), Merlin Street Lookout (46), Bent Street Lookout (47), Forsyth Park Lookout (48)

Identity / Icons

P8 Warringah Freeway, a major arterial thoroughfare.

P9 Military Road, a major arterial thoroughfare.

P10 Forsyth Park.

Subdivision

P11 Rectilinear grid pattern on the upper slopes.

P12 Irregular subdivision pattern west of Forsyth Park due to the undulating and steep topography.

Streetscape

P13 To the west of Forsyth Park:

(a) A mixture of one and two way streets.

(b) Split carriageways separated by sandstone retaining walls and double rail timber fences.

(c) Buildings setback from the boundary behind low fences.

P14 To the east of Forsyth Park:

(a) Tree lined streets with grassed verges and concrete footpaths.

(b) Garages and carports built to the boundary on the high side of the street.

(c) Buildings setback from the boundary with a skewed alignment to the street.

Public transport

P15 Development is to take advantage of high levels of accessibility to high frequency public bus services along Military Road.

7.1.2 Function

Diversity

P1 Predominantly high density residential accommodation in the form of residential flat buildings concentrated in the vicinity of Military Road to take advantage of high levels of public transport.

P2 Some pockets of attached dwellings and multi dwelling housing according to zone.

P3 Some pockets of federation style dwelling houses and semi-detached dwellings in Laycock, Bydown and Barry Streets.

7.1.3 Desired Built Form

Form, massing & scale

P1 Buildings to step down in height in accordance with the terrain.

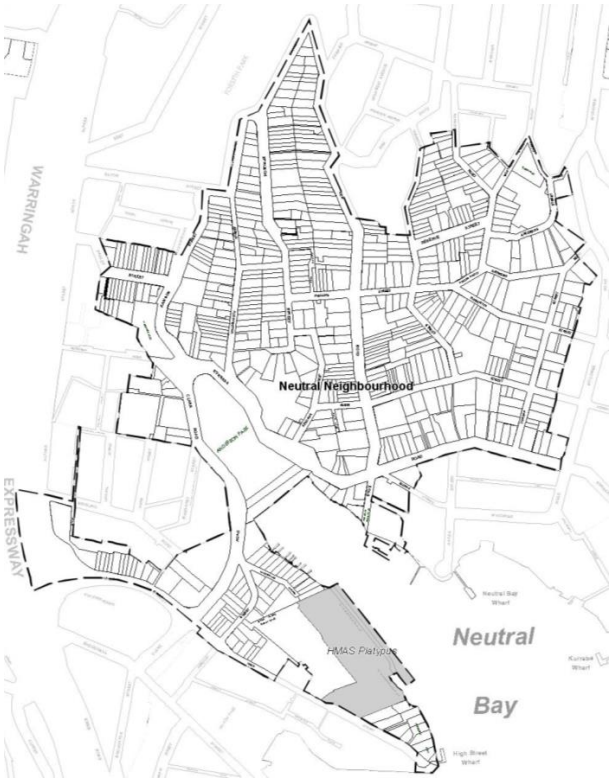
Noise

P2 Elevations of buildings fronting Military Road and Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

Fences

P3 Buffer planting screens impact from Warringah Expressway.

7.2 NEUTRAL NEIGHBOURHOOD



7.2.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

P2 Passive and active recreational spaces.

P3 Small scale commercial activities.

Topography

P4 The northern portion of the Area generally falls to the south down to the foreshores of Sydney Harbour.

P5 The southern portion of the Area generally falls to the east down to the foreshores of Sydney Harbour.

P6 Steep topography to the north of Anderson Park.

Natural Features

P7 Remnant natural shoreline areas in Neutral Bay, Anderson Park and Kesterton Park.

P8 Natural outcrops of exposed rock and cliff faces.

Views

P9 The following views and vistas are to be preserved and where possible enhanced:

(a) views from streets and reserves to Sydney Harbour and beyond.

(b) Westleigh Street Lookout (49), Reserve Street Lookout (50), Anderson Street Lookout (51), Phillip Street Lookout (52), Holdsworth Road Lookout (53), Spruson Street Lookout (54).

Identity / Icons

P10 Anderson Park.

P11 Former HMAS Platypus site, including:

(a) Existing wharf structure,

(b) Sandstone cuttings, and

(c) Heritage items and aspects of heritage significance are incorporated in development and reflect the history of the site as a gas works and naval installation.

P12 Sydney Harbour.

Subdivision

P13 Irregular grid pattern generally aligning with the topography.

Streetscape

P14 Tree lined streets with grassed verges and concrete footpaths.

P15 Split carriageways, with pedestrian linkages through.

P16 Generally a mixture of low sandstone, masonry and timber picket fences, with higher fences on the lower side of the street.

P17 Buildings generally setback, with some instances of garages built to the boundary.

Public transport

P18 Development to take advantage of high levels of access to regular public ferry services from High Street and Neutral Bay Wharfs and bus services along Clarke and Kurraba Roads.

7.2.2 Desired Future Character

Diversity

P1 Predominantly low density residential accommodation in the form of dwelling houses, semi-detached houses and dual occupancies.

P2 Pockets of attached dwellings, multi dwelling housing and residential flat buildings according to zone.

P3 Small scale commercial and retail premises according to zone.

P4 Maintaining and enhancing recreational and cultural facilities.

Foreshore

P5 Wharf areas are made active, safe and accessible.

P6 Wharf areas in Neutral Bay have a high level of amenity, have active uses nearby and provide a safe point for commuters to and from the area

7.2.3 Desired Built Form

Form, massing and scale

P1 Development should be carefully designed to follow the topography of the land, with buildings on sloping sites.

Foreshore

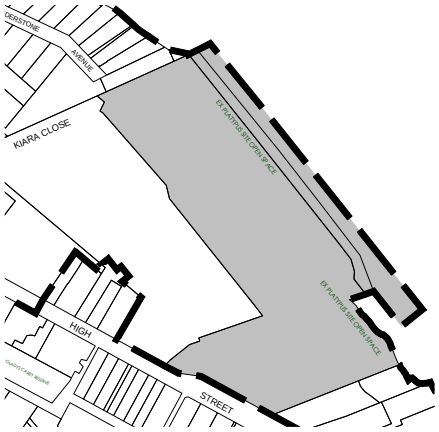
P2 Development on sites on or near the foreshore should be carefully designed to not restrict water views from neighbouring property or from public areas.

P3 Development adjacent to the foreshore is small in scale and does not dominate the foreshore frontage.

P4 Development associated with marinas and boating activity is kept to a minimum and is compatible with the surrounding land uses.

P5 Development adjoining foreshore areas use muted colours and non-reflective materials, such as brick and timber to ensure the scenic and environmental qualities are enhanced.

7.2.4 HMAS Platypus



Diversity

P1 A mix of cultural, recreational, community and commercial uses. Potential uses include cafes/dining, training/education, performance/events, offices, studios, conference/function/meeting places, neighbourhood shops and small scale maritime industrial uses.

P2 Existing wharf to be retained and adaptively reused.

P3 Existing buildings to be adaptively reused where possible.

P4 Existing buildings are to be reduced in scale where appropriate to provide a better relationship with neighbouring development.

P5 Provision of a sequence of terraces, streets, squares and gardens for public enjoyment by the waterfront.

P6 Public open spaces are to be connected internally and to external existing pedestrian links.

Heritage

P7 Heritage items and aspects of heritage significance are incorporated in development and reflect the history of the site as a gas works and naval installation.

P8 The heritage significance of structures on the site is to be maintained and conserved through the implementation of policies within a conservation management plan for the site.

Contamination

P9 The site is remediated through implementation and measures outlined in a remediation report and a review of remediation works as outlined in Section 14 -*Contamination and Hazardous Materials* to Part B of the DCP.

Views

P10 Views along pedestrian access from High Street of Neutral Bay and Sydney Harbour. View opportunities from a lookout higher on the site.

P11 View corridors from High Street and Kiara Close to Sydney Harbour between and over buildings.

Solar access

P12 Sunlight corridors between and over buildings to foreshore open space.

P13 Buildings designed to maximise solar access to surrounding residential properties and public areas during winter months.

Siting

P14 New development to be sited towards the south-western boundary to allow a substantial setback from the foreshore to enable continual public access along the foreshore.

Setback

P15 Buildings adjoining public open space areas are setback 6m to achieve a buffer with parkland/foreshore.

Form, massing and scale

P16 Two or three storey at High Street and the foreshore.

P17 Five storeys against cliff.

P18 Development is stepped down to open space along foreshore resulting in minimised overshadowing of public areas.

P19 Development on High Street relates to the existing two storey historic attached dwellings.

Roofs

P20 Pitched between 25 and 35 degrees along High Street frontage.

P21 Flat on lower site maximising view opportunities.

Access

P22 Continuous pedestrian access is to be provided along the entire foreshore frontage.

P23 Pedestrian links are to be provided to Kesterton Park and High Street.

Car accommodation

P24 The existing car park accessed off Kiora Close may be retained if the number of parking spaces does not increase and access to the car park is managed / controlled to prevent casual parking.

P25 Any new car parking should be located underground or within buildings.

P26 Unenclosed parking should be suitably screened from public view.

P27 Disabled parking should be provided to enable public access to the foreshore and open spaces.

Traffic generation

P28 A traffic study must be submitted which outlines strategies to minimise the impact from traffic generated by the site.

7.3 WHALING ROAD CONSERVATION AREA



7.3.1 History

Prior to the construction of the Warringah Freeway, the Whaling Road Conservation Area was the eastern edge of the North Sydney township. The steep escarpment, now marked by Clark Road, was the physical barrier for the area.

The area was part of a land grant to James Milson in 1839 part of which was subdivided in the 1870s by Milson's daughter Sophia Shairp.

During the latter half of the 19th century early farms and the occasional large residence were subdivided and developed for small-scale housing. By the early 20th century the remaining larger properties were subdivided for speculative development that led to the construction of rows of single storey, semi-detached bungalows.

The area was largely developed by 1930 and remained unchanged until the 1960s when construction of the Warringah Freeway isolated the area from North Sydney.

7.3.2 Description

The Whaling Road Conservation Area is defined by the Warringah Expressway and the escarpment edge to Clark Road.

The landform slopes steeply to the north east, creating dramatic views, and resulting in stepped forms and house. The urban form is strongly influenced by the topography, and by the main phases of development.

The area is a discrete residential neighbourhood that is characterised by dwelling houses on small lots. The subdivision pattern is regular and irregular reflecting the topography with has small lots. Streets follow the slope and contours of the area with short streets with a number of steep, dead-end streets. Doris Street is split level for most of its length, and Margaret Street is not accessible to vehicles.

The area is characterised by small scale housing, one to two storey Victorian Georgian, Victorian Filigree and Federation style dwellings forming a dense urban pattern. There are high quality groups of single and two storey attached dwellings.

There are small pocket of public open space, some pedestrian links. Fencing is low and characteristically of timber giving coherence throughout the area.

Doris Street has remnant cobbling showing through contemporary road surfacing.



Figure F-7.2 (left):
Circa 1890

Figure F-7.3 (below left):
Circa 1943

Figure F-7.4 (below right):
Circa 2008





7.3.3 Statement of Significance

The Whaling Road Conservation Area is significant:

(a) For its unity that relates to its subdivision history and which is evident in the development and streetscape of the area.

(b) As a consistent and intact Victorian and Federation residential area that consists of modest housing on small lots.

(c) As a largely intact late 19th and early 20th century subdivision that retains much of the urban fabric and detail associated with its development over time such the street formations, sandstone kerbing, fencing, gardens and a strong relationship to topography.

(d) For the quality and collective significance of the buildings within the area.

7.3.4 Significant elements

Topography

P1 Slopes steeply to north east, escarpment to Clark Road.

Subdivision

P2 Irregular and regular rectilinear subdivision reflecting the topography and original subdivision pattern with boundary to street frontage.

Streetscape

P3 Streets following the slope or contours. Changes in level in Margaret, Doris, Bray and Neutral Streets. Sandstone retaining walls and steps. Street reservation plantings. Pedestrian access via a network of footpaths and steps that connect with Anderson Park, North Sydney and the foreshore with double rail timber fences.

Views

P4 Neutral Street Lookout, Margaret Street Lookout. Street views along Whaling Road, Doris Street and Neutral Street. Slot views over and between buildings to the city and Harbour Bridge.

7.3.5 Characteristic buildings

P1 Detached dwelling houses on small lots – single storey Victorian Georgian, Victorian Filigree and Federation.

P2 Two storey attached dwellings.

7.3.6 Characteristic built elements

Siting

P1 Principal frontage oriented and parallel to the street, forward towards front boundary.

P2 Front setback 4- 5m.

P3 Side setback 1 – 1.5m.

P4 Rear setback 5m.

Form, massing and scale

P5 Single storey detached and semi-detached dwelling houses.

P6 Double fronted dwelling houses with projecting gabled bay and flanking verandahs.

P7 Two storey attached dwellings with front verandahs.

P8 Matching single storey attached dwellings.

Roofs

P9 Pitched between 30 and 45 degrees.

P10 Gabled, hipped and gabled.

Materials

P11 ***Walls:*** A mixture of sandstone, weatherboard, face brick on sandstone bases and rendered brick on stone bases.

P12 ***Roofs:*** Slate, corrugated metal, terracotta tile.

Windows and doors

P13 Consistent with building period and style. Timber.

Fences

P14 Low to 900 mm.

P15 Metal palisade on low stone plinths; low brick; timber picket fences.

Car accommodation

P16 Generally no off street parking.

P17 Garages and carports located off rear lanes.

7.3.7 Uncharacteristic elements

P1 Contemporary and 1960's residential flat buildings; over-scaled additions; carports garages and paved hardstands built forward of the building line; over-scaled and front dormers and skylights; large rear decks; enclosure of verandahs; high solid front fences; rendering and painting of face brickwork; loss of original detail.

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SECTION 8 KIRRIBILLI PLANNING AREA

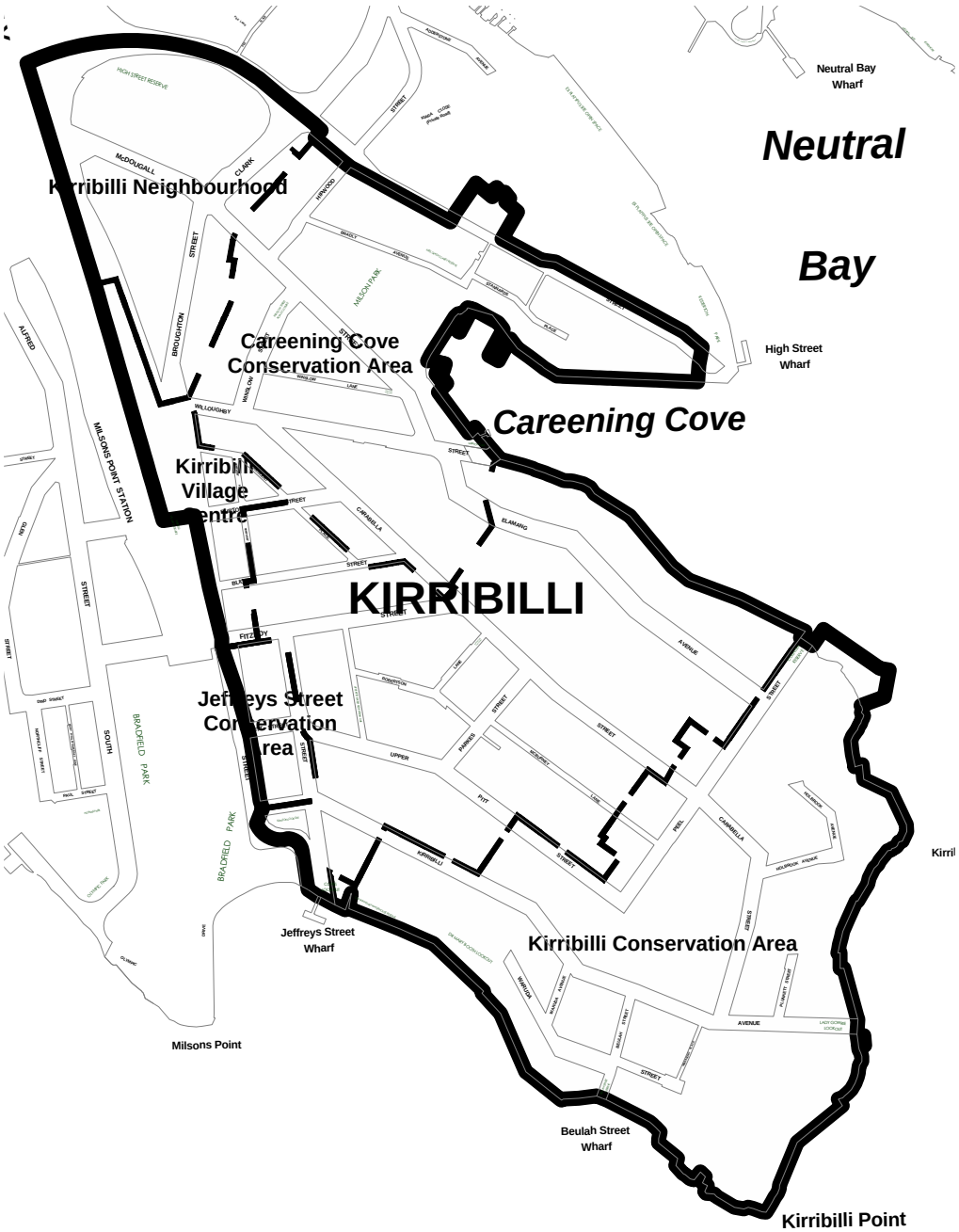


Figure F-8.1: Kirribilli Planning Area and associated Locality Areas

8.0 KIRRIBILLI PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the Kirribilli Planning Area.

Kirribilli is located on the foreshores of Sydney Harbour with spectacular views of the Sydney CBD, the Sydney Opera House and Sydney Harbour Bridge. Bradfield Park, at the base of the Sydney Harbour Bridge, provides unique outlooks and a place for outdoor recreation and softens the dense built form on the foreshores. The focal point of the Kirribilli peninsula is the Kirribilli Village Centre, a compact and lively area with a community centre, local shops and outdoor cafes that serve the needs of the local community. The village is surrounded by a predominantly residential area with a small number of other uses such as education, transport, maritime activities and community facilities. Conservation areas are often associated with prominent landmarks such as Admiralty House and Kirribilli House.

Development within the Planning Area should result in:

- limited growth with no substantial increase in residential densities.
- there is no significant change in low density residential or conservation areas.

and where:

Function

- the community centre in the Kirribilli Village provides a meeting place for the local community.
- a limited number of non-residential uses coexist peacefully with residential uses without adverse impacts on amenity.
- local shops provide basic needs (groceries, newsagents, hairdressing) for the local community and recreation opportunities (galleries, cafés) without adverse effects.
- open space caters for a variety of recreational needs.
- through traffic is discouraged, to avoid traffic congestion, and commuter parking is managed.

- the Village Centre is lively with an appropriate number of outdoor cafes and restaurants.
- laneways provide rear access for dwellings and local shops in the Kirribilli Village Centre.
- pedestrian links to Milsons Point and public transport facilities are upgraded and extended.
- bus, train, and ferry services are improved to encourage greater patronage.
- traffic calming strategies are implemented to avoid traffic problems.
- new development has minimal impact on traffic flows and the demand for parking.
- public transport, cycling and walking are the preferred modes of transport.
- the pedestrian tunnels to Arthur Street in Milsons Point and Kirribilli Station are maintained as local landmarks.

Environmental Criteria

- the natural areas of Sydney Harbour foreshore are conserved with improved and extended pedestrian access.
- the impacts of non-residential uses, such as noise and air pollution, are minimised.
- solar access is maximised to open space areas in public and private domains.
- extensive views of the Sydney Harbour and the Sydney CBD from open space areas, lookouts, private dwellings are shared and not obscured by structures and landscaping.
- public open space is provided for outdoor activities and for people to enjoy harbour views.

Quality Built Form

- any development that occurs reflects and reinforces the existing built form and distribution of accommodation types.
- landscaping and street plantings complement the built form to create cohesiveness throughout the area.
- heritage items, icons, contributory items and conservation areas are conserved and maintained with an appropriate curtilage.
- development on the foreshore enhances views to Kirribilli from Sydney Harbour.

Quality Urban Environment

- backyards are used for a variety of activities, particularly for families with children and for the practical and recreational needs of residents.

Efficient Use of Resources

- existing buildings are maintained and adaptively reused to prevent unnecessary waste of building materials.
- stormwater is retained for reuse on site.
- energy consumption and waste disposal is minimised by all land uses.

The Kirribilli Planning Area includes the following Locality Areas in which development is subject to relevant provisions below:

Section 8.1: Kirribilli Village Centre

Section 8.2: Kirribilli Neighbourhood

Section 8.2.4: McDougall Street (northern side)
Section 8.2.5: 3-11 McDougal Street (Greenway Flats)
Section 8.2.6: James Milson Village
Section 8.3: Careening Cove Conservation Area
Section 8.4: Kirribilli Conservation Area
Section 8.5: Jeffreys Street Conservation Area

8.1 KIRRIBILLI VILLAGE CENTRE



8.1.1 Significant Elements

Land Use

P1 Predominantly commercial and mixed commercial and residential development.

Topography

P2 Generally flat, forming the topmost part of the ridge to Kirribilli Peninsula.

Natural Features

P3 Forms the topmost part of the ridge to Kirribilli Peninsula.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) Views of the Sydney CBD, Sydney Opera House and Sydney Harbour from Broughton Street.

Identity / Icons

P5 Sydney Harbour Bridge including pedestrian tunnels to Milsons Point Station / Arthur Street in Milsons Point and the Ennis Road Bays.

P6 Bradfield Park.

P7 Sydney Harbour.

P8 The pedestrian tunnels to Arthur Street in Milsons Point and Kirribilli Station are maintained as local landmarks.

Subdivision

P9 Generally rectilinear lots with narrow frontages.

P10 Leased spaces under the Sydney Harbour Bridge.

Streetscape

P11 Wide fully paved footpaths.

P12 Iconic street trees along Broughton Street, Ennis Road (n.b. also refer to the Harbour Bridge Conservation Management Plan and heritage inventory sheets).

P13 Buildings built to the boundary with active frontages.

P14 Continuous awnings to Broughton Street and Ennis Road.

P15 Safe and effective pedestrian crossing at intersection of Broughton and Burton Streets.

Public transport

P16 Development should capitalise on the Area's high level of access to public train, bus and ferry services.

8.1.2 Desired Future Character

Diversity

P1 The community centre in the Kirribilli Village provides a meeting place for the local community.

P2 The Village Centre is lively with an appropriate number of outdoor cafes and restaurants.

P3 Predominantly mixed commercial and residential development, with retail premises located at ground level and shop top housing above.

P4 There should be limited redevelopment with no substantial increase in density or intensity.

P5 Adaptive reuse of the Ennis Road Bays to ensure the activation of the western side of the Village.

P6 All street frontages at the ground level are to be activated by adjoining commercial activities.

P7 Laneways provide rear access for dwellings and local shops in the Kirribilli Village Centre.

8.1.3 Desired Built Form

Form, massing & scale

P1 Existing shopfronts are restored to original form with nineteenth century two storey shopfronts with parapet.

P2 New shopfronts reflect the scale and proportions of the historical two storey parapet shopfront character of Kirribilli Village.

P3 No window walls or curtain walls above awnings.

P4 Shopfronts to provide continuous, solid street awning (no glass) between ground and first floor.

P5 No dormers or first floor decks on front elevation.

P6 No balconies, verandahs or the like to project over footpaths.

P7 Development on the foreshore enhances views to Kirribilli from Sydney Harbour.

Windows and doors

P8 Small windows with timber joinery at first floor level on front façade.

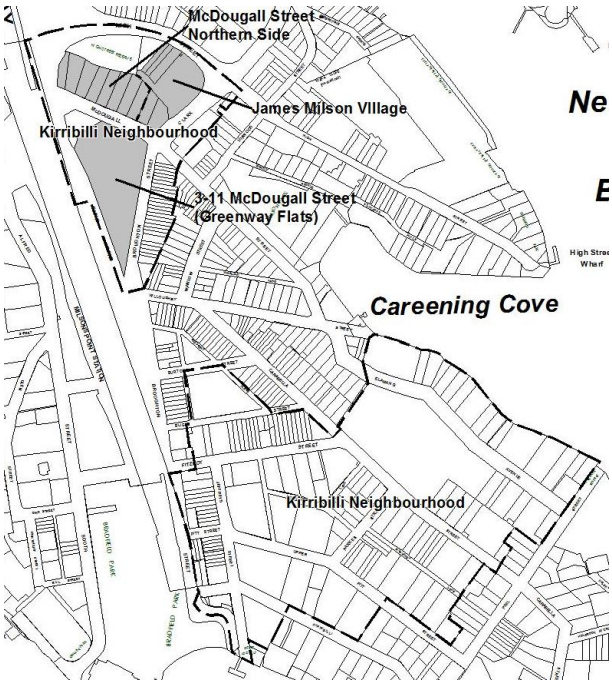
Car accommodation

P9 No direct vehicular access to Broughton Street.

P10 Occupant car parking and loading and unloading service areas are to be accessed off Humphrey Place where possible.

P11 Vehicular access is generally by way of shared or amalgamated vehicular access points where possible.

8.2 KIRRIBILLI NEIGHBOURHOOD



8.2.1 Significant Elements

Land Use

P1 Predominantly residential development.

P2 Educational establishments.

Topography

P3 Generally falls to the south-west and north east from the ridge along Carabella Street down to the foreshores of Sydney Harbour.

Natural Features

P4 Sydney Harbour frontage.

Views

P5 The following views and vistas are to be preserved and where possible enhanced:

(a) District views from streets and reserves to Sydney Harbour and beyond.

(b) Slot views of Sydney Harbour from Elamang, McDougall, Upper Pitt Streets and Kirribilli Avenue.

(c) Views of the harbour from Robertson Lane Lookout (61); Bradfield Park Lookout No. 2 (68), Copes Lookout (66); Jeffreys Street Lookout (65), Stanton Lookout (67).

Identity / Icons

P6 Sydney Harbour.

P7 Sydney Harbour Bridge.

P8 St Aloysius College.

P9 Loretto Convent School.

P10 Bradfield Park.

P11 Greenway Flats.

Subdivision

P12 Site areas of 230m^2 - 750m^2

Streetscape

P13 Narrow streets with limited landscaping.

P14 Split carriageways with sandstone retaining walls and one way movement.

P15 High masonry fences except to heritage items.

P16 Buildings generally setback a minimum from the boundary with a skewed alignment to respective street frontages.

P17 Garages built to the boundary.

Public transport

P18 Development should capitalise on the Area's high level of access to public train, bus and ferry services.

8.2.2 Desire Future Character

Diversity

P1 Predominantly high density residential accommodation in the form of residential flat buildings, according to zone.

P2 Limited potential for low to medium density residential accommodation in the form of attached dwellings, dwelling houses, dual occupancies, multi dwelling housing and semi-detached dwellings.

P3 Educational establishments.

P4 Limited redevelopment is envisaged for this Area with no substantial increase in density.

8.2.3 Desired Built Form

Form, massing and scale

P1 Development is to generally conform with the provisions contained within Part E – *Development Types* of the DCP.

P2 Educational establishments are to reflect the scale and massing of development on adjoining properties at its interface with the adjoining property.

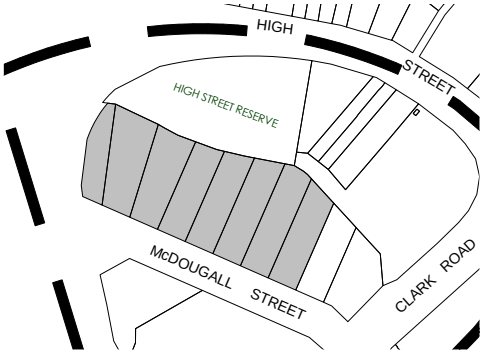
Materials

P3 ***Walls***: Masonry, face brick.

P4 ***Windows***: Timber framed.

P5 ***Roofs***: Terra cotta tiles, slate.

8.2.4 McDougall Street (Northern Side)



Diversity

P1 High density residential accommodation in the form of residential flat buildings.

Subdivision

P2 Sites amalgamated with frontages of 25m-35m.

P3 No isolated properties (sites with frontage less than 25m).

Streetscape

P4 Existing street trees in McDougall Street.

P5 Additional street plantings in accordance with Council's Street Tree Strategy.

P6 Significant trees and plantings in front gardens.

Siting

P7 Towards the front boundary to provide substantial setback from public open space off High Street.

Setbacks

P8 Front: 5m.

Side: 5-7m.

Rear: 15m.

P9 Side setback between No.s. 16-18 McDougall.

Form, massing and scale

P10 Five (5) storeys, with the topmost storeys setback from the levels below.

P11 Single residential building to McDougall Street and Public Open Space area off High Street.

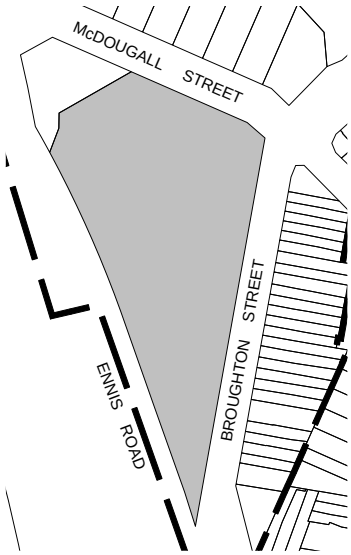
Roofs

P12 Flat roof to allow views from the Bradfield Highway to Sydney Harbour.

Gardens

P13 Substantial plantings including trees in front garden complement street trees.

8.2.5 3-11 McDougal Street (Greenway Flats)



Diversity

P1 High density residential accommodation in the form of residential flat buildings.

P2 Future redevelopment of the site is not to result in a significant change in scale or bulk.

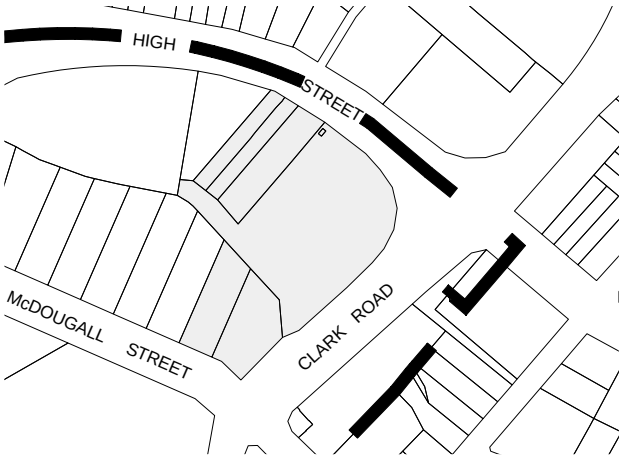
Form, massing and scale

P3 Must not have a site coverage exceeding 25%.

P4 Must not have an un-built upon area exceeding 15%.

P5 Must have a minimum landscaped area of 60%.

8.2.6 James Milson Village



Diversity

P1 High density residential accommodation in the form of seniors housing.

P2 Future redevelopment of the site is not to result in a significant change in scale or bulk.

Form, massing and scale

P3 Must not have a site coverage exceeding 60%.

P4 Must not have an un-built upon area exceeding 15%.

P5 Despite any other provision of this plan, if the land is used for seniors housing, it must have a minimum landscaped area of 25%.

8.3 CAREENING COVE CONSERVATION AREA



8.3.1 History

The Careening Cove Conservation Area includes a section of the Robert Ryan grant (later acquired by Robert Campbell), part of the James Milson grant, and the southern side of the Crown subdivision that was intended to be used for whaling purposes from 1830. This section of the Ryan Grant was subdivided in the 1860s but development did not gain momentum until the 1880s.

Milson's land remained within the family until the 1880s, after which sections were subdivided for residential development. Milson Park was created during the 1890s by reclamation of the head of Careening Cove. The peninsula, along which High Street runs, was sold by the Government to private owners for the development of whaling industries. No whaling occurred but a number of houses were built in the 1860s and 1870s overlooking the Cove.

The south side of the tip of the peninsula was a significant wharf area, notable for its use by the Wunderlich Company for the importation of Marseilles roofing tiles in the 1890s. This foreshore was later used for ship and boat building and repair, and subsequently subdivided for housing in the early 1920s (particularly to the south side of Stannards Place).

8.3.2 Description

The Careening Cove Conservation Area is located around the bay forming Careening Cove and bounded by High Street, Broughton Street and Crescent Place.

The landform slopes to the Bay with a flat area of reclaimed land close to the Cove. The subdivision pattern varies with a grid of rectangular lots that are cut to suit the diagonal street pattern and topography.

The Conservation Area is characterised by two storey, late Victorian terraces, single and two storey Federation and Inter-War dwelling houses and residential flat buildings. The area retains groups of picturesque industrial buildings with associated jetties, slipways, moorings and equipment. The Ensemble Theatre was one of the first recycled industrial buildings in Sydney.



Figure F-8.2 (left):
Circa 1890

Figure F-8.3 (below left):
Circa 1943

Figure F-8.4 (below right):
Circa 2008





8.3.3 Statement of Significance

The Careening Cove Conservation Area is significant:

(a) as a largely consistent early 20th century residential area with an unusual and irregular pattern of street layout and irregular subdivision pattern that give the area a particular character.

(b) as retaining much of the urban detail and fabric seen in gardens, fencing, street formations, use of sandstone for retaining and building bases, sandstone kerbing and natural rock faces.

(c) for the amphitheatre like form around the reclaimed Milson Park and the head of the bay.

(d) for the remaining waterfront industrial and recycled industrial development that gives the area much of its character.

8.3.4 Significant elements

Topography

P1 Amphitheatre form falling to Careening Cove.

Subdivision

P2 Irregular lots following the street pattern and topography.

Streetscape

P3 Changes in street level. Sandstone retaining walls. Milson Park. Double rail timber fences.

P4 Street trees including Jacarandahs in McDougall Street.

Views

P5 Harbour views from Miss Gladys Carey Reserve lookout (57), High Street Lookout (58), Milson Park; views of the valley from Winslow Street (59). Views of Milson Park and Careening Cove from Hipwood and McDougall Streets and Bradly Avenue; View of Sydney Harbour from Stannards Place, Willoughby Road and Winslow Lane.

P6 Slot views between and over buildings.

8.3.5 Characteristic buildings

P1 A mixture of:

(a) Two storey late Victorian terraces.

(b) Single and two storey, detached Federation and Edwardian houses.

(c) Inter-War residential flat buildings.

8.3.6 Characteristic built elements

Siting

P1 To the middle of the lot with gardens to the front and rear.

P2 Front setback of 3 – 5m.

P3 Side setback of 0 – 1m.

P4 Rear setback of 8m.

Form, massing and scale

P5 Two storey attached dwellings.

P6 Single and two storey detached dwelling houses.

P7 Reduced scale to the rear.

P8 Low, multi-storey Inter-War residential flat buildings.

Roofs

P9 Pitched, hipped and gables roofs pitched between 30 and 45 degrees with skillion roofs to rear.

P10 Parapets to flat roofed residential flat buildings.

P11 Brick and rendered chimneys.

Materials

P12 Walls: Face and rendered brick on sandstone foundations.

P13 Roofs: Slate, terracotta tile and corrugated metal sheeting at rear; flat roofs to residential flat buildings.

P14 Timber verandahs and Federation and Arts and Crafts detailing.

Windows and doors

P15 Consistent with building period and style. Timber.

Fences

P16 Low to 900mm in height.

P17 Sandstone walls; timber pickets.

Car accommodation

P18 Located off rear lanes.

8.3.7 Uncharacteristic elements

P1 Over-scaled additions; dormers and skylights to front roof slopes; roof terraces carports and garages to the street; high solid fences to the street; rendering and painting of face brick; paved front gardens, loss of original detail; modern infill development and residential flat buildings.

8.4 KIRRIBILLI CONSERVATION AREA



8.4.1 History

In 1800 the Kirribilli Peninsula was granted to Robert Ryan but was acquired shortly after by Robert Campbell, merchant. The land was partly leased to James Milson for many years.

From 1842, the Campbells began to lease and sell the land, with one of the first sales going to Col. Gibbes who erected a substantial house "Wotonga" (now part of Admiralty House) on the tip of the peninsula.

Over the next three decades, most of the waterfront was occupied by large houses with substantial properties fronting the foreshore. In the early part of the 20th century the large land holdings were subdivided and culminated in the boom of residential flat buildings close to the ferry wharves. The replacement of earlier dwelling houses with residential flat buildings, however, has created some uncharacteristic buildings and built elements within the Kirribilli Conservation Area.

8.4.2 Description

The Kirribilli Conservation Area is located on the lower section of the Kirribilli peninsula and has a long waterfront to Sydney Harbour.

The landform slopes to the Harbour with an irregular pattern of streets that follow the contours and slopes. The subdivision pattern varies with irregular lots that follow the topography.

The Conservation Area is characterised by a mix of small, medium and substantial late Victorian, Federation era houses with Inter-War dwelling houses and residential flat buildings with modern residential flat buildings on some of the waterfront sites. Buildings are integrated with the slope and generally have a homogenous scale with established gardens. Some earlier Victorian villas survive in Kirribilli Street and Upper Pitt Street. Also located on the waterfront are Kirribilli and Admiralty Houses.

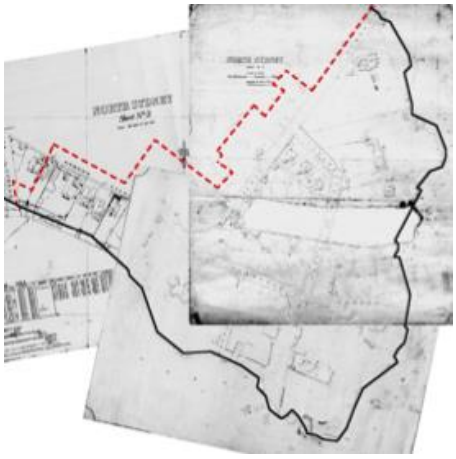
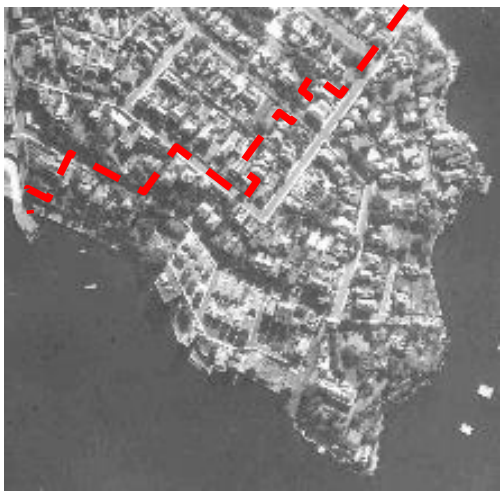


Figure F-8.5 (left):
Circa 1890

Figure F-8.6 (below left):
Circa 1943

Figure F-8.7 (below right):
Circa 2008





8.4.3 Statement of Significance

The Kirribilli Conservation Area is significant:

(a) as a consistent early 20th century residential area with a mix of Federation and one or two storey Inter War dwelling houses and two or three storey residential flat buildings on large allotments with a strong orientation to the water.

(b) as a largely intact early 20th century suburb retaining much of the urban detail and fabric seen in gardens, fencing, street formations, use of sandstone and later reinforced concrete "naturale" fencing, sandstone kerbing, natural rock faces, wide streets and compatible plantings.

(c) for its unity derived from its subdivision history which is still clearly seen in the development of the area.

(d) as containing the important government buildings Kirribilli House and Admiralty House.

8.4.4 Significant elements

Topography

P1 Sloping site falling to Sydney Harbour.

Subdivision

P2 Irregular lots following the street pattern and topography.

Streetscape

P3 Changes in level. Sandstone kerbing.

P4 Street trees.

Views

P5 Views of Sydney Harbour Bridge, City of Sydney, Opera House from Beulah Street.

P6 Lookout (63), Dr Mary Booth Lookout (64); views of Sydney Harbour from the Lady.

P7 Gowrie Lookout (62), Colinda Reserve Lookout (60). Views of Sydney Harbour from Holbrook Avenue, Peel Street, Kirribilli Avenue.

8.4.5 Characteristic buildings

P1 A mixture of:

(a) Victorian Villas.

(b) Single and two storey detached late Victorian, Federation and Edwardian houses.

(c) Federation and Inter-war dwelling houses and residential flat buildings.

8.4.6 Characteristic built elements

Siting

P1 Forward on lot with larger rear garden. Foreshore properties address the street.

P2 Front setback 3m.

P3 Side setback 1.5 – 2m.

P4 Rear setback 10 – 15m.

Form, massing and scale

P5 Detached, single storey villas.

P6 Single and two storey detached dwellings.

P7 Reduced scale to the rear.

P8 Three storey multi storey residential flat buildings as viewed from the street.

Roofs

P9 Pitched, hipped and gables roofs pitched between 30 and 45 degrees with skillion roofs to rear.

P10 Brick and rendered chimneys.

P11 Parapets to flat roofs on Inter-War residential flat buildings.

Materials

P12 ***Walls:*** Face and rendered brick on sandstone foundations; dark brick to Inter-war residential flat buildings.

P13 ***Roofs:*** Slate; terra cotta tile and corrugated metal; flat roofs to residential flat buildings.

P14 Federation and Arts and Crafts detailing.

Windows and doors

P15 Consistent with building period and style. Timber.

Fences

P16 Low scale to 800mm.

P17 Face brick; timber pickets; horizontal railings.

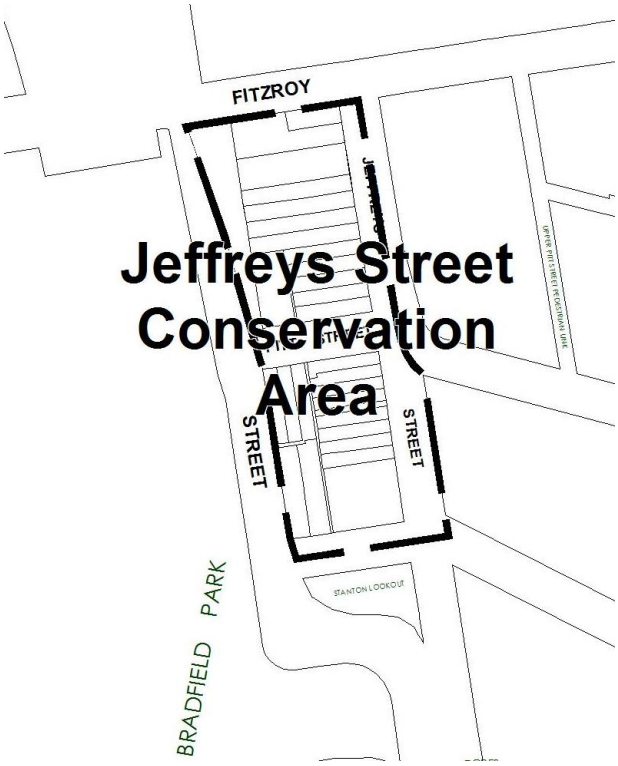
Car accommodation

P18 Parking at rear off laneways or set back behind the main building line.

8.4.7 Uncharacteristic buildings and built elements

P1 Over-scaled additions; dormers and skylights to front roof slopes; roof terraces; carports and garages in front setbacks; high solid fences to the street; rendered and painted face brick; paving of front gardens; extensive glazing; glazed balustrades; loss of original detail; Contemporary buildings and additions; and contemporary residential flat buildings.

8.5 JEFFREYS STREET CONSERVATION AREA



8.5.1 History

The Jeffreys Street Conservation Area is an interesting remnant of the early development of Milson's Point that was developed from the 1860's onwards and was largely established by the late 1890's. The area was a grid pattern of streets stretching from Albert Street to Jeffreys Street that was lined with single, two and three storey houses and that was associated with the land occupied by James Milson.

The construction of the Sydney Harbour Bridge resulted in the demolition of the western portion of the area but there is sufficient built form, street pattern and historical information to demonstrate the relationship of the current built form to its earlier state.

The area has association with James Milson and the Milson family, a prominent local merchant and an important figure in the development of North Sydney. It also has association with the Robert Campbell, an important local merchant and developer Robert Ryan who was granted 120 acres including the subject area in 1800.

8.5.2 Description

The Jeffreys Street Conservation Area is bounded by Fitzroy Street, Jeffreys Street, Kirribilli Avenue and Broughton Street. The landform slopes down from the north towards the south and west and there is a sandstone retaining wall at Jeffreys Street and Kirribilli Avenue. The subdivision pattern is a regular grid that overlays the topography with streets running down or across the slope.

The characteristic buildings of the area are typically mid to late Victorian and Federation residential terraces, reflecting the predominant period of development. Buildings are typically two or three storey, terraces with pitched and gabled tiled roof with two storey verandahs and skillion rear wings. Street plantings and raised verges reinforce the cohesive

character and regular pattern formed by the buildings and underlying lot pattern. There is some modern development to the northern and southern edges.

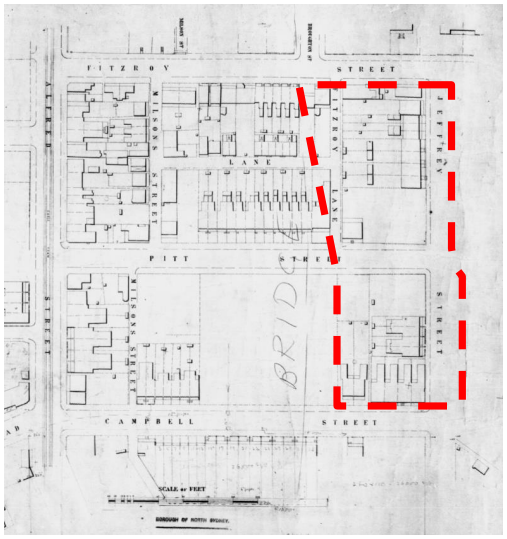


Figure F-8.8 (left):
Circa 1890

Figure F-8.9 (below left):
Circa 1943

Figure F-8.10 (below right):
Circa 2008





8.5.3 Statement of Significance

The Jeffrey Street Conservation Area is significant:

(a) for the unity of its subdivision history which is evident in the built form of the area and that overlays its sloping and stepped topography.

(b) as an area of mid to late Victorian and Federation speculative terraces that are a remnant of the early development of the area prior to the clearances for the construction of the Sydney Harbour Bridge.

8.5.4 Significant elements

Topography

P1 Sloping towards west and south.

Subdivision

P2 Regular grid pattern overlying topography.

Streetscape

P3 Sandstone retaining walls.

P4 Houses at street level or raised above it.

P5 Consistent scale of housing faces the street in urban setting.

P6 Narrow verges, sandstone and concrete kerbing, brick walls, no street gardens.

P7 Street trees.

Views

P8 Sweeping view of Sydney Harbour from Kirribilli Avenue to Broughton Street.

P9 Views from Jeffreys Street to the south and Pitt Street to the west.

8.5.5 Characteristic buildings

P1 Two and three storey mid to late Victorian and Federation attached dwellings.

8.5.6 Characteristic built elements

Siting

P1 Dwellings to the front of the lots or at the street with gardens/yard to the rear.

Form, massing and scale

P2 Two and three storey attached dwellings.

P3 Reduced bulk and scale to the rear.

P4 Simple forms articulated with verandahs to front and skillion wings to the rear.

Roofs

P5 Gabled roofs pitched between 20 and 35 degrees.

P6 Gabled ends for side elevations.

P7 Skillion roofs to rear wings.

P8 Brick and rendered chimneys.

Materials

P9 ***Walls:*** Painted and face brick; rendered masonry on some sandstone bases.

P10 ***Roofs:*** Slate, terra cotta and concrete roof tiles; corrugated metal on rear wings.

Windows and doors

P11 Mid to late Victorian and Federation.

P12 French doors to first floor verandahs.

Fences

P13 Low height front fences and walls.

P14 Masonry fences to rear and side.

P15 Face and rendered brick; metal palisade.

Car accommodation

P16 Garages and carports to side and rear.

P17 No garages or carports in front of the building line.

8.5.7 Uncharacteristic buildings and built elements

P1 Over-scaled dormers; roof decks and terraces; 'Juliette balconies'; enclosed balconies and verandahs; extensive glazing and glazed balustrades; flat roofs to service wings; painted face brick; removal of garden setting.

SECTION 9 LAVENDER BAY PLANNING AREA

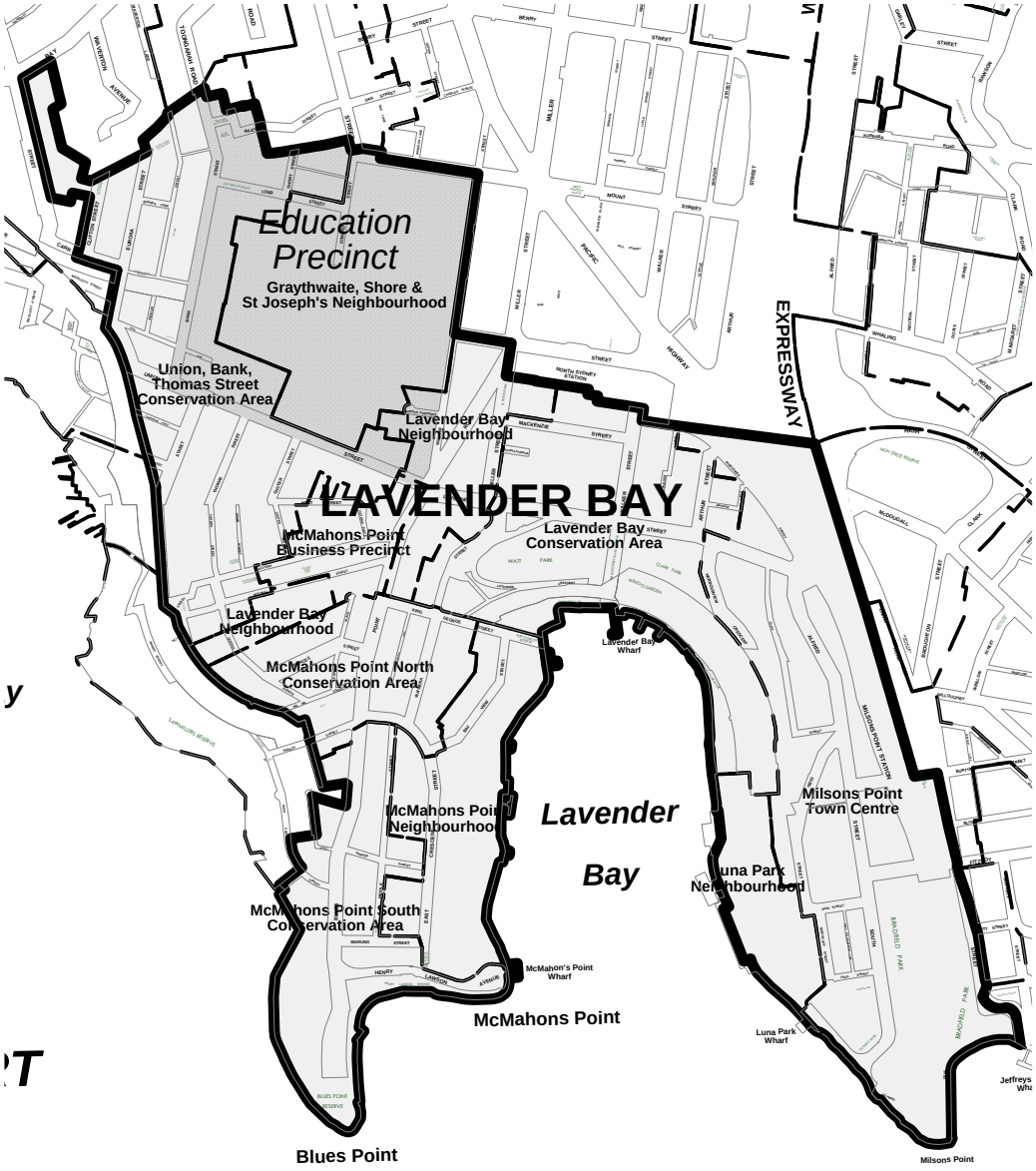
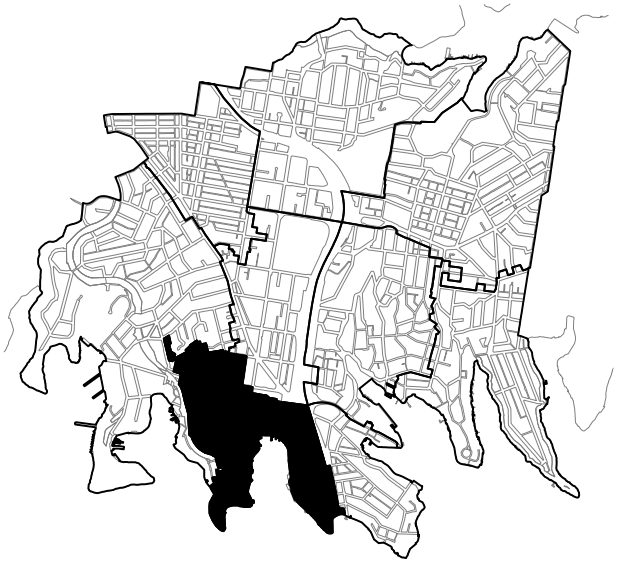


Figure F-9.1: Lavender Bay Planning Area and associated Locality Areas

9.0 LAVENDER BAY PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the Lavender Bay Planning Area.

The Lavender Bay Planning Area is a diverse area reflected by the very wide range of land uses occurring within the Area, including a mixture low, medium and high density residential accommodation, commercial premises, light industry, education establishments, places of worship and public recreational facilities. Many of these land uses are located in a leafy setting with strong links to Sydney Harbour and are often associated with landmark buildings such as Graythwaite, the Shore School and St Peter's Church.

The Planning Area is noted for its historical character arising from the retention of much of its original subdivision pattern and good examples of largely intact mid 19th century and early 20th Century buildings. Blues Point Road in McMahons Point is a popular village centre enjoyed by local residents and visitors to the area with its outdoor cafes, galleries and small specialty shops.

A large portion of the Education Precinct is located in the Planning Area, which consists of landmark educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School and supports a growing student population and workforce of teaching and support staff.

Milsons Point is on the shores of Sydney Harbour and consists of a large concentration of mixed residential and commercial towers located at the base of the Sydney Harbour Bridge, surrounded by landmarks such as Luna Park, Bradfield Park and North Sydney Pool.

Development within the Planning Area should result in:

- any residential growth being in accordance with the North Sydney Local Housing Strategy, with high density residential accommodation mainly being accommodated within the mixed use zone at Milsons Point, with no substantial change in the other residential and productivity support areas.
- a wide range of single household residential types being distributed in a number of distinctive built forms/landscape areas, including purpose-built student accommodation to support the functioning of the Education Precinct.

- any retail premises being of a scale to cater to the local community and which provide a balance between basic (e.g. food and groceries) and recreational (e.g. cafes and galleries) needs.
- the conservation of features which positively contribute to the local identity.
- a vibrant and engaging Education Precinct with high quality built form, safe pedestrian networks and a range of formal and informal public spaces for students to study, socialise and engage with the local community.

and where:

Function

- the community centre is in an accessible location and provides a meeting place for the local community and is part of North Sydney's network of community and cultural centres.
- non-residential uses such as public recreation, schools, light industrial, places of public worship, railway and shops coexist peacefully with the residential character.
- public open space areas are utilised by local residents and the wider regional population for a variety of social and recreational activities.
- access to the Harbour foreshores is improved with pedestrian links from Luna Park to the public reserve in Munro Street, Waverton Park and Smoothey Park.
- public transport, cycling, and walking are the preferred means of transport.
- through traffic is discouraged from using the already overloaded road network and commuter parking managed through parking schemes.
- local identity, icons and heritage are conserved.
- Luna Park is a public recreational and amusement park, enjoyed by local, regional and international users, that is easily accessed by public transport.
- the boardwalk adjacent to Luna Park on the foreshore is always accessible to the general public maintaining links to the wharf, other landing facilities and adjoining foreshore land.
- local identity, icons and heritage are preserved.
- man-made features such as the railway and pedestrian cuttings through the approach to Sydney Harbour Bridge are maintained as local landmarks that are important to the community.

Environmental Criteria

- the remaining natural foreshores are conserved with improved pedestrian access to the foreshore.
- public open space is protected from the adverse effects of development – such as stormwater runoff, spread of introduced plants and weeds, and visual impact of structures.
- both residential and non-residential land uses minimise noise and air pollution.
- solar access is maximised to open space areas in public and private domains.
- natural features (rock formations, trees) are conserved and maintained.
- major views from Luna Park, lookouts, and other vantage points are not obscured by structures or landscaping.

Quality Built Form

- any development that occurs reflects and reinforces the existing distinctive built form/landscape areas and distribution of accommodation types.

- buildings in Milsons Point are designed to preserve views and prevent wind tunnels.
- there is adequate open space within Luna Park for passive recreation and free movement within the park.
- the character, bulk and scale of new development within Luna Park complement the original features of Luna Park and enhance its appearance when viewed from within and Sydney Harbour.
- development within Luna Park is complementary to redevelopment of adjacent SRA land.
- there is an appropriate built form on the foreshore to maintain the significance of Sydney Harbour.

Quality Urban Environment

- traffic flows are managed to promote pedestrian amenity and there are improved pedestrian links between Kirribilli and Milsons Point.
- through traffic is discouraged to prevent traffic congestion.
- development promotes the safety of people that is enhanced by good street lighting.
- public open space provides recreational opportunities and acts as a buffer to the high density development.
- the demand for on-street parking is managed by allowing only appropriate levels of development.
- backyards are used for a variety of activities particularly for families with children and for practical and recreation needs of residents in residential flat buildings.

Efficient Use of Resources

- stormwater is retained for reuse on site.
- existing buildings are maintained and adaptively reused to prevent unnecessary waste of building materials.

Public Domain

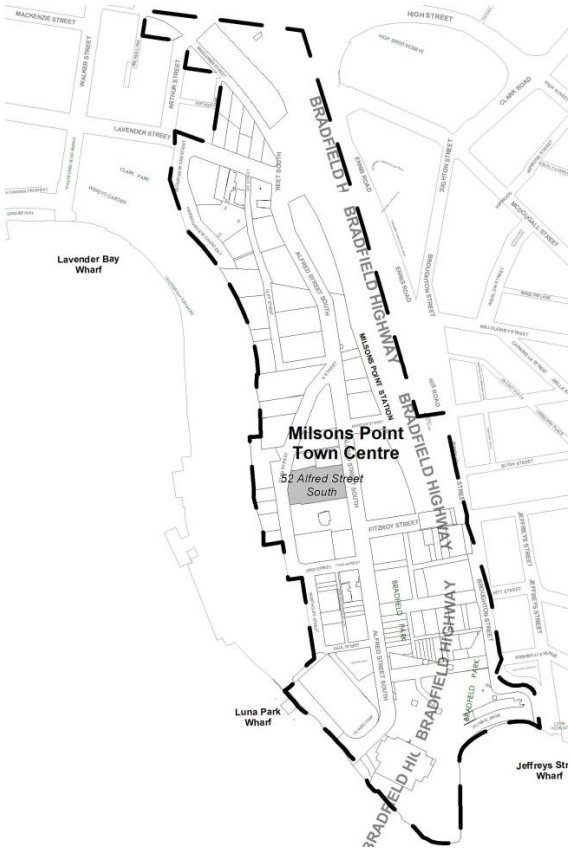
- buildings and street furniture are compatible with unique features of Milsons Point including Luna Park, the Olympic Pool and Sydney Harbour.
- street furniture and landscaping, outdoor advertising in McMahons Point and Kirribilli respect the historical character of the area.
- educational establishments are oriented to the public domain to provide increased surveillance and activation.
- streetscape improvements within the Education Precinct occur in accordance with the *North Sydney Centre Public Domain Strategy* and *Education Precinct Public Domain Masterplan.*

The Lavender Bay Planning Area includes the following Locality Areas in which development is subject to the relevant provisions below:

Section 9.1:	Milsons Point Town Centre
	Section 9.1.4: 52 Alfred Street
Section 9.2:	McMahons Point Business Precinct
Section 9.3:	Luna Park Neighbourhood
Section 9.4:	Graythwaite, Shore & St Joseph's Neighbourhood

Section 9.5: Lavender Bay Neighbourhood
Section 9.6: McMahons Point Neighbourhood
Section 9.7: McMahons Point North Conservation Area
Section 9.7.8: Blues Point Village
Section 9.8: McMahons Point South Conservation Area
Section 9.8.8: 1 Henry Lawson Avenue
Section 9.9: Lavender Bay Conservation Area
Section 9.10: Union, Bank, Thomas Street Conservation Area

9.1 MILSONS POINT TOWN CENTRE



9.1.1 Significant Elements

Land Use

P1 Predominantly mixed commercial and residential development.

P2 Passive and active recreational spaces.

P3 Major road and railway infrastructure.

Topography

P4 Generally falls to the south and south west from the Sydney Harbour Bridge down to Sydney Harbour.

P5 Steep falls and cliffs adjacent to and along the western boundary of the Area.

Natural Features

P6 Interface with Sydney Harbour.

Views

P7 Major views from Luna Park, lookouts, and other vantage points are not obscured by structures or landscaping.

P8 The following views and vistas are to be preserved and where possible enhanced:

(a) District views from streets and reserves to Sydney Harbour and beyond.

(b) Views to Lavender Bay from Luna Park Lookout (71), Harbour View Crescent.

(c) Views to Sydney Harbour from Bradfield Park No. 1 Lookout (69), Olympic Park Lookout (70); Alfred Street, Paul Street.

Identity / Icons

P9 Luna Park.

P10 North Sydney Pool.

P11 Sydney Harbour Bridge and approaches.

P12 Bradfield Park.

P13 Sydney Harbour.

Subdivision

P14 Large consolidated allotments reflective of the Area's previous commercial nature.

P15 Heritage items have small rectilinear lots, reflecting original subdivision patterns.

Streetscape

P16 Narrow footpaths and streets, except to Alfred Street which has wide fully paved verges incorporating street trees.

P17 Buildings built to street and laneway frontages.

Public transport

P18 Development should capitalise on the Area's high level of accessibility to high frequency public train, bus and ferry services.

9.1.2 Desired Future Character

Diversity

P1 Medium to high-rise mixed residential and commercial development, built boundary to boundary, with setbacks at laneways, above podium and to public spaces.

P2 Variety of different sized non-residential spaces and land uses which serve the local needs of residents (including convenience stores, cafes, medical centres etc).

P3 Development for residential accommodation should be in accordance with Council's Local Housing Strategy, with limited growth envisaged for the area.

P4 Ground floors of mixed use development to operate land uses that promote pedestrian activity.

P5 Existing heritage items shall be protected and retained where practical.

P6 Provide a balance between the working and resident populations of the town centre, to ensure an active environment throughout the day.

P7 Where existing commercial buildings are to be refurbished, retention of the existing level of commercial floor space is encouraged.

Through-site pedestrian links

P8 Pedestrian access is provided from Alfred Street to Glen Street:

(a) between 68 and 72 Alfred Street,

(b) along the southern boundary of 52 Alfred Street.

Traffic Management

P9 Existing one-way vehicular movements are maintained along Cliff Street.

9.1.3 Desired Built Form

Subdivision

P1 Minimum frontage of 30m.

Form, massing and scale

P2 Buildings step down from maximum LEP heights on the ridge of the peninsula (along Alfred Street from Lavender Street to Dind Street) to 10m on the shores of Lavender Bay.

Setbacks

P3 Buildings are built to the street boundary at ground level, except as specified below:

(a) Setback of 1.5m from a laneway at ground level.

P4 Preserve and create spaces between buildings above podium height that will offer views of the Harbour and its foreshore areas to help break up the wall of development along Alfred Street.

Podiums

P5 Podium of 13m (four storeys) to all buildings fronting Alfred Street, with a setback of 3m of all parts of the building located above the podium.

P6 Podium of 10m (three storeys) to all buildings fronting Cliff or Glen Streets, Harbourview Crescent or railway land with a setback of 3m of all parts of the building located above the podium.

P7 Podium of 10m (three storeys) to all buildings fronting any laneway with a setback of 3m of all parts of the building located above the podium.

Building design

P8 Materials used are painted render, masonry, concrete with natural colours.

P9 Buildings address every street frontage with no blank walls to streets, lanes, public space or railway land.

Skyline

P10 Ancillary equipment, plant rooms are not visible from Sydney Harbour.

P11 Existing buildings are recycled to accommodate mixed use developments.

Street furniture, landscaping works, public art

P12 Street furniture, landscaping and/or public art adjacent to Luna Park and the Olympic Pool are compatible with their role as centres of entertainment and recreation.

P13 Man-made features such as the railway and pedestrian cuttings through the approach to Sydney Harbour Bridge are maintained as local landmarks that are important to the community.

Noise

P14 Elevations of buildings facing the Sydney Harbour Bridge and its approaches are to be designed and incorporate features to minimise traffic and railway noise transmission (e.g. using design features such as cavity brick walls, double glazing, minimal glazing, solid core doors and concrete floors etc).

Wind Speed

P15 Buildings are designed not to create wind tunnel effects along Alfred, Glen, Paul, Dind, Northcliff Streets and Harbourview Crescent.

Reflected Light

P16 Reflected light for motorists on the Sydney Harbour Bridge and the Bradfield Highway is no greater than 20% nor is there excessive artificial light from outdoor advertising.

Solar access

P17 There is no increase in overshadowing of Bradfield Park, Luna Park, and North Sydney Pool between 12 noon and 3pm.

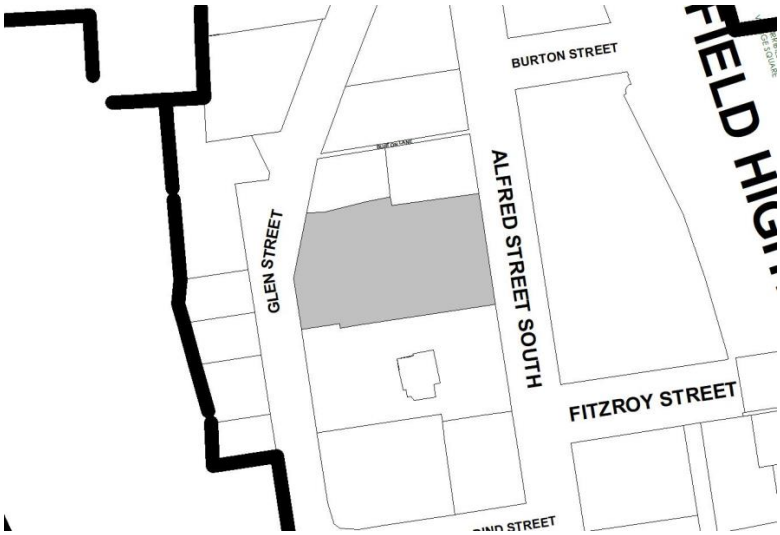
Views

P18 Spaces between buildings preserve views to Sydney Harbour, Sydney Opera House and Lavender Bay.

P19 Buildings step down in height from ridge of the peninsula to a lower height on the foreshore to maintain views.

P20 Preserve existing views of Lavender Bay and Sydney Harbour along the railway track from the north side of the Sydney Harbour Bridge to North Sydney Station.

9.1.4 52 Alfred Street, Milsons Point



9.1.4.1 Desired Future Character, Design Objectives and Key Principles

P1 Development is to respond to the scale and character of existing development and desired future character of the surrounding area.

P2 Built form, scale and massing is to reflect the dual frontage character of the block and residential building typologies.

P3 Deliver a mixed-use development with active frontages to Alfred Street and Glen Street.

P4 Development is to ensure that view loss, overshadowing and other amenity impacts on neighbouring residential buildings and impacts on heritage and the public domain are minimised.

P5 Development is to maximise solar access to Bradfield Park.

P6 An improved pedestrian through-site link between Alfred Street and Glen Street with active frontages.

9.1.4.2 Desired Built Form

Objectives

O1 To provide for increased opportunity for height and density in the Milsons Point Town Centre, in close proximity to public transport and services.

O2 To ensure that solar access to Bradfield Park is maximised.

O3 To ensure appropriate separation distances between existing and proposed buildings and ensure reasonable privacy, solar access and views are maintained to surrounding dwellings.

O4 To positively relate to the heritage context surrounding the site.

O5 To maximise view sharing across the site, particularly view protection to the south from 37 Glen Street.

Provisions

Solar access

P1 Any development at 52 Alfred Street must not result in a net increase in overshadowing to Bradfield Park between 12 noon and 3pm.

Street and Side Setbacks

P2 Buildings must be setback:

(a) 0m to Alfred Street and Glen Street, and

(b) A minimum 6m to the southern boundary, and

(c) A minimum 3m setback to the northern boundary where the site directly adjoins 37 Glen Street.

Podium Height

P3 Despite any other provision of this DCP, a podium must:

(a) maintain a consistent overall height across the entirety of the site; and

(b) be 2 storeys in height along its southern boundary and positively relate to the height of the heritage listed Camden House at 56 Alfred Street to its south; and

(c) be 2 storeys in height fronting Alfred Street; and

(d) not exceed 4 storeys fronting Glen Street.

Above Podium Setbacks

P4 The following minimum setbacks must be provided above the podium:

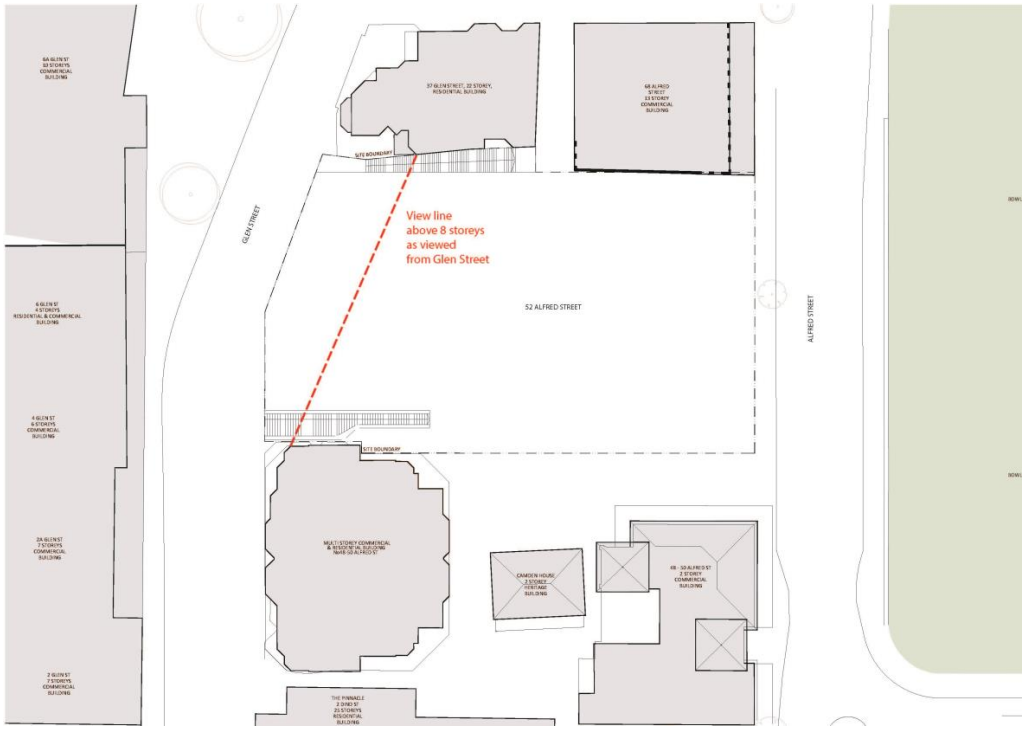
(a) 3m to the site's Alfred Street frontage, and

(b) 3m to the site's Glen Street frontage, and any part of a building located above RL 44 (approximately 8 storeys) as viewed from Glen Street, must not be constructed westwards of a view line established from the eastern edge of living area windows to 37 Glen Street (located approximately 12.8m east of the Glen Street boundary projecting southwards across 52 Alfred Street site to the north-western corner of the residential flat building known as "The Milson" fronting Glen Street at 48-50 Alfred Street (approximately 3m east from the Glen Street boundary); and

(c) 9m to the site's southern boundary up to 8 storeys in height and 12m for any storeys located above; and

(d) 9m to the site's northern boundary up to 8 storeys in height and 12m for any storeys located above, for that part of the site located directly adjacent to 37 Glen Street.

P5 Despite provision P4 (c) and (d), increased setbacks may be required to achieve adequate building separation in accordance with SEPP 65, protect views from adjacent residential buildings (37 Glen Street) and help break up the wall of development along Alfred Street.



Through-site pedestrian link

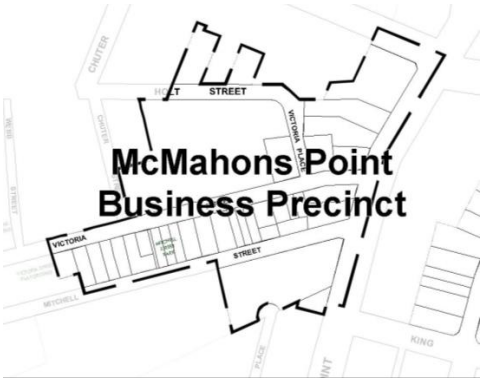
P6 The following through-site link is to be provided, retained or enhanced:

(a) An east-west link from Alfred Street to Glen Street adjacent to the southern boundary of 52 Alfred Street. This link must be a minimum of 6m wide.

Parking & Access

P7 The development must ensure existing levels of vehicular access, servicing and parking provision required for the effective operation of the adjoining development at 48-50 and 56 Alfred Street South are maintained.

9.2 MCMAHONS POINT BUSINESS PRECINCT



9.2.1 Significant Elements

Land Use

P1 Diverse range of residential accommodation, home occupation, light industrial, commercial and retail activities.

Topography

P2 Generally falls to the south.

Views

P3 The following views and vistas are to be preserved and where possible enhanced:

(a) Views to Balls Head Bay along Mitchell and Victoria Streets.

Identity / Icons

P4 Commodore Hotel.

P5 McMahons Point Community Centre.

Subdivision

P6 A mixture of large consolidated lots in single ownership and small lots in individual ownership.

P7 Irregular subdivision pattern.

Streetscape

P8 Street tree plantings on Blues Point Road and Lavender Street complement mature plantings and landscaping at the front of residential premises.

P9 Narrow streets and lanes with narrow footpaths predominate off Blues Point Road

P10 A mixture of tall and low brick and sandstone fences.

P11 Buildings built to the boundary, interrupted by garage / vehicular access openings.

Public transport

P12 Development is to take advantage of the high levels of accessibility to public train and bus services.

9.2.2 Desired Future Character

Diversity

P1 Mix of modern 2-3 storey industrial and commercial buildings, 2-3 storey Victorian terraces that cater for residential and light industrial purposes, modern medium

density attached dwellings and some 3-4 storey inter-war and post-war residential flat buildings according to zone.

P2 Mitchell Street Park provides recreation/green space for workers and residents.

P3 McMahons Point community centre is in an accessible location and provides a meeting place for the local community and is part of North Sydney's network of community and cultural centres.

P4

Traffic Management

P5 Existing one-way vehicular movements are maintained along Victoria and Mitchell Streets.

9.2.3 Desired Built Form

Form, massing and scale

P1 Attached dwellings have symmetrical facades.

P2 Site coverage of buildings on Mitchell and Victoria Streets is more than 80% of the allotment.

Siting

P3 Buildings on Victoria and Mitchell Streets are predominantly located towards the front boundary of the allotment.

Setbacks

P4 ***Front:*** Between 0m - 2m on Victoria and Mitchell Streets.

P5 ***Side:*** Between 0m – 2m on Victoria and Mitchell Streets.

Materials, colours

P6 Materials include face brick, sandstone, masonry, timber and/or painted render.

P7 Materials, architectural detail and colours of modern residential development are sympathetic to heritage items and character of Victoria and Mitchell Streets.

Car accommodation

P8 Locate all car spaces, garages or carports at the rear of the property if rear lane access is available.

P9 Short term metered on-street parking for commuters and visitors.

9.3 LUNA PARK NEIGHBOURHOOD



9.3.1 Significant Elements

Land Use

P1 Entertainment and recreational activities.

P2 Luna Park is a public recreational and amusement park, enjoyed by local, regional and international users, that is easily accessed by public transport.

Topography

P3 Generally flat with steep cliff along the eastern boundary of the Area.

Natural Features

P4 Foreshores of Sydney Harbour, Cliffs on the eastern boundary of Luna Park with fig and coral trees above.

Views

P5 The following views and vistas are to be preserved and where possible enhanced:

(a) Views to Sydney CBD, Sydney Opera House, Sydney Harbour Bridge, Sydney Harbour and Lavender Bay.

Identity / Icons

P6 Coney Island.

P7 Crystal Palace.

P8 Luna Park Face and Towers at front entry.

P9 Wild Mouse.

P10 Luna Park Gateway.

P11 Fig and coral trees on cliff top.

P12 Mirror Maze.

P13 Palais de Danse.

P14 Sea Walls.

P15 Cliff Tunnel and Chamber.

P16 Sydney Harbour.

Subdivision

P17 Large consolidated allotments.

Streetscape

P18 Open paved areas to the Face of Luna Park.

P19 Strong physical and visual connection with Sydney Harbour.

Public transport

P20 Development should capitalise on the Area's high level of accessibility to high frequency public train, bus and ferry services.

P21 The primary mode of travel to the Area by public train, bus and ferry services.

9.3.2 Desired Future Character

Diversity

P1 Amusements, recreational facilities, shops, take-away food shops, multi storey mixed use buildings, temporary structures and kiosks, street furniture, weather shelters and boardwalks.

9.3.3 Desired Built Form

Access

P1 Olympic Drive is main entry to Luna Park.

P2 "Midway" pedestrian street provides access to recreational facilities.

P3 The boardwalk adjacent to Luna Park provides 24 hour public access to the foreshores of Lavender Bay maintaining links to the wharf, other landing facilities and adjoining foreshore land.

P4 There is adequate open space within Luna Park for passive recreation and free movement within the park.

P5 The character, bulk and scale of new development within Luna Park complement the original features of Luna Park and enhance its appearance when viewed from within and Sydney Harbour.

P6 Development within Luna Park is complementary to redevelopment of adjacent SRA land.

P7 There is an appropriate built form on the foreshore to maintain the significance of Sydney Harbour.

Siting

P8 A service area (6m width) is provides at the base of the cliff.

P9 Buildings are independent of the cliff face.

Form, massing and scale

P10 Low scale development to Northcliffe Street to preserve views to Sydney Harbour.

P11 Low buildings (approximately 2-3 storey) are provided on the foreshores, except for structures for amusements, turrets, flagpoles.

P12 Buildings including plant facilities are no higher than the cliff face.

P13 The footprint of buildings are no greater than the footprint of Coney Island.

P14 The bulk and scale of buildings complement the heritage items and its role as an amusement park.

P15 Views of Luna Park to and from Sydney Harbour and vistas within Luna Park are maintained.

P16 At least 50% of the site is public area.

P17 New amusement rides are located within building envelope up to 100% if rides are "open" structures.

Fences

P18 Fences are transparent (up to 90%) in materials sympathetic to the character of Luna Park.

Materials, colours

P19 Materials, architectural details and colours of new structures complement heritage items.

Detail

P20 New developments in accordance with the Management Plan for Luna Park adopted by Minister for Land and Water Conservation on 12 March 1998.

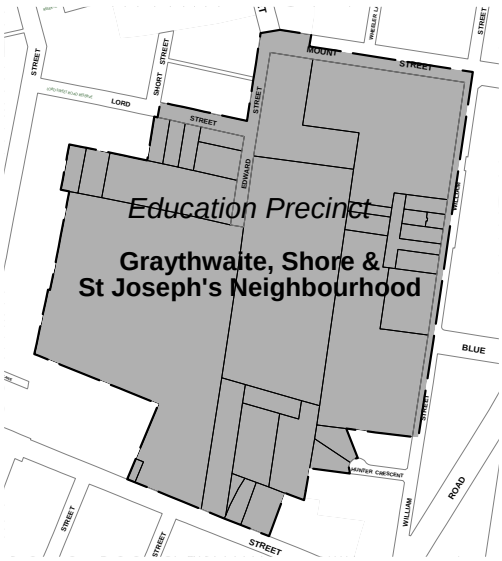
P21 Geo-technical and structural reports are submitted with any application for development to evaluate impact on heritage, cliff face, sea walls.

Car accommodation

P22 Car parking is provided underground.

P23 Parking does not affect stability or appearance of cliff or cliff face.

9.4 GRAYTHWAITE, SHORE & ST JOSEPH'S NEIGHBOURHOOD



9.4.1 Significant Elements

Land Use

P1 Educational establishments.

P2 Place of public worship.

Topography

P3 Generally flat across the northern portion of the Area and falls to the south across the southern portion of the site.

P4 Terraced lands across the Graythwaite site.

Natural Features

P5 Shrubberies and trees in the grounds of Graythwaite (Giant Bamboo, Moreton Bay and Port Jackson Figs, Washington Palms, Small fruit fig; Cook Pine; Firewheel tree; Jacaranda; English Oak; Monterey pine; Coral trees, Camphor laurels; Brush Box).

P6 On the Graythwaite site:

(a) Pond, well and underground cistern.

(b) Three natural springs.

(c) Areas above former air raid shelters.

(d) Embankment.

Views

P7 The following views and vistas are to be preserved and where possible enhanced:

(a) Distant views of Sydney CBD, Sydney Harbour Bridge and Sydney Harbour.

(b) Views of the mansion and substantial landscaping from Union Street.

Identity / Icons

P8 Graythwaite Mansion and grounds.

P9 Sydney Church of England Grammar School (Shore).

P10 St Joseph's Convent.

Subdivision

P11 Large consolidated land holdings.

Streetscape

P12 Fully paved verges with street trees to Union, Edward and Lord Streets.

P13 Buildings setback from the boundary and aligned to the street on Edward and Lord Streets with low open fences.

P14 Buildings built to the boundary along William and Mount Streets.

Public transport

P15 Development is to take advantage of the high levels of accessibility to public train and bus services.

9.4.2 Desired Future Character

Diversity

P1 Predominantly educational establishments.

P2 Places of public worship and associated activities.

P3 The intensity of development reduces the further away from William Street it is located.

P4 The open landscaped setting of the Graythwaite site is retained.

P5 Consideration is given to making some of the buildings on the Graythwaite site available for community use.

P6 Provide a range of high quality, purpose-built student accommodation in and around the Education Precinct, within 400m to a tertiary institution, 800m to a railway station, and 400m to a bus stop used by a regular bus service.

P7 Educational establishments are oriented to the public domain to provide increased surveillance and activation.

P8 Streetscape improvements within the Education Precinct occur in accordance with the North Sydney Centre Public Domain Strategy and Education Precinct Public Domain Masterplan.

Accessibility and permeability

P9 Provide a student pick up and drop off route through the Sydney Church of England Grammar School (Shore), between Union Street and William Street.

Archaeology

P10 Archaeological relics on the Graythwaite site are protected and can be used to shed light on its development or add to understanding of past uses.

9.4.3 Quality Built Form

Subdivision

P1 The grounds of Graythwaite form the curtilage to the mansion and should not be subdivided. The landscaped terraces should not be broken up or separated from the mansion.

Siting

P2 New buildings on the Graythwaite site are located to the north, north east and north west of Graythwaite Mansion.

P3 New buildings are to maintain view corridors to Sydney Harbour, Parramatta River and Parramatta.

Form, massing and scale

P4 Graythwaite, a grand Victorian Italianate mansion on a large prominent urban property is to be conserved and reused in accordance with the Conservation Management Plan for the site. Any future use must be non-intrusive and maintain the heritage fabric of the site. An interpretive feature or explanation may be incorporated into the site.

P5 Scale of development reduces in intensity the further away from William Street it is located.

P6 New buildings are subordinate to massing and scale of Graythwaite Mansion, are lower in height and have a smaller footprint.

Roofs

P7 Roofs are pitched between 30 - 45 degrees made of either slate or terracotta tiles.

Windows and doors

P8 Windows are timber framed with traditional vertical proportions.

Materials, colour, detail

P9 Buildings are constructed of either face brick, masonry, timber and/or sandstone.

P10 Colours used are browns, greens, grey for infill buildings. Colour scheme to heritage buildings in traditional schemes.

P11 Architectural detail, external finishes of any new building are compatible with the Graythwaite collection of building but not a copy.

Fences

P12 Fences to Graythwaite frontages to be based on historical evidence.

P13 Fencing includes open timber picket fences, low brick or stone wall or a hedge.

Gardens

P14 Historic plantings and significant trees are retained, including giant bamboo, figs, pines and remnant vineyards.

P15 The lower, middle landscaped terraces on the Graythwaite site are retained as open space for recreational purposes.

P16 Historic cultural features including sandstone stairs, pond, well, cistern and WWII bunkers are retained and interpreted.

P17 Natural springs retained.

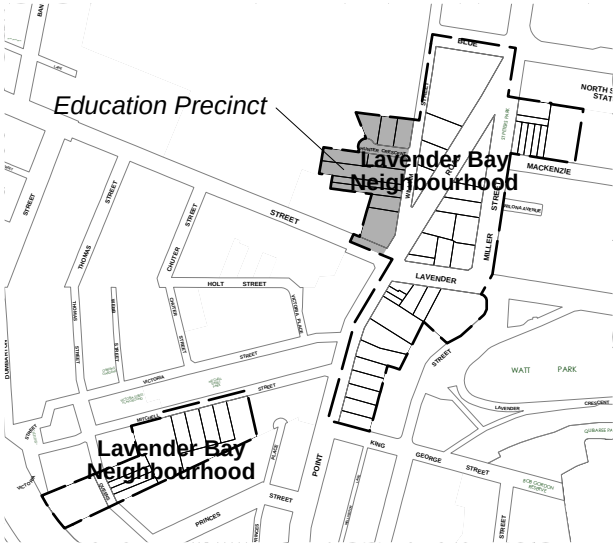
Car accommodation

P18 Car spaces or underground parking is available to accommodate cars.

Design Principles

P19 Educational establishments must address and activate public domain areas including streets, pedestrian links, laneways and public spaces.

9.5 LAVENDER BAY NEIGHBOURHOOD



9.5.1 Significant Elements

Land Use

P1 Predominantly residential development.

P2 Places of public worship.

P3 Mixed commercial and residential development.

Topography

P4 Generally falls to the south from Blue Street.

P5 Steep falls occur to the east of Blues Point Road.

Views

P6 The following views and vistas are to be preserved and where possible enhanced:

(a) Views of Lavender Bay and Sydney Harbour Bridge from intersection of Miller and Lavender Streets.

(b) Views of Harbour Bridge from St Peter's Park Lookout (79).

Identity / Icons

P7 St Peter Church.

P8 Sydney Church of England Grammar School (Shore School).

Subdivision

P9 Irregular subdivision pattern due to the streets following the irregular topography.

Streetscape

P10 Low masonry fences and retaining ways to the street frontage.

P11 Fully paved verges with street trees.

P12 Buildings generally setback a minimum from the boundary with a skewed alignment to respective street frontages.

Public transport

P13 Development is to take advantage of the high levels of accessibility to public train and bus services.

9.5.2 Desired Future Character

Diversity

P1 Predominantly a mixture of medium and high density residential accommodation comprising attached dwellings, multi dwelling housing and residential flat buildings, according to zone.

P2 Limited mixed commercial and residential development with small scale shops at the ground level and residential above.

P3 Provide a range of high quality, purpose-built student accommodation in and around the Education Precinct, within 400m to a tertiary institution, 800m to a railway station, and 400m to a bus stop used by a regular bus service.

9.5.3 Desired Built Form

Form, massing and scale

P1 Development is to generally conform with the provisions contained within Part B – *Development Controls* of the DCP.

P2 Development in the *E1 Local Centre* zone is to:

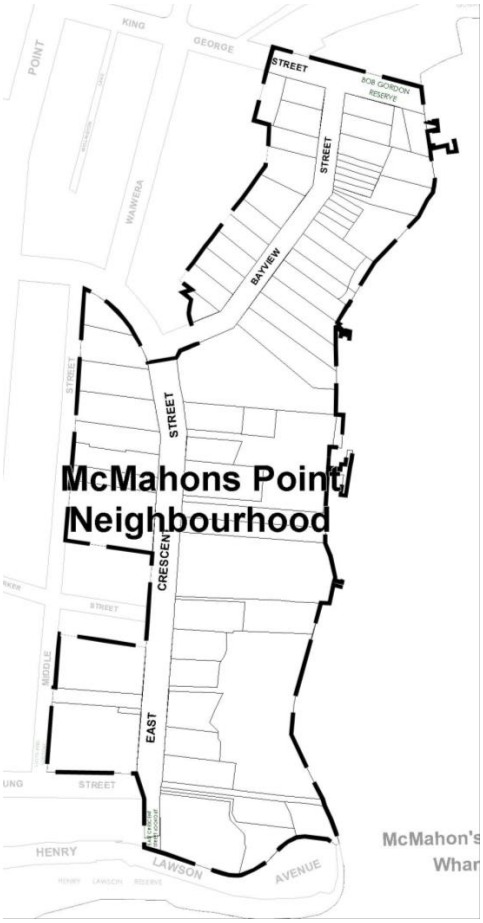
(a) have symmetrical facades fronting the primary street frontage.

(b) Maintain the nineteenth century two storey shopfronts incorporating parapets and awnings to the primary street frontages.

Design Principles

P3 Educational establishments must address and activate public domain areas including streets, pedestrian links, laneways and public spaces.

9.6 McMahons Point Neighbourhood



9.6.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

Topography

P2 Steep falls from Middle Street down to the foreshores of Lavender Bay.

P3 Terraced land adjacent to foreshore.

P4 Vertical sandstone cuttings to Henry Lawson Avenue Steep falls occur adjacent to Forsyth Park.

Natural Features

P5 Lavender Bay frontage.

Views

P6 The following views and vistas are to be preserved and where possible enhanced:

(a) District views from most properties to Sydney Harbour and beyond.

(b) Views to Lavender Bay from King George Street Lookout (80), Extensive views to Sydney Harbour from East Crescent Reserve Lookout (81), Lloyd Rees Lookout (82).

Identity / Icons

P7 Lavender Bay.

P8 Continuous sea wall to Lavender Bay.

Subdivision

P9 Residential flat buildings: Site areas of 700m^2 - 800m^2.

P10 Other residential accommodation: Site areas of 230m^2 to 450m^2.

Streetscape

P11 Split carriageways separated by sandstone walls and double rail timber fences.

P12 Low rendered masonry fences to the lower side of the street.

P13 Sandstone retaining walls to the high side of the street interrupted by garages built to the boundary.

P14 Buildings generally setback a minimum from the boundary with a skewed alignment to respective street frontage.

P15 Fully paved verges with limited landscaping.

Public transport

P16 Development should capitalise on the Area's high level of accessibility to high frequency public train, bus and ferry services.

9.6.2 Desired Future Character

Diversity

P1 Medium density residential accommodation comprising attached dwellings and multi-dwelling housing within the northern portion of the Area, according to zone.

P2 High density residential accommodation comprising of residential flat buildings concentrated within the southern portion of the Area, according to zone.

9.6.3 Desired Built Form

Form, massing and scale

P1 Development is to generally conform with the provisions contained within Part B – *Development Controls* of the DCP.

Setback

P2 Properties located on the foreshore have setbacks of 15m or greater from the shore line.

Materials, colours

P3 Buildings are constructed of timber, sandstone, face brick, masonry and/or painted render.

9.7 McMahons Point North Conservation Area



9.7.1 History

Land in the McMahon's Point North Conservation Area was granted to William Blue in 1817 and remained in the family until the 1850s. The estate was then progressively subdivided, with the earliest developments occurring at the eastern end.

Blues Point Road was one of the earliest roads in the district, being gazetted from 1839 as a thoroughfare from the ferry wharf to the St Leonard's township (now North Sydney).

The middle and southern sections of the peninsula were subdivided by the 1870s. The foreshores were used for boat and ship building from Blues and McMahon's Point. A tramway was extended to McMahon's Point in 1909, further stimulating development, particularly along Blues Point Road.

9.7.2 Description

The topography of the locality slopes down from North Sydney towards Blues Point. Blues Point Road runs down the ridge to the Blues Point peninsula with the landform falling away on either side. A steep escarpment runs parallel to the western side of Waiwera Street.

The subdivision pattern is not strongly related to the topography with irregular lots and street patterns.

The area is characterised by Victorian, Federation and Inter-war period residential and retail development. Buildings are characteristically small to moderate sized group developments of attached dwellings and semi-detached dwellings.

Characteristic building materials include dark brick, painted or rendered brick and weatherboards. Roofs are tiled, corrugated iron and sometimes slate. Details include use of sandstone in retaining walls and timber and plaster façade detailing.

Princes Street is an intact example of a Federation subdivision and Blues Point Road is a significant commercial strip in North Sydney.

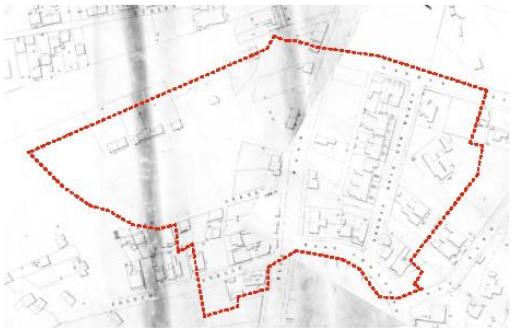


Figure F-9.2 (left):
Circa 1890

Figure F-9.3 (below left):
Circa 1943

Figure F-9.4 (below right):
Circa 2008





9.7.3 Statement of Significance

The McMahon's Point North Conservation Area is significant:

(a) For its consistent character and unity that derives from its dense urban subdivision pattern and history and which is still clearly seen in the development of the area.

(b) As a predominantly early 20th century precinct with a mix of Federation and 1920's one and two storey housing and a very fine grouping of early 20th century buildings along Blues Point Road.

(c) For the streetscape qualities of the Blues Point Road shops.

(d) For its high quality streetscapes, particularly in Princes and Waiwera Streets.

9.7.4 Significant elements

Topography

P1 Sloping down from North Sydney towards Blues Point, Blues Point Road follows the ridge of the peninsula.

Subdivision

P2 Irregular subdivision to the outer streets with boundary to street frontage. Regular subdivision along Blues Point Road.

Streetscape

P3 Many streets are split with stone kerbing and walls.

P4 Formal street plantings are located within the road reserve in Princes Street.

P5 Double rail timber fences.

Views

P6 King George Street lookout: views to Lavender Bay. Views to Berry's Bay via Mil Mil Street Lookout and French Street.

P7 Slot views over and between buildings throughout area.

9.7.5 Characteristic buildings

P1 Detached and semi-detached dwelling houses, commercial buildings along Blues Point Road. Victorian Filigree, Federation Queen Anne, Free Style, Bungalow, Californian Bungalow, workers cottages.

P2 Two storey, Victorian Italianate/Filigree attached dwellings with verandahs to the street.

P3 Single storey and two storey Victorian and Edwardian commercial buildings.

9.7.6 Characteristic built elements

Siting

P1 Forward on lot with larger rear garden.

P2 Consistent setbacks.

Form, massing and scale

P3 Single storey detached and attached dwellings.

P4 Two storey, attached dwellings.

P5 Two storey, commercial development with parapets to the street.

Roofs

P6 Pitched between 30 and 45 degrees with some use of parapets to the street, skillion roofs to rear extensions.

Materials

P7 ***Walls:*** Timber weatherboards, sandstone face brick, rendered brick.

P8 ***Roofs:*** Slate, terracotta tiles, corrugated metal.

Windows and doors

P9 Mid to late Victorian, Federation and Edwardian. Timber.

Fences

P10 Low sandstone, brick and timber palisade. Metal palisade on sandstone plinths.

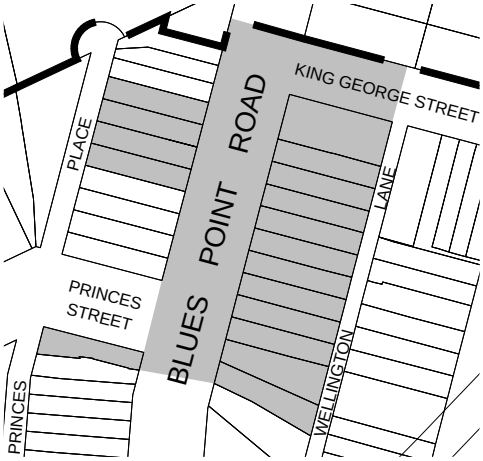
Car accommodation

P11 Located off rear lanes.

9.7.7 Uncharacteristic elements

P1 Modern infill development; painting of face brickwork; high fences to street; modern awnings to shops removal of traditional details, verandah infill, modernised facades, roof decks, over-scaled dormers, alterations to original roof form, advertising signage, garden paving.

9.7.8 Blues Point Village



Diversity

P1 Predominantly mixed commercial and residential development.

P2 Small scale shops or small scale shops with shop top housing at first floor level.

P3 Development should be limited with no substantial increases in density.

P4 Ground floor should be retained as shops or a similar use, to provide street level activity.

Subdivision

P5 Site areas of 160m^2 – 350m^2

Streetscape

P6 Wide pavements to accommodate outdoor dining.

P7 Awnings to street frontage elevations over footpaths.

Form, massing and scale

P8 Generally 2-storey attached dwelling style buildings with ground floor shopfronts, gabled roof and first floor balcony.

P9 Buildings have symmetrical facades.

Windows and doors

P10 Buildings have double hung sash windows with a vertical emphasis.

P11 Doors have two or four panels.

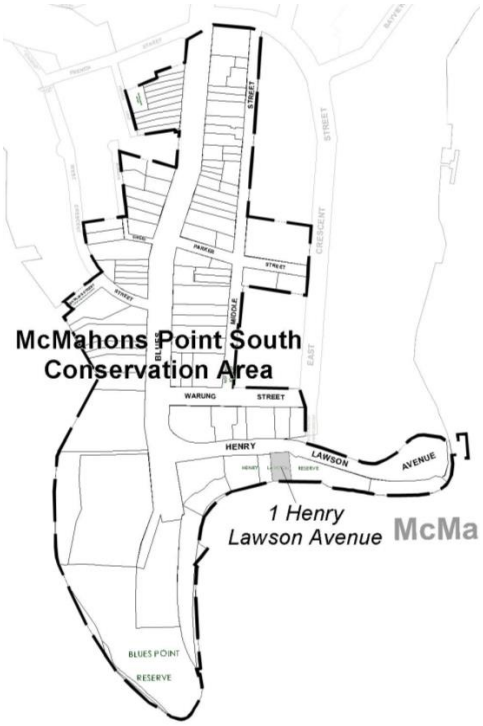
Materials, colours

P12 Materials include face brick, sandstone or timber.

Car accommodation

P13 Car spaces, garages, or carports are located at the rear of the property where rear lane access is available.

9.8 MCMAHONS POINT SOUTH CONSERVATION AREA



9.8.1 History

Land in the McMahons Point South Conservation Area was granted to William Blue in 1817 and remained in the family until the 1850s. The estate was then progressively subdivided, with the earliest developments occurring at the northern end.

Blues Point Road was one of the earliest roads in the district, being gazetted from 1839 as a thoroughfare from the ferry wharf to the St Leonards township (now North Sydney).

The middle and southern sections of the peninsula were subdivided by the 1870s. The foreshores were used for boat and ship building from Blues and McMahons Point. A tramway was extended to McMahons Point in 1909, further stimulating development, particularly along Blues Point Road.

9.8.2 Description

The topography of the locality slopes down from North Sydney towards Blues Point. Blues Point Road runs down the ridge to the Blues Point peninsula with the landform falling away on either side. There are expansive views down Sydney Harbour and towards the Sydney CBD, Berry's Bay and Balmain from the foreshore that is defined by an escarpment along the northern side of Henry Lawson Avenue.

Lot sizes in the area are generally large. There is a mix of architectural periods and styles in the mainly residential building stock. There are buildings from 1840s stone cottages to Federation dwelling houses and residential flat buildings and Inter-war buildings.

The buildings are typically small to moderate size with taller buildings on the higher ground and at the point and include group developments of attached dwellings and semi-detached dwelling houses. Some have rear lane access.

Street trees include Jacarandas, mixed native species and the occasional palm, and are mature and substantial on the major streets. Front gardens supplement street plantings and give a sense of continuity between the side streets and Blues Point Road. Other urban elements such as stone retaining walls and rocky outcrops combine with avenue plantings to create a sense of place.

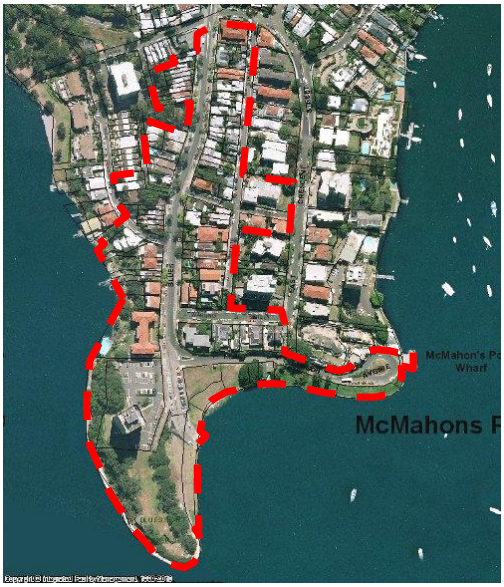


Figure F-9.5 (left):
Circa 1890

Figure F-9.6 (below left):
Circa 1943

Figure F-9.7 (below right):
Circa 2008





9.8.3 Statement of Significance

The McMahons Point South Conservation Area is significant:

(a) For its connection to the early grant to William Blue and the Harbour crossing point at Blues Point, the early waterfront industry of Sydney Harbour, both of which can be interpreted by physical remnants.

(b) As a mid 19th to early 20th century residential area with a mix of Victorian, Federation, 1920's and 1930's housing mixed with some Inter-war residential flat buildings.

9.8.4 Significant elements

Topography

P1 Sloping down from the north towards Blues Point.

Subdivision

P2 Mostly rectilinear subdivision with boundary to street frontage.

Streetscape

P3 Sandstone kerbing and walls.

P4 Street trees are a key feature in Waiwera, Miller and Lavender Streets.

P5 Double rail timber fences.

Views

P6 Blues Point Reserve and Lloyd Rees lookouts: views to Lavender Bay and Sydney Harbour.

P7 Views to Berry's Bay via Dowling Street Lookout.

9.8.5 Characteristic buildings

P1 Detached dwelling houses, semi-detached dwellings, attached dwellings, 20th Century residential flat buildings according to zone. Victorian, Federation and Inter-war period detailing.

9.8.6 Characteristic built elements

Siting

P1 Forward on lot with larger rear garden.

P2 Consistent setbacks.

Form, massing and scale

P3 Detached and attached dwellings vertically proportioned with massing determined by historic subdivision pattern.

Roofs

P4 Pitched between 30 and 45 degrees with some use of parapets to the street, skillion roofs to rear extensions.

Materials

P5 High proportion of masonry or solid surfaces to glazed surfaces.

Windows, doors and joinery

P6 Timber frames windows and doors have traditional styles and proportions according to architectural style of the building.

P7 Face brick, terracotta tiles, corrugated metal, slate, timber joinery, sandstone base courses.

Fences

P8 Low, 900mm max. height (timber) or 1m (iron palisade).

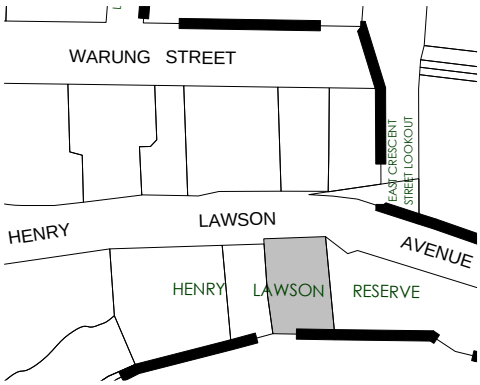
Car accommodation

P9 Car spaces or carports located off rear lanes.

9.8.7 Uncharacteristic elements

P1 Post-war residential flat buildings and modern infill development; garages to front setback, roof lights and dormers in front and side roof pitches, removal of original detail, garden paving, verandah infills.

9.8.8 1 Henry Lawson Avenue



Diversity

P1 To be integrated into the regional public open space network created along the entire southern foreshore of McMahons and Blues Points.

P2 The site is redeveloped with cognisance of the former use of the site.

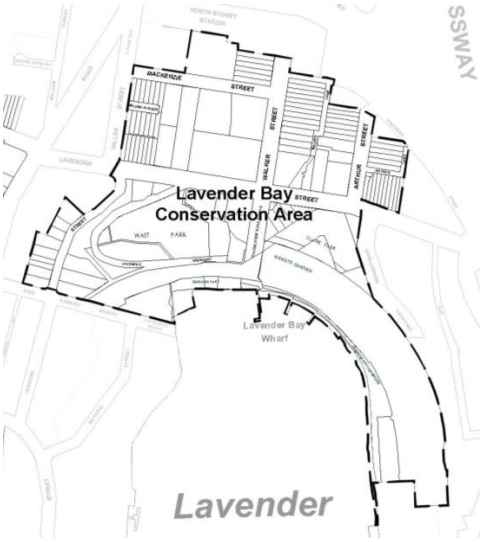
Form, massing and scale

P3 Heritage listed slipways and sea walls to be retained.

Colours and materials

P4 Development uses muted colours and non-reflective materials, such as brick and timber to ensure that the scenic and environmental qualities are preserved.

9.9 LAVENDER BAY CONSERVATION AREA



9.9.1 History

The Lavender Bay Conservation Area includes land that was granted to William Blue in 1817 (south of Lavender Street), the Milson's grant (east of Walker Street) and the Crown's Township subdivision.

Land in the township area was dedicated to Christ Church, St Leonards in 1872, and to the Catholic Church and school, St Francis Xaviers that opened in 1881. Milson's land was mainly used as the grounds of "Brisbane House" and a section on the east side of Walker Street was subdivided in the 1870s.

John Carr acquired most of the land at the head of Lavender Bay from the Blue family in the 1850s. A number of large mansions were built including "Quiberee", "Neepsend" and "Hellespont". Some was later reserved for the construction of the railway in 1883, after which it was given over for parkland. Watt Park includes remnant plantings from the former gardens of these homes.

A public bathing reserve on the east side of the end of Walker Street became Clark Park in the early 20th century. A large portion of the waterfront was used as boat building and repair yards from the late 19th century to the late 20th century.

9.9.2 Description

The Lavender Bay Conservation Area is bounded by the commercial development to the north, the Sydney Harbour Bridge approaches and Lavender Bay.

The landform is level to the north with a rock escarpment along Lavender Bay Road and a steep slope to the water. To the upper plateau the subdivision is determined by a grid pattern of wide streets and narrow rear lanes. Lot sizes vary and many are developed for attached dwellings. To the centre of the plateau are landscaped church sites. Below the escarpment the pattern is determined by the steep landform with its remaining Victorian estates overlaid with a network of steep, pedestrian steps and irregular cross paths.

The area is characterised by the Victorian development of Gothic and Romanesque churches and detached mansions down the centre of the area. There is an overlay of single, two and three storey attached dwellings to the upper level in the Victorian Free Classical, Victorian Italianate and Federation Arts and Crafts style. There are single storey cottages and Inter-war, Spanish Mission style flats. The railway viaduct and boardwalk provides a strong edge to the water side reserve.

The elevated site provides extensive views to the south over Sydney Harbour and there are views up and down the pedestrian steps.

Front gardens contribute to the landscaping of the street. Gardens follow the slope of the site with stone walls to the street. There are street trees and a band of remnant Victorian plantings to the parks and gardens across the centre of the site.



Figure F-9.8 (left):
Circa 1890

Figure F-9.9 (below left):
Circa 1943



Figure F-9.10 (below):
Circa 2008



9.9.3 Statement of Significance

The Lavender Bay Conservation Area is significant:

(a) As a late 19th Century residential area with rare groupings of high quality, stepped terrace style housing on the slopes above Lavender Bay overlaid on religious and Victorian Mansion estates.

(b) For the quality and collective significance of the buildings within the area.

(c) For the natural topography of rock escarpments modified with steep pathways and sandstone retaining walls and the remnant Victorian plantings.

(d) For the fine and extensive open space area along the foreshore of Lavender Bay which incorporates public walking paths around the waterfront and the railway viaduct constructions.

(e) For the impressive and important views to Sydney Harbour from Watt and Clark Parks.

9.9.4 Significant Elements

Topography

P1 Upper plateau with slight falls to the south, rock escarpment and natural basin sloping down to Lavender Bay.

Subdivision

P2 Large church sites and former mansion estates.

P3 Rectilinear subdivision to upper level with long narrow lots with detached and semi-detached dwelling houses and attached dwellings.

P4 Irregular subdivision to the lower slopes.

P5 Unique subdivision pattern and private road in Wilona Avenue.

Streetscape

P6 Street trees and stone walls align streets and paths.

P7 Lanes have a low scale and service character.

P8 Public parks to the lower slops with sandstone features and walling.

Views

P9 Harbourview Crescent Lookout, Clark Park Lookout, Arthur Street Lookout, Lower Walker Street Lookout, Waiwera Street Lookout.

P10 Views to Sydney Harbour, Sydney CBD, Sydney Harbour Bridge from Lavender Street, Lavender Crescent, Waiwera Street, Watt and Clark Parks.

9.9.5 Characteristic buildings

P1 A mixture of:

(a) Detached Victorian mansions;

(b) Victorian and Federation religious buildings; and

(c) Victorian and Federation detached, semi-detached dwelling houses and attached dwellings.

9.9.6 Characteristic built elements

Siting

P1 Forward on lot with larger rear garden.

P2 Consistent setbacks.

Form, massing and scale

P3 Two storey detached houses.

P4 Single, two and three storey with gabled roofs.

P5 Skillion wings and reduced height and scale to rear.

P6 Open verandahs to front. Houses in groups of identical design.

P7 Strong skyline of simple, pitched roofs and chimneys visible from the street and rear lanes stepped along the sloping streets.

Roofs

P8 Pitched between 30 and 45 degrees with some use of parapets to the street.

P9 Skillion roofs to rear extensions.

P10 Brick and rendered chimneys.

External Materials

P11 Rendered brick and face brick on sandstone base.

P12 Slate, terracotta tiles, corrugated metal roofs.

P13 Original timber windows doors and decorative joinery.

Windows and doors and external joinery

P14 Victorian Federation and Edwardian. Timber.

Fences

P15 Original front fences.

P16 Timber fences rear and side.

P17 Sandstone plinths, sandstone piers, metal palisade and gates, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.

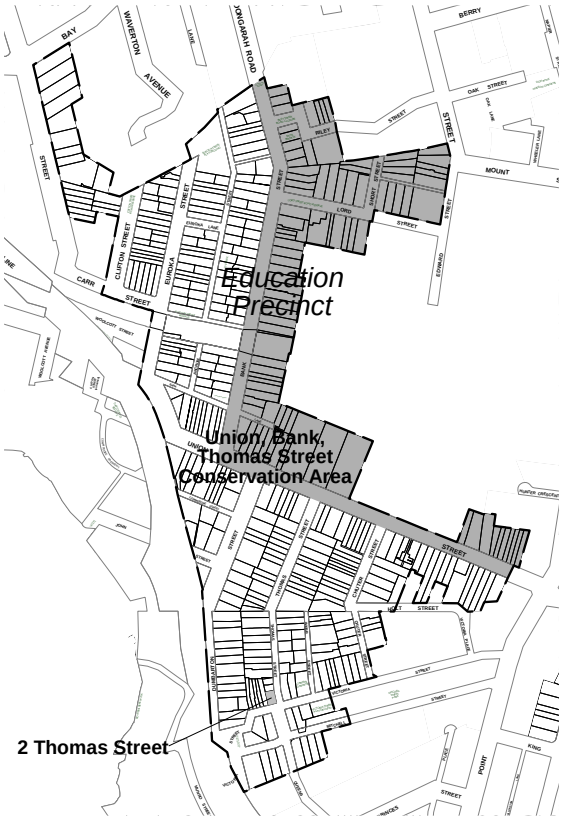
Car accommodation

P18 Located off rear lanes.

9.9.7 Uncharacteristic elements

P1 Inter-War residential flat buildings; modern infill development; over-scaled additions; contemporary buildings with laneway frontages; over-scaled and poorly detailed carports and garages; front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

9.10 UNION, BANK, THOMAS STREET CONSERVATION AREA



9.10.1 History

The Union/Bank/Thomas Street Area is loosely contained within two residential subdivisions of the mid-nineteenth century. The land on the south side of Union Street was part of the William Blue grant, inherited by his daughter Susannah, and subdivided c. 1859 by her husband, William Chuter.

Land on the northern side of Union Street was granted to Thomas Walker who later sold it to Edwin Sayers. Sayers built *Euroka Villa* on the Graythwaite site in Union Street. The western facing slopes of Sayer's land was subdivided during the 1860s as the Euroka Estate.

The area experienced significant upheaval during the construction of the railway in two phases, first during the 1890s and again in the 1930s. Despite the railway intrusion, the area retains its nineteenth century buildings and streetscape form.

9.10.2 Description

The Union, Bank Thomas Street Conservation Area is bounded to the east by the North Sydney Commercial area where the land rises to the crest of North Sydney and to the west by the railway line along the foreshore of Berry's Bay.

The areas on either side of Union Street have distinct characters within the Conservation Area. The subdivision pattern is irregular to the south of Union Street reflecting the topography and street pattern with various street widths reflecting different phases of development. The subdivision pattern is more regular to the north of Union Street reflecting the flatter topography. The area has a close subdivision pattern, with cross streets and

laneways that give a dense, urban texture. The area is characterised by long north/south streets, with streets north of Union Street running mostly across the steeply graded contours.

Characteristic buildings of the area include 19th and early 20th century cottages, including attached, semi-detached and detached houses. The buildings are typically one to two storeys on small lots interspersed with pockets of larger, two storey Victorian terraces, early 20th century housing, and three storey Inter-war residential flat buildings.

A range of architectural styles are represented in the Conservation Area, including Victorian Georgian, Victorian Regency, Victorian Filigree, Victorian Italianate, Federation Queen Anne and Federation Arts and Crafts, most of which are interpreted in a simplified manner.

There are pocket parks and lookouts distributed throughout the area. The townscape character is also defined by regular, processional planting in the street reserves, and by extensive use of stone elements within streets and street formations.

The topography of the locality facilitates expansive views down streets running south off Union Street, including Dumbarton and Thomas Streets.

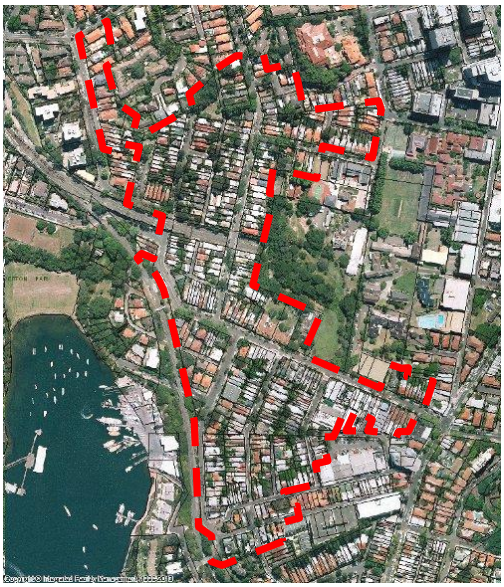


Figure F-9.11 (left):
Circa 1890

Figure F-9.12 (below left):
Circa 1943

Figure F-9.13 (below right):
Circa 2008





9.10.3 Statement of Significance

The Union, Bank, Thomas Street Conservation Area is significant:

(a) As the largest area of mid to late Victorian buildings in the North Sydney area including a substantial number of individually significant buildings, groups of buildings and unique streetscapes in the local context.

(b) For the clarity of its subdivision history that is still clearly seen in variations of road widths between sections of streets and changes of directions of the subdivision pattern in response to the subdivision of earlier estates.

(c) For the way development has responded to the topography through stepped building forms and excavation in some locations.

(d) For its fine streetscapes with intact rows of Victorian residences, especially in Thomas, Union and Chuter Streets.

(e) For its relatively large number of surviving timber residences.

9.10.4 Significant elements

Topography

P1 Area slopes to the west with escarpments to the north.

Subdivision

P2 Irregular subdivision to the south of Union Street with boundary to street frontage.

P3 Mostly rectilinear subdivision to the north of Union Street with boundary to street frontage.

P4 Restricted lot sizes.

Streetscape

P5 Varying width streets following the contours or slopes.

P6 Sandstone retaining walls and kerbing.

P7 Double rail timber fences.

Views

P8 Dumbarton Street lookout, Commodore Crescent lookout, Lord Street lookout.

P9 Dumbarton Street, Commodore Street, John Street: views to Berry's Bay.

P10 Slot views over and between buildings throughout area.

9.10.5 Characteristic buildings

P1 A mixture of:

(a) 19th and early 20th Century cottages, including attached, semi-detached and detached single storey dwellings in the Victorian Georgian, Victorian Regency, Victorian Filigree, Victorian Italianate.

(b) Two storey, Victorian Filigree, Victorian Italianate attached dwellings.

(c) Early 20th Century single and two storey Federation Queen Anne and Federation Arts and Crafts housing.

(d) Three storey Inter-war residential flat buildings.

9.10.6 Characteristic building elements

Siting

P1 Forward on lot with larger rear garden.

P2 Consistent setbacks.

Form, massing and scale

P3 Single and two storey, detached and semi-detached dwellings with verandahs.

P4 Two and three storey attached dwellings with front verandahs.

P5 Rear additions behind and below the ridge line, submissive in scale.

Roofs

P6 Pitched between 30 and 45 degrees with some use of parapets to the street, skillion roofs to rear extensions.

P7 Hipped and gabled roofs to cottages; projecting gables to street.

P8 Stone, brick and rendered brick chimneys.

Materials

P9 ***Walls:*** Sandstone; weatherboards; face brick and rendered masonry on sandstone bases.

P10 ***Roofs:*** Slate; corrugated metal; terracotta tiles.

Windows and doors

P11 Original Victorian, Federation and Edwardian.

Fences

P12 Low stone, brick and rendered walls.

P13 Metal palisade on low stone plinths.

P14 Timber picket fences.

Car accommodation

P15 Located off rear lanes.

P16 Single car parking in modest structures.

9.10.7 Uncharacteristic elements

P1 Over-scaled additions; Carports and garages to front of lot; dormers and conditions to front and side roofs; removal of original details; painting and rendering of face brickwork; high fences to street; inappropriate fence details; paving of gardens.

9.10.8 Future built elements

P1 Provide a range of high quality, purpose-built student accommodation in and around the Education Precinct, within 400m to a tertiary institution, 800m to a railway station, and 400m to a bus stop used by a regular bus service.

P2 Educational establishments must address and activate public domain areas including streets, pedestrian links, laneways and public spaces.

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SECTION 10 WAVERTON / WOLLSTONECRAFT PLANNING AREA

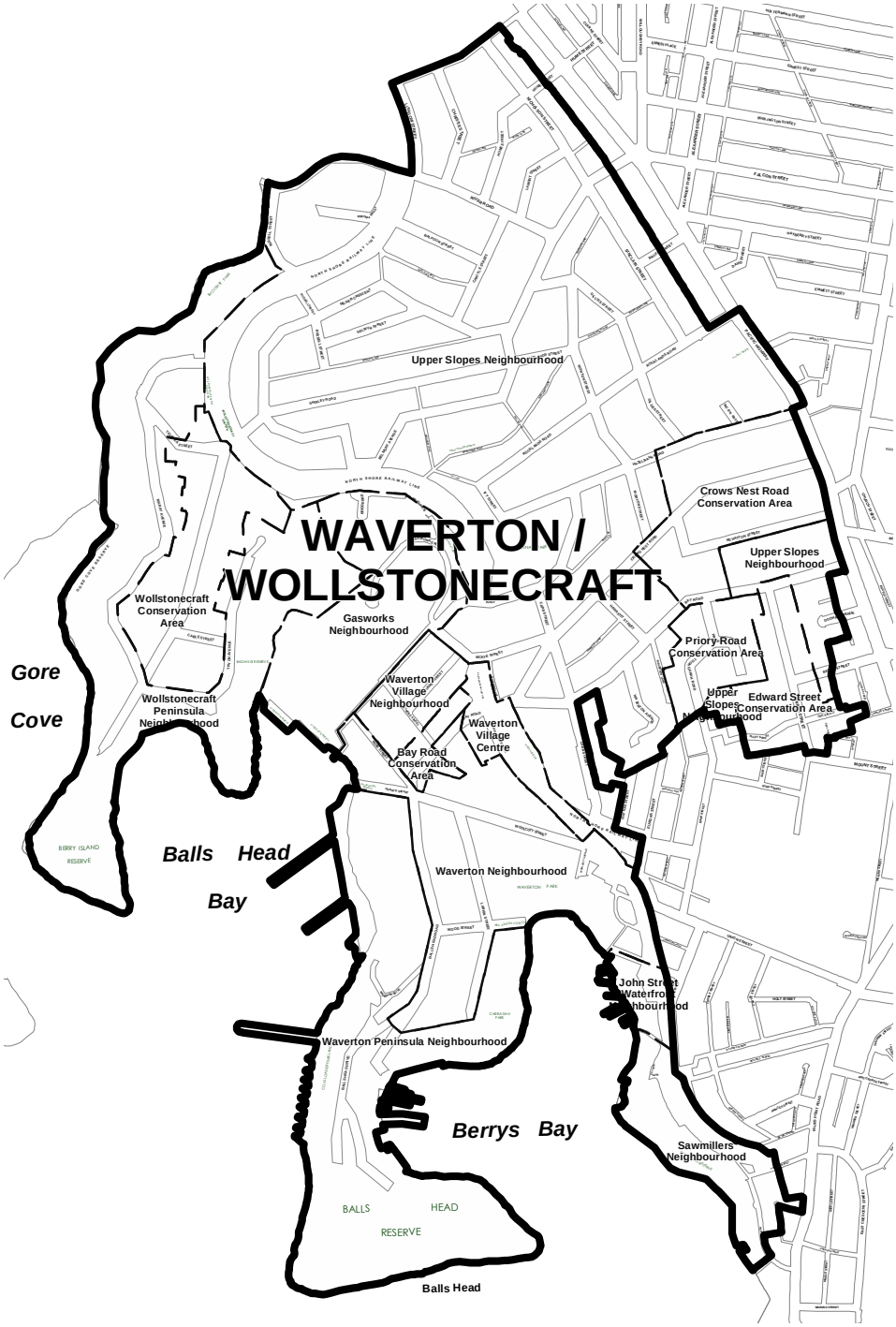


Figure F-10.1: Waverton / Wollstonecraft Planning Area and associated Locality Areas

10.0 WAVERTON / WOLLSTONECRAFT PLANNING AREA CHARACTER STATEMENT



The Planning Area generally comprises a diverse residential neighbourhood ranging from low density residential development adjacent to the foreshore areas of Sydney Harbour to high density residential development generally on the upper slopes and in close proximity to railway stations. The suburbs of Waverton and Wollstonecraft essentially align with the two ridges/peninsulas that project out into Sydney Harbour. The Area is also physically divided by the North Shore Railway line. Both neighbourhoods are in a pleasant setting, as a result of buildings being setback from boundaries, onsite landscaping, street trees and strong links to Sydney Harbour.

A large portion of the Education Precinct is located in the Planning Area, which consists of landmark educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School and supports a growing student population and workforce of teaching and support staff.

The foreshores of the Planning Area are generally protected from development by recreational and bushland buffers, with the minor exception of maritime industrial activities which are reliant on a land-water interface.

Development within the Planning Area, should result in:

- residential growth being provided in accordance with Council's Local Housing Strategy, predominantly comprising attached dwellings, multi dwelling housing and residential flat buildings in the appropriate zones
- redevelopment of sites respects the existing built form and maintains the character of the area. This includes any alterations and additions to existing buildings
- a wide range of residential types being distributed in a number of distinctive built forms and landscape areas, including purpose built student accommodation to support the functioning of the Education Precinct.

- local shops cater to the local community and are balanced between basic needs of food and grocery, and social needs- such as cafes and galleries
- a vibrant and engaging Education Precinct with safe pedestrian networks, high quality built form and a range of formal and informal public spaces for students to study, socialise and engage with the local community.
- future maritime uses having a minimal impact on residential amenity
- features contributing to local identity are promoted and conserved

and where,

Function

- a community centre being provided in an accessible location in the Waverton Neighbourhood, provides a meeting place for the local community and is part of North Sydney's network of community and cultural centres
- a limited number of non-residential uses such as maritime industrial, defence, hospital and educational establishments coexist peacefully with the residential character without adverse effect
- large areas of open space are used by local residents and the wider regional population for a variety of social and recreational needs
- comfortable and safe pedestrian routes are maintained and extended to achieve a continuous route from Smoothey Park to Waverton Park and on to McMahons Point
- public transport, cycling and walking are the preferred means of transport
- through traffic is discouraged from using the already overloaded road network and commuter parking managed through parking schemes

Environmental Criteria

- the remaining natural foreshores and water courses are conserved and protected, and pedestrian access to these is extended and improved
- bushland is protected from the adverse effects of development – such as stormwater runoff, spread of introduced plants and weeds, and visual impact of structures
- use of local flora extends habitats for native birds and other fauna
- mechanical noise and other industrial noise is controlled, to protect the ambience of natural features

Quality Built Form

- any development reflects and reinforces the existing distinctive built form/landscape areas and distribution of accommodation types
- cohesiveness is achieved in the area and through landscaping and street tree planting
- development in foreshore areas is carefully designed to consider the existing topography and not disrupt views from neighbouring properties
- significant views from lookouts and other vantage points are not obscured by structures or landscaping
- man-made features such as the railway cutting at Waverton Station and the tank cuttings on the BP site are maintained as local landmarks important to the community
- educational establishments are oriented to the public domain to provide increased surveillance and activation

Quality Urban Environment

- backyards are used for a variety of activities particularly for families with children and for the practical and recreation needs of residents in apartments

Efficient Use of Resources

- existing buildings are maintained to prevent unnecessary waste of building materials
- stormwater is retained for reuse on-site

Public Domain

- streetscape improvements within the Education Precinct occur in accordance with the *North Sydney Centre Public Domain Strategy* and *the Education Precinct Public Domain Masterplan*

The Waverton / Wollstonecraft Planning Area includes the following Locality Areas which are subject to the relevant provisions further below:

Section 10.1: Waverton Village Centre

Section 10.2: Upper Slopes Neighbourhood

Section 10.2.4 Newlands Lane Open Space Area

Section 10.3: Wollstonecraft Peninsula Neighbourhood

Section 10.3.4 12 Shirley Road

Section 10.4: Gasworks Neighbourhood

Section 10.5: Waverton Village Neighbourhood

Section 10.6: Waverton Neighbourhood

Section 10.7: Waverton Peninsula Neighbourhood

Section 10.7.4 HMAS Waterhen – Upper Terrace

Section 10.7.5 Former Quarantine Depot

Section 10.7.6 Former Woodleys Boatyard

Section 10.8: John Street Waterfront Neighbourhood

Section 10.9: Sawmillers Neighbourhood

Section 10.10: Wollstonecraft Conservation Area

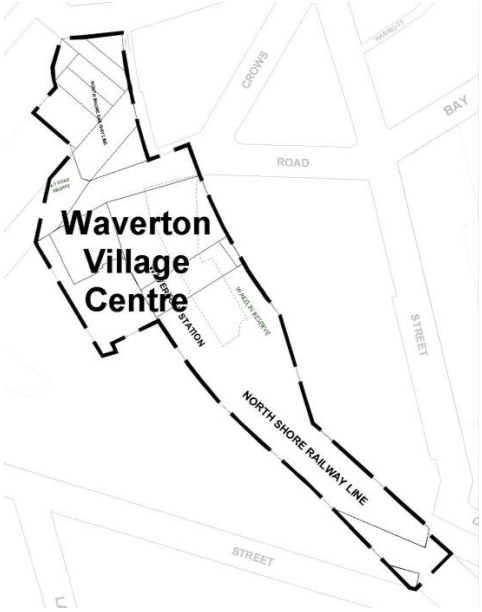
Section 10.11: Crows Nest Road Conservation Area

Section 10.12: Edward Street Conservation Area

Section 10.13: Priory Road Conservation Area

Section 10.14: Bay Road Conservation Area

10.1 WAVERTON VILLAGE CENTRE



10.1.1 Significant Elements

Land Use

P1 Predominantly mixed commercial and residential development.

Topography

P2 Moderate falls to the south.

P3 Large vertical cutting through sandstone to accommodate railway line.

Natural Features

P4 Wakelin Reserve maintained as public park.

P5 Creekline into Wakelin Reserve is conserved.

Views

P6 The following views and vistas are to be preserved and where possible enhanced:

(a) Unobstructed views, from the Bay Road Bridge, of the railway cutting, tunnel and cliff face.

(b) Vistas towards Balls Head and water views along Balls Head Road.

(c) Views toward Railway Station building from Bay Road and Crows Nest Road.

(d) Views from Wakelin Reserve towards Sydney Harbour.

Identity / Icons

P7 North Shore railway line.

P8 Waverton Railway Station.

Subdivision

P9 Irregular subdivision pattern.

Streetscape

P10 Paved street verges.

P11 Buildings built to the boundary.

P12 Continuous awnings to the southern side of Bay Road.

Public transport

P13 Development is to take advantage of the high levels of accessibility to public train and bus services.

10.1.2 Desired Future Character

Diversity

P1 Predominantly mixed-use development with retail and commercial premises on ground floor (fronting Bay Road), non-residential or residential accommodation on the first floor, and residential above.

P2 A community centre is established over the SRA land to the south of the Bay Road.

P3 Development to the north of Bay Road is to comprise a small commercial building set back from Bay Road in a large landscaped open area and used for a plant nursery, café, or childcare.

P4 Man-made features such as the railway cutting at Waverton Station are maintained as local landmarks important to the community.

Access

P5 Pedestrian access is provided from Bay Road through to Carr Street.

10.1.3 Desired Built Form

Subdivision

P1 No further subdivision of land north of Bay Road.

Form, massing and scale

P2 One storey to the north of Bay Road.

P3 To the south of Bay Road:

(a) One to two storeys at the Bay Road frontage.

(b) Any additional storeys are set back at least 6m from the Bay Road frontage above the second storey with little impact on views, overshadowing and privacy.

P4 Building bulk and facades are articulated providing gaps for natural light and direct sunlight to penetrate onto Waverton Station platforms.

P5 Where possible, the building to the north of Bay Road should be retained in its current form.

Siting

P6 Building sited to maintain access to North Shore Railway.

P7 Views from Wakelin Reserve, surrounding residential properties, and solar access (particularly to Waverton Station platforms), considered when siting building.

P8 Development to the north of Bay Road is to be located towards the street frontage of the block, with large side and rear yards.

Setback

P9 To the north of Bay Road:

(a) ***Front:*** 5m.

(b) ***Side:*** 3m.

(c) ***Rear:*** 20m.

P10 To the south of Bay Road:

(a) ***Front:*** 0m.

(b) ***To Wakelin Reserve:*** 3m minimum.

(c) Setbacks from boundaries that adjoin or are near residential properties and areas of open space land, are maintained to protect the amenity of that land.

Solar Access

P11 Dwellings and ground level retail plaza of Waverton Station north east side of 100 Bay Road have good solar access.

Fences

P12 Buildings and front gardens to the north of Bay Road are seen through and over front fences.

Car accommodation

P13 Emergency vehicle access is provided to the North Shore railway line.

P14 Parking is located underground.

P15 Only one access point is provided from Bay Road adjacent to Wakelin Reserve to the SRA Land south of Bay Road.

10.2 THE UPPER SLOPES



10.2.1 Significant Elements

Land Use

P1 Diverse range of low, medium and high density residential accommodation.

P2 Passive and active recreational spaces.

P3 Educational establishments.

P4 Health services facilities.

Topography

P5 Generally falls from the ridge following the Pacific Highway down to the south-west.

Natural Features

P6 Remnant bushland in Smoothey Park.

Views

P7 The following views and vistas are to be preserved and where possible enhanced:

(a) Vistas to Sydney Harbour along Crows Nest Road are maintained.

(b) Remaining views from Brennan Park are maintained.

Identity / Icons

P8 Mater Hospital.

P9 Bradfield College.

P10 North Sydney Demonstration School.

P11 Pacific Highway, a major regional thoroughfare.

P12 North Shore railway line.

P13 Brennan Park.

P14 Smoothey Park.

Subdivision

P15 A diverse mixture of allotment sizes and shapes reflective of the street alignments which follow the undulating topography of the land.

Streetscape

P16 Wide streets with trees set into the carriageway.

P17 Grass verges and concrete paths.

P18 Buildings setback and generally aligned with the street frontage.

P19 Low masonry fences.

P20 Garages built to the boundary along the southern side of Rocklands Road and set into the slope of the land.

Public transport

P21 Development is to take advantage of the high levels of accessibility to public train and bus services.

10.2.2 Desired Future Character

Diversity

P1 Predominantly residential accommodation, comprising:

(a) Residential flat buildings on garden lots, according to zone.

(b) Attached dwellings and multi dwelling housing, according to zone.

(c) Dwelling houses and dual occupancies, particularly in the Balfour and Carlyle Street area.

(d) Rows of semi-detached housing in Sinclair Street.

P2 Supporting community facilities such as educational establishments and health care facilities.

P3 A vibrant and engaging Education Precinct with safe pedestrian networks, high quality built form and a range of formal and informal public spaces for students to study, socialise and engage with the local community.

P4 Provide a range of high quality, purpose-built student accommodation in and around the Education Precinct, within 400m to a tertiary institution, 800m to a railway station, and 400m to a bus stop used by a regular bus service.

P5 Streetscape improvements within the Education Precinct occur in accordance with the North Sydney Centre Public Domain Strategy and the Education Precinct Public Domain Masterplan.

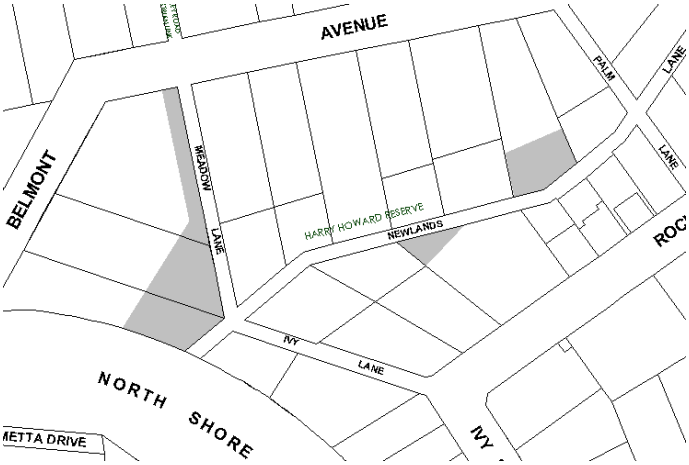
10.2.3 Desired Built Form

P1 Development in the form of residential flat buildings and multi dwelling housing in the relevant zones.

P2 Educational development on the Bradfield College land is residential in scale, similar to attached dwellings and smaller residential flat buildings – with bulk and scale of larger buildings broken down into a number of elements.

P3 Educational establishments must be oriented and designed to address, surveil and activate the public domain areas including streets, pedestrian links, laneways and public spaces.

10.2.4 Newlands Lane Open Space Area



Objectives

O1 Development should maintain the established open landscaped setting provided by the area.

O2 Development should maintain the established scenic, environmental and cultural qualities of Newlands Lane.

O3 Restrict development within the open space area subject area to works relating to the provision of landscaping or open space.

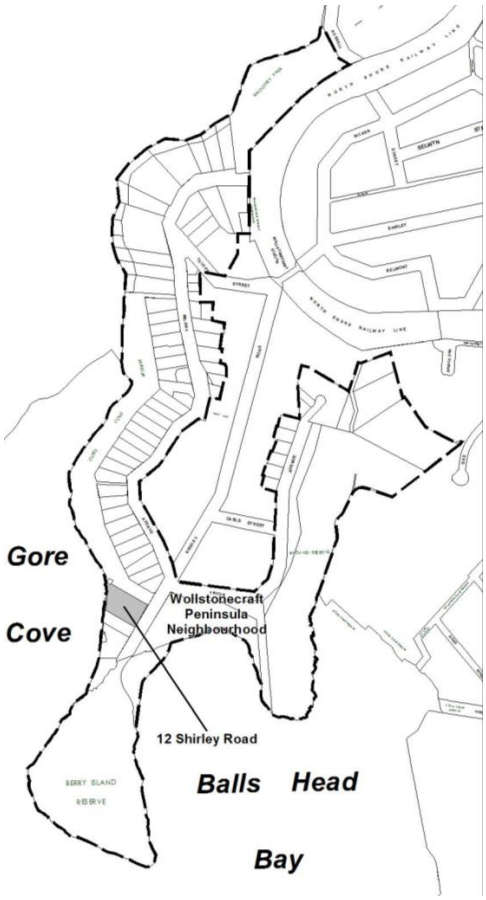
O4 Development should encourage a native bushland setting.

Provisions

P1 Development should not be undertaken in the open space building line area identified by shading in the figure to this section.

P2 Fences of a height of no more than 900mm may be permitted.

10.3 WOLLSTONECRAFT PENINSULA NEIGHBOURHOOD



10.3.1 Significant Elements

Land Use

P1 Residential accommodation.

P2 Passive and recreational spaces.

Topography

P3 Generally falls from the ridge following Shirley Road down to the foreshores of Balls Head Bay and Gore Cove.

P4 Steep topography in the vicinity of the shoreline.

Natural Features

P5 Wetlands in the form of Coastal Saltmarsh along the foreshores of Gore Cove (refer to Section 15 – *Bushland* to Part B of the DCP).

P6 Remnant natural shorelines.

P7 Remnant bushland adjacent to the foreshore.

Views

P8 The following views and vistas are to be preserved and where possible enhanced:

(a) District views to Sydney Harbour.

(b) Bridge End Lookout (110), Tryon Avenue Lookout (111), Berry Island Lookouts (112-114), Gore Cove Track Lookouts (115).

Identity / Icons

P9 Berry Island Reserve.

P10 Badangi Reserve.

P11 Gore Cove bushland and wetlands.

P12 Former Gas Works site.

P13 Gore Cove.

P14 Balls Head Bay.

Subdivision

P15 Irregular grid subdivision reflective of the streets following the topography.

Streetscape

P16 Buildings setback from the boundary with a skewed alignment to respective street frontages.

P17 Split carriageways, raised verges and double rail timber fences.

P18 Remnant sandstone guttering.

P19 Brick and sandstone retaining walls built to the street alignment on the high side.

Public transport

P20 Development is to take advantage of the high levels of accessibility to public train services.

10.3.2 Desired Future Character

Diversity

P1 Predominantly low density residential accommodation comprising of detached dwelling houses.

P2 Development should generally not result in any significant increase in dwelling density.

P3 Maintaining and enhancing existing public foreshore spaces.

Access

P4 Providing continuous public access along the foreshores of Gore Cove and Balls Head Bay.

10.3.3 Desired Built Form

Form massing and scale

P1 Bungalow style to some large "mansion" style dwellings.

P2 Buildings generally of brick and tile construction within a landscaped setting.

P3 Development on sloping sites to follow topography of the land.

P4 Development should be designed to not water disrupt the views from neighbouring properties.

10.3.4 12 Shirley Road



Objectives

O1 To provide continuous public foreshore access along the length of Wollstonecraft Peninsula.

Provisions

P1 Once the entire site ceases to be used by the State government as a research station for fisheries purposes, land directly adjacent to the foreshore of Gore Cove is to be handed back to the general public to enable continuous public access across the entire length of the Gore Cove foreshore.

10.4 GASWORKS NEIGHBOURHOOD



10.4.1 Significant Elements

Land Use

P1 High density residential accommodation.

P2 Passive and active recreational spaces.

Topography

P3 Steep falls south-west to the foreshore, with flatter areas adjacent to the foreshore.

P4 Vertical man-made sandstone cliffs.

Natural Features

P5 Balls Head Bay.

Views

P6 The following views and vistas are to be preserved and where possible enhanced:

(a) Views to Balls Head Bay and beyond.

(b) Bridge End Lookout (110), Tryon Avenue Lookout (111), Berry Island Lookouts (112-114), Gore Cove Track Lookouts (115).

Identity / Icons

P7 Former gasworks buildings.

P8 Balls Head Bay.

P9 Sandstone cliffs.

Subdivision

P10 Large consolidated allotments and strata subdivision.

Streetscape

P11 Wide streets, with no on-street parking.

P12 Grassed verges.

P13 Buildings setback from the boundary with a skewed alignment to respective street frontages.

Public transport

P14 Development is to take advantage of the high levels of accessibility to public train services.

10.4.2 Desired Future Character

Diversity

P1 Predominantly residential flat buildings.

Foreshore

P2 Retain and enhance public access across foreshore areas.

10.4.3 Desired Built Form

P1 Future development of should maintain the existing character of the area with no substantial increase in density.

P2 Development to step down to follow topography of the land.

P3 Development should be designed to not disrupt water views from neighbouring properties.

10.5 WAVERTON VILLAGE NEIGHBOURHOOD



10.5.1 Significant Elements

Land Use

P1 Predominantly residential development.

P2 Limited mixed commercial and residential development and community facilities.

Topography

P3 Gentle falls to the south-west between McKye Street and Whatmore Street.

P4 Steep falls to the south-west between Whatmore Street and Ross Street.

Views

P5 The following views and vistas are to be preserved and where possible enhanced:

(a) From the end of Tunks Street to Sydney Harbour and beyond.

(b) McKye Street Lookout (95), King Street Lookout (96).

Identity / Icons

P6 Former gas works site.

Subdivision

P7 Site areas of 400 - 460m^2.

P8 Long narrow allotments.

Streetscape

P9 Tall sandstone retaining walls built to street alignment.

P10 Low masonry, stone and picket fences.

P11 Buildings setback from the boundary with a skewed alignment to respective street frontages.

P12 Grass verges, concrete footpaths and street trees.

Public transport

P13 Development to take advantage of high levels of access to public train and bus services.

10.5.2 Desired Future Character

Diversity

P1 Predominantly low density residential accommodation comprising dwelling houses, semi-detached dwellings, dual occupancies.

P2 Development should generally not result in any significant increase in dwelling density.

10.5.3 Desired Built Form

Form, massing and Scale

P1 Generally one storey with potential for a second storey set into the fall of the land.

P2 Where possible, any extensions should be contained within a one storey roof-line.

Car accommodation

P3 On-street or to the side where width of lot permits.

P4 No onsite parking structures forward of front building line, except along the northern side of Ross Street, but only where it is set into the fall of the land and hidden from view.

10.6 WAVERTON NEIGHBOURHOOD



10.6.1 Significant Elements

Land Use

P1 Diverse range of residential accommodation.

P2 Passive and active recreational spaces.

Topography

P3 Gentle falls to the foreshores of Berrys Bay.

P4 Wide flat areas adjacent to Berrys Bay.

P5 Steep falls from Ross Street to Balls Head Bay.

P6 Flat areas following the ridge along Balls Head Road.

Natural Features

P7 Berrys Bay.

P8 Balls Head Bay.

P9 Natural shoreline topography and bushland adjacent Balls Head Bay.

P10 Significant stands of mature trees within Waverton Park.

P11 Carradah Park.

P12 HMAS Waterhen.

Views

P13 The following views and vistas are to be preserved and where possible enhanced:

(a) District views to Sydney CBD, Sydney Harbour and beyond.

(b) Views to Iron Cove Bridge from Balls Head Road.

(c) Waverton Park Lookout (98), Will Ashton Lookout (99), Balls Head Lookouts (100 -109).

Identity / Icons

P14 North Shore railway line.

P15 Coal Loader and former BP oil tank cut outs.

P16 Waverton Park.

P17 Berrys Bay.

P18 Balls Head Bay.

Subdivision

P19 Irregular grid pattern reflective of the streets aligning with the topography.

Streetscape

P20 Low fences to Balls Head Road, with high fences to other road frontages.

P21 Buildings setback from the boundary with a skewed alignment to respective street frontages.

Public transport

P22 Development is to take advantage of the high levels of accessibility to public train and bus services.

10.6.2 Desired Future Character

Diversity

P1 Dwelling houses on the upper portions of the ridge of Waverton Peninsula.

P2 Multi dwelling housing and residential flat buildings on Woolcott and Ross Streets.

P3 A community centre being provided in an accessible location in the Waverton Neighbourhood, provides a meeting place for the local community and is part of North Sydney's network of community and cultural centres.

P4 Man-made features such as the tank cuttings on the former BP site are maintained as local landmarks important to the community.

Access

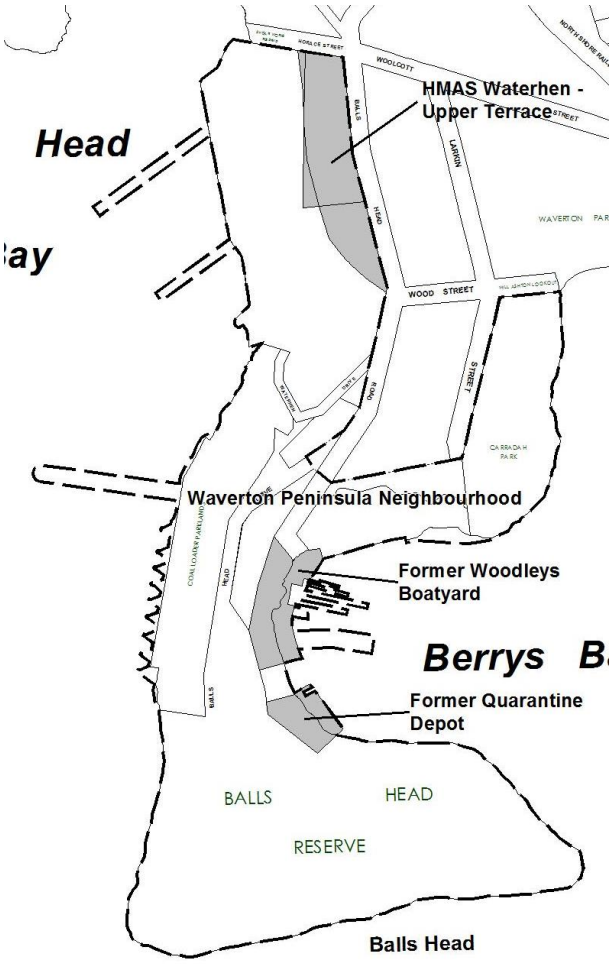
P5 Providing continuous public access along the foreshores of Balls Head Bay and Berrys Bay.

10.6.3 Desired Built Form

Form, massing and scale

P1 Low density and scaled development located along the ridge tops of the Area with higher density development located elsewhere.

10.7 WAVERTON PENINSULA NEIGHBOURHOOD



Where relevant, consideration needs to be given to the requirements of the Waverton Peninsula Masterplan, prepared under the provisions of Chapter 6 -Water Catchments to SEPP (Biodiversity and Conservation) 2021. The provisions under the Masterplan take precedence over the provisions contained within the LEP and DCP.

10.7.1 Significant Elements

Land Use

P1 Passive and active recreation.

P2 Community facilities and services.

P3 Maritime based industrial development.

Topography

P4 Steep falls from the ridge along Balls Head Road and Balls Head Drive down to the foreshores of Sydney Harbour.

P5 Substantial terracing in the vicinity of former and current maritime industrial activities.

Natural Features

P6 Remnant natural shoreline areas.

P7 Remnant bushland in Balls Head Reserve.

Views

P8 The following views and vistas are to be preserved and where possible enhanced:

(a) Views from the end of Larkin Street, from the rock outcrop towards the Sydney CBD, Sydney Harbour and Parramatta River.

(b) Views through the Area from streets, adjoining open space and nearby residences.

(c) Horace Street Lookout (97).

(d) Significant public views of Iron Cove and the Parramatta River from Horace Street, Balls Head Road and the cliff top.

Identity / Icons

P9 Tank cuttings on the former BP site.

P10 Balls Head Reserve.

P11 HMAS Waterhen.

P12 The Coal Loader.

P13 Carradah Park.

P14 Berrys Bay.

P15 Balls Head Bay.

Subdivision

P16 Generally 1ha or greater.

Streetscape

P17 Remnant sandstone guttering.

P18 Informal streetscapes.

P19 Buildings setback from the boundary with a skewed alignment to respective street frontages.

Public transport

P20 Development is to take advantage of the high levels of accessibility to public train and bus services.

P21 Potential to accommodate new ferry services.

10.7.2 Desired Future Character

Diversity

P1 Maintained and enhanced passive recreational spaces.

P2 Community based activities within existing recreational spaces.

P3 Maintaining a working harbour with maritime based industrial, commercial and recreational buildings and structures, hard stand, wharves and jetties, administrative buildings, car parking.

P4 Future maritime uses having a minimal impact on residential amenity.

P5 Man-made features such as the tank cuttings on the former BP site are maintained as local landmarks important to the community.

Access

P6 Enhanced continuous public access along the foreshores.

10.7.3 Desired Built Form

Siting

P1 Maritime buildings are predominantly located against the cliff with a setback from the cliff for access and maintenance.

P2 Areas adjacent to the foreshore are generally free of buildings.

P3 Buildings are sited to avoid obstructing public view corridors to Iron Cove and the lower reaches of the Parramatta River and views to Sydney Harbour.

Form, massing and scale

P4 Generally 1-3 storeys.

P5 The height of buildings is generally kept below cliff lines where possible on low terraces adjoining the foreshore.

P6 Building height is minimised to preserve public and private views.

P7 Generally monolithic structures.

P8 Large open areas including landscaping and hard stand areas.

P9 Buildings follow the natural topography of the land enhancing the scenic qualities of the foreshores.

P10 Power lines are underground minimising visual clutter.

Colours and Materials

P11 Modern, lightweight materials.

P12 Muted colours to minimise the visual impact when viewed from the Harbour.

Roof

P13 Flat or curved.

P14 Flat roofs to preserve views where appropriate.

P15 Buildings on the upper terrace to HMAS Waterhen fronting Balls Head Road have a similar roof form to those on the eastern side of Balls Head Road.

Fences

P16 Retention of existing sandstone fences and walls.

P17 Transparent fences (minimum 80%) screened with landscaping.

Car accommodation

P18 Onsite parking area close to Balls Head Road, to be screened from public view with landscaping.

Traffic management

P19 A traffic report is to be submitted with all development applications which are likely to result in an increase in vehicular traffic. The report is to demonstrate that:

(a) additional traffic flows from the development is safely accommodated on existing local streets.

(b) the environmental capacity of roads west of the Pacific Highway (including Bay, Crows Nest Hazelbank Roads and Woolcott Street) leading to the Waverton Peninsula has been satisfactorily investigated.

10.7.4 HMAS Waterhen - Upper Terrace



The site is currently used by Defence as a secure car park and storage compound. The community is opposed to the intensification of any other Defence functions onto this site and desires a buffer between the primary Defence functions adjacent to the foreshore and residential development on the opposite side of Balls Head Road. The community would prefer that the site ultimately becomes future public open space to provide that buffer. However, if the site is redeveloped for Defence purposes, the following provisions outline the preferred outcome if the site is redeveloped. The principle aim is to ensure that any development is appropriate in scale to the site and nearby homes.

Diversity

P1 Low intensity Defence purposes which do not affect the amenity or safety of adjoining residential premises (e.g. defence accommodation).

Siting

P2 Buildings are to address Horace Street and Balls Head Road.

Setbacks

P3 Incorporate similar front setbacks to dwellings on eastern side of Balls Head Road.

P4 Incorporate similar separation distances between buildings to dwellings on eastern side of Balls Head Road.

Form, massing and scale

P5 Maximum of 1 storey.

P6 Small scale consistent with the built form on the eastern side of Balls Head Road.

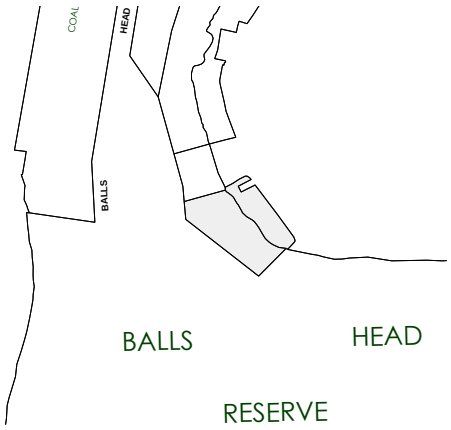
Colours and Materials

P7 Incorporate similar building materials and colours to the residential buildings on the eastern side of Balls Head Road.

Roof

P8 Incorporate similar roof form to those on the eastern side of Balls Head Road.

10.7.5 Former Quarantine Depot



Planning Policies

P1 In accordance with Council's resolution made on 28 May 2012, the principles of the *Waverton Peninsula Masterplan* are to be applied to this site.

Diversity

P2 Low intensity maritime related industrial, commercial and recreational activities having a minimal impact on residential amenity.

P3 Community facilities.

Form, massing and scale

P4 Maintain the scale of existing buildings and structures.

P5 Any alterations and additions to be minimal in scale.

P6 No increase to the length of adjacent wharves.

P7 Reductions in landscaped area will generally not be supported, unless addressing accessibility issues across the site.

Heritage

P8 Development must conform with the Conservation Management Strategy that applies to the site.

Access

P9 Public access across the foreshore portions of the site should be encouraged where practical.

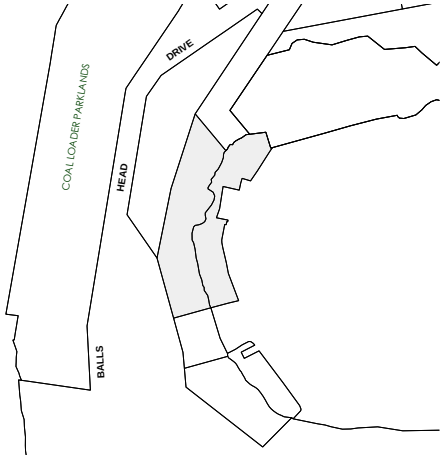
P10 Travel lifts to access the site will not be permitted.

P11 Public access.

Car parking

P12 There shall be no increase in on-site car parking provision.

10.7.6 Former Woodleys Boatyard



Planning Policies

P1 In accordance with Council's resolution made on 28 May 2012, the principles of the *Waverton Peninsula Masterplan* are to be applied to this site.

10.8 JOHN STREET WATERFRONT NEIGHBOURHOOD



10.8.1 Significant Elements

Land Use

P1 Maritime industrial and commercial activities.

Topography

P2 Generally flat below a large man-made sandstone cliff.

Natural Features

P3 Berrys Bay.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) views to Sydney Harbour and beyond.

Identity / Icons

P5 Berrys Bay.

P6 Sandstone cliff.

P7 North Shore railway line.

Subdivision

P8 Large consolidated parcels.

Streetscape

P9 Munro street is narrow with no on-street parking and fully paved verges.

P10 John Street is narrow with fully vegetated verges and double rail timber fences.

P11 Buildings built close to the boundary with a low masonry wall and cycle fencing above.

10.8.2 Desired Future Character

Diversity

P1 Waterfront industrial buildings and structures, hard stand, wharves and jetties, administrative buildings, car parking.

P2 Future maritime uses having a minimal impact on residential amenity.

Access

P3 Providing continuous public access along the foreshores of Berrys Bay via railway lands.

10.8.3 Desired Built Form

Form, massing and scale

P1 Large scale industrial buildings reflective of their foreshore location.

P2 Building height is minimised to preserve public and private views.

P3 The height of buildings generally kept below cliff lines where possible on low terraces adjoining the foreshore.

P4 Large open areas including landscaping and hard stand areas.

Siting

P5 Buildings are generally located against the cliff with a setback from the cliff for access and maintenance.

P6 Areas adjacent to the foreshore are generally free of buildings.

Fences

P7 Open fencing screened with landscaping.

Colours and materials

P8 Modern, lightweight materials.

Roof

P9 Flat or curved.

P10 Flat roofs to preserve views where appropriate.

Car accommodation

P11 To be screened from public view with landscaping.

10.9 SAWMILLERS NEIGHBOURHOOD



10.9.1 Significant Elements

Land Use

P1 Residential accommodation.

P2 Passive and active recreational spaces.

Topography

P3 Steep falls to the foreshores of Berrys Bay with flat areas directly adjacent to the shoreline.

Natural Features

P4 Berrys Bay.

P5 Remnant natural shoreline areas.

P6 Re-established bushland areas to the foreshore.

Views

P7 The following views and vistas are to be preserved and where possible enhanced:

(a) District views to Sydney Harbour and beyond.

Identity / Icons

P8 North Shore railway line.

P9 Sawmillers Reserve.

P10 Berrys Bay.

Subdivision

P11 Large consolidated lots to the north of the Area and smaller lots to the south.

Streetscape

P12 Narrow streets with concrete paths on one side of the street.

P13 High stone and masonry fences.

P14 Buildings setback from the boundary with a skewed alignment to respective street frontages.

Public transport

P15 Development is to take advantage of the reasonable levels of accessibility to public train, bus and ferry services.

10.9.2 Desired Future Character

Diversity

P1 Predominantly a mixture of multi dwelling housing, attached dwellings and residential flat buildings according to zone.

P2 Development should not result in any significant increase in dwelling density.

P3 Maintaining and enhancement of passive recreational spaces with continual foreshore access.

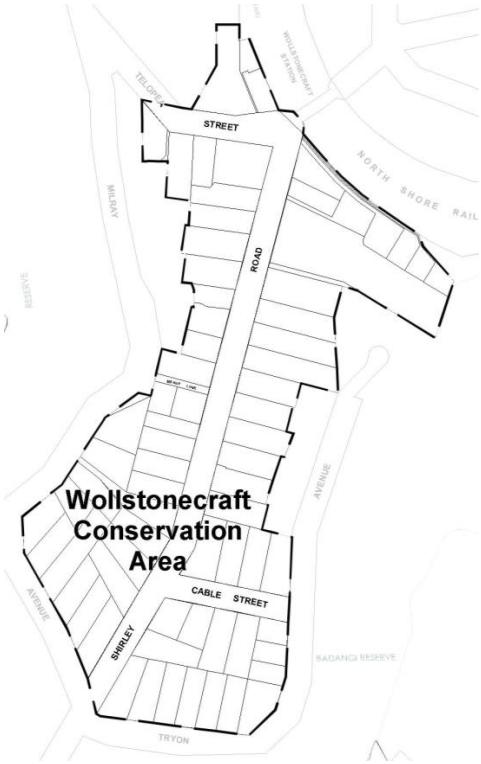
10.9.3 Desired Built Form

Form, massing and scale

P1 Development is to step down with the topography to ensure the retention of views to the waters of Sydney Harbour.

P2 Development to be setback from the foreshore to enable continuous public foreshore access.

10.10 WOLLSTONECRAFT CONSERVATION AREA



10.10.1 History

The Wollstonecraft Conservation Area was part of the land granted to Edward Wollstonecraft in 1825 and subsequently known as the Berry Estate. Berry and Wollstonecraft were business partners and related by marriage.

The Wollstonecraft peninsula was one of the last areas of the Wollstonecraft/Berry Estate to be developed. It was subdivided from 1912 and the prime building land, near the railway, was developed with large Federation style homes.

The major phase of development was after World War One, when Federation or Californian Bungalow and Inter-war residential flat building styles were common. A number of uncharacteristic residential flat buildings and multi-dwelling housing were built on the fringes of the peninsula after World War II when further subdivisions along Milray and Tyron Avenues occurred.

10.10.2 Description

The Wollstonecraft Conservation Area is part of the Wollstonecraft peninsula that lies between Gore Cove and Balls Head Bay. The area has bushland reserve to the east, south and west and is separated from the areas to the north by the North Shore railway line.

Shirley Road runs along the ridge and the landform falls to the south and away to east and west off the ridge. Shirley Road and Milray Avenue incorporate level changes across their width. The subdivision pattern is irregular and partly determined by the topography with no rear lanes. Milray and Tryon Avenues are subordinate circuit streets that run with the contours around the peninsula.

The Conservation Area is characterised by detached residential development on large garden lots in a mix of Federation, Federation Queen Anne, Arts and Crafts, Olde English and

Californian bungalow styles and, interspersed with some Inter-war art deco residential flat buildings. The houses are typically large, and set well back from the street in established gardens, some with tennis courts. Most are on original lots. Houses to the high side of the street are often set on plinths.

Street verges are typically 3.5 m wide and include grass and concrete footpaths and crossings to off street parking. There is low shrub and tree planting in the street reservation and on the grass verge. The street lines are reinforced by the stone and brick fences that follow the slope of the streets.

The vista along Shirley Road terminates dramatically at Berry Island, an area of regenerated bushland. There are also expansive views of Sydney Harbour and Berry Island from the end of Shirley Road.

Planting in front gardens contributes to the landscape.

Uncharacteristic elements include modern residential flat buildings; over-scaled, two storey additions; over-scaled and poorly detailed carports and garages; front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; rendered high walls and fences to the street.

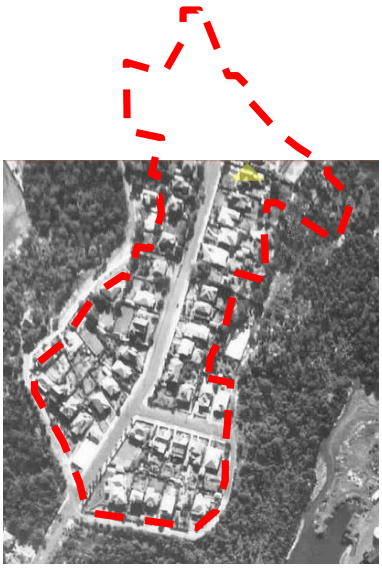


Figure F-10.2 (above):
Circa 1943

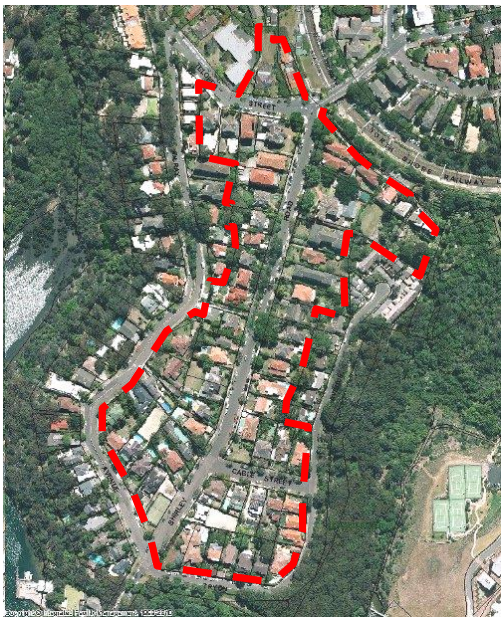


Figure F-10.3 (above):
Circa 2008

10.10.3 Statement of Significance

The Wollstonecraft Conservation Area is significant:

(a) As a substantially intact residential subdivision from the early 20th century that retains much of it urban detail and fabric in gardens, street fencing and use of sandstone.

(b) As a consistent and largely intact early 20th century residential area with a mix of high quality buildings and particularly the Federation and Inter-War housing on large lots.

(c) For its unity that is derived from its subdivision history and which is evident in the development and built form.

10.10.4 Significant elements

Topography

P1 Peninsula form, falling away on either side of the ridge to Gore Cove and Balls Head Bay.

Subdivision

P2 Rectangular blocks with narrowest boundary to street.

Streetscape

P3 Changes in level, split road and path formations. Sandstone and brick street fences reinforce road layout. Post and rail fencing.

Views

P4 Tryon Avenue lookout. Views along Shirley Road and from the lower end over Berry Island and the harbour. Views through bush to the harbour from Cable Street and Tryon Avenue. Slot views to the harbour and foreshore over and between buildings.

10.10.5 Characteristic buildings

P1 Single storey and two storey dwelling houses on garden lots.

P2 Inter-war residential flat buildings.

10.10.6 Characteristic built elements

Siting

P1 Middle of lot (or slightly forward), generous front and side gardens with trees, lawns and shrubs.

P2 Consistent setbacks.

Form, massing and scale

P3 Single and two storey with hipped and gabled roofs with rear extensions.

P4 Reduced height and scale to rear.

P5 Complex massing, roof form and detail to larger houses.

P6 Strong skyline of pitched roofs and chimneys visible from street and stepped along the streets.

Roofs

P7 Pitched and hipped between 30 and 45 degrees with slate and terracotta tiled roofs, without dormers or openings that can be seen from the street.

P8 Gabled ends for projecting bays to the street.

P9 Skillion roofs to rear extensions.

P10 Brick and rendered chimneys with terracotta chimney pots.

External Materials

P11 Sandstone, face brick, roughcast render sandstone foundations.

P12 Textured brick to Inter war residential flat buildings.

P13 Slate and terracotta tiled roofs.

P14 Timber windows, doors and joinery in a Federation, Edwardian and Inter War style.

P15 Leadlight windows. Original front and side garden landscaping.

Fences

P16 Original low front fences.

P17 Low sandstone walls, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.

Car accommodation

P18 Side drives with garages and parking located behind the building line.

10.10.7 Uncharacteristic elements

P1 Over-scaled additions; Carports and garages to front of lot; dormers and rooflights to front and side roofs; removal of original details, painting and rendering of face brickwork; high walls and fences to street; inappropriate fence details, paving of gardens

10.11 CROWS NEST ROAD CONSERVATION AREA



10.11.1 History

The Crows Nest Road Conservation Area was part of the land granted to Edward Wollstonecraft in 1825 and subsequently known as the Berry Estate when it passed to Alexander Berry. Wollstonecraft named the estate Crows Nest Farm and built a large house there, Crows Nest House. The Conservation Area extends across what was the 1890s curtilage of the 1850s residence.

Parts of the estate and the house were bought by Sir John Hay in 1897 and parts of the estate were subdivided. The subdivisions progressively alienated the land around the house. Crows Nest House dwelling remained the residence of Hay and then his widow, Lady Jessie Hay.

Residential building covenants applied over the subdivision proscribing siting, type and quality of houses to be approved by the Trustees of the Estate or their architects. Lady Hay's will made provision for a school, shown on the 1932 subdivision plan and now known as the North Sydney Demonstration School.

The final subdivision occurred in 1934 after the death of Lady Hay and Crows Nest House was demolished. A land parcel known as the "Branthwaite Estate" was subdivided in 1935 separately to the rest of the Crows Nest House grounds.

10.11.2 Description

The Crows Nest Road Conservation Area is a residential area characterised by medium to large detached houses on garden lots and is bounded to the east by the Pacific Highway, the multi-storey units to the north and the North Sydney Demonstration School to the south.

The area is relatively level, sloping slightly from the ridge of the Pacific Highway towards the west, though the lower end of Crows Nest Road is terraced. Street layout and subdivision is determined by the Estate boundaries with a linear pattern of large, regular and rectangular lots with wide street frontages and no rear lanes.

The area is characterised by its single and two storey individual (often architect designed) houses in a range of Inter-war styles intended to be viewed from at least three sides. Facades are modulated by strong, recessed and projecting geometrical forms consistent with each building style. The house styles are unified by the regular subdivision pattern, building materials, massing and setbacks and by the high quality of construction and design. The earlier houses to the periphery tend to be smaller and less distinct.

Street verges are typically 3.5m wide grass nature strips and concrete footpaths with crossings for off street parking. Hazelbank Road is on the slope and houses to the high side of the street are set above the footpath.

Introduced and native species are planted on grass verges and within roads, most dating from the 1920/1930 subdivision, forming avenues that unify the streetscape. The large plane trees planted along Hazelbank Road are among the most significant of the area.

Front gardens contribute to the landscaped character of the area with large areas of lawn, introduced plant species, and straight stone-flagged or brick paved paths leading to the house. Gardens are often open at street level or above low retaining walls.

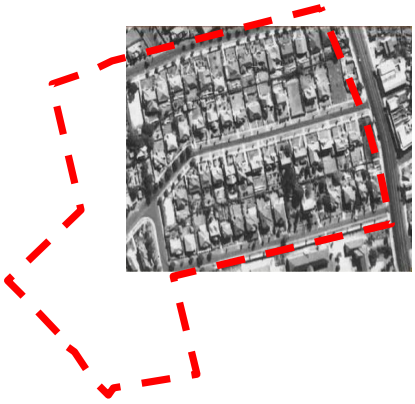
Uncharacteristic elements include over-scaled, two storey additions; over-scaled and poorly detailed carports and garages to the street; front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.



Figure F-10.4 (left):
Circa 1890

Figure F-10.5 (below left):
Circa 1943

Figure F-10.6 (below):
Circa 2008





10.11.3 Statement of Significance

The Crows Nest Road Conservation Area is significant:

(a) As an excellent example of Inter-war garden suburb planning and subdivision for non-speculative residential development.

(b) For its rarity in the locality as a largely intact and consistent residential area from the 1920 – 1930 eras that retains a fine range of Inter-war houses of one and two storeys, built on large lots with intact gardens and single garages.

(c) For its strong landscape qualities that combine from the established trees, grassed verges and large open front gardens that provide unity to the streetscape.

(d) For its association with Crows Nest House, and potential for evidence of the site of the historic house.

10.11.4 Significant elements

Topography

P1 Generally level, sloping away from Pacific Highway to the west.

Subdivision

P2 Detached dwelling houses: approximately 800m^2 lots with 18m to 22m frontage.

P3 Large rectilinear lots, narrowest boundary to street frontage.

Streetscape

P4 Street trees planted in verges and carriageways, mainly Plane Trees, Brushbox and Melaleucas.

P5 Low retaining walls of sandstone and face brick, stepped in height following changes in street level.

P6 Deep grass verges, concrete paths and concrete kerbs.

Views

P7 Street vistas along Hazelbank Road, Crows Nest Road, McHatton Street and Bay Road.

P8 Slot views to harbour along Mc Hatton Street.

10.11.5 Characteristic buildings

P1 Single storey Californian Bungalows, Arts and Crafts and Queen Anne Revival houses, and houses on 1921 subdivision.

P2 Single and two storey houses of Old English, Georgian Revival, Mediterranean, Art Deco and International styles on the later subdivision.

10.11.6 Characteristic built elements

Siting

P1 Dwellings set well back from the front of the block.

P2 Principal building frontage oriented to and parallel to the street alignment.

P3 Consistent setbacks.

Form, massing and scale

P4 Single and two storey buildings with hipped and gabled roofs.

P5 Reduced height and scale to the rear.

P6 Dwelling houses of individual design, well modulated on front and side facades with recessed and projecting geometric forms, such as bays, verandahs and cantilevered balconies, consistent with architectural style of the house.

Roofs

P7 Hipped and gabled with low pitch for Californian Bungalow and Mediterranean styles, steeper pitch (35-45 degrees) for Georgian Revival and Old English styles without dormer or openings viewed from street.

P8 Flat roofs concealed behind parapet walls for International styles.

P9 Face brick chimneys.

Materials

P10 Sandstone bases; face brick; original rendered walls.

P11 Slate; glazed terracotta tiled roofs.

P12 Timber windows, doors and joinery.

P13 Original front garden landscaping stone-flagged driveways and flagging paths.

Windows and doors

P14 Narrow vertical windows and doors within solid masonry walls.

P15 Entrance doors with porches or porticos contained under a separate roof with arched openings.

P16 Casements or double-hung sash windows (except International style houses).

P17 Timber window shutters for the revival house styles of old English/Tudor and Georgian.

P18 Horizontal steel windows and doors for International style houses.

P19 Stripped and relatively heavy Inter-war detailing around window arrangements, the front door and gable ends, such as wrought iron grills to windows, masonry balustrades.

Fences

P20 Low sandstone and brick walls.

Car accommodation

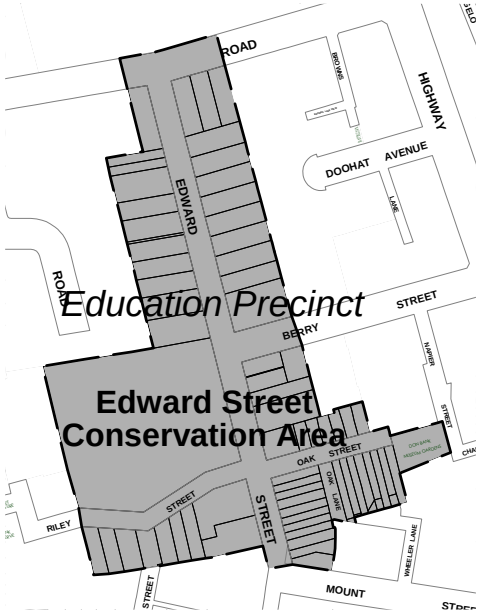
P21 Located to side drives.

P22 Garages and porte-cocheres set back behind the front building line.

10.11.7 Uncharacteristic elements

P1 Over-scaled two storey additions; over-scaled and poorly detailed carports and garages to the street; front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

10.12 EDWARD STREET CONSERVATION AREA



10.12.1 History

The Edward Street Conservation Area includes land from *The Priory* and *Rockleigh Grange*, both of which were sold from the Wollstonecraft Estate in the 1840s. It also includes parts of a later (1850s) subdivision by Alexander Berry, a partner of Edward Wollstonecraft.

The 1850s subdivision was designed for small township building blocks and various small scale dwelling houses and attached dwellings were built at the southern end of Edward Street as a result.

Blocks at the northern end of Edward Street were purchased and consolidated by Capt. RF Pockley who built "Doohat". The three large properties were sold during the 1880s and sections of the estates subdivided and sold during the 1890s. Residential development then followed in the early 20th century.

10.12.2 Description

The Edward Street Conservation Area runs each side of Edward Street with larger areas to the south including the Catholic University site. It is bounded to the east by high rise along the Pacific Highway, the North Sydney School to the north and by the steep slope to the west.

Edward Street runs along the top of a ridge and is flat to the east falling steeply to the west along Riley Street. Subdivision is determined by the street layout and topography with rectangular and irregular lot sizes, some developed for attached housing with no rear lanes.

The area is characterised by each phases of development and groupings of identical rows of houses. The early phase of development is represented by the Don Bank Group; small scale, attached, single storey weatherboard and brick houses in the Victorian Georgian and Italianate style. These buildings create an intimate 19th century atmosphere and context for the Victorian Filigree style developments at the southern end and the later detached dwellings at the northern end in the Federation Queen Anne and Inter War styles. There is some two storey Victorian and Federation attached dwellings houses and residential flat

buildings and later infill developments. The Catholic University occupies the west of the conservation area and contains *Rockleigh*, modern buildings and car parking.

Street verges are 3.5 metres wide to Edward and Berry Street with grass and concrete footpaths and crossovers for parking. Houses to the high side of the street are set on brick and sandstone plinths and the houses to Riley Street are set on elevated sites with high, sandstone retaining walls to the street.

There are views from Edward Street to the CBD and to the west to the Harbour. The axial view north along Edward Street looks directly to the stone gateway of the original Lady Hay's Estate.

The land steps across Edward Street with a high side to the east with houses and a low side to the west and there are low street trees. Front gardens contribute to the landscaping of the street and there are remnant trees in the former *Rockleigh Estate.*

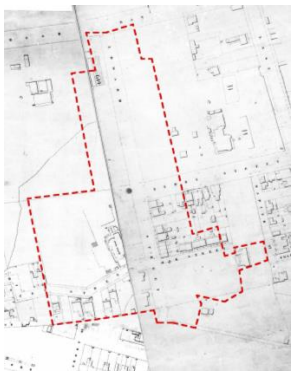


Figure F-10.7 (left):
Circa 1890

Figure F-10.8 (below left):
Circa 1943

Figure F-10.9 (below right):
2008





10.12.3 Statement of Significance

The Edward Street Conservation Area is significant:

(a) As an intact example of early township development in North Sydney.

(b) As a subdivision of the *Priory* and *Rockleigh Grange* Estates.

(c) For its grouping of intact and commonly detailed mid Victorian and Federation houses.

10.12.4 Significant elements

Topography

P1 Top of ridge, flat to the east falling away to west.

Subdivision

P2 Rectilinear subdivision with narrower boundary to street frontage.

P3 Irregular lots to slope.

Streetscape

P4 Split streets and changes in level.

P5 Double rail timber fences.

P6 Strong skyline of simple pitched roofs and tall chimneys without dormers or openings to the street.

Views

P7 Street views along Edward and Riley Streets.

P8 Slot views over and between buildings to western Sydney from Edward Street.

10.12.5 Characteristic buildings

P1 A mixture of:

(a) Single storey semi-detached and attached Victorian Georgian and Filigree dwelling houses.

(b) Single storey Federation and Queen Anne style detached dwelling houses to common detail.

(c) Two storey Federation residential flat buildings.

10.12.6 Characteristic built elements

Siting

P1 Located forward on the lot with large rear gardens.

P2 Consistent setbacks.

Form, massing and scale

P3 Single storey detached, semi-detached and attached dwellings with projecting bays and verandahs to the street.

P4 Skillion rear wings.

P5 Reduced height and scale to rear.

P6 Dwellings in groups of identical design (detached, semi-detached and attached).

Roofs

P7 Gabled and hipped between 30 and 45 degrees.

P8 Gable ends to side.

P9 Skillion roofs to rear extensions. Brick and rendered chimneys.

External Materials

P10 Face brick, original rendered masonry walls.

P11 Slate, corrugated metal, terracotta tiles roofs timber joinery on sandstone base course.

P12 Timber windows with original coloured glass and leadlight, doors and joinery.

P13 Cast iron lacework.

P14 Original front garden landscaping.

Windows, doors and joinery

P15 Victorian, Federation and Edwardian. Timber.

Fences

P16 Original low front fences.

P17 Timber fences to rear.

P18 Sandstone plinths, sandstone piers, metal palisade and gates, timber pickets, original face brick with piers.

Car accommodation

P19 To street with paved hardstand areas. No garages or carports in front of building line.

10.12.7 Uncharacteristic elements

P1 Uncharacteristic elements include modern, multi-storey commercial buildings; over-scaled, two storey additions; carports and garages in front setback, over-scaled and poorly detailed carports and garages; paving of front setback for car parking, front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

10.12.8 Future character and built elements

P1 A vibrant and engaging Education Precinct with safe pedestrian networks, high quality built form and a range of formal and informal public spaces for students to study, socialise and engage with the local community.

P2 Educational establishments must be oriented and designed to address, surveil and activate public domain areas including streets, pedestrian links, laneways and public spaces.

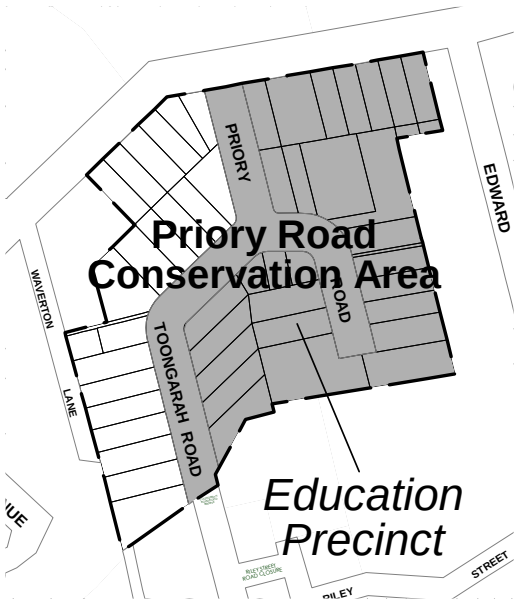
P3 Cluster education-related development along Edward Street between Berry Street and Oak Street.

P4 Where educational establishments provide night classes, these activities should be concentrated along Napier Street and Berry Street, within easy walking distance of public transport.

P5 Provide a range of high quality, purpose-built student accommodation in and around the Education Precinct, within 400m to a tertiary institution, 800m to a railway station, and 400m to a bus stop used by a regular bus service.

P6 Streetscape improvements within the Education Precinct occur in accordance with the North Sydney Centre Public Domain Strategy and the Education Precinct Public Domain Masterplan.

10.13 PRIORY ROAD CONSERVATION AREA



10.13.1 History

The Priory Road Conservation Area was part of the land granted to Edward Wollstonecraft in 1825 and subsequently known as the Berry Estate. Berry and Wollstonecraft were business partners and related by marriage.

Colonel George Barney (Commander of Royal Engineers) leased the Priory Estate from Berry in the mid-1830s. In 1843 he purchased an extra one and a half acres, which included "Toongarah", forming an estate of about 10 acres.

"The Priory" was built in the 1840s at a time when the north shore was becoming more attractive as a residential location for the mansions built between the 1830s and the 1860s

In 1913 the estate was subdivided into 40 lots forming Toongarah Road and Priory Road. At this time both of the original dwelling houses, "Toongarah" and "The Priory" were extant. Further subdivisions occurred in the 1920s and 1930s.

"Toongarah" was purchased by SCEGGS school in 1917. The land was subdivided in 1939 into six blocks, and "Toongarah" was demolished. The original "Priory" building was incorporated into flats.

10.13.2 Description

The Priory Road Conservation Area is a small residential area bounded by Bay Road and the escarpment and reserve to the end of Toongarah Road.

The landform falls to the south with the southern end of strongly defined by the cliff. The subdivision pattern is determined by the wide, horseshoe shaped road and their being cul de sacs. Lot sizes are irregular though generally rectangular. The road system has been affected by the topography with Priory and Toongarah Roads falling down the slight hill and finishing at dead ends. Both ends are relatively wide.

The area is characterised by detached dwelling houses on medium sized lots and a few residential flat buildings on larger lots. The majority of buildings are single storey and were built between 1915 and 1928 soon after subdivision in the Inter-war Californian Bungalow style. There are a few Federation era buildings, 1930s flats and several buildings from the

1940s built after the subdivision of the site of "Toongarah". There are modern infill residential flat buildings.

Streets verges are typically 3.5 m wide and include grass with concrete footpaths and kerbs. Street trees and plantings in the private gardens are important to the character of the area. The area is heavily planted with trees.

There are views to trees and rooftops of the Bank Street valley, and to the Sydney CBD and long views from the lookout at the end of Toongarah Road.

Uncharacteristic elements include modern residential flat buildings; modern dwelling houses; over-scaled, two storey additions; over-scaled and poorly detailed carports and garages; front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; garages and car ports to the street; high walls and fences to the street.

The materials used in the Conservation Area are consistently dark face brick, unglazed terracotta tiled hipped and gabled roofs, and timber framed casement windows. Front fences are generally low and typically in brick to match the house style. Priory Road also features some sandstone retaining walls. The setbacks from the street allow for small front gardens.

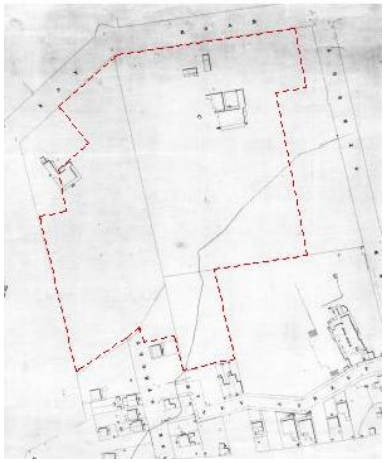


Figure F-10.10 (left):
Circa 1890

Figure F-10.11 (below left):
Circa 1943

Figure F-10.12 (below right):
Circa 2008





10.13.3 Statement of Significance

The Priory Road Conservation Area is significant:

(a) As a subdivision of the 1840s curtilage of the early mansions, "The Priory" and "Toongarah".

(b) As a largely intact and consistent early 20th century residential area that has a mix of Inter-war buildings, including bungalows and residential flat buildings in original condition.

(c) For its quiet landscape setting derived from the mature street plantings, grassed verges, small open front gardens, low front fences and backdrop of trees in the valley below.

(d) For its contained character derived from the cul-de-sac street pattern, the topography and the consistency of building form and materials.

10.13.4 Significant elements

Topography

P1 Sloping southwards to the cliff edge.

Subdivision

P2 Detached dwelling houses: 380m^2 lots with 10m frontage.

P3 Detached, semi-detached houses and attached houses: 180m^2 to 260m^2 lots with 4-6m frontages.

P4 Generally rectangular blocks with irregular shaped blocks on the corners and along the eastern side of Toongarah Road.

Streetscape

P5 Street trees planted in verges, mainly small eucalypts, Plane Trees and paperbarks.

P6 Pedestrian linkages from Priory Road to Edward Street, and from Toongarah Road to Waverton Lane.

Views

P7 Views of trees and houses in the valley below, and limited views to the tops of the higher buildings in North Sydney, mostly from private domain.

P8 Views from Toongarah Street lookout over the valley to Sydney CBD.

10.13.5 Characteristic buildings

P1 Detached, single storey inter-war Californian bungalows on garden lots.

P2 1930s/40s residential flat buildings.

10.13.6 Characteristic built elements

Siting

P1 To the front of block.

P2 Dwellings on the eastern side of Toongarah Road are oriented to side boundaries.

P3 Consistent setbacks.

Form, massing and scale

P4 Single storey with hipped and gabled roofs with skillion rear extensions.

P5 Reduced height and scale to rear.

P6 Open verandahs to front.

Roofs

P7 Hipped and gabled, pitched between 30 and 40 degrees without dormers to front and sides. Brick and rendered chimneys with terracotta chimney pots.

External Materials

P8 Sandstone bases, face brick walls, wall shingles, original render and roughcast render. Textured and dark brick to residential flat buildings.

P9 Slate, terracotta tiles, asbestos cement sheet, corrugated metal roofs.

P10 Original timber windows, doors and decorative joinery.

P11 Original front garden landscaping.

Windows, doors and external joinery

P12 Federation and Inter-war casements and double hung sash. Timber.

Fences

P13 Low timber pickets, timber rails and mesh original face brick with piers.

Car accommodation

P14 Located off street with crossovers and garages and carports at side or rear. No garaged or carports in front of building line.

10.13.7 Uncharacteristic elements

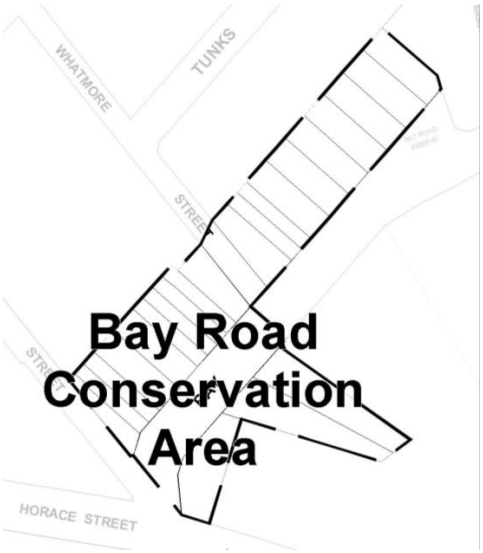
P1 Uncharacteristic elements include modern, multi-storey commercial buildings; over-scaled, two storey additions; carports and garages in front setback, over-scaled and poorly detailed carports and garages; paving of front setback for car parking, front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

10.13.8 Future built elements

P1 Provide a range of high quality, purpose-built student accommodation in and around the Education Precinct, within 400m to a tertiary institution, 800m to a railway station, and 400m to a bus stop used by a regular bus service.

P2 Educational establishments must address and activate public domain areas including streets, pedestrian links, laneways and public spaces.

10.14 BAY ROAD CONSERVATION AREA



10.14.1 History

The Bay Road Conservation Area was part of the land granted to Edward Wollstonecraft in 1825 and subsequently known as the Berry Estate when it passed to Alexander Berry, a business partner and related by marriage.

The Conservation Area is adjacent to Waverton Station, which opened in 1893 as part of the St Leonard's to Milson's Point line.

The section of Bay Road was originally known as Crows Nest Road as it gave access to the Crows Nest Estate from Berrys Bay.

The western side of Bay Road was subdivided from 1883-1888. It was part of land owned by the Colonial Sugar Refining Company which operated a sugar works, one of the earliest industries along the foreshore. The Sugar Company Estate included Ross Street, Whatmore Street, Tunks Street and McKye Street.

The oldest building in the Conservation Area appears to be the Victorian cottage behind the Uniting Church at 75 Bay Road. The buildings at 116, 118 and 122 Bay Road are part of an area that was subdivided in 1910.

10.14.2 Description

The Bay Road Conservation Area is located at the end of Bay Road and is bounded to the east by the North Shore railway line.

The landform is relatively flat with the land rising to the north east and falling to the south west. It has an enclosed character due to the topography, being located at the base of two hills, and from the narrowing of the street. At the end of Bay Road there are views of Balls Head Bay and the Balmain peninsula beyond.

The subdivision pattern is regular but follows the curve of the street with tapering lots to the south.

The area has a village atmosphere focusing on Waverton Railway Station.

Characteristic buildings in the area are single storey, semi-detached dwelling houses dating from the Federation period. The area also contains a small strip of Federation period commercial buildings.

There are some modern intrusions on the eastern and western side of Bay Road, and some contemporary residential flat buildings.

Street plantings reinforce the village-like atmosphere of the area.

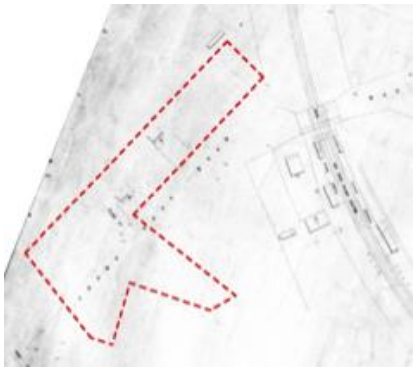


Figure F-10.13 (left):
Circa 1890

Figure F-10.14 (below left):
Circa 1943

Figure F-10.15 (below right):
Circa 2008





10.14.3 Statement of Significance

The Bay Road Conservation Area is significant:

(a) As a Federation period pocket of commercial and residential development, and one of the few intact areas of early development in the Waverton area.

(b) For its enclosed village-like character that is a function of the topography, narrowing of the street.

10.14.4 Significant elements

Topography

P1 At the base of two hills, falling towards Balls Head Bay.

Subdivision

P2 Regular subdivision with tapering lots to the south and irregular shaped blocks at the corners.

Streetscape

P3 Dwellings raised above street level north of Whatmore Street corner. Higher footpath level north of Whatmore Street, with winding steps to street level.

P4 Widened footpath at shops with outdoor seating.

P5 Street trees on footpath and adjacent to narrowed road section and traffic calming devices.

Views

P6 Views to Balls Head Bay from southern end of road.

10.14.5 Characteristic buildings

P1 A mixture of:

(a) single storey Federation detached and semi-detached dwelling houses on garden lots.

(b) two storey, Federation commercial buildings with parapets.

10.14.6 Characteristic built elements

Siting

P1 Detached dwelling houses located towards the front of the block and addressing the street but leaving a small rear yard.

P2 Shops built to street boundary.

P3 Consistent setbacks.

Form, massing and scale

P4 Single storey, detached dwelling houses with simple forms articulated with projecting bays and verandahs to front and a reduced scale and bulk to the rear.

P5 Two storey commercial buildings with parapets and clearly defined "front" of building, oriented to the street.

Roofs

P6 Hipped and gabled between 30 and 45 degrees with overhanging eaves. Skillion roofs to rear wings. Parapets on shops. Variety of chimney designs.

External Materials

P7 Face brick on sandstone bases, roughcast render. Terracotta tiles with corrugated metal on rear wings.

Windows and doors

P8 Federation style. Lead light decorative glazing. Timber.

Fences

P9 Low height front fences in a variety of materials – timber, stone, iron palisade.

P10 Timber fences to side and rear.

Car accommodation

P11 No garages or carports in front of the building line.

10.14.7 Uncharacteristic elements

P1 Carports to front of lot; dormers to front of roofs; over-scaled additions; painting and rendering of face brickwork; removal of original details, alterations to original roof forms high fences to street; inappropriate fence details.

P2 Modern infill development.

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APPENDICES

PREFACE

The North Sydney Development Control Plan 2025 contains two appendices.

Appendix 1 contains the dictionary defining the meaning of particular terms in the DCP.

Appendix 2 identifies items in conservation areas that are contributory, neutral and uncharacteristic (and not heritage items) to guide the approach to development.

The Appendices comprise:

Appendix 1:	Dictionary
Appendix 2:	Heritage – Contributory, Neutral and Uncharacteristic Items

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APPENDIX 1 DICTIONARY

Abbreviations used in this DCP are defined as follows:

ABS	Australian Bureau of Statistics
AS	Australian Standards
BCA	Building Code of Australia
DCP	Development Control Plan
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulations	Environmental Planning and Assessment Regulations 2021
LEP	Local Environmental Plan
LGA	Local Government Area
NSLEP 2013	North Sydney Local Environmental Plan 2013
RMS	Roads and Maritime Services
SEPP	State Environmental Planning Policy
WELS	Water Efficiency Labelling Scheme
WSUD	Water Sensitive Urban Design

This DCP adopts all the definitions contained within NSLEP 2013. In addition to these definitions, the following terms used in this DCP are defined as follows:

adjoining land means land which abuts an application site or is separated from it only by a road, land, pathway, driveway, right of way or similar thoroughfare.

advertising display area means an area of an advertisement or advertising structure used for signage, and includes any borders of, or surrounds to, the advertisement or advertising structure, but does not include safety devices, platforms or lighting devices associated with advertisements or advertising structures.

apartment means a dwelling within a residential flat building or a dwelling comprising shop top housing within a mixed use development.

application site means the land to which an application for development consent relates and includes any easement or right of way relating to the site.

black-water means the leftover water from toilets and kitchen sinks. However, the left over water from the kitchen sink can be defined as grey-water, but only if it has been subject to appropriate treatment.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

building work means any physical activity involved in the erection of a building.

building wrap advertisement means an advertisement that covers or wraps:

(i) a building or land, or

(ii) a building that is under construction, renovation, restoration or demolition,

but does not include a wall advertisement.

bushland means any land zoned *C2 Environmental Conservation* identified on the zoning maps to NSLEP 2013 or other public land that is managed by Council as bushland.

continuous accessible path of travel means an uninterrupted path of travel to or within a building providing access to all required facilities. For non-ambulatory people, this accessible

path should not incorporate any step, stairway, turnstile, revolving door, escalator or other impediment which would prevent it from being safely negotiated by people with disabilities.

Council means North Sydney Council and extends to include any Council officers who may make a decision on an application with delegated authority.

delegated authority means authority to make a decision as resolved by Council under s.377 of the *Local Government Act 1993* or as described in Council's Delegations Manual.

demolition means the complete or partial dismantling of a building or structure including damage, defacement or the relocation of a building or structure.

dominant skyline is the common or typical height of buildings, structures or trees in a locality rather than the average or mean height.

freestanding advertisement means an advertisement displayed on a structure mounted on the ground on one or more supports.

grey-water means the leftover water from baths, showers, hand basins and washing machines only. It may also include the left over water from the kitchen sink, but only if it has been subject to appropriate treatment.

gross building area means the total enclosed and unenclosed area of the building at all building floor levels measured between the outside face of any enclosing walls, balustrades and supports.

hedge means a line of two or more trees or shrubs planted close together for the purpose of forming a fence, a screen, or a boundary.

impulsive noise means having a high peak of short duration or a sequence of such peaks.

intermittent noise means the level suddenly drops to that of the background noise several times during the assessment period, with a noticeable change in noise level of at least 5 dB.

kerb ramp, in relation to Part B: Section 12 – *Access*, means an inclined access way with a length not greater than 1520mm and a gradient not steeper than 1 in 8, located within a kerb.

land includes any building or part of a building erected on the land.

landing, in relation to Part B: Section 17 - Access, means a flat or crowned surface with gradient not steeper than 1 in 40.

low-frequency noise means containing major components within the low frequency range (20 Hz–250 Hz) of the frequency spectrum.

multi-dwelling development means a development containing 3 or more dwellings on the same parcel of land regardless of whether other land uses are also proposed on the same land.

neighbouring land means any land, other than adjoining land, which may be adversely affected by the use of an application site or the erection of a building on an application site (includes properties in a neighbouring Local Council Area).

owner means the name and address of the proprietor of land as registered in Council's rating records.

product image means any words, letters, symbols or images that identify a product or corporate body, but does not include any object to which the words, letters, symbols or images are attached or appended.

Public Art Policy means a policy adopted by a consent authority, in a development control plan or otherwise, that establishes forms and locations for art works in the public domain.

rail corridor means land:

(a) that is owned, leased, managed or controlled by a public authority for the purpose of a railway or rail infrastructure facilities, or

(b) that is zoned under an environmental planning instrument predominantly or solely for development for the purpose of a railway or rail infrastructure facilities, or

(c) in respect of which the Minister has granted approval under Part 3A or (before its repeal) Division 4 of Part 5 of the Act for the carrying out of development (or for a concept plan for a project comprising or including development) for the purpose of a railway or rail infrastructure facilities.

Note *Copies of the Minister's approvals are available on the website of the Department of Planning*

residential zones means the *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential* zone or *C4 Environmental Living* under NSLEP 2013.

roof or sky advertisement, in relation to Part B: Section 9 – *Advertising and Signage* means an advertisement displayed on or above the parapet or eaves of a building.

Special Areas means that area marked red with a black cross hatch as shown on the North Sydney Centre Map to NSLEP 2013.

special promotional advertisements means an advertisement for an activity or event of a civic or community nature but not including wall advertisement.

suitably qualified arborist means:

(a) for the purpose of carrying out pruning work or certifying a tree as dead must hold minimum qualification Australian Qualification Framework (AQF) level 3 in Arboriculture and/or equivalent experience, knowledge and skills.

(b) A Qualified Arborist for the purpose of providing written reports or tree hazard assessments must hold minimum qualification Australian Qualification Framework (AQF) level 5 in Arboriculture and/or equivalent experience, knowledge and skills.

tall building means a building 18 storeys in height or greater.

tonal noise means containing a prominent frequency and characterised by a definite pitch.

tower means a tall, vertical structure above the podium level of a building.

tree means a long-lived (more than 5 years), generally woody plant which may have a single or multiple stem which are self-supporting and at maturity will reach a height of more than 5m. For the purposes of this DCP, a tree also includes palms.

vegetation means any living plant, that does not fall under the definition of a tree and includes low growing ground covers, grasses and climbers through to woody shrubs.

wall advertisement, in relation to Part B: Section 9 – *Advertising and Signage* means an advertisement that is painted on or fixed flat to a wall of a building, but does not include a special promotional advertisement or building wrap advertisement.

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APPENDIX 2 HERITAGE – CONTRIBUTORY, NEUTRAL & UNCHARACTERISTIC ITEMS

2.1 INTRODUCTION

Heritage conservation areas have a cohesive sense of place. Their significance is often a function of the subdivision and street pattern, combined with buildings that share common periods of development, historical associations, materials, form and scale.

Buildings that are not heritage items are identified as contributory, neutral or uncharacteristic. The contribution of any building to the conservation area should guide the approach to development.

2.2 GENERAL OBJECTIVES

The general objectives of this Appendix to the DCP is to identify those properties within an heritage conservation area which comprise a "contributory", "neutral" or "uncharacteristic" item.

2.3 RELATIONSHIP TO OTHER SECTIONS

This Appendix should be read in conjunction with Part B: Section 13 - *Heritage and Conservation*.

2.4 ITEM IDENTIFICATION

A1 Table App-1.1 lists all contributory items.

A2 Table App-1.2 lists all uncharacteristic items.

A3 Those properties not listed in Tables App-1.1 or App-1.2 or identified as a heritage item under NSLEP 2013 are deemed to be neutral items.

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TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
90	Albany Street	Crows Nest	Holtermann Estate A
92	Albany Street	Crows Nest	Holtermann Estate A
94	Albany Street	Crows Nest	Holtermann Estate A
96	Albany Street	Crows Nest	Holtermann Estate A
120	Alexander Street	Crows Nest	Holtermann Estate A
122	Alexander Street	Crows Nest	Holtermann Estate A
126	Alexander Street	Crows Nest	Holtermann Estate A
130	Alexander Street	Crows Nest	Holtermann Estate A
132	Alexander Street	Crows Nest	Holtermann Estate A
134	Alexander Street	Crows Nest	Holtermann Estate A
136	Alexander Street	Crows Nest	Holtermann Estate A
141	Alexander Street	Crows Nest	Holtermann Estate A
143	Alexander Street	Crows Nest	Holtermann Estate A
145	Alexander Street	Crows Nest	Holtermann Estate A
159	Alexander Street	Crows Nest	Holtermann Estate A
161	Alexander Street	Crows Nest	Holtermann Estate A
163	Alexander Street	Crows Nest	Holtermann Estate A
165	Alexander Street	Crows Nest	Holtermann Estate A
167	Alexander Street	Crows Nest	Holtermann Estate A
59	Amherst Street	Cammeray	Cammeray
61	Amherst Street	Cammeray	Cammeray
63	Amherst Street	Cammeray	Cammeray
65	Amherst Street	Cammeray	Cammeray
67	Amherst Street	Cammeray	Cammeray
72	Amherst Street	Cammeray	Cammeray
73	Amherst Street	Cammeray	Cammeray
74	Amherst Street	Cammeray	Cammeray
75	Amherst Street	Cammeray	Cammeray
76	Amherst Street	Cammeray	Cammeray
77	Amherst Street	Cammeray	Cammeray
78	Amherst Street	Cammeray	Cammeray
79	Amherst Street	Cammeray	Cammeray

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
80	Amherst Street	Cammeray	Cammeray
81	Amherst Street	Cammeray	Cammeray
83	Amherst Street	Cammeray	Cammeray
84	Amherst Street	Cammeray	Cammeray
86	Amherst Street	Cammeray	Cammeray
98	Amherst Street	Cammeray	Cammeray
100	Amherst Street	Cammeray	Cammeray
102	Amherst Street	Cammeray	Cammeray
2	Ancrum Street	Waverton	Union / Bank / Thomas Streets
7	Ancrum Street	Waverton	Union / Bank / Thomas Streets
8	Ancrum Street	Waverton	Union / Bank / Thomas Streets
9	Ancrum Street	Waverton	Union / Bank / Thomas Streets
10	Ancrum Street	Waverton	Union / Bank / Thomas Streets
23	Ancrum Street	Waverton	Union / Bank / Thomas Streets
25	Ancrum Street	Waverton	Union / Bank / Thomas Streets
27-29	Ancrum Street	Waverton	Union / Bank / Thomas Streets
34	Ancrum Street	Waverton	Union / Bank / Thomas Streets
36	Ancrum Street	Waverton	Union / Bank / Thomas Streets
37	Ancrum Street	Waverton	Union / Bank / Thomas Streets
38	Ancrum Street	Waverton	Union / Bank / Thomas Streets
39	Ancrum Street	Waverton	Union / Bank / Thomas Streets
41	Ancrum Street	Waverton	Union / Bank / Thomas Streets
58	Ancrum Street	Waverton	Union / Bank / Thomas Streets
59	Ancrum Street	Waverton	Union / Bank / Thomas Streets
25	Arthur Street	Lavender Bay	Lavender Bay
63	Atchison Street	Crows Nest	Holtermann Estate A
65	Atchison Street	Crows Nest	Holtermann Estate A
67	Atchison Street	Crows Nest	Holtermann Estate A
73	Atchison Street	Crows Nest	Holtermann Estate A
75	Atchison Street	Crows Nest	Holtermann Estate A
77	Atchison Street	Crows Nest	Holtermann Estate A
79	Atchison Street	Crows Nest	Holtermann Estate A

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
87	Atchison Street	Crows Nest	Holtermann Estate A
89	Atchison Street	Crows Nest	Holtermann Estate A
91	Atchison Street	Crows Nest	Holtermann Estate A
92	Atchison Street	Crows Nest	Holtermann Estate A
93	Atchison Street	Crows Nest	Holtermann Estate A
94	Atchison Street	Crows Nest	Holtermann Estate A
95	Atchison Street	Crows Nest	Holtermann Estate A
96	Atchison Street	Crows Nest	Holtermann Estate A
97	Atchison Street	Crows Nest	Holtermann Estate A
100	Atchison Street	Crows Nest	Holtermann Estate A
102	Atchison Street	Crows Nest	Holtermann Estate A
103	Atchison Street	Crows Nest	Holtermann Estate A
104	Atchison Street	Crows Nest	Holtermann Estate A
105	Atchison Street	Crows Nest	Holtermann Estate A
107	Atchison Street	Crows Nest	Holtermann Estate A
109	Atchison Street	Crows Nest	Holtermann Estate A
111	Atchison Street	Crows Nest	Holtermann Estate A
113	Atchison Street	Crows Nest	Holtermann Estate A
115	Atchison Street	Crows Nest	Holtermann Estate A
117	Atchison Street	Crows Nest	Holtermann Estate A
122	Atchison Street	Crows Nest	Holtermann Estate A
124	Atchison Street	Crows Nest	Holtermann Estate A
126	Atchison Street	Crows Nest	Holtermann Estate A
127	Atchison Street	Crows Nest	Holtermann Estate A
128	Atchison Street	Crows Nest	Holtermann Estate A
130	Atchison Street	Crows Nest	Holtermann Estate A
138	Atchison Street	Crows Nest	Holtermann Estate A
140	Atchison Street	Crows Nest	Holtermann Estate A
142	Atchison Street	Crows Nest	Holtermann Estate A
148	Atchison Street	Crows Nest	Holtermann Estate A
150	Atchison Street	Crows Nest	Holtermann Estate A
152	Atchison Street	Crows Nest	Holtermann Estate A
154	Atchison Street	Crows Nest	Holtermann Estate A

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
156	Atchison Street	Crows Nest	Holtermann Estate A
158	Atchison Street	Crows Nest	Holtermann Estate A
160	Atchison Street	Crows Nest	Holtermann Estate A
162	Atchison Street	Crows Nest	Holtermann Estate A
1	Bank Lane	North Sydney	Union / Bank / Thomas Streets
1	Bank Street	North Sydney	Union / Bank / Thomas Streets
5	Bank Street	North Sydney	Union / Bank / Thomas Streets
9	Bank Street	North Sydney	Union / Bank / Thomas Streets
11	Bank Street	North Sydney	Union / Bank / Thomas Streets
13	Bank Street	North Sydney	Union / Bank / Thomas Streets
15	Bank Street	North Sydney	Union / Bank / Thomas Streets
22	Bank Street	North Sydney	Union / Bank / Thomas Streets
26	Bank Street	North Sydney	Union / Bank / Thomas Streets
38	Bank Street	North Sydney	Union / Bank / Thomas Streets
42	Bank Street	North Sydney	Union / Bank / Thomas Streets
46	Bank Street	North Sydney	Union / Bank / Thomas Streets
48	Bank Street	North Sydney	Union / Bank / Thomas Streets
51	Bank Street	North Sydney	Union / Bank / Thomas Streets
52	Bank Street	North Sydney	Union / Bank / Thomas Streets
53	Bank Street	North Sydney	Union / Bank / Thomas Streets
54	Bank Street	North Sydney	Union / Bank / Thomas Streets
56	Bank Street	North Sydney	Union / Bank / Thomas Streets
58	Bank Street	North Sydney	Union / Bank / Thomas Streets
60	Bank Street	North Sydney	Union / Bank / Thomas Streets
61	Bank Street	North Sydney	Union / Bank / Thomas Streets
62	Bank Street	North Sydney	Union / Bank / Thomas Streets
66	Bank Street	North Sydney	Union / Bank / Thomas Streets
67	Bank Street	North Sydney	Union / Bank / Thomas Streets
68	Bank Street	North Sydney	Union / Bank / Thomas Streets
69	Bank Street	North Sydney	Union / Bank / Thomas Streets
70	Bank Street	North Sydney	Union / Bank / Thomas Streets
71	Bank Street	North Sydney	Union / Bank / Thomas Streets
72	Bank Street	North Sydney	Union / Bank / Thomas Streets

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
73	Bank Street	North Sydney	Union / Bank / Thomas Streets
78	Bank Street	North Sydney	Union / Bank / Thomas Streets
83	Bank Street	North Sydney	Union / Bank / Thomas Streets
85	Bank Street	North Sydney	Union / Bank / Thomas Streets
89	Bank Street	North Sydney	Union / Bank / Thomas Streets
91	Bank Street	North Sydney	Union / Bank / Thomas Streets
96-98	Bank Street	North Sydney	Union / Bank / Thomas Streets
102	Bank Street	North Sydney	Union / Bank / Thomas Streets
104	Bank Street	North Sydney	Union / Bank / Thomas Streets
15	Bannerman Street	Cremorne Point	Kurraba Point
17	Bannerman Street	Cremorne Point	Kurraba Point
19	Bannerman Street	Cremorne Point	Kurraba Point
21	Bannerman Street	Cremorne Point	Kurraba Point
21A	Bannerman Street	Cremorne Point	Kurraba Point
23	Bannerman Street	Cremorne Point	Kurraba Point
25	Bannerman Street	Cremorne Point	Kurraba Point
27	Bannerman Street	Cremorne Point	Kurraba Point
29	Bannerman Street	Cremorne Point	Kurraba Point
11A	Bay Road	Waverton	Crows Nest
15	Bay Road	Waverton	Crows Nest
17	Bay Road	Waverton	Crows Nest
21	Bay Road	Waverton	Crows Nest
22	Bay Road	Waverton	Priory Road
24	Bay Road	Waverton	Priory Road
26	Bay Road	Waverton	Priory Road
38	Bay Road	Waverton	Priory Road
40-42	Bay Road	Waverton	Priory Road
46	Bay Road	Waverton	Priory Road
48	Bay Road	Waverton	Priory Road
52	Bay Road	Waverton	Priory Road
54	Bay Road	Waverton	Priory Road
56	Bay Road	Waverton	Priory Road

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
58	Bay Road	Waverton	Priory Road
61	Bay Road	Waverton	Bay Road
63	Bay Road	Waverton	Bay Road
71	Bay Road	Waverton	Bay Road
73	Bay Road	Waverton	Bay Road
77	Bay Road	Waverton	Bay Road
79	Bay Road	Waverton	Bay Road
81	Bay Road	Waverton	Bay Road
85	Bay Road	Waverton	Bay Road
87	Bay Road	Waverton	Bay Road
88	Bay Road	Waverton	Union / Bank / Thomas Streets
89	Bay Road	Waverton	Bay Road
91	Bay Road	Waverton	Bay Road
93	Bay Road	Waverton	Bay Road
95	Bay Road	Waverton	Bay Road
99	Bay Road	Waverton	Bay Road
101	Bay Road	Waverton	Bay Road
103	Bay Road	Waverton	Bay Road
116	Bay Road	Waverton	Bay Road
118	Bay Road	Waverton	Bay Road
44	Bellevue Street	Cammeray	Cammeray
46	Bellevue Street	Cammeray	Cammeray
53	Bellevue Street	Cammeray	Cammeray
55	Bellevue Street	Cammeray	Cammeray
57	Bellevue Street	Cammeray	Cammeray
58	Bellevue Street	Cammeray	Cammeray
59	Bellevue Street	Cammeray	Cammeray
60	Bellevue Street	Cammeray	Cammeray
64	Bellevue Street	Cammeray	Cammeray
65	Bellevue Street	Cammeray	Cammeray
69	Bellevue Street	Cammeray	Cammeray
70	Bellevue Street	Cammeray	Cammeray

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
72	Bellevue Street	Cammeray	Cammeray
73	Bellevue Street	Cammeray	Cammeray
76	Bellevue Street	Cammeray	Cammeray
78	Bellevue Street	Cammeray	Cammeray
95	Bellevue Street	Cammeray	Cammeray
97-99	Bellevue Street (that part comprising the two detached dwellings fronting Bellevue Street – No.s 97 and 99)	Cammeray	Cammeray
101	Bellevue Street	Cammeray	Cammeray
107	Bellevue Street	Cammeray	Plateau
113	Bellevue Street	Cammeray	Plateau
125	Bellevue Street	Cammeray	Plateau
133	Bellevue Street	Cammeray	Plateau
137	Bellevue Street	Cammeray	Plateau
214	Ben Boyd Road	Cremorne	Oaks Avenue
216	Ben Boyd Road	Cremorne	Oaks Avenue
3	Bennett Street	Neutral Bay	Cremorne
21	Bennett Street	Cremorne	Cremorne
25	Bennett Street	Cremorne	Cremorne
31	Bennett Street	Cremorne	Cremorne
41	Bennett Street	Cremorne	Cremorne
43	Bernard Lane	Crows Nest	Holtermann Estate D
2	Bertha Road	Cremorne	Cremorne
30-40	Blues Point Road	McMahons Point	McMahons Point South
33	Blues Point Road	McMahons Point	McMahons Point South
35	Blues Point Road	McMahons Point	McMahons Point South
37	Blues Point Road	McMahons Point	McMahons Point South
39	Blues Point Road	McMahons Point	McMahons Point South
42	Blues Point Road	McMahons Point	McMahons Point South
43	Blues Point Road	McMahons Point	McMahons Point South

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
45	Blues Point Road	McMahons Point	McMahons Point South
46	Blues Point Road	McMahons Point	McMahons Point South
47	Blues Point Road	McMahons Point	McMahons Point South
51	Blues Point Road	McMahons Point	McMahons Point South
54-56	Blues Point Road	McMahons Point	McMahons Point South
57	Blues Point Road	McMahons Point	McMahons Point South
59	Blues Point Road	McMahons Point	McMahons Point South
60	Blues Point Road	McMahons Point	McMahons Point South
61	Blues Point Road	McMahons Point	McMahons Point South
62	Blues Point Road	McMahons Point	McMahons Point South
63	Blues Point Road	McMahons Point	McMahons Point South
64	Blues Point Road	McMahons Point	McMahons Point South
66	Blues Point Road	McMahons Point	McMahons Point South
68	Blues Point Road	McMahons Point	McMahons Point South
73	Blues Point Road	McMahons Point	McMahons Point South
75	Blues Point Road	McMahons Point	McMahons Point South
74	Blues Point Road	McMahons Point	McMahons Point South
77	Blues Point Road	McMahons Point	McMahons Point South
79	Blues Point Road	McMahons Point	McMahons Point South
80	Blues Point Road	McMahons Point	McMahons Point South
85	Blues Point Road	McMahons Point	McMahons Point South
86	Blues Point Road	McMahons Point	McMahons Point South
87	Blues Point Road	McMahons Point	McMahons Point South
89	Blues Point Road	McMahons Point	McMahons Point South
94	Blues Point Road	McMahons Point	McMahons Point South
96	Blues Point Road	McMahons Point	McMahons Point South
98	Blues Point Road	McMahons Point	McMahons Point South
100	Blues Point Road	McMahons Point	McMahons Point South
104	Blues Point Road	McMahons Point	McMahons Point South
106	Blues Point Road	McMahons Point	McMahons Point South
108	Blues Point Road	McMahons Point	McMahons Point South
110	Blues Point Road	McMahons Point	McMahons Point South
112	Blues Point Road	McMahons Point	McMahons Point South

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
114	Blues Point Road	McMahons Point	McMahons Point South
115	Blues Point Road	McMahons Point	McMahons Point North
116	Blues Point Road	McMahons Point	McMahons Point North
117	Blues Point Road	McMahons Point	McMahons Point North
118	Blues Point Road	McMahons Point	McMahons Point North
120-122	Blues Point Road	McMahons Point	McMahons Point North
121	Blues Point Road	McMahons Point	McMahons Point North
123	Blues Point Road	McMahons Point	McMahons Point North
124	Blues Point Road	McMahons Point	McMahons Point North
124A	Blues Point Road	McMahons Point	McMahons Point North
125	Blues Point Road	McMahons Point	McMahons Point North
127	Blues Point Road	McMahons Point	McMahons Point North
128	Blues Point Road	McMahons Point	McMahons Point North
128A	Blues Point Road	McMahons Point	McMahons Point North
129	Blues Point Road	McMahons Point	McMahons Point North
130	Blues Point Road	McMahons Point	McMahons Point North
130A	Blues Point Road	McMahons Point	McMahons Point North
131	Blues Point Road	McMahons Point	McMahons Point North
132	Blues Point Road	McMahons Point	McMahons Point North
132A	Blues Point Road	McMahons Point	McMahons Point North
133	Blues Point Road	McMahons Point	McMahons Point North
134	Blues Point Road	McMahons Point	McMahons Point North
135	Blues Point Road	McMahons Point	McMahons Point North
137	Blues Point Road	McMahons Point	McMahons Point North
139	Blues Point Road	McMahons Point	McMahons Point North
142	Blues Point Road	McMahons Point	McMahons Point North
144	Blues Point Road	McMahons Point	McMahons Point North
148	Blues Point Road	McMahons Point	McMahons Point North
150	Blues Point Road	McMahons Point	McMahons Point North
152	Blues Point Road	McMahons Point	McMahons Point North
154	Blues Point Road	McMahons Point	McMahons Point North
156	Blues Point Road	McMahons Point	McMahons Point North

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
33	Boyle Street	Cremorne	Cremorne
34	Boyle Street	Cremorne Point	Cremorne
44	Boyle Street	Cremorne Point	Cremorne
4	Bradley Avenue	North Sydney	Careening Cove
6	Bradley Avenue	North Sydney	Careening Cove
8	Bradley Avenue	North Sydney	Careening Cove
10	Bradley Avenue	North Sydney	Careening Cove
12	Bradley Avenue	North Sydney	Careening Cove
14	Bradley Avenue	North Sydney	Careening Cove
3	Bray Street	North Sydney	Whaling Road
4	Bray Street	North Sydney	Whaling Road
5	Bray Street	North Sydney	Whaling Road
6	Bray Street	North Sydney	Whaling Road
7	Bray Street	North Sydney	Whaling Road
8	Bray Street	North Sydney	Whaling Road
9	Bray Street	North Sydney	Whaling Road
10	Bray Street	North Sydney	Whaling Road
11	Bray Street	North Sydney	Whaling Road
11A	Bray Street	North Sydney	Whaling Road
16	Bray Street	North Sydney	Whaling Road
17	Bray Street	North Sydney	Whaling Road
18	Bray Street	North Sydney	Whaling Road
21	Bray Street	North Sydney	Whaling Road
23	Bray Street	North Sydney	Whaling Road
25	Bray Street	North Sydney	Whaling Road
1	Bromley Avenue	Cremorne Point	Cremorne Point
27	Burlington Street	Crows Nest	Holtermann Estate B
31	Burlington Street	Crows Nest	Holtermann Estate B
38	Burlington Street	Crows Nest	Holtermann Estate B
40	Burlington Street	Crows Nest	Holtermann Estate B
41	Burlington Street	Crows Nest	Holtermann Estate B
42	Burlington Street	Crows Nest	Holtermann Estate B

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
44	Burlington Street	Crows Nest	Holtermann Estate B
45	Burlington Street	Crows Nest	Holtermann Estate B
46	Burlington Street	Crows Nest	Holtermann Estate B
47	Burlington Street	Crows Nest	Holtermann Estate B
48	Burlington Street	Crows Nest	Holtermann Estate B
50	Burlington Street	Crows Nest	Holtermann Estate B
52	Burlington Street	Crows Nest	Holtermann Estate B
54	Burlington Street	Crows Nest	Holtermann Estate B
56	Burlington Street	Crows Nest	Holtermann Estate B
58	Burlington Street	Crows Nest	Holtermann Estate B
60	Burlington Street	Crows Nest	Holtermann Estate B
61	Burlington Street	Crows Nest	Holtermann Estate B
62	Burlington Street	Crows Nest	Holtermann Estate B
63	Burlington Street	Crows Nest	Holtermann Estate B
64	Burlington Street	Crows Nest	Holtermann Estate B
65	Burlington Street	Crows Nest	Holtermann Estate B
66	Burlington Street	Crows Nest	Holtermann Estate B
67	Burlington Street	Crows Nest	Holtermann Estate B
68	Burlington Street	Crows Nest	Holtermann Estate B
69	Burlington Street	Crows Nest	Holtermann Estate B
70	Burlington Street	Crows Nest	Holtermann Estate B
72	Burlington Street	Crows Nest	Holtermann Estate B
74	Burlington Street	Crows Nest	Holtermann Estate B
75	Burlington Street	Crows Nest	Holtermann Estate B
76	Burlington Street	Crows Nest	Holtermann Estate B
77	Burlington Street	Crows Nest	Holtermann Estate B
78	Burlington Street	Crows Nest	Holtermann Estate B
79	Burlington Street	Crows Nest	Holtermann Estate B
80	Burlington Street	Crows Nest	Holtermann Estate B
82	Burlington Street	Crows Nest	Holtermann Estate B
83	Burlington Street	Crows Nest	Holtermann Estate B
84	Burlington Street	Crows Nest	Holtermann Estate B
89	Burlington Street	Crows Nest	Holtermann Estate B

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
91	Burlington Street	Crows Nest	Holtermann Estate B
94	Burlington Street	Crows Nest	Holtermann Estate B
96	Burlington Street	Crows Nest	Holtermann Estate B
98	Burlington Street	Crows Nest	Holtermann Estate B
99	Burlington Street	Crows Nest	Holtermann Estate B
100	Burlington Street	Crows Nest	Holtermann Estate B
101	Burlington Street	Crows Nest	Holtermann Estate B
102	Burlington Street	Crows Nest	Holtermann Estate B
103	Burlington Street	Crows Nest	Holtermann Estate B
104	Burlington Street	Crows Nest	Holtermann Estate B
105	Burlington Street	Crows Nest	Holtermann Estate B
106	Burlington Street	Crows Nest	Holtermann Estate B
107	Burlington Street	Crows Nest	Holtermann Estate B
107A	Burlington Street	Crows Nest	Holtermann Estate B
108	Burlington Street	Crows Nest	Holtermann Estate B
109	Burlington Street	Crows Nest	Holtermann Estate B
112	Burlington Street	Crows Nest	Holtermann Estate B
114	Burlington Street	Crows Nest	Holtermann Estate B
116	Burlington Street	Crows Nest	Holtermann Estate B
118	Burlington Street	Crows Nest	Holtermann Estate B
126	Burlington Street	Crows Nest	Holtermann Estate B
128	Burlington Street	Crows Nest	Holtermann Estate B
130	Burlington Street	Crows Nest	Holtermann Estate B
132	Burlington Street	Crows Nest	Holtermann Estate B
134	Burlington Street	Crows Nest	Holtermann Estate B
140	Burlington Street	Crows Nest	Holtermann Estate B
1	Burroway Street	Neutral Bay	Cremorne
6	Burroway Street	Neutral Bay	Cremorne
10	Burroway Street	Neutral Bay	Cremorne
14	Burroway Street	Neutral Bay	Cremorne
16	Burroway Street	Neutral Bay	Cremorne
18	Burroway Street	Neutral Bay	Cremorne
1	Cable Street	Wollstonecraft	Wollstonecraft

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
4	Cable Street	Wollstonecraft	Wollstonecraft
5	Cable Street	Wollstonecraft	Wollstonecraft
9	Cable Street	Wollstonecraft	Wollstonecraft
4	Cairo Street	Cammeray	Plateau
5	Cairo Street	Cammeray	Plateau
7	Cairo Street	Cammeray	Plateau
11	Cairo Street	Cammeray	Plateau
13	Cairo Street	Cammeray	Plateau
17	Cairo Street	Cammeray	Plateau
26	Cairo Street	Cammeray	Plateau
28	Cairo Street	Cammeray	Plateau
30	Cairo Street	Cammeray	Plateau
34	Cairo Street	Cammeray	Plateau
46	Cairo Street	Cammeray	Plateau
48	Cairo Street	Cammeray	Plateau
57	Cairo Street	Cammeray	Plateau
60	Cairo Street	Cammeray	Plateau
64	Cairo Street	Cammeray	Plateau
11-27	Carabella Street	Kirribilli	Kirribilli
14	Carabella Street	Kirribilli	Kirribilli
45	Carabella Street	Kirribilli	Kirribilli
49	Carabella Street	Kirribilli	Kirribilli
63	Carabella Street	Kirribilli	Kirribilli
74	Carabella Street	Kirribilli	Careening Cove
76	Carabella Street	Kirribilli	Careening Cove
78	Carabella Street	Kirribilli	Careening Cove
90	Carabella Street	Kirribilli	Careening Cove
92	Carabella Street	Kirribilli	Careening Cove
94	Carabella Street	Kirribilli	Careening Cove
96	Carabella Street	Kirribilli	Careening Cove
98	Carabella Street	Kirribilli	Careening Cove
110	Carabella Street	Kirribilli	Careening Cove

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
113	Carabella Street	Kirribilli	Careening Cove
117	Carabella Street	Kirribilli	Careening Cove
121-123	Carabella Street	Kirribilli	Careening Cove
129	Carabella Street	Kirribilli	Careening Cove
131	Carabella Street	Kirribilli	Careening Cove
135	Carabella Street	Kirribilli	Careening Cove
137	Carabella Street	Kirribilli	Careening Cove
139	Carabella Street	Kirribilli	Careening Cove
141	Carabella Street	Kirribilli	Careening Cove
143	Carabella Street	Kirribilli	Careening Cove
6	Carlow Street	North Sydney	Holtermann Estate D
8	Carlow Street	North Sydney	Holtermann Estate D
10	Carlow Street	North Sydney	Holtermann Estate D
12	Carlow Street	North Sydney	Holtermann Estate D
14	Carlow Street	North Sydney	Holtermann Estate D
16	Carlow Street	North Sydney	Holtermann Estate D
18	Carlow Street	North Sydney	Holtermann Estate D
20	Carlow Street	North Sydney	Holtermann Estate D
22	Carlow Street	North Sydney	Holtermann Estate D
24	Carlow Street	North Sydney	Holtermann Estate D
26	Carlow Street	North Sydney	Holtermann Estate D
28	Carlow Street	North Sydney	Holtermann Estate D
30	Carlow Street	North Sydney	Holtermann Estate D
32	Carlow Street	North Sydney	Holtermann Estate D
34	Carlow Street	North Sydney	Holtermann Estate D
36	Carlow Street	North Sydney	Holtermann Estate D
27	Carr Street	Waverton	Union / Bank / Thomas Streets
33	Carr Street	Waverton	Union / Bank / Thomas Streets
35	Carr Street	Waverton	Union / Bank / Thomas Streets
39	Carr Street	Waverton	Union / Bank / Thomas Streets
39A	Carr Street	Waverton	Union / Bank / Thomas Streets
41	Carr Street	Waverton	Union / Bank / Thomas Streets

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
5-7	Carter Street (That part comprising Lot 8 – DP 4895)	Cammeray	Cammeray
6	Carter Street	Cammeray	Plateau
8	Carter Street	Cammeray	Plateau
117	Chandos Street	Crows Nest	Holtermann Estate A
124	Chandos Street	Crows Nest	Holtermann Estate A
125	Chandos Street	Crows Nest	Holtermann Estate A
126	Chandos Street	Crows Nest	Holtermann Estate A
127	Chandos Street	Crows Nest	Holtermann Estate A
128	Chandos Street	Crows Nest	Holtermann Estate A
129	Chandos Street	Crows Nest	Holtermann Estate A
130	Chandos Street	Crows Nest	Holtermann Estate A
131	Chandos Street	Crows Nest	Holtermann Estate A
132	Chandos Street	Crows Nest	Holtermann Estate A
133	Chandos Street	Crows Nest	Holtermann Estate A
134	Chandos Street	Crows Nest	Holtermann Estate A
140	Chandos Street	Crows Nest	Holtermann Estate A
142	Chandos Street	Crows Nest	Holtermann Estate A
143	Chandos Street	Crows Nest	Holtermann Estate A
144	Chandos Street	Crows Nest	Holtermann Estate A
145	Chandos Street	Crows Nest	Holtermann Estate A
146	Chandos Street	Crows Nest	Holtermann Estate A
149	Chandos Street	Crows Nest	Holtermann Estate A
150	Chandos Street	Crows Nest	Holtermann Estate A
152	Chandos Street	Crows Nest	Holtermann Estate A
153	Chandos Street	Crows Nest	Holtermann Estate A
154	Chandos Street	Crows Nest	Holtermann Estate A
156	Chandos Street	Crows Nest	Holtermann Estate A
159	Chandos Street	Crows Nest	Holtermann Estate A
161	Chandos Street	Crows Nest	Holtermann Estate A
162	Chandos Street	Crows Nest	Holtermann Estate A
163	Chandos Street	Crows Nest	Holtermann Estate A

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
165	Chandos Street	Crows Nest	Holtermann Estate A
167	Chandos Street	Crows Nest	Holtermann Estate A
168	Chandos Street	Crows Nest	Holtermann Estate A
170	Chandos Street	Crows Nest	Holtermann Estate A
171	Chandos Street	Crows Nest	Holtermann Estate A
173	Chandos Street	Crows Nest	Holtermann Estate A
175	Chandos Street	Crows Nest	Holtermann Estate A
177	Chandos Street	Crows Nest	Holtermann Estate A
179	Chandos Street	Crows Nest	Holtermann Estate A
181	Chandos Street	Crows Nest	Holtermann Estate A
183	Chandos Street	Crows Nest	Holtermann Estate A
185	Chandos Street	Crows Nest	Holtermann Estate A
189	Chandos Street	Crows Nest	Holtermann Estate A
191	Chandos Street	Crows Nest	Holtermann Estate A
193	Chandos Street	Crows Nest	Holtermann Estate A
195	Chandos Street	Crows Nest	Holtermann Estate A
197	Chandos Street	Crows Nest	Holtermann Estate A
199	Chandos Street	Crows Nest	Holtermann Estate A
203	Chandos Street	Crows Nest	Holtermann Estate A
205	Chandos Street	Crows Nest	Holtermann Estate A
207	Chandos Street	Crows Nest	Holtermann Estate A
211	Chandos Street	Crows Nest	Holtermann Estate A
213	Chandos Street	Crows Nest	Holtermann Estate A
215	Chandos Street	Crows Nest	Holtermann Estate A
12	Chuter Street	McMahons Point	Union / Bank / Thomas Streets
14	Chuter Street	McMahons Point	Union / Bank / Thomas Streets
15	Chuter Street	McMahons Point	Union / Bank / Thomas Streets
16	Chuter Street	McMahons Point	Union / Bank / Thomas Streets
18	Chuter Street	McMahons Point	Union / Bank / Thomas Streets
20	Chuter Street	McMahons Point	Union / Bank / Thomas Streets
22	Chuter Street	McMahons Point	Union / Bank / Thomas Streets
24	Chuter Street	McMahons Point	Union / Bank / Thomas Streets
26	Chuter Street	McMahons Point	Union / Bank / Thomas Streets

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
28	Chuter Street	McMahons Point	Union / Bank / Thomas Streets
30	Chuter Street	McMahons Point	Union / Bank / Thomas Streets
32	Chuter Street	McMahons Point	Union / Bank / Thomas Streets
28	Clark Road	North Sydney	Whaling Road
30	Clark Road	North Sydney	Whaling Road
32	Clark Road	North Sydney	Whaling Road
34	Clark Road	North Sydney	Whaling Road
36	Clark Road	North Sydney	Whaling Road
1	Claude Avenue	Cremorne	Cremorne
3	Claude Avenue	Cremorne	Cremorne
7	Claude Avenue	Cremorne	Cremorne
13	Claude Avenue	Cremorne	Cremorne
25	Clifton Street	Waverton	Union / Bank / Thomas Streets
35	Clifton Street	Waverton	Union / Bank / Thomas Streets
39	Clifton Street	Waverton	Union / Bank / Thomas Streets
6	Colin Street	Cammeray	Plateau
15	Colin Street	Cammeray	Plateau
16	Colin Street	Cammeray	Plateau
17	Colin Street	Cammeray	Plateau
18	Colin Street	Cammeray	Plateau
19	Colin Street	Cammeray	Plateau
36	Colin Street	Cammeray	Plateau
37	Colin Street	Cammeray	Plateau
40	Colin Street	Cammeray	Plateau
42	Colin Street	Cammeray	Plateau
50	Colin Street	Cammeray	Plateau
51	Colin Street	Cammeray	Plateau
62	Colin Street	Cammeray	Plateau
69	Colin Street	Cammeray	Plateau
71	Colin Street	Cammeray	Plateau
1	Cremorne Road	Cremorne Point	Cremorne Point
3	Cremorne Road	Cremorne Point	Cremorne Point

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
6	Cremorne Road	Cremorne Point	Cremorne Point
23	Cremorne Road	Cremorne Point	Cremorne Point
25	Cremorne Road	Cremorne Point	Cremorne Point
29	Cremorne Road	Cremorne Point	Cremorne Point
33	Cremorne Road	Cremorne Point	Cremorne Point
34	Cremorne Road	Cremorne Point	Cremorne Point
36	Cremorne Road	Cremorne Point	Cremorne Point
38	Cremorne Road	Cremorne Point	Cremorne Point
39	Cremorne Road	Cremorne Point	Cremorne Point
42	Cremorne Road	Cremorne Point	Cremorne Point
45	Cremorne Road	Cremorne Point	Cremorne Point
47	Cremorne Road	Cremorne Point	Cremorne Point
53	Cremorne Road	Cremorne Point	Cremorne Point
55	Cremorne Road	Cremorne Point	Cremorne Point
57	Cremorne Road	Cremorne Point	Cremorne Point
59	Cremorne Road	Cremorne Point	Cremorne Point
60	Cremorne Road	Cremorne Point	Cremorne Point
63	Cremorne Road	Cremorne Point	Cremorne Point
68	Cremorne Road	Cremorne Point	Cremorne Point
74	Cremorne Road	Cremorne Point	Cremorne Point
76	Cremorne Road	Cremorne Point	Cremorne Point
78	Cremorne Road	Cremorne Point	Cremorne Point
82	Cremorne Road	Cremorne Point	Cremorne Point
84	Cremorne Road	Cremorne Point	Cremorne Point
85	Cremorne Road	Cremorne Point	Cremorne Point
86	Cremorne Road	Cremorne Point	Cremorne Point
87	Cremorne Road	Cremorne Point	Cremorne Point
88	Cremorne Road	Cremorne Point	Cremorne Point
93-95	Cremorne Road	Cremorne Point	Cremorne Point
97	Cremorne Road	Cremorne Point	Cremorne Point
100	Cremorne Road	Cremorne Point	Cremorne Point
103	Cremorne Road	Cremorne Point	Cremorne Point

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
104	Cremorne Road	Cremorne Point	Cremorne Point
105	Cremorne Road	Cremorne Point	Cremorne Point
107	Cremorne Road	Cremorne Point	Cremorne Point
109	Cremorne Road	Cremorne Point	Cremorne Point
115	Cremorne Road	Cremorne Point	Cremorne Point
125	Cremorne Road	Cremorne Point	Cremorne Point
127	Cremorne Road	Cremorne Point	Cremorne Point
32	Crows Nest Road	Waverton	Crows Nest
33	Crows Nest Road	Waverton	Crows Nest
35	Crows Nest Road	Waverton	Crows Nest
36	Crows Nest Road	Waverton	Crows Nest
39A	Crows Nest Road	Waverton	Crows Nest
40	Crows Nest Road	Waverton	Crows Nest
41	Crows Nest Road	Waverton	Crows Nest
44	Crows Nest Road	Waverton	Crows Nest
46	Crows Nest Road	Waverton	Crows Nest
47	Crows Nest Road	Waverton	Crows Nest
49	Crows Nest Road	Waverton	Crows Nest
50	Crows Nest Road	Waverton	Crows Nest
51	Crows Nest Road	Waverton	Crows Nest
52	Crows Nest Road	Waverton	Crows Nest
53	Crows Nest Road	Waverton	Crows Nest
55	Crows Nest Road	Waverton	Crows Nest
56	Crows Nest Road	Waverton	Crows Nest
57	Crows Nest Road	Waverton	Crows Nest
58	Crows Nest Road	Waverton	Crows Nest
59	Crows Nest Road	Waverton	Crows Nest
60	Crows Nest Road	Waverton	Crows Nest
61	Crows Nest Road	Waverton	Crows Nest
63	Crows Nest Road	Waverton	Crows Nest
65	Crows Nest Road	Waverton	Crows Nest
67	Crows Nest Road	Waverton	Crows Nest
69	Crows Nest Road	Waverton	Crows Nest

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
71	Crows Nest Road	Waverton	Crows Nest
1	Devonshire Street	Crows Nest	Holtermann Estate A
3	Devonshire Street	Crows Nest	Holtermann Estate A
5	Devonshire Street	Crows Nest	Holtermann Estate A
6	Devonshire Street	Crows Nest	Holtermann Estate A
7	Devonshire Street	Crows Nest	Holtermann Estate A
9	Devonshire Street	Crows Nest	Holtermann Estate A
11	Devonshire Street	Crows Nest	Holtermann Estate A
12	Devonshire Street	Crows Nest	Holtermann Estate A
13	Devonshire Street	Crows Nest	Holtermann Estate A
14	Devonshire Street	Crows Nest	Holtermann Estate A
15	Devonshire Street	Crows Nest	Holtermann Estate A
16	Devonshire Street	Crows Nest	Holtermann Estate A
18	Devonshire Street	Crows Nest	Holtermann Estate A
22	Devonshire Street	Crows Nest	Holtermann Estate A
22A	Devonshire Street	Crows Nest	Holtermann Estate A
25	Devonshire Street	Crows Nest	Holtermann Estate A
27	Devonshire Street	Crows Nest	Holtermann Estate A
31	Devonshire Street	Crows Nest	Holtermann Estate A
31A	Devonshire Street	Crows Nest	Holtermann Estate A
32	Devonshire Street	Crows Nest	Holtermann Estate A
35	Devonshire Street	Crows Nest	Holtermann Estate A
37	Devonshire Street	Crows Nest	Holtermann Estate A
39	Devonshire Street	Crows Nest	Holtermann Estate A
41	Devonshire Street	Crows Nest	Holtermann Estate A
43	Devonshire Street	Crows Nest	Holtermann Estate A
45	Devonshire Street	Crows Nest	Holtermann Estate A
47	Devonshire Street	Crows Nest	Holtermann Estate A
49	Devonshire Street	Crows Nest	Holtermann Estate A
1	Doris Street	North Sydney	Whaling Road
3	Doris Street	North Sydney	Whaling Road
4	Doris Street	North Sydney	Whaling Road
5	Doris Street	North Sydney	Whaling Road

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
8	Doris Street	North Sydney	Whaling Road
10	Doris Street	North Sydney	Whaling Road
11	Doris Street	North Sydney	Whaling Road
11A	Doris Street	North Sydney	Whaling Road
14	Doris Street	North Sydney	Whaling Road
15	Doris Street	North Sydney	Whaling Road
17	Doris Street	North Sydney	Whaling Road
18	Doris Street	North Sydney	Whaling Road
19	Doris Street	North Sydney	Whaling Road
23	Doris Street	North Sydney	Whaling Road
14	East Crescent Street	Lavender Bay	McMahons Point South
45	East Crescent Street	Lavender Bay	McMahons Point North
4	Echo Street	Cammeray	Cammeray
8	Echo Street	Cammeray	Cammeray
15	Edward Street	North Sydney	Edward Street
17	Edward Street	North Sydney	Edward Street
19	Edward Street	North Sydney	Edward Street
21	Edward Street	North Sydney	Edward Street
23	Edward Street	North Sydney	Edward Street
24	Edward Street	North Sydney	Union / Bank / Thomas Streets
25	Edward Street	North Sydney	Edward Street
26	Edward Street	North Sydney	Union / Bank / Thomas Streets
26A	Edward Street	North Sydney	Union / Bank / Thomas Streets
27	Edward Street	North Sydney	Edward Street
29	Edward Street	North Sydney	Edward Street
36	Edward Street	North Sydney	Edward Street
38	Edward Street	North Sydney	Edward Street
46	Edward Street	North Sydney	Edward Street
49	Edward Street	North Sydney	Edward Street
47	Elamang Avenue	Kirribilli	Careening Cove
1	Ellalong Road	Cremorne	Montague Road
3	Ellalong Road	Cremorne	Montague Road

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
5	Ellalong Road	Cremorne	Montague Road
8	Emmett Street	Crows Nest	Holtermann Estate C
11	Emmett Street	Crows Nest	Holtermann Estate C
13	Emmett Street	Crows Nest	Holtermann Estate C
14	Emmett Street	Crows Nest	Holtermann Estate C
15	Emmett Street	Crows Nest	Holtermann Estate C
16	Emmett Street	Crows Nest	Holtermann Estate C
17	Emmett Street	Crows Nest	Holtermann Estate C
18	Emmett Street	Crows Nest	Holtermann Estate C
19	Emmett Street	Crows Nest	Holtermann Estate C
20	Emmett Street	Crows Nest	Holtermann Estate C
21	Emmett Street	Crows Nest	Holtermann Estate C
23	Emmett Street	Crows Nest	Holtermann Estate C
24	Emmett Street	Crows Nest	Holtermann Estate C
25	Emmett Street	Crows Nest	Holtermann Estate C
26	Emmett Street	Crows Nest	Holtermann Estate C
27	Emmett Street	Crows Nest	Holtermann Estate C
28	Emmett Street	Crows Nest	Holtermann Estate C
29	Emmett Street	Crows Nest	Holtermann Estate C
30	Emmett Street	Crows Nest	Holtermann Estate C
31	Emmett Street	Crows Nest	Holtermann Estate C
32	Emmett Street	Crows Nest	Holtermann Estate C
33	Emmett Street	Crows Nest	Holtermann Estate C
34	Emmett Street	Crows Nest	Holtermann Estate C
36	Emmett Street	Crows Nest	Holtermann Estate C
38	Emmett Street	Crows Nest	Holtermann Estate C
40	Emmett Street	Crows Nest	Holtermann Estate C
42	Emmett Street	Crows Nest	Holtermann Estate C
44	Emmett Street	Crows Nest	Holtermann Estate C
46	Emmett Street	Crows Nest	Holtermann Estate C
48	Emmett Street	Crows Nest	Holtermann Estate C
56	Emmett Street	Crows Nest	Holtermann Estate C

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
46	Ernest Street	Crows Nest	Holtermann Estate B
47	Ernest Street	Crows Nest	Holtermann Estate B
48	Ernest Street	Crows Nest	Holtermann Estate B
49	Ernest Street	Crows Nest	Holtermann Estate B
51	Ernest Street	Crows Nest	Holtermann Estate B
52	Ernest Street	Crows Nest	Holtermann Estate B
53	Ernest Street	Crows Nest	Holtermann Estate B
54	Ernest Street	Crows Nest	Holtermann Estate B
57	Ernest Street	Crows Nest	Holtermann Estate B
58	Ernest Street	Crows Nest	Holtermann Estate B
59	Ernest Street	Crows Nest	Holtermann Estate B
60	Ernest Street	Crows Nest	Holtermann Estate B
63	Ernest Street	Crows Nest	Holtermann Estate B
64	Ernest Street	Crows Nest	Holtermann Estate B
73	Ernest Street	Crows Nest	Holtermann Estate B
80	Ernest Street	Crows Nest	Holtermann Estate B
82	Ernest Street	Crows Nest	Holtermann Estate B
83	Ernest Street	Crows Nest	Holtermann Estate B
84	Ernest Street	Crows Nest	Holtermann Estate B
88	Ernest Street	Crows Nest	Holtermann Estate B
90	Ernest Street	Crows Nest	Holtermann Estate B
91	Ernest Street	Crows Nest	Holtermann Estate B
92	Ernest Street	Crows Nest	Holtermann Estate B
93	Ernest Street	Crows Nest	Holtermann Estate B
94	Ernest Street	Crows Nest	Holtermann Estate B
95	Ernest Street	Crows Nest	Holtermann Estate B
96	Ernest Street	Crows Nest	Holtermann Estate B
97	Ernest Street	Crows Nest	Holtermann Estate B
98	Ernest Street	Crows Nest	Holtermann Estate B
100	Ernest Street	Crows Nest	Holtermann Estate B
102	Ernest Street	Crows Nest	Holtermann Estate B
104	Ernest Street	Crows Nest	Holtermann Estate B
106	Ernest Street	Crows Nest	Holtermann Estate B

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
109	Ernest Street	Crows Nest	Holtermann Estate B
110	Ernest Street	Crows Nest	Holtermann Estate B
111	Ernest Street	Crows Nest	Holtermann Estate B
112A	Ernest Street	Crows Nest	Holtermann Estate B
113	Ernest Street	Crows Nest	Holtermann Estate B
114	Ernest Street	Crows Nest	Holtermann Estate B
115	Ernest Street	Crows Nest	Holtermann Estate B
116	Ernest Street	Crows Nest	Holtermann Estate B
119	Ernest Street	Crows Nest	Holtermann Estate B
121	Ernest Street	Crows Nest	Holtermann Estate B
122	Ernest Street	Crows Nest	Holtermann Estate B
123	Ernest Street	Crows Nest	Holtermann Estate B
124	Ernest Street	Crows Nest	Holtermann Estate B
125	Ernest Street	Crows Nest	Holtermann Estate B
126	Ernest Street	Crows Nest	Holtermann Estate B
127	Ernest Street	Crows Nest	Holtermann Estate B
128	Ernest Street	Crows Nest	Holtermann Estate B
129	Ernest Street	Crows Nest	Holtermann Estate B
131	Ernest Street	Crows Nest	Holtermann Estate B
1	Euroka Street	North Sydney	Union / Bank / Thomas Streets
5	Euroka Street	North Sydney	Union / Bank / Thomas Streets
7	Euroka Street	North Sydney	Union / Bank / Thomas Streets
9	Euroka Street	North Sydney	Union / Bank / Thomas Streets
25	Euroka Street	Waverton	Union / Bank / Thomas Streets
27	Euroka Street	Waverton	Union / Bank / Thomas Streets
29	Euroka Street	Waverton	Union / Bank / Thomas Streets
31	Euroka Street	Waverton	Union / Bank / Thomas Streets
33	Euroka Street	Waverton	Union / Bank / Thomas Streets
52-54	Euroka Street	Waverton	Union / Bank / Thomas Streets
56	Euroka Street	Waverton	Union / Bank / Thomas Streets
58	Euroka Street	Waverton	Union / Bank / Thomas Streets
60	Euroka Street	Waverton	Union / Bank / Thomas Streets
61	Euroka Street	Waverton	Union / Bank / Thomas Streets

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
63	Euroka Street	Waverton	Union / Bank / Thomas Streets
65	Euroka Street	Waverton	Union / Bank / Thomas Streets
67	Euroka Street	Waverton	Union / Bank / Thomas Streets
1A	Fifth Avenue	Cremorne	Montague Road
11	Fifth Avenue	Cremorne	Montague Road
12	Fifth Avenue	Cremorne	Montague Road
13	Fifth Avenue	Cremorne	Montague Road
15	Fifth Avenue	Cremorne	Montague Road
16	Fifth Avenue	Cremorne	Montague Road
18	Fifth Avenue	Cremorne	Montague Road
19	Fifth Avenue	Cremorne	Montague Road
10	Florence Street	Cremorne	Cremorne
12	Florence Street	Cremorne	Cremorne
18	Florence Street	Cremorne	Cremorne
5	French Street	McMahons Point	McMahons Point North
7	French Street	McMahons Point	McMahons Point North
9	French Street	McMahons Point	McMahons Point North
11	French Street	McMahons Point	McMahons Point North
13	French Street	McMahons Point	McMahons Point North
7	Guthrie Avenue	Cremorne	Cremorne
27	Harriette Street	Kurraba Point	Kurraba Point
42	Harriette Street	Neutral Bay	Cremorne
44	Harriette Street	Neutral Bay	Cremorne
1-3	Harrison Street	Cremorne	Cremorne
7	Harrison Street	Cremorne	Cremorne
9	Harrison Street	Cremorne	Cremorne
10	Harrison Street	Cremorne	Cremorne
12	Harrison Street	Cremorne	Cremorne
11	Hayberry Street	Crows Nest	Holtermann Estate C
13	Hayberry Street	Crows Nest	Holtermann Estate C
15	Hayberry Street	Crows Nest	Holtermann Estate C
16	Hayberry Street	Crows Nest	Holtermann Estate C

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
17	Hayberry Street	Crows Nest	Holtermann Estate C
18	Hayberry Street	Crows Nest	Holtermann Estate C
19	Hayberry Street	Crows Nest	Holtermann Estate C
20	Hayberry Street	Crows Nest	Holtermann Estate C
21	Hayberry Street	Crows Nest	Holtermann Estate C
22	Hayberry Street	Crows Nest	Holtermann Estate C
24	Hayberry Street	Crows Nest	Holtermann Estate C
26	Hayberry Street	Crows Nest	Holtermann Estate C
28	Hayberry Street	Crows Nest	Holtermann Estate C
30	Hayberry Street	Crows Nest	Holtermann Estate C
32	Hayberry Street	Crows Nest	Holtermann Estate C
34	Hayberry Street	Crows Nest	Holtermann Estate C
36	Hayberry Street	Crows Nest	Holtermann Estate C
39	Hayberry Street	Crows Nest	Holtermann Estate C
41	Hayberry Street	Crows Nest	Holtermann Estate C
47-49	Hayberry Street	Crows Nest	Holtermann Estate C
51	Hayberry Street	Crows Nest	Holtermann Estate C
52	Hayberry Street	Crows Nest	Holtermann Estate C
53	Hayberry Street	Crows Nest	Holtermann Estate C
54	Hayberry Street	Crows Nest	Holtermann Estate C
55	Hayberry Street	Crows Nest	Holtermann Estate C
57	Hayberry Street	Crows Nest	Holtermann Estate C
61	Hayberry Street	Crows Nest	Holtermann Estate C
62	Hayberry Street	Crows Nest	Holtermann Estate C
63	Hayberry Street	Crows Nest	Holtermann Estate C
64	Hayberry Street	Crows Nest	Holtermann Estate C
66	Hayberry Street	Crows Nest	Holtermann Estate C
68	Hayberry Street	Crows Nest	Holtermann Estate C
72A	Hayberry Street	Crows Nest	Holtermann Estate C
73	Hayberry Street	Crows Nest	Holtermann Estate C
74	Hayberry Street	Crows Nest	Holtermann Estate C
75	Hayberry Street	Crows Nest	Holtermann Estate C

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
76	Hayberry Street	Crows Nest	Holtermann Estate C
77	Hayberry Street	Crows Nest	Holtermann Estate C
78	Hayberry Street	Crows Nest	Holtermann Estate C
79	Hayberry Street	Crows Nest	Holtermann Estate C
80	Hayberry Street	Crows Nest	Holtermann Estate C
81	Hayberry Street	Crows Nest	Holtermann Estate C
82	Hayberry Street	Crows Nest	Holtermann Estate C
83	Hayberry Street	Crows Nest	Holtermann Estate C
84	Hayberry Street	Crows Nest	Holtermann Estate C
86	Hayberry Street	Crows Nest	Holtermann Estate C
90	Hayberry Street	Crows Nest	Holtermann Estate C
92	Hayberry Street	Crows Nest	Holtermann Estate C
94	Hayberry Street	Crows Nest	Holtermann Estate C
96	Hayberry Street	Crows Nest	Holtermann Estate C
98	Hayberry Street	Crows Nest	Holtermann Estate C
100	Hayberry Street	Crows Nest	Holtermann Estate C
110	Hayberry Street	Crows Nest	Holtermann Estate C
112	Hayberry Street	Crows Nest	Holtermann Estate C
114	Hayberry Street	Crows Nest	Holtermann Estate C
8	Hayes Street	Neutral Bay	Kurraba Point
11	Hayes Street	Neutral Bay	Kurraba Point
13	Hayes Street	Neutral Bay	Kurraba Point
14	Hayes Street	Neutral Bay	Kurraba Point
15	Hayes Street	Neutral Bay	Kurraba Point
17	Hayes Street	Neutral Bay	Kurraba Point
31	Hayes Street	Neutral Bay	Kurraba Point
33	Hayes Street	Neutral Bay	Kurraba Point
3	Hazelbank Road	Wollstonecraft	Crows Nest
9	Hazelbank Road	Wollstonecraft	Crows Nest
11	Hazelbank Road	Wollstonecraft	Crows Nest
11A	Hazelbank Road	Wollstonecraft	Crows Nest
15	Hazelbank Road	Wollstonecraft	Crows Nest
17	Hazelbank Road	Wollstonecraft	Crows Nest

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
19	Hazelbank Road	Wollstonecraft	Crows Nest
21	Hazelbank Road	Wollstonecraft	Crows Nest
23	Hazelbank Road	Wollstonecraft	Crows Nest
27	Hazelbank Road	Wollstonecraft	Crows Nest
114A	High Street	North Sydney	Careening Cove
115	High Street	North Sydney	Careening Cove
127	High Street	North Sydney	Careening Cove
141	High Street	North Sydney	Careening Cove
143	High Street	North Sydney	Careening Cove
147	High Street	North Sydney	Careening Cove
149	High Street	North Sydney	Careening Cove
151	High Street	North Sydney	Careening Cove
2	Hipwood Street	Kirribilli	Carenning Cove
4	Hipwood Street	Kirribilli	Carenning Cove
6	Hipwood Street	Kirribilli	Carenning Cove
8	Hipwood Street	Kirribilli	Carenning Cove
10	Hipwood Street	Kirribilli	Carenning Cove
12	Hipwood Street	Kirribilli	Carenning Cove
12	Hodgson Avenue	Cremorne Point	Cremorne
16	Hodgson Avenue	Cremorne Point	Cremorne
18	Hodgson Avenue	Cremorne Point	Cremorne
20	Hodgson Avenue	Cremorne Point	Cremorne
24	Hodgson Avenue	Cremorne Point	Cremorne
4	Holbrook Avenue	Kirribilli	Kirribilli
23	Holbrook Avenue	Kirribilli	Kirribilli
25	Holbrook Avenue	Kirribilli	Kirribilli
16	Holtermann Street	Crows Nest	Holtermann Estate B
18	Holtermann Street	Crows Nest	Holtermann Estate B
20	Holtermann Street	Crows Nest	Holtermann Estate B
22	Holtermann Street	Crows Nest	Holtermann Estate B
24	Holtermann Street	Crows Nest	Holtermann Estate B
26	Holtermann Street	Crows Nest	Holtermann Estate B
28	Holtermann Street	Crows Nest	Holtermann Estate B

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
30	Holtermann Street	Crows Nest	Holtermann Estate B
30A	Holtermann Street	Crows Nest	Holtermann Estate B
32	Holtermann Street	Crows Nest	Holtermann Estate B
34	Holtermann Street	Crows Nest	Holtermann Estate B
36	Holtermann Street	Crows Nest	Holtermann Estate B
38	Holtermann Street	Crows Nest	Holtermann Estate B
42A	Holtermann Street	Crows Nest	Holtermann Estate B
44	Holtermann Street	Crows Nest	Holtermann Estate B
46	Holtermann Street	Crows Nest	Holtermann Estate B
48	Holtermann Street	Crows Nest	Holtermann Estate B
50	Holtermann Street	Crows Nest	Holtermann Estate B
51	Holtermann Street	Crows Nest	Holtermann Estate B
52	Holtermann Street	Crows Nest	Holtermann Estate B
53	Holtermann Street	Crows Nest	Holtermann Estate B
56	Holtermann Street	Crows Nest	Holtermann Estate B
60	Holtermann Street	Crows Nest	Holtermann Estate B
66	Holtermann Street	Crows Nest	Holtermann Estate B
70	Holtermann Street	Crows Nest	Holtermann Estate B
72	Holtermann Street	Crows Nest	Holtermann Estate B
75	Holtermann Street	Crows Nest	Holtermann Estate B
77	Holtermann Street	Crows Nest	Holtermann Estate B
79	Holtermann Street	Crows Nest	Holtermann Estate B
81	Holtermann Street	Crows Nest	Holtermann Estate B
83	Holtermann Street	Crows Nest	Holtermann Estate B
84	Holtermann Street	Crows Nest	Holtermann Estate B
87	Holtermann Street	Crows Nest	Holtermann Estate B
89	Holtermann Street	Crows Nest	Holtermann Estate B
90	Holtermann Street	Crows Nest	Holtermann Estate B
91	Holtermann Street	Crows Nest	Holtermann Estate B
92	Holtermann Street	Crows Nest	Holtermann Estate B
93	Holtermann Street	Crows Nest	Holtermann Estate B
94	Holtermann Street	Crows Nest	Holtermann Estate B

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
95	Holtermann Street	Crows Nest	Holtermann Estate B
96	Holtermann Street	Crows Nest	Holtermann Estate B
97	Holtermann Street	Crows Nest	Holtermann Estate B
98	Holtermann Street	Crows Nest	Holtermann Estate B
99	Holtermann Street	Crows Nest	Holtermann Estate B
99A	Holtermann Street	Crows Nest	Holtermann Estate B
100	Holtermann Street	Crows Nest	Holtermann Estate B
102	Holtermann Street	Crows Nest	Holtermann Estate B
104	Holtermann Street	Crows Nest	Holtermann Estate B
105	Holtermann Street	Crows Nest	Holtermann Estate B
107	Holtermann Street	Crows Nest	Holtermann Estate B
108	Holtermann Street	Crows Nest	Holtermann Estate B
109	Holtermann Street	Crows Nest	Holtermann Estate B
110	Holtermann Street	Crows Nest	Holtermann Estate B
111	Holtermann Street	Crows Nest	Holtermann Estate B
112	Holtermann Street	Crows Nest	Holtermann Estate B
113	Holtermann Street	Crows Nest	Holtermann Estate B
115	Holtermann Street	Crows Nest	Holtermann Estate B
116	Holtermann Street	Crows Nest	Holtermann Estate B
119	Holtermann Street	Crows Nest	Holtermann Estate B
121	Holtermann Street	Crows Nest	Holtermann Estate B
123	Holtermann Street	Crows Nest	Holtermann Estate B
125	Holtermann Street	Crows Nest	Holtermann Estate B
127	Holtermann Street	Crows Nest	Holtermann Estate B
129	Holtermann Street	Crows Nest	Holtermann Estate B
131	Holtermann Street	Crows Nest	Holtermann Estate B
133	Holtermann Street	Crows Nest	Holtermann Estate B
135	Holtermann Street	Crows Nest	Holtermann Estate B
137	Holtermann Street	Crows Nest	Holtermann Estate B
139	Holtermann Street	Crows Nest	Holtermann Estate B
141	Holtermann Street	Crows Nest	Holtermann Estate B
143	Holtermann Street	Crows Nest	Holtermann Estate B

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
145	Holtermann Street	Crows Nest	Holtermann Estate B
147	Holtermann Street	Crows Nest	Holtermann Estate B
149	Holtermann Street	Crows Nest	Holtermann Estate B
2	Honda Road	Kurraba Point	Kurraba Point
11	Huntington Street	Crows Nest	Holtermann Estate B
31	Huntington Street	Crows Nest	Holtermann Estate B
32	Huntington Street	Crows Nest	Holtermann Estate B
33	Huntington Street	Crows Nest	Holtermann Estate B
38	Huntington Street	Crows Nest	Holtermann Estate B
43	Huntington Street	Crows Nest	Holtermann Estate B
44	Huntington Street	Crows Nest	Holtermann Estate B
45	Huntington Street	Crows Nest	Holtermann Estate B
46	Huntington Street	Crows Nest	Holtermann Estate B
47	Huntington Street	Crows Nest	Holtermann Estate B
48	Huntington Street	Crows Nest	Holtermann Estate B
49	Huntington Street	Crows Nest	Holtermann Estate B
50	Huntington Street	Crows Nest	Holtermann Estate B
51	Huntington Street	Crows Nest	Holtermann Estate B
53	Huntington Street	Crows Nest	Holtermann Estate B
55	Huntington Street	Crows Nest	Holtermann Estate B
57	Huntington Street	Crows Nest	Holtermann Estate B
59	Huntington Street	Crows Nest	Holtermann Estate B
61	Huntington Street	Crows Nest	Holtermann Estate B
6	Iredale Avenue	Cremorne Point	Cremorne
10	Iredale Avenue	Cremorne point	Cremorne
12-14	Iredale Avenue	Cremorne Point	Cremorne
16	Iredale Avenue	Cremorne Point	Cremorne
18	Iredale Avenue	Cremorne Point	Cremorne
22	Iredale Avenue	Cremorne Point	Cremorne
24	Iredale Avenue	Cremorne Point	Cremorne
26	Iredale Avenue	Cremorne Point	Cremorne
28	Iredale Avenue	Cremorne Point	Cremorne
18	Jeffreys Street	Kirribilli	Jeffreys Street

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
20	Jeffreys Street	Kirribilli	Jeffreys Street
22	Jeffreys Street	Kirribilli	Jeffreys Street
24	Jeffreys Street	Kirribilli	Jeffreys Street
3	Kareela Road	Cremorne Point	Cremorne Point
7	Kareela Road	Cremorne Point	Cremorne Point
15	Kareela Road	Cremorne Point	Cremorne Point
20	Kareela Road	Cremorne Point	Cremorne Point
22	Kareela Road	Cremorne Point	Cremorne Point
25	Kareela Road	Cremorne Point	Cremorne Point
26	Kareela Road	Cremorne Point	Cremorne Point
32	Kareela Road	Cremorne Point	Cremorne Point
36	Kareela Road	Cremorne Point	Cremorne Point
47	Kareela Road	Cremorne Point	Cremorne Point
49	Kareela Road	Cremorne Point	Cremorne Point
53	Kareela Road	Cremorne Point	Cremorne Point
55	Kareela Road	Cremorne Point	Cremorne Point
57	Kareela Road	Cremorne Point	Cremorne Point
59	Kareela Road	Cremorne Point	Cremorne Point
1	King George Street	McMahons Point	McMahons Point North
3	King George Street	McMahons Point	McMahons Point North
5	King George Street	McMahons Point	McMahons Point North
7	King George Street	McMahons Point	McMahons Point North
9	King George Street	McMahons Point	McMahons Point North
83	Kirribilli Avenue	Kirribilli	Kirribilli
85	Kirribilli Avenue	Kirribilli	Kirribilli
87	Kirribilli Avenue	Kirribilli	Kirribilli
89	Kirribilli Avenue	Kirribilli	Kirribilli
91	Kirribilli Avenue	Kirribilli	Kirribilli
93	Kirribilli Avenue	Kirribilli	Kirribilli
95	Kirribilli Avenue	Kirribilli	Kirribilli
106	Kirribilli Avenue	Kirribilli	Kirribilli
112	Kirribilli Avenue	Kirribilli	Kirribilli
114	Kirribilli Avenue	Kirribilli	Kirribilli

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
116	Kirribilli Avenue	Kirribilli	Kirribilli
118	Kirribilli Avenue	Kirribilli	Kirribilli
120	Kirribilli Avenue	Kirribilli	Kirribilli
124	Kirribilli Avenue	Kirribilli	Kirribilli
1	Kurraba Road	Neutral Bay	Whaling Road
3	Kurraba Road	Neutral Bay	Whaling Road
5	Kurraba Road	Neutral Bay	Whaling Road
6	Kurraba Road	Neutral Bay	Whaling Road
7	Kurraba Road	Neutral Bay	Whaling Road
8	Kurraba Road	Neutral Bay	Whaling Road
9	Kurraba Road	Neutral Bay	Whaling Road
10	Kurraba Road	Neutral Bay	Whaling Road
11	Kurraba Road	Neutral Bay	Whaling Road
12	Kurraba Road	Neutral Bay	Whaling Road
13	Kurraba Road	Neutral Bay	Whaling Road
15	Kurraba Road	Neutral Bay	Whaling Road
16	Kurraba Road	Neutral Bay	Whaling Road
17	Kurraba Road	Neutral Bay	Whaling Road
18	Kurraba Road	Neutral Bay	Whaling Road
19	Kurraba Road	Neutral Bay	Whaling Road
20	Kurraba Road	Neutral Bay	Whaling Road
23	Kurraba Road	Neutral Bay	Whaling Road
25	Kurraba Road	Neutral Bay	Whaling Road
28	Kurraba Road	Neutral Bay	Whaling Road
30	Kurraba Road	Neutral Bay	Whaling Road
45	Kurraba Road	Neutral Bay	Kurraba Point
49	Kurraba Road	Neutral Bay	Kurraba Point
67	Kurraba Road	Neutral Bay	Kurraba Point
69	Kurraba Road	Neutral Bay	Kurraba Point
71	Kurraba Road	Neutral Bay	Kurraba Point
77	Kurraba Road	Kurraba Point	Kurraba Point
83	Kurraba Road	Kurraba Point	Kurraba Point

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
172	Kurraba Road	Kurraba Point	Kurraba Point
42	Lavender Street	Lavender Bay	Lavender Bay
44	Lavender Street	Lavender Bay	Lavender Bay
46	Lavender Street	Lavender Bay	Lavender Bay
48	Lavender Street	Lavender Bay	Lavender Bay
50	Lavender Street	Lavender Bay	Lavender Bay
52	Lavender Street	Lavender Bay	Lavender Bay
54	Lavender Street	Lavender Bay	Lavender Bay
56	Lavender Street	Lavender Bay	Lavender Bay
58	Lavender Street	Lavender Bay	Lavender Bay
1	Little Alfred Street	North Sydney	Whaling Road
9	Little Alfred Street	North Sydney	Whaling Road
11	Lord Street	North Sydney	Union / Bank / Thomas Streets
6	Lower Wycombe Road	Neutral Bay	Kurraba Point
6A	Lower Wycombe Road	Neutral Bay	Kurraba Point
8	Lower Wycombe Road	Neutral Bay	Kurraba Point
10	Lower Wycombe Road	Neutral Bay	Kurraba Point
11	Lower Wycombe Road	Neutral Bay	Kurraba Point
12	Lower Wycombe Road	Neutral Bay	Kurraba Point
14	Lower Wycombe Road	Neutral Bay	Kurraba Point
15	Lower Wycombe Road	Neutral Bay	Kurraba Point
21	Lower Wycombe Road	Kurraba Point	Kurraba Point
1	Lumsden Street	Cammeray	Cammeray
2	Lumsden Street	Cammeray	Cammeray
3	Lumsden Street	Cammeray	Cammeray
9	Lumsden Street	Cammeray	Cammeray

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
11	Lumsden Street	Cammeray	Cammeray
12	Lumsden Street	Cammeray	Cammeray
13	Lumsden Street	Cammeray	Cammeray
14	Lumsden Street	Cammeray	Cammeray
16	Lumsden Street	Cammeray	Cammeray
17	Lumsden Street	Cammeray	Cammeray
19	Lumsden Street	Cammeray	Cammeray
21	Lumsden Street	Cammeray	Cammeray
22	Lumsden Street	Cammeray	Cammeray
24	Lumsden Street	Cammeray	Cammeray
26	Lumsden Street	Cammeray	Cammeray
28	Macpherson Street	Cremorne	Montague Road
30	Macpherson Street	Cremorne	Montague Road
32	Macpherson Street	Cremorne	Montague Road
46	Macpherson Street	Cremorne	Montague Road
2	Manns Avenue	Neutral Bay	Kurraba Point
8	Margaret Street	North Sydney	Whaling Road
10	Margaret Street	North Sydney	Whaling Road
12	Margaret Street	North Sydney	Whaling Road
18	Margaret Street	North Sydney	Whaling Road
20	Margaret Street	North Sydney	Whaling Road
22	Margaret Street	North Sydney	Whaling Road
24	Margaret Street	North Sydney	Whaling Road
1	Mathew Lane	Crows Nest	Holtermann Estate A
3	Mathew Lane	Crows Nest	Holtermann Estate A
17	McDougall Street	Kirribilli	Careening Cove
19	McDougall Street	Kirribilli	Careening Cove
21	McDougall Street	Kirribilli	Careening Cove
23	McDougall Street	Kirribilli	Careening Cove
25	McDougall Street	Kirribilli	Careening Cove
27	McDougall Street	Kirribilli	Careening Cove
31	McDougall Street	Kirribilli	Careening Cove
33	McDougall Street	Kirribilli	Careening Cove

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
35	McDougall Street	Kirribilli	Careening Cove
37	McDougall Street	Kirribilli	Careening Cove
39	McDougall Street	Kirribilli	Careening Cove
1	McHatton Street	Waverton	Crows Nest
1A	McHatton Street	Waverton	Crows Nest
5	McHatton Street	Waverton	Crows Nest
6	McHatton Street	Waverton	Crows Nest
8	McHatton Street	Waverton	Crows Nest
10	McHatton Street	Waverton	Crows Nest
12	McHatton Street	Waverton	Crows Nest
18	McHatton Street	Waverton	Crows Nest
22	McHatton Street	North Sydney	Crows Nest
28	McHatton Street	North Sydney	Crows Nest
30	McHatton Street	North Sydney	Crows Nest
32	McHatton Street	North Sydney	Crows Nest
8	McLaren Street	North Sydney	McLaren Street
10	McLaren Street	North Sydney	McLaren Street
28	Middle Street	McMahons Point	McMahons Point South
30	Middle Street	McMahons Point	McMahons Point South
56	Middle Street	McMahons Point	McMahons Point South
58	Middle Street	McMahons Point	McMahons Point South
68	Middle Street	McMahons Point	McMahons Point South
1	Mil Mil Street	McMahons Point	McMahons Point North
2	Mil Mil Street	McMahons Point	McMahons Point North
3	Mil Mil Street	McMahons Point	McMahons Point North
5	Milray Avenue	Wollstonecraft	Wollstonecraft
7	Milson Road	Cremorne Point	Cremorne Point
9	Milson Road	Cremorne Point	Cremorne Point
11	Milson Road	Cremorne Point	Cremorne Point
16	Milson Road	Cremorne Point	Cremorne Point
20	Milson Road	Cremorne Point	Cremorne Point
23	Milson Road	Cremorne Point	Cremorne Point
24	Milson Road	Cremorne Point	Cremorne Point

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
26	Milson Road	Cremorne Point	Cremorne Point
36	Milson Road	Cremorne Point	Cremorne Point
40	Milson Road	Cremorne Point	Cremorne Point
44	Milson Road	Cremorne Point	Cremorne Point
52	Milson Road	Cremorne Point	Cremorne Point
75	Milson Road	Cremorne Point	Cremorne Point
77	Milson Road	Cremorne Point	Cremorne Point
82	Milson Road	Cremorne Point	Cremorne Point
83	Milson Road	Cremorne Point	Cremorne Point
84	Milson Road	Cremorne Point	Cremorne Point
88	Milson Road	Cremorne Point	Cremorne Point
103	Milson Road	Cremorne Point	Cremorne Point
107	Milson Road	Cremorne Point	Cremorne Point
109	Milson Road	Cremorne Point	Cremorne Point
111	Milson Road	Cremorne Point	Cremorne Point
113	Milson Road	Cremorne Point	Cremorne Point
115	Milson Road	Cremorne Point	Cremorne Point
119	Milson Road	Cremorne Point	Cremorne Point
125	Milson Road	Cremorne Point	Cremorne Point
129	Milson Road	Cremorne Point	Cremorne Point
138	Milson Road	Cremorne Point	Cremorne Point
148	Milson Road	Cremorne Point	Cremorne Point
11	Mitchell Street	McMahons Point	Union / Bank / Thomas Streets
12	Mitchell Street	McMahons Point	Union / Bank / Thomas Streets
2	Montague Road	Cremorne	Montague Road
6	Montague Road	Cremorne	Montague Road
7	Montague Road	Cremorne	Montague Road
8	Montague Road	Cremorne	Montague Road
11	Montague Road	Cremorne	Montague Road
13	Montague Road	Cremorne	Montague Road
14	Montague Road	Cremorne	Montague Road
15	Montague Road	Cremorne	Montague Road

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
16	Montague Road	Cremorne	Montague Road
17	Montague Road	Cremorne	Montague Road
18	Montague Road	Cremorne	Montague Road
19	Montague Road	Cremorne	Montague Road
20	Montague Road	Cremorne	Montague Road
21	Montague Road	Cremorne	Montague Road
22	Montague Road	Cremorne	Montague Road
23	Montague Road	Cremorne	Montague Road
24	Montague Road	Cremorne	Montague Road
25	Montague Road	Cremorne	Montague Road
26	Montague Road	Cremorne	Montague Road
27	Montague Road	Cremorne	Montague Road
28	Montague Road	Cremorne	Montague Road
29	Montague Road	Cremorne	Montague Road
30	Montague Road	Cremorne	Montague Road
31	Montague Road	Cremorne	Montague Road
32	Montague Road	Cremorne	Montague Road
34	Montague Road	Cremorne	Montague Road
36	Montague Road	Cremorne	Montague Road
37	Montague Road	Cremorne	Montague Road
38	Montague Road	Cremorne	Montague Road
40	Montague Road	Cremorne	Montague Road
42	Montague Road	Cremorne	Montague Road
44	Montague Road	Cremorne	Montague Road
5	Morden Street	Cammeray	Cammeray
6	Morden Street	Cammeray	Cammeray
7	Morden Street	Cammeray	Cammeray
8	Morden Street	Cammeray	Cammeray
9	Morden Street	Cammeray	Cammeray
10	Morden Street	Cammeray	Cammeray
11	Morden Street	Cammeray	Cammeray
12	Morden Street	Cammeray	Cammeray

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
22	Morden Street	Cammeray	Cammeray
5	Murdoch Street	Cremorne Point	Cremorne
10	Murdoch Street	Cremorne Point	Kurraba Point
12	Murdoch Street	Cremorne Point	Kurraba Point
14	Murdoch Street	Cremorne Point	Kurraba Point
15	Murdoch Street	Cremorne Point	Cremorne
16	Murdoch Street	Cremorne Point	Kurraba Point
18	Murdoch Street	Cremorne Point	Kurraba Point
20	Murdoch Street	Cremorne Point	Kurraba Point
21	Murdoch Street	Cremorne	Cremorne
22	Murdoch Street	Cremorne Point	Kurraba Point
23	Murdoch Street	Cremorne	Cremorne
24	Murdoch Street	Cremorne Point	Kurraba Point
25	Murdoch Street	Cremorne	Cremorne
26	Murdoch Street	Cremorne Point	Kurraba Point
28	Murdoch Street	Cremorne Point	Kurraba Point
30-34	Murdoch Street	Cremorne Point	Kurraba Point
31	Murdoch Street	Cremorne	Cremorne
37	Murdoch Street	Cremorne	Cremorne
38	Murdoch Street	Cremorne	Cremorne
40	Murdoch Street	Cremorne	Cremorne
42	Murdoch Street	Cremorne	Cremorne
43	Murdoch Street	Cremorne	Cremorne
46	Murdoch Street	Cremorne	Cremorne
48	Murdoch Street	Cremorne	Cremorne
50	Murdoch Street	Cremorne	Cremorne
54	Murdoch Street	Cremorne	Cremorne
56	Murdoch Street	Cremorne	Cremorne
20	Myrtle Street	North Sydney	Holtermann Estate C
22	Myrtle Street	North Sydney	Holtermann Estate C
24	Myrtle Street	North Sydney	Holtermann Estate C
26	Myrtle Street	North Sydney	Holtermann Estate C
29	Myrtle Street	North Sydney	Holtermann Estate C

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
31	Myrtle Street	North Sydney	Holtermann Estate C
32	Myrtle Street	North Sydney	Holtermann Estate C
33	Myrtle Street	North Sydney	Holtermann Estate C
34	Myrtle Street	North Sydney	Holtermann Estate C
36	Myrtle Street	North Sydney	Holtermann Estate C
38	Myrtle Street	North Sydney	Holtermann Estate C
40	Myrtle Street	North Sydney	Holtermann Estate C
46	Myrtle Street	North Sydney	Holtermann Estate C
3	Neutral Street	North Sydney	Whaling Road
4	Neutral Street	North Sydney	Whaling Road
5	Neutral Street	North Sydney	Whaling Road
6	Neutral Street	North Sydney	Whaling Road
7	Neutral Street	North Sydney	Whaling Road
8	Neutral Street	North Sydney	Whaling Road
9	Neutral Street	North Sydney	Whaling Road
10	Neutral Street	North Sydney	Whaling Road
11	Neutral Street	North Sydney	Whaling Road
13	Neutral Street	North Sydney	Whaling Road
14	Neutral Street	North Sydney	Whaling Road
16	Neutral Street	North Sydney	Whaling Road
17	Neutral Street	North Sydney	Whaling Road
24	Neutral Street	North Sydney	Whaling Road
26	Neutral Street	North Sydney	Whaling Road
39	Neutral Street	North Sydney	Whaling Road
43	Neutral Street	North Sydney	Whaling Road
45	Neutral Street	North Sydney	Whaling Road
47	Neutral Street	North Sydney	Whaling Road
49	Neutral Street	North Sydney	Whaling Road
51	Neutral Street	North Sydney	Whaling Road
53	Neutral Street	North Sydney	Whaling Road
55	Neutral Street	North Sydney	Whaling Road
57	Neutral Street	North Sydney	Whaling Road
59	Neutral Street	North Sydney	Whaling Road

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
65	Neutral Street	North Sydney	Whaling Road
67	Neutral Street	North Sydney	Whaling Road
69	Neutral Street	North Sydney	Whaling Road
71	Neutral Street	North Sydney	Whaling Road
1	Oaks Avenue	Cremorne	Oaks Avenue
3	Oaks Avenue	Cremorne	Oaks Avenue
4	Oaks Avenue	Cremorne	Oaks Avenue
5	Oaks Avenue	Cremorne	Oaks Avenue
6	Oaks Avenue	Cremorne	Oaks Avenue
7	Oaks Avenue	Cremorne	Oaks Avenue
8	Oaks Avenue	Cremorne	Oaks Avenue
9	Oaks Avenue, (That part comprising the 3 dwelling houses fronting Oaks Avenue)	Cremorne	Oaks Avenue
14	Oaks Avenue	Cremorne	Oaks Avenue
19	Oaks Avenue	Cremorne	Oaks Avenue
21	Oaks Avenue	Cremorne	Oaks Avenue
1	Ormiston Avenue	North Sydney	Whaling Road
3	Ormiston Avenue	North Sydney	Whaling Road
4	Ormiston Avenue	North Sydney	Whaling Road
69-71	Palmer Street	Cammeray	Cammeray
37	Park Avenue	Cremorne	Oaks Avenue
39	Park Avenue	Cremorne	Oaks Avenue
43	Park Avenue	Cremorne	Oaks Avenue
45	Park Avenue	Cremorne	Oaks Avenue
49	Park Avenue	Cremorne	Oaks Avenue
1	Parker Street	McMahons Point	McMahons Point South
2	Peel Street	Kirribilli	Kirribilli
4	Peel Street	Kirribilli	Kirribilli
18	Peel Street	Kirribilli	Kirribilli
20	Peel Street	Kirribilli	Kirribilli

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
27	Peel Street	Kirribilli	Kirribilli
29	Peel Street	Kirribilli	Kirribilli
31	Peel Street	Kirribilli	Kirribilli
2	Penshurst Avenue	Kurraba Point	Kurraba Point
4	Penshurst Avenue	Kurraba Point	Kurraba Point
4	Princes Street	McMahons Point	McMahons Point North
6	Princes Street	McMahons Point	McMahons Point North
8	Princes Street	McMahons Point	McMahons Point North
9	Princes Street	McMahons Point	McMahons Point North
10	Princes Street	McMahons Point	McMahons Point North
11	Princes Street	McMahons Point	McMahons Point North
12	Princes Street	McMahons Point	McMahons Point North
13	Princes Street	McMahons Point	McMahons Point North
14	Princes Street	McMahons Point	McMahons Point North
15	Princes Street	McMahons Point	McMahons Point North
16	Princes Street	McMahons Point	McMahons Point North
17	Princes Street	McMahons Point	McMahons Point North
18	Princes Street	McMahons Point	McMahons Point North
19	Princes Street	McMahons Point	McMahons Point North
20	Princes Street	McMahons Point	McMahons Point North
21	Princes Street	McMahons Point	McMahons Point North
22	Princes Street	McMahons Point	McMahons Point North
24	Princes Street	McMahons Point	McMahons Point North
26	Princes Street	McMahons Point	McMahons Point North
28	Princes Street	McMahons Point	McMahons Point North
30	Princes Street	McMahons Point	McMahons Point North
32	Princes Street	McMahons Point	McMahons Point North
34	Princes Street	McMahons Point	McMahons Point North
36	Princes Street	McMahons Point	McMahons Point North
38	Princes Street	McMahons Point	McMahons Point North
40	Princes Street	McMahons Point	McMahons Point North
1	Priory Road	Waverton	Priory Road

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
2	Priory Road	Waverton	Priory Road
5A	Priory Road	Waverton	Priory Road
6	Priory Road	Waverton	Priory Road
7	Priory Road	Waverton	Priory Road
8	Priory Road	Waverton	Priory Road
9	Priory Road	Waverton	Priory Road
11	Priory Road	Waverton	Priory Road
15	Priory Road	Waverton	Priory Road
1	Queens Avenue	McMahons Point	McMahons Point North
2	Queens Avenue	McMahons Point	McMahons Point North
3	Queens Avenue	McMahons Point	McMahons Point North
4	Queens Avenue	McMahons Point	McMahons Point North
5	Queens Avenue	McMahons Point	McMahons Point North
7	Queens Avenue	McMahons Point	McMahons Point North
8	Queens Avenue	McMahons Point	McMahons Point North
9	Queens Avenue	McMahons Point	McMahons Point North
10	Queens Avenue	McMahons Point	McMahons Point North
11	Queens Avenue	McMahons Point	McMahons Point North
13	Queens Avenue	McMahons Point	McMahons Point North
15	Queens Avenue	McMahons Point	McMahons Point North
17	Queens Avenue	McMahons Point	McMahons Point North
8	Raleigh Street	Cammeray	Cammeray
10	Raleigh Street	Cammeray	Cammeray
12	Raleigh Street	Cammeray	Cammeray
14	Raleigh Street	Cammeray	Cammeray
22	Raleigh Street	Cammeray	Cammeray
33	Rangers Road	Cremorne	Cremorne
36	Rangers Road	Cremorne	Cremorne
38	Rangers Road	Cremorne	Cremorne
40	Rangers Road	Cremorne	Cremorne
56	Rangers Road	Cremorne	Cremorne
58	Rangers Road	Cremorne	Cremorne
60	Rangers Road	Cremorne	Cremorne

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
62	Rangers Road	Cremorne	Cremorne
64	Rangers Road	Cremorne	Cremorne
66	Rangers Road	Cremorne	Cremorne
1	Reed Street	Cremorne	Cremorne
16	Reed Street	Cremorne	Cremorne
8	Richmond Avenue	Cremorne	Montague Road
10	Richmond Avenue	Cremorne	Montague Road
12	Richmond Avenue	Cremorne	Montague Road
14	Richmond Avenue	Cremorne	Montague Road
16	Richmond Avenue	Cremorne	Montague Road
18	Richmond Avenue	Cremorne	Montague Road
20	Richmond Avenue	Cremorne	Montague Road
22	Richmond Avenue	Cremorne	Montague Road
26	Richmond Avenue	Cremorne	Montague Road
27	Richmond Avenue	Cremorne	Montague Road
28	Richmond Avenue	Cremorne	Montague Road
29	Richmond Avenue	Cremorne	Montague Road
30	Richmond Avenue	Cremorne	Montague Road
31	Richmond Avenue	Cremorne	Montague Road
33	Richmond Avenue	Cremorne	Montague Road
35	Richmond Avenue	Cremorne	Montague Road
71	Ridge Street	North Sydney	Walker / Ridge Streets
73	Ridge Street	North Sydney	Walker / Ridge Streets
75	Ridge Street	North Sydney	Walker / Ridge Streets
89	Ridge Street	North Sydney	Walker / Ridge Streets
8	Riley Street	North Sydney	Union / Bank /Thomas Streeets
9	Riley Street	North Sydney	Edward Street
10	Riley Street	North Sydney	Union / Bank /Thomas Streeets
11	Riley Street	North Sydney	Edward Street
12	Riley Street	North Sydney	Union / Bank /Thomas Streeets
13	Riley Street	North Sydney	Edward Street
14	Riley Street	North Sydney	Union / Bank /Thomas Streeets
15	Riley Street	North Sydney	Edward Street

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
17	Riley Street	North Sydney	Edward Street
19	Riley Street	North Sydney	Edward Street
4	Shellcove Road	Kurraba Point	Kurraba Point
5	Shellcove Road	Kurraba Point	Kurraba Point
7	Shellcove Road	Kurraba Point	Kurraba Point
7A	Shellcove Road	Kurraba Point	Kurraba Point
7B	Shellcove Road	Kurraba Point	Kurraba Point
8	Shellcove Road	Kurraba Point	Kurraba Point
9	Shellcove Road	Kurraba Point	Kurraba Point
10	Shellcove Road	Kurraba Point	Kurraba Point
12	Shellcove Road	Kurraba Point	Kurraba Point
14	Shellcove Road	Kurraba Point	Kurraba Point
15	Shellcove Road	Kurraba Point	Kurraba Point
17	Shellcove Road	Kurraba Point	Kurraba Point
19	Shellcove Road	Kurraba Point	Kurraba Point
21	Shellcove Road	Kurraba Point	Kurraba Point
23	Shellcove Road	Kurraba Point	Kurraba Point
26	Shellcove Road	Kurraba Point	Kurraba Point
27	Shellcove Road	Kurraba Point	Kurraba Point
36	Shellcove Road	Kurraba Point	Kurraba Point
41	Shellcove Road	Kurraba Point	Kurraba Point
43	Shellcove Road	Kurraba Point	Kurraba Point
44	Shellcove Road	Kurraba Point	Kurraba Point
56	Shellcove Road	Kurraba Point	Kurraba Point
58	Shellcove Road	Neutral Bay	Cremorne
60	Shellcove Road	Neutral Bay	Cremorne
63	Shellcove Road	Kurraba Point	Kurraba Point
64	Shellcove Road	Neutral Bay	Cremorne
71	Shellcove Road	Neutral Bay	Cremorne
74	Shellcove Road	Neutral Bay	Cremorne
76	Shellcove Road	Neutral Bay	Cremorne
78	Shellcove Road	Neutral Bay	Cremorne

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
84	Shellcove Road	Neutral Bay	Cremorne
1	Shirley Road	Wollstonecraft	Wollstonecraft
3	Shirley Road	Wollstonecraft	Wollstonecraft
7	Shirley Road	Wollstonecraft	Wollstonecraft
9	Shirley Road	Wollstonecraft	Wollstonecraft
11	Shirley Road	Wollstonecraft	Wollstonecraft
17	Shirley Road	Wollstonecraft	Wollstonecraft
21	Shirley Road	Wollstonecraft	Wollstonecraft
22	Shirley Road	Wollstonecraft	Wollstonecraft
24	Shirley Road	Wollstonecraft	Wollstonecraft
26	Shirley Road	Wollstonecraft	Wollstonecraft
40	Shirley Road	Wollstonecraft	Wollstonecraft
8	Sophia Street	Crows Nest	Holtermann Estate B
12	Sophia Street	Crows Nest	Holtermann Estate B
13	Sophia Street	Crows Nest	Holtermann Estate B
14	Sophia Street	Crows Nest	Holtermann Estate B
15	Sophia Street	Crows Nest	Holtermann Estate B
16	Sophia Street	Crows Nest	Holtermann Estate B
18	Sophia Street	Crows Nest	Holtermann Estate B
6	Spofforth Street	Cremorne	Cremorne
8	Spofforth Street	Cremorne	Cremorne
10	Spofforth Street	Cremorne	Cremorne
12	Spofforth Street	Cremorne	Cremorne
16	Spofforth Street	Cremorne	Cremorne
44	Spofforth Street	Cremorne	Cremorne
46	Spofforth Street	Cremorne	Cremorne
52	Spofforth Street	Cremorne	Cremorne
54	Spofforth Street	Cremorne	Cremorne
4	Stannards Place	Kirribilli	Careening Cove
1	Telopea Street	Wollstonecraft	Wollstonecraft
4	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
6	Thomas Street	McMahons Point	Union / Bank / Thomas Streets

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
10	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
12	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
14	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
15	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
16	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
17	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
18	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
19	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
20	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
22	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
27	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
29	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
30	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
31	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
32	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
33	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
34	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
35	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
36	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
37	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
38-40	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
39	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
42	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
44	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
46	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
48	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
50	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
52	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
54	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
56	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
58	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
60	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
1	Toongarah Road	Waverton	Priory Road

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
2	Toongarah Road	Waverton	Priory Road
3	Toongarah Road	Waverton	Priory Road
4	Toongarah Road	Waverton	Priory Road
6	Toongarah Road	Waverton	Priory Road
9	Toongarah Road	Waverton	Priory Road
10	Toongarah Road	Waverton	Priory Road
12	Toongarah Road	Waverton	Priory Road
14	Toongarah Road	Waverton	Priory Road
18	Toongarah Road	Waverton	Priory Road
20	Toongarah Road	Waverton	Priory Road
22	Toongarah Road	Waverton	Priory Road
24	Toongarah Road	Waverton	Priory Road
2A	Union Street	McMahons Point	Union / Bank / Thomas Streets
2B	Union Street	McMahons Point	Union / Bank / Thomas Streets
4	Union Street	McMahons Point	Union / Bank / Thomas Streets
6	Union Street	McMahons Point	Union / Bank / Thomas Streets
8	Union Street	McMahons Point	Union / Bank / Thomas Streets
10	Union Street	McMahons Point	Union / Bank / Thomas Streets
14	Union Street	McMahons Point	Union / Bank / Thomas Streets
16	Union Street	McMahons Point	Union / Bank / Thomas Streets
18	Union Street	McMahons Point	Union / Bank / Thomas Streets
20	Union Street	McMahons Point	Union / Bank / Thomas Streets
22	Union Street	McMahons Point	Union / Bank / Thomas Streets
24	Union Street	McMahons Point	Union / Bank / Thomas Streets
35	Union Street	McMahons Point	Union / Bank / Thomas Streets
41	Union Street	McMahons Point	Union / Bank / Thomas Streets
42	Union Street	McMahons Point	Union / Bank / Thomas Streets
47	Union Street	McMahons Point	Union / Bank / Thomas Streets
49	Union Street	McMahons Point	Union / Bank / Thomas Streets
51	Union Street	McMahons Point	Union / Bank / Thomas Streets
61	Union Street	McMahons Point	Union / Bank / Thomas Streets
63	Union Street	McMahons Point	Union / Bank / Thomas Streets
65	Union Street	McMahons Point	Union / Bank / Thomas Streets

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
67	Union Street	McMahons Point	Union / Bank / Thomas Streets
69-71	Union Street	McMahons Point	Union / Bank / Thomas Streets
80	Union Street	North Sydney	Union / Bank / Thomas Streets
82	Union Street	North Sydney	Union / Bank / Thomas Streets
83	Union Street	McMahons Point	Union / Bank / Thomas Streets
84	Union Street	North Sydney	Union / Bank / Thomas Streets
85	Union Street	McMahons Point	Union / Bank / Thomas Streets
86	Union Street	McMahons Point	Union / Bank / Thomas Streets
87	Union Street	McMahons Point	Union / Bank / Thomas Streets
88	Union Street	McMahons Point	Union / Bank / Thomas Streets
89	Union Street	McMahons Point	Union / Bank / Thomas Streets
90	Union Street	McMahons Point	Union / Bank / Thomas Streets
91	Union Street	McMahons Point	Union / Bank / Thomas Streets
92	Union Street	McMahons Point	Union / Bank / Thomas Streets
94	Union Street	McMahons Point	Union / Bank / Thomas Streets
95	Union Street	McMahons Point	Union / Bank / Thomas Streets
96	Union Street	McMahons Point	Union / Bank / Thomas Streets
97	Union Street	McMahons Point	Union / Bank / Thomas Streets
98	Union Street	McMahons Point	Union / Bank / Thomas Streets
103	Union Street	McMahons Point	Union / Bank / Thomas Streets
105	Union Street	McMahons Point	Union / Bank / Thomas Streets
107	Union Street	McMahons Point	Union / Bank / Thomas Streets
109	Union Street	McMahons Point	Union / Bank / Thomas Streets
111	Union Street	McMahons Point	Union / Bank / Thomas Streets
113	Union Street	McMahons Point	Union / Bank / Thomas Streets
115	Union Street	McMahons Point	Union / Bank / Thomas Streets
117	Union Street	McMahons Point	Union / Bank / Thomas Streets
119	Union Street	McMahons Point	Union / Bank / Thomas Streets
63	Upper Pitt Street	Kirribilli	Kirribilli
7	Victoria Street	McMahons Point	Union / Bank / Thomas Streets
8	Victoria Street	McMahons Point	Union / Bank / Thomas Streets
10	Victoria Street	McMahons Point	Union / Bank / Thomas Streets

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
11	Victoria Street	McMahons Point	Union / Bank / Thomas Streets
12	Victoria Street	McMahons Point	Union / Bank / Thomas Streets
13	Victoria Street	McMahons Point	Union / Bank / Thomas Streets
14	Victoria Street	McMahons Point	Union / Bank / Thomas Streets
16	Victoria Street	McMahons Point	Union / Bank / Thomas Streets
26	Victoria Street	McMahons Point	Union / Bank / Thomas Streets
28	Victoria Street	McMahons Point	Union / Bank / Thomas Streets
38	Victoria Street	McMahons Point	Union / Bank / Thomas Streets
3	Waiwera Street	Lavender Bay	McMahons Point North
5	Waiwera Street	Lavender Bay	McMahons Point North
6	Waiwera Street	Lavender Bay	McMahons Point North
8	Waiwera Street	Lavender Bay	McMahons Point North
10	Waiwera Street	Lavender Bay	McMahons Point North
12	Waiwera Street	Lavender Bay	McMahons Point North
14	Waiwera Street	Lavender Bay	McMahons Point North
17	Waiwera Street	Lavender Bay	McMahons Point North
24	Waiwera Street	Lavender Bay	McMahons Point North
26	Waiwera Street	Lavender Bay	McMahons Point North
28	Waiwera Street	Lavender Bay	McMahons Point North
10-14	Wallaringa Avenue	Kurraba Point	Kurraba Point
6	Warringa Road	Cammeray	Cammeray
8	Warringa Road	Cammeray	Cammeray
10	Warringa Road	Cammeray	Cammeray
12	Warringa Road	Cammeray	Cammeray
14	Warringa Road	Cammeray	Cammeray
16	Warringa Road	Cammeray	Cammeray
18	Warringa Road	Cammeray	Cammeray
20	Warringa Road	Cammeray	Cammeray
22	Warringa Road	Cammeray	Cammeray
24	Warringa Road	Cammeray	Cammeray
26	Warringa Road	Cammeray	Cammeray
28	Warringa Road	Cammeray	Cammeray

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
34	Warringa Road	Cammeray	Cammeray
46	Warringa Road	Cammeray	Cammeray
1	Waruda Street	Kirribilli	Kirribilli
10	Waruda Street	Kirribilli	Kirribilli
11	Waruda Street	Kirribilli	Kirribilli
12	Waruda Street	Kirribilli	Kirribilli
14-16	Waruda Street	Kirribilli	Kirribilli
1	Webb Street	McMahons Point	Union / Bank / Thomas Streets
3	Webb Street	McMahons Point	Union / Bank / Thomas Streets
5-7	Webb Street	McMahons Point	Union / Bank / Thomas Streets
9	Webb Street	McMahons Point	Union / Bank / Thomas Streets
21	West Street	North Sydney	Holtermann Estate D
23	West Street	North Sydney	Holtermann Estate D
31	West Street	North Sydney	Holtermann Estate D
47	West Street	North Sydney	Holtermann Estate D
49	West Street	North Sydney	Holtermann Estate D
50	West Street	North Sydney	Holtermann Estate D
51	West Street	North Sydney	Holtermann Estate D
52	West Street	North Sydney	Holtermann Estate D
53	West Street	North Sydney	Holtermann Estate D
54	West Street	North Sydney	Holtermann Estate D
55	West Street	North Sydney	Holtermann Estate D
56	West Street	North Sydney	Holtermann Estate D
57	West Street	North Sydney	Holtermann Estate D
59	West Street	North Sydney	Holtermann Estate D
60	West Street	North Sydney	Holtermann Estate D
61	West Street	North Sydney	Holtermann Estate D
62	West Street	North Sydney	Holtermann Estate D
63	West Street	North Sydney	Holtermann Estate D
64	West Street	North Sydney	Holtermann Estate D
65	West Street	North Sydney	Holtermann Estate D
66	West Street	North Sydney	Holtermann Estate D
68	West Street	North Sydney	Holtermann Estate D

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
69	West Street	Crows Nest	Holtermann Estate D
70	West Street	North Sydney	Holtermann Estate D
71	West Street	Crows Nest	Holtermann Estate D
71A	West Street	Crows Nest	Holtermann Estate D
72	West Street	North Sydney	Holtermann Estate D
73	West Street	Crows Nest	Holtermann Estate D
73A	West Street	Crows Nest	Holtermann Estate D
74	West Street	North Sydney	Holtermann Estate D
76	West Street	North Sydney	Holtermann Estate D
77	West Street	North Sydney	Holtermann Estate D
78	West Street	North Sydney	Holtermann Estate D
79	West Street	North Sydney	Holtermann Estate D
80	West Street	North Sydney	Holtermann Estate D
81	West Street	North Sydney	Holtermann Estate D
82	West Street	North Sydney	Holtermann Estate D
83	West Street	North Sydney	Holtermann Estate D
84	West Street	North Sydney	Holtermann Estate D
85	West Street	North Sydney	Holtermann Estate D
91	West Street	Crows Nest	Holtermann Estate D
95	West Street	Crows Nest	Holtermann Estate D
97	West Street	Crows Nest	Holtermann Estate D
98	West Street	Crows Nest	Holtermann Estate D
100A	West Street	Crows Nest	Holtermann Estate D
101	West Street	Crows Nest	Holtermann Estate D
102	West Street	Crows Nest	Holtermann Estate D
102A	West Street	Crows Nest	Holtermann Estate D
104	West Street	Crows Nest	Holtermann Estate D
106	West Street	Crows Nest	Holtermann Estate D
108	West Street	Crows Nest	Holtermann Estate D
110	West Street	Crows Nest	Holtermann Estate D
112	West Street	Crows Nest	Holtermann Estate D
114	West Street	Crows Nest	Holtermann Estate D
116	West Street	Crows Nest	Holtermann Estate D

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
122	West Street	Crows Nest	Holtermann Estate D
124	West Street	Crows Nest	Holtermann Estate D
126	West Street	Crows Nest	Holtermann Estate D
128	West Street	Crows Nest	Holtermann Estate D
130	West Street	Crows Nest	Holtermann Estate D
154	West Street	Crows Nest	Holtermann Estate B
156	West Street	Crows Nest	Holtermann Estate B
158	West Street	Crows Nest	Holtermann Estate B
160	West Street	Crows Nest	Holtermann Estate B
162	West Street	Crows Nest	Holtermann Estate B
164	West Street	Crows Nest	Holtermann Estate B
166	West Street	Crows Nest	Holtermann Estate B
180	West Street	Crows Nest	Holtermann Estate B
182	West Street	Crows Nest	Holtermann Estate B
184	West Street	Crows Nest	Holtermann Estate B
192	West Street	Crows Nest	Holtermann Estate B
204	West Street	Crows Nest	Holtermann Estate B
206	West Street	Crows Nest	Holtermann Estate B
208	West Street	Crows Nest	Holtermann Estate B
210	West Street	Crows Nest	Holtermann Estate B
212	West Street	Crows Nest	Holtermann Estate B
214	West Street	Crows Nest	Holtermann Estate B
216	West Street	Crows Nest	Holtermann Estate B
218	West Street	Crows Nest	Holtermann Estate B
220	West Street	Crows Nest	Holtermann Estate B
224	West Street	Crows Nest	Holtermann Estate B
226	West Street	Crows Nest	Holtermann Estate B
230	West Street	Crows Nest	Holtermann Estate B
232	West Street	Crows Nest	Holtermann Estate B
234	West Street	Crows Nest	Holtermann Estate B
236	West Street	Crows Nest	Holtermann Estate B
246	West Street	Crows Nest	Holtermann Estate B

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
248	West Street	Crows Nest	Holtermann Estate B
248A	West Street	Crows Nest	Holtermann Estate B
7	West Crecent Street	McMahons Point	McMahons Point South
2	Whaling Road	North Sydney	Whaling Road
12	Whaling Road	North Sydney	Whaling Road
14	Whaling Road	North Sydney	Whaling Road
16	Whaling Road	North Sydney	Whaling Road
17	Whaling Road	North Sydney	Whaling Road
18	Whaling Road	North Sydney	Whaling Road
20	Whaling Road	North Sydney	Whaling Road
21	Whaling Road	North Sydney	Whaling Road
22	Whaling Road	North Sydney	Whaling Road
23	Whaling Road	North Sydney	Whaling Road
24	Whaling Road	North Sydney	Whaling Road
25	Whaling Road	North Sydney	Whaling Road
26	Whaling Road	North Sydney	Whaling Road
28	Whaling Road	North Sydney	Whaling Road
29	Whaling Road	North Sydney	Whaling Road
30	Whaling Road	North Sydney	Whaling Road
31	Whaling Road	North Sydney	Whaling Road
32	Whaling Road	North Sydney	Whaling Road
33	Whaling Road	North Sydney	Whaling Road
34	Whaling Road	North Sydney	Whaling Road
35	Whaling Road	North Sydney	Whaling Road
36	Whaling Road	North Sydney	Whaling Road
37	Whaling Road	North Sydney	Whaling Road
38	Whaling Road	North Sydney	Whaling Road
39	Whaling Road	North Sydney	Whaling Road
40	Whaling Road	North Sydney	Whaling Road
42	Whaling Road	North Sydney	Whaling Road
43	Whaling Road	North Sydney	Whaling Road
44	Whaling Road	North Sydney	Whaling Road

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
46	Whaling Road	North Sydney	Whaling Road
48	Whaling Road	North Sydney	Whaling Road
25	Willoughby Street	Kirribilli	Careening Cove
27	Willoughby Street	Kirribilli	Careening Cove
27A	Willoughby Street	Kirribilli	Careening Cove
33	Willoughby Street	Kirribilli	Careening Cove
35	Willoughby Street	Kirribilli	Careening Cove
37	Willoughby Street	Kirribilli	Careening Cove
39	Willoughby Street	Kirribilli	Careening Cove
47	Willoughby Street	Kirribilli	Careening Cove
50	Willoughby Street	Kirribilli	Careening Cove
51	Willoughby Street	Kirribilli	Careening Cove
52	Willoughby Street	Kirribilli	Careening Cove
54	Willoughby Street	Kirribilli	Careening Cove
55	Willoughby Street	Kirribilli	Careening Cove
56	Willoughby Street	Kirribilli	Careening Cove
56A	Willoughby Street	Kirribilli	Careening Cove
58	Willoughby Street	Kirribilli	Careening Cove
1	Wilona Avenue	Lavender Bay	Lavender Bay
2	Wilona Avenue	Lavender Bay	Lavender Bay
3	Wilona Avenue	Lavender Bay	Lavender Bay
4	Wilona Avenue	Lavender Bay	Lavender Bay
5	Wilona Avenue	Lavender Bay	Lavender Bay
6	Wilona Avenue	Lavender Bay	Lavender Bay
7	Wilona Avenue	Lavender Bay	Lavender Bay
8	Wilona Avenue	Lavender Bay	Lavender Bay
9	Wilona Avenue	Lavender Bay	Lavender Bay
10	Wilona Avenue	Lavender Bay	Lavender Bay
11	Wilona Avenue	Lavender Bay	Lavender Bay
12	Wilona Avenue	Lavender Bay	Lavender Bay
13	Wilona Avenue	Lavender Bay	Lavender Bay
14	Wilona Avenue	Lavender Bay	Lavender Bay
2	Wilson Street	Cammeray	Plateau

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
4	Wilson Street	Cammeray	Plateau
6	Wilson Street	Cammeray	Plateau
8	Wilson Street	Cammeray	Plateau
28	Wilson Street	Cammeray	Plateau
30	Wilson Street	Cammeray	Plateau
34	Wilson Street	Cammeray	Plateau
2	Winslow Street	Kirribilli	Careening Cove
3	Winslow Street	Kirribilli	Careening Cove
5	Winslow Street	Kirribilli	Careening Cove
7	Winslow Street	Kirribilli	Careening Cove
8	Winslow Street	Kirribilli	Careening Cove
9	Winslow Street	Kirribilli	Careening Cove
10	Winslow Street	Kirribilli	Careening Cove
11	Winslow Street	Kirribilli	Careening Cove
12	Winslow Street	Kirribilli	Careening Cove
13	Winslow Street	Kirribilli	Careening Cove
14	Winslow Street	Kirribilli	Careening Cove
15	Winslow Street	Kirribilli	Careening Cove
16	Winslow Street	Kirribilli	Careening Cove
18	Winslow Street	Kirribilli	Careening Cove
20	Winslow Street	Kirribilli	Careening Cove
22	Winslow Street	Kirribilli	Careening Cove
1	Wulworra Avenue	Cremorne Point	Cremorne Point
6	Wulworra Avenue	Cremorne Point	Cremorne Point
8	Wulworra Avenue (4 storey apartment building on north-western part of site)	Cremorne Point	Cremorne Point
25	Wycombe Road	Kurraba Point	Kurraba Point
27	Wycombe Road	Kurraba Point	Kurraba Point
29	Wycombe Road	Kurraba Point	Kurraba Point
43	Wycombe Road	Kurraba Point	Kurraba Point
44	Wycombe Road	Neutral Bay	Kurraba Point
45	Wycombe Road	Kurraba Point	Kurraba Point

TABLE App-1.1: Contributory Items			
St. No	**Street**	**Suburb**	**Conservation Area**
57	Wycombe Road	Neutral Bay	Cremorne
63	Wycombe Road	Neutral Bay	Cremorne
65	Wycombe Road	Neutral Bay	Cremorne
72	Wycombe Road	Neutral Bay	Cremorne
78	Wycombe Road	Neutral Bay	Cremorne
80	Wycombe Road	Neutral Bay	Cremorne
84	Wycombe Road	Neutral Bay	Cremorne
153	Wycombe Road	Neutral Bay	Cremorne

TABLE App-1.2: Uncharacteristic Items

St No.	Street Address	Suburb	Conservation Area
83	Atchison Street	Crows Nest	Holtermann Estate A
85	Atchison Street	Crows Nest	Holtermann Estate A
99	Atchison Street	Crows Nest	Holtermann Estate A
101	Atchison Street	Crows Nest	Holtermann Estate A
108	Atchison Street	Crows Nest	Holtermann Estate A
110	Atchison Street	Crows Nest	Holtermann Estate A
124	Alexander Street	Crows Nest	Holtermann Estate A
140-144	Alexander Street	Crows Nest	Holtermann Estate A
146	Atchison Street	Crows Nest	Holtermann Estate A
155	Alexander Street	Crows Nest	Holtermann Estate A
2	Bannerman Street	Cremorne	Cremorne
2A	Bannerman Street	Cremorne	Cremorne
4	Bannerman Street	Cremorne	Cremorne
6	Bannerman Street	Cremorne	Cremorne
10-12	Bannerman Street	Cremorne	Cremorne
14	Bannerman Street	Cremorne	Cremorne
16	Bannerman Street	Cremorne	Cremorne
18	Bannerman Street	Cremorne	Cremorne
65	Bay Road	Waverton	Bay Road
83	Bay Road	Waverton	Bay Road
51	Bellevue Street	Cammeray	Cammeray
83-87	Bellevue Street	Cammeray	Cammeray
2	Bells Avenue	Cammeray	Cammeray
10	Bells Avenue	Cammeray	Cammeray
1	Bennett Street	Neutral Bay	Cremorne
43-45	Bennett Street	Cremorne	Cremorne
22	Bertha Road	Cremorne	Cremorne
1	Billong Street	Neutral Bay	Kurraba Point
3	Billong Street	Neutral Bay	Kurraba Point
49	Blues Point Road	McMahons Point	McMahons Point South
126	Blues Point Road	McMahons Point	McMahons Point North
33	Burlington Street	Crows Nest	Holtermann Estate B

TABLE App-1.2: Uncharacteristic Items

St No.	Street Address	Suburb	Conservation Area
37	Burlington Street	Crows Nest	Holtermann Estate B
39	Burlington Street	Crows Nest	Holtermann Estate B
51	Burlington Street	Crows Nest	Holtermann Estate B
57	Burlington Street	Crows Nest	Holtermann Estate B
59	Burlington Street	Crows Nest	Holtermann Estate B
81	Burlington Street	Crows Nest	Holtermann Estate B
85-87	Burlington Street	Crows Nest	Holtermann Estate B
86	Burlington Street	Crows Nest	Holtermann Estate B
92	Burlington Street	Crows Nest	Holtermann Estate B
93	Burlington Street	Crows Nest	Holtermann Estate B
120	Burlington Street	Crows Nest	Holtermann Estate B
136	Burlington Street	Crows Nest	Holtermann Estate B
19-23	Cairo Street	Cammeray	Plateau
32	Cairo Street	Cammeray	Plateau
74	Cairo Street	Cammeray	Plateau
18	Carabella Street	Kirribilli	Kirribilli
20	Carabella Street	Kirribilli	Kirribilli
29	Carabella Street	Kirribilli	Kirribilli
33	Carabella Street	Kirribilli	Kirribilli
49	Carr Street	Waverton	Union / Bank / Thomas Streets
29	Carter Street	Cammeray	Cammeray
2A	Carter Street	Cammeray	Plateau
2B	Carter Street	Cammeray	Plateau
2C	Carter Street	Cammeray	Plateau
2D	Carter Street	Cammeray	Plateau
110	Chandos Street	Crows Nest	Holtermann Estate A
112	Chandos Street	Crows Nest	Holtermann Estate A
114	Chandos Street	Crows Nest	Holtermann Estate A
116-118	Chandos Street	Crows Nest	Holtermann Estate A
119	Chandos Street	Crows Nest	Holtermann Estate A
120	Chandos Street	Crows Nest	Holtermann Estate A
121	Chandos Street	Crows Nest	Holtermann Estate A

TABLE App-1.2: Uncharacteristic Items			
St No.	**Street Address**	**Suburb**	**Conservation Area**
123	Chandos Street	Crows Nest	Holtermann Estate A
136	Chandos Street	Crows Nest	Holtermann Estate A
138	Chandos Street	Crows Nest	Holtermann Estate A
164	Chandos Street	Crows Nest	Holtermann Estate A
169	Chandos Street	Crows Nest	Holtermann Estate A
172	Chandos Street	Crows Nest	Holtermann Estate A
174	Chandos Street	Crows Nest	Holtermann Estate A
201	Chandos Street	Crows Nest	Holtermann Estate A
201A	Chandos Street	Crows Nest	Holtermann Estate A
203A	Chandos Street	Crows Nest	Holtermann Estate A
17	Claude Avenue	Cremorne	Cremorne
24-32	Colin Street	Cammeray	Plateau
12	Commodore Street	McMahons Point	Union / Bank / Thomas Streets
15	Commodore Street	McMahons Point	Union / Bank / Thomas Streets
11	Cremorne Road	Cremorne Point	Cremorne Point
44	Cremorne Road	Cremorne Point	Cremorne Point
67	Cremorne Road	Cremorne Point	Cremorne Point
48	Crows Nest Road	Waverton	Crows Nest
54	Crows Nest Road	Waverton	Crows Nest
54A	Crows Nest Road	Waverton	Crows Nest
2	Devonshire Street	Crows Nest	Holtermann Estate A
2A	Devonshire Street	Crows Nest	Holtermann Estate A
17	Devonshire Street	Crows Nest	Holtermann Estate A
23	Devonshire Street	Crows Nest	Holtermann Estate A
24	Devonshire Street	Crows Nest	Holtermann Estate A
24A	Devonshire Street	Crows Nest	Holtermann Estate A
29	Devonshire Street	Crows Nest	Holtermann Estate A
30	Devonshire Street	Crows Nest	Holtermann Estate A
33	Devonshire Street	Crows Nest	Holtermann Estate A
34	Devonshire Street	Crows Nest	Holtermann Estate A
36	Devonshire Street	Crows Nest	Holtermann Estate A
42	Devonshire Street	Crows Nest	Holtermann Estate A

TABLE App-1.2: Uncharacteristic Items			
St No.	**Street Address**	**Suburb**	**Conservation Area**
11	Dumbarton Street	McMahons Point	Union / Bank / Thomas Streets
13	Dumbarton Street	McMahons Point	Union / Bank / Thomas Streets
45-47	Dumbarton Street	McMahons Point	Union / Bank / Thomas Streets
9	Ellalong Road	Cremorne	Montague Road
6	Emmett Street (fronting David Lane)	Crows Nest	Holtermann Estate C
50	Emmett Street	Crows Nest	Holtermann Estate C
32	Ernest Lane	Crows Nest	Holtermann Estate B
65-71	Ernest Street (That part comprising the two storey brick townhouses fronting Burlington Lane)	Crows Nest	Holtermann Estate B
118-120	Ernest Street	Crows Nest	Holtermann Estate B
130	Ernest Street	Crows Nest	Holtermann Estate B
50	Ernest Street	Crows Nest	Holtermann Estate B
62	Ernest Street	Crows Nest	Holtermann Estate B
66	Ernest Street	Crows Nest	Holtermann Estate B
78	Ernest Street	Crows Nest	Holtermann Estate B
99	Ernest Street	Crows Nest	Holtermann Estate B
99A	Ernest Street	Crows Nest	Holtermann Estate B
1	Florence Street	Cremorne	Cremorne
20	Florence Street	Cremorne	Cremorne
4	Green Street	Cremorne Point	Cremorne Point
2A	Guthrie Avenue	Cremorne	Cremorne
25	Harriette Street	Kurraba Point	Kurraba Point
46	Harriette Street	Neutral Bay	Cremorne
25	Hayberry Street	Crows Nest	Holtermann Estate C
59	Hayberry Street	Crows Nest	Holtermann Estate C
59A	Hayberry Street	Crows Nest	Holtermann Estate C
9	Hayes Street	Neutral Bay	Kurraba Point
1	Hazelbank Road	Wollstonecraft	Crows Nest

TABLE App-1.2: Uncharacteristic Items			
St No.	**Street Address**	**Suburb**	**Conservation Area**
22	Hodgson Avenue	Cremorne Point	Cremorne
42	Holtermann Street	Crows Nest	Holtermann Estate B
49	Holtermann Street	Crows Nest	Holtermann Estate B
58	Holtermann Street	Crows Nest	Holtermann Estate B
59	Holtermann Street	Crows Nest	Holtermann Estate B
61-69	Holtermann Street	Crows Nest	Holtermann Estate B
62-64	Holtermann Street	Crows Nest	Holtermann Estate B
68	Holtermann Street	Crows Nest	Holtermann Estate B
78	Holtermann Street	Crows Nest	Holtermann Estate B
80	Holtermann Street	Crows Nest	Holtermann Estate B
82	Holtermann Street	Crows Nest	Holtermann Estate B
101	Holtermann Street	Crows Nest	Holtermann Estate B
103	Holtermann Street	Crows Nest	Holtermann Estate B
114	Holtermann Street	Crows Nest	Holtermann Estate B
29	Huntington Street	Crows Nest	Holtermann Estate B
30	Huntington Street	Crows Nest	Holtermann Estate B
36	Huntington Street	Crows Nest	Holtermann Estate B
37	Huntington Street	Crows Nest	Holtermann Estate B
41	Huntington Street	Crows Nest	Holtermann Estate B
42	Huntington Street	Crows Nest	Holtermann Estate B
40	Huntington Street	Crows Nest	Holtermann Estate B
53A	Huntington Street (forming the rear portion to 100 Holtermann Street)	Crows Nest	Holtermann Estate B
67	Huntington Street	Crows Nest	Holtermann Estate B
1	Iredale Avenue	Cremorne Point	Cremorne
2	Kareela Road	Cremorne Point	Cremorne Point
4-8	Kareela Road	Cremorne Point	Cremorne Point
12	Kareela Road	Cremorne Point	Cremorne Point
14-18	Kareela Road	Cremorne Point	Cremorne Point
30	Kareela Road	Cremorne Point	Cremorne Point

TABLE App-1.2: Uncharacteristic Items			
St No.	**Street Address**	**Suburb**	**Conservation Area**
58	Kareela Road	Cremorne Point	Cremorne
60	Kareela Road	Cremorne Point	Cremorne
44–50	Kirribilli Avenue	Kirribillli	Jeffreys Street
63	Kirribilli Avenue	Kirribilli	Kirribilli
71	Kirribilli Avenue	Kirribilli	Kirribilli
73	Kirribilli Avenue	Kirribilli	Kirribilli
120	Kurraba Road	Kurraba Point	Kurraba Point
162	Kurraba Road	Kurraba Point	Kurraba Point
32-40	Lavender Street	Lavender Bay	Lavender Bay
3	Lower Wycombe Road	Neutral Bay	Kurraba Point
5-7	Lower Wycombe Road	Neutral Bay	Kurraba Point
16	Mackenzie Street	Lavender Bay	Lavender Bay
5	McLaren Street	North Sydney	McLaren Street
4-6	Margaret Street (That part comprising the dwelling house fronting Maragret Street)	North Sydney	Whaling Road
26	McHatton Street	North Sydney	Crows Nest
5	Milson Road	Cremorne Point	Cremorne Point
123	Milson Road	Cremorne Point	Cremorne Point
1	Montague Road	Cremorne	Montague Road
1-3	Morden Street	Cammeray	Cammeray
2A	Morden Street	Cammeray	Cammeray
15	Morden Street	Cammeray	Cammeray
24	Morden Street	Cammeray	Cammeray
26	Morden Street	Cammeray	Cammeray
19	Murdoch Street	Cremorne	Cremorne
27	Murdoch Street	Cremorne	Cremorne
29	Murdoch Street	Cremorne	Cremorne

TABLE App-1.2: Uncharacteristic Items			
St No.	**Street Address**	**Suburb**	**Conservation Area**
36	Murdoch Street	Cremorne	Cremorne
35	Myrtle Street	North Sydney	Holtermann Estate C
42-44	Myrtle Street	North Sydney	Holtermann Estate C
12	Neutral Street	North Sydney	Whaling Road
2	Oaks Avenue	Cremorne	Oaks Avenue
9	Oaks Avenue (That part comprising the two dwelling houses fronting Ernest Street)	Cremorne	Oaks Avenue
10	Oaks Avenue	Cremorne	Oaks Avenue
18	Oaks Avenue	Cremorne	Oaks Avenue
20	Oaks Avenue	Cremorne	Oaks Avenue
9	Penshurst Avenue	Kurraba Point	Kurraba Point
3	Plunkett Street	Kirribilli	Kirribilli
17	Priory Road	Waverton	Priory Road
19	Priory Road	Waverton	Priory Road
21	Priory Road	Waverton	Priory Road
2	Powell Street	Neutral Bay	Cremorne
35-37	Rangers Road	Cremorne	Cremorne
2-4	Reed Street	Cremorne	Cremorne
12	Reed Street	Cremorne	Cremorne
15	Reed Street	Cremorne	Cremorne
7-7A	Reed Street	Cremorne	Cremorne
4	Richmond Avenue	Cremorne	Montague Road
4A	Richmond Avenue	Cremorne	Montague Road
6	Richmond Avenue	Cremorne	Montague Road
93	Ridge Street	North Sydney	Walker / Ridge Streets
5	Riley Street	North Sydney	Union / Bank / Thomas Streets
33A-33B	Shellcove Road	Kurraba Point	Kurraba Point
35A	Shellcove Road	Kurraba Point	Kurraba Point
35B	Shellcove Road	Kurraba Point	Kurraba Point
48	Shellcove Road	Kurraba Point	Kurraba Point

TABLE App-1.2: Uncharacteristic Items			
St No.	**Street Address**	**Suburb**	**Conservation Area**
69	Shellcove Road	Neutral Bay	Cremorne
19	Shirley Road	Wollstonecraft	Wollstonecraft
23	Shirley Road	Wollstonecraft	Wollstonecraft
5	Sophia Street	Crows Nest	Holtermann Street B
2	Spofforth Street	Cremorne	Cremorne
4	Spofforth Street	Cremorne	Cremorne
22	Spofforth Street	Cremorne	Cremorne
30-40	Spofforth Street	Cremorne	Cremorne
21-25	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
1A	Waiwera Street	Lavender Bay	McMahons Point North
7	Waiwera Street	Lavender Bay	McMahons Point North
13	Waiwera Street	Lavender Bay	McMahons Point North
20-22	Waruda Street	Kirribilli	Kirribilli
1	Warung Street	McMahons Point	McMahons Point South
6	Warung Street	McMahons Point	McMahons Point South
25	West Street	North Sydney	Holtermann Estate D
37	West Street	North Sydney	Holtermann Estate D
41	West Street (Portion formerly comprising 39 West Street)	North Sydney	Holtermann Estate D
59A	West Street	North Sydney	Holtermann Estate D
46-48	West Street	North Sydney	Holtermann Estate D
97A	West Street	Crows Nest	Holtermann Estate D
93	West Street	Crows Nest	Holtermann Estate D
96	West Street	Crows Nest	Holtermann Estate D
94	West Street	Crows Nest	Holtermann Estate D
102	West Street	Crows Nest	Holtermann Estate D
102A	West Street	Crows Nest	Holtermann Estate D
105	West Street	Crows Nest	Holtermann Estate D
168	West Street	Crows Nest	Holtermann Estate B
170	West Street	Crows Nest	Holtermann Estate B
178	West Street	Crows Nest	Holtermann Estate B

TABLE App-1.2: Uncharacteristic Items

St No.	Street Address	Suburb	Conservation Area
190	West Street	Crows Nest	Holtermann Estate B
222	West Street	Crows Nest	Holtermann Estate B
4	Whaling Road	North Sydney	Whaling Road
48-52	Wycombe Road	Neutral Bay	Kurraba Point
61	Wycombe Road	Neutral Bay	Cremorne
110	Wycombe Road	Neutral Bay	Cremorne
116	Wycombe Road	Neutral Bay	Cremorne

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
COVER PAGE				
			North Sydney Development Control Plan (NSDCP) 2025 was adopted by Council on ... 2025 and came into force on the ... 2025. *This edition includes the following amendments:* ***DATE PART SECTION*** ***Adopted In force***	To reflect that the DCP will be subject to future amendments.
CONTENTS				
Part E		*Section 1: Residential Development* *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: Child Care Facilities* *Section 6: Sex Services and Restricted Premises* *Section 7: Advertising and Signage* *Section 8: Telecommunications*	*Section 1: Residential Development* *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: Child Care Facilities*~~ *Section ~~6~~5: Sex Services and Restricted Premises* *Section ~~7~~6: Advertising and Signage* *Section ~~8~~7: Telecommunications*	To remove duplicate controls – refer to Part E: Section 5 below for further justification.
Appendices		*Appendix 1: Dictionary* *Appendix 2: Heritage – Contributory, Neutral and Uncharacteristic Elements*	Appendix 1: ~~Dictionary~~Glossary of Terms Appendix 2: Heritage – Contributory, Neutral and Uncharacteristic Elements	To improve clarity – Refer to Appendices below for further justification.
PART A INTRODUCTION				
PREFACE				
	Paragraph 2	*Part A of the DCP also describes the structure of the DCP into Parts A to F and how each Part applies to development, and explains how the objectives and development control provisions in each section apply to development.*	*Part A of the DCP also describes the structure of the DCP, ~~into Parts A to F and~~ how each Part applies to development, and explains how the objectives and development control provisions in each section apply to development.*	To simplify the text and improve clarity.
	Paragraph 3	*Part A of the DCP comprises the following two main sections*	*Part A of the DCP comprises the following ~~two main~~ sections*	To simplify the text and ensure that if future sections are added that there is no potential for the number text to not align with the number of sections in the table below.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
Section 1 - Preliminary				
1.1	**Paragraph 1**	This plan is known as North Sydney Development Control Plan (DCP) 2025. The DCP was adopted by Council on [INSERT DATE] and came into effect on [INSERT DATE].	This plan is known as North Sydney Development Control Plan ~~(DCP)~~ 2025 (the DCP). The DCP was adopted by Council on [INSERT DATE] and came into effect on [INSERT DATE].	To improve clarity.
1.2	**Paragraph 1**	This DCP applies to land identified in the Land Application Map to North Sydney Local Environmental Plan 2013 (NSLEP 2013).	This DCP applies to all land identified ~~in~~on the Land Application Map to North Sydney Local Environmental Plan 2013 (NSLEP 2013).	To improve clarity.
1.3	**Title**	**RELATIONSHIP TO PLANNING LEGISLATION AND NSLEP 2013**	~~**RELATIONSHIP TO PLANNING LEGISLATION AND NSLEP 2013**~~ **LEGISLATIVE FRAMEWORK**	To reflect that the section also relates to the former DCP.
	Paragraph 1	*The DCP has been prepared in accordance with s.3.43 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979) and Division 2 to Part 2 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021).*	*The DCP has been prepared and approved in accordance with s.3.43 of the Environmental Planning and Assessment Act, 1979 (EP&A Act 1979) and Division 2 to Part 2 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021).*	To provide increased clarity that all aspects of the DCP's preparation and approval were in accordance with the relevant legislation.
	Paragraph 2	*This DCP supplements and is to be read in conjunction with the LEP. If there is any inconsistency between this DCP and the LEP, the LEP will prevail.*	*This DCP supplements and is to be read in conjunction with ~~the~~ NSLEP 2013. If there is any inconsistency between this DCP and ~~the~~ NSLEP 2013, ~~the~~ NSLEP 2013 will prevail.*	To provide increased clarity that the "LEP" is NSLEP 2013.
	Paragraph 3	*This DCP repeals North Sydney DCP 2013 pursuant to s.16 of the EP&A Regulation 2021.*	*This DCP repeals ~~North Sydney~~NS DCP 2013 pursuant to s.16 of the EP&A Regulation 2021.*	To be more consistent with acronyms used in the DCP.
1.6	**Paragraph 1**	*North Sydney DCP 2013 continues to apply if a development application was lodged with the relevant consent authority, but had not finally been determined before this DCP came into effect.*	~~*North Sydney DCP 2013 continues to apply if a development application was lodged with the relevant consent authority, but had not finally been determined before this DCP came into effect.*~~ *To assist with managing the Development Application process during the transition between the operation of NSDCP 2013 and the new NSDCP 2025 coming into effect, the following Savings and Transitional Arrangements are in place:* *If a Development Application has been lodged before the commencement of NSDCP 2025 in relation to land to which the NSDCP 2025 applies, and the Development Application has not been finally determined before the commencement of NSDCP 2025 on [INSERT DATE OF COMMENCEMENT], the Development Application must be determined as if NSDCP 2025 had not commenced.*	To further improve clarity. The former provision could suggest that both DCPs would apply concurrently, which is not the intent.
Section 2 – Structure and Application of the DCP				
2.1	**Paragraph 1**	*This DCP comprises five Parts with Appendices as follows*	*This DCP comprises ~~five~~ six Parts with Appendices as follows*	To correct the number of Parts contained within the DCP.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	Part C	*North Sydney LEP 2013*	*NSLEP 2013*	To be more consistent with acronyms used in the DCP.
	Part E	*Part E of this DCP contains objectives and development control provisions applying to particular land uses / types of development. This includes Residential Development, Development in Employment and Mixed Use Zones, Non-Residential Development in Residential Zones, Boarding Houses and Co-living Housing, Child Care Facilities, Sex Services and Restricted Premises, Advertising and Signage, Telecommunications*	*Part E of this DCP contains objectives and development control provisions applying to particular land uses / types of development. This includes Residential Development, Development in Employment and Mixed Use Zones, Non-Residential Development in Residential Zones, Boarding Houses and Co-living Housing, ~~Child Care Facilities,~~ Sex Services and Restricted Premises, Advertising and Signage, Telecommunications*	This Section to Part E has been removed due to duplication of provisions required to be considered under SEPP (Transport and Infrastructure) 2021 and any controls that have not been duplicated have been incorporated elsewhere in the DCP.
	Part F	*The North Sydney LGA includes a number of neighbourhoods and areas which display distinct characteristics. Part F of the DCP identifies the desired character outcomes, objectives and development control provisions for development within these particular planning areas. In the event of an inconsistency between Part F and the other Parts of this DCP, the provision in Part F takes precedence and is to apply.*	*The North Sydney LGA ~~includes~~ comprises a number of neighbourhoods and areas which display distinct characteristics. Part F of the DCP identifies the desired character outcomes, objectives and development control provisions for development within these ~~particular~~ planning distinct areas. In the event of an inconsistency between Part F and ~~the other~~ Parts B-E of this DCP, the provision~~s~~ in Part F ~~takes precedence and is to apply~~prevail.*	To improve clarity and be consistent with wording throughout the DCP.
	Appendices	*The appendices to this DCP include:* • *Appendix 1: Dictionary* *Which explains abbreviations and defines terms used in this DCP.* • *Appendix 2: Heritage – Characteristic, Neutral and Uncharacteristic Items* *Which comprises a schedule that classifies buildings and items or sites within heritage conservation areas.*	*The appendices to this DCP include:* • *Appendix 1: ~~Dictionary~~Glossary of Terms* *Which explains abbreviations and defines terms used in this DCP.* • *Appendix 2: Heritage – Characteristic, Neutral and Uncharacteristic Items* *Which comprises a schedule that classifies buildings and items or sites within heritage conservation areas.*	To improve clarity – Refer to Appendices below for further justification.
2.4	**1st item (c)**	*Relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs*	*Relevant State Environmental Planning Policies (SEPPs) ~~and deemed SEPPs~~*	Deemed SEPPs comprise former Sydney Regional Environmental Plans. There are no longer any deemed SEPPs that apply to North Sydney and therefore this aspect is redundant.
	2nd item (b)	*SEPP (Housing) 2021 which includes provisions for in-fill affordable housing, boarding houses, co-living housing, retention of existing affordable rental housing, secondary dwellings, group homes, co-living hosing, build-to-rent housing, housing for seniors and people with a disability, short term rental accommodation, conversion of certain serviced apartments, temporary emergency accommodation, dual occupancies and semi-detached dwellings in Zone R2, design of residential apartment development, and transport oriented development*	*SEPP (Housing) 2021 which includes provisions for all forms of residential accommodation, except dwelling houses. ~~in-fill affordable housing, boarding houses, co-living housing, retention of existing affordable rental housing, secondary dwellings, group homes, co-living hosing, build-to-rent housing, housing for seniors and people with a disability, short term rental accommodation, conversion of certain serviced apartments, temporary emergency accommodation, dual occupancies and semi-detached dwellings in Zone R2, design of residential apartment development, and transport oriented development.~~*	There are many aspects of the Housing SEPP that may be relevant to a development containing residential accommodation. To provide further clarity and ensure that no aspect gets missed, it is simpler to just relate it to "residential accommodation", apart from "dwelling houses". The revision also assists, should new aspects be added to the Housing SEPP, which are not mentioned.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	2nd item (d)	*Livable Housing Australia's Livable Housing Design Guidelines;*	*Livable Housing Australia's Livable Housing Design Guidelines which contain performance standards for residential dwellings;*	To further clarify what these guidelines relate to.
	2nd item (g)	*SEPP (Resilience and Hazards) 2021, including in particular the provisions in Chapter 2 - Coastal Management for development in the coastal zone, and provisions in Chapter 4 Remediation of Land; for land which has been subject to past potentially contaminating activity;*	*SEPP (Resilience and Hazards) 2021, ~~including~~ in particular the provisions in:* *(i) Chapter 2 - Coastal Management for development in the coastal zone which generally comprise land on the foreshores to and within the waterways of Sydney and Middle Harbours; and* *(ii) ~~provisions in~~ Chapter 4 Remediation of Land~~;~~ for land which has been subject to past potentially contaminating ~~activity~~activities;*	To further clarify when various aspects of this SEPP may apply.
	2nd item (h)	*SEPP (Transport and Infrastructure) 2021, including in particular provisions in Chapter 2 – Infrastructure which include provisions relating to traffic generating development and development near rail and busy road corridors, and provisions in Chapter 3 Educational establishments and child care facilities;*	*SEPP (Transport and Infrastructure) 2021, ~~including~~ in particular the provisions in:* *(i) Chapter 2 – Infrastructure which include provisions relating to traffic generating development and development near rail and busy road corridors; and* *(ii) ~~provisions in~~ Chapter 3 Educational establishments and child care facilities;*	To correct a grammatical error and improve legibility.
	2nd item (k)	*SEPP (Biodiversity and Conservation) 2021, including in particular provisions in Chapter 2 – Vegetation in non-rural areas requiring consent for the clearing of vegetation, and provisions in Chapter 6 – Water Catchments;*	*SEPP (Biodiversity and Conservation) 2021, ~~including~~ in particular the provisions in:* *(i) Chapter 2 – Vegetation in non-rural areas which detail approval requirements ~~requiring consent~~ for the pruning and removal of trees ~~clearing of~~ and vegetation~~;~~: and* *(ii) ~~provisions in~~ Chapter 6 – Water Catchments which detail requirements for development on land on the foreshores to and within the waterways of Sydney and Middle Harbours;*	To further clarify when various aspects of this SEPP may apply.
	2nd item (m)	*SEPP (Industry and Employment) 2021, and in particular the provisions in Chapter 3 - Advertising and Signage, which contains additional assessment criteria for advertising and signs;*	*SEPP (Industry and Employment) 2021, ~~and~~ in particular the provisions in:* *(i) Chapter 3 - Advertising and Signage, which contains additional assessment criteria for advertising and signs;*	To be consistent with the formatting when addressing SEPP matters. Hyperlink corrected.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
2.5	**Paragraphs 1-3**	*The Dictionary appended to this DCP includes definitions of the terms used in this DCP.* *The definitions of terms in NSW planning statutes and instruments including definitions in the EP&A Act 1979, EP&A Regulation 2021, relevant SEPPs, and NSLEP 2013 are also applicable.* *Where there is an inconsistency in definitions, the higher order instrument (Act/Regulation, then SEPP, then LEP) prevails.*	~~*The Dictionary appended to this DCP includes definitions of the terms used in this DCP.*~~ ~~*The definitions of terms in NSW planning statutes and instruments including definitions in the EP&A Act 1979, EP&A Regulation 2021, relevant SEPPs, and NSLEP 2013 are also applicable.*~~ ~~*Where there is an inconsistency in definitions, the higher order instrument (Act/Regulation, then SEPP, then LEP) prevails.*~~ *The terms used in this DCP, have the same meaning as ascribed under the EP&A Act and NSLEP 2013. Other terms used throughout the DCP are defined in the Glossary of Terms located at Appendix 1.*	To simplify how the DCP is to be interpreted. The "Dictionary" has been relabelled "Glossary of Terms", as that is more in line with what that appendix is doing.
	New Paragraph		*A reference in this DCP to any Australian Standard or legislation includes a reference to any amendment or replacement as made.*	To provide increased clarification should relevant Standards or Legislation change.
PART B – ENVIRONMENT CONSIDERATIONS				
Preface				
	NO CHANGES			
Section 1 - Topography				
	NO CHANGES			
Section 2 - Visual Impact and Views				
	NO CHANGES			
Section 3 - Biodiversity				
	NO CHANGES			
Section 4 - Water				
4.1.4	**(a)**	*North Sydney Council Performance Guide; and*	*North Sydney Council Performance Guide; and*	Hyperlinks added.
	(b)	*North Sydney Council Infrastructure Specification Manual.*	*North Sydney Council Infrastructure Specification Manual.*	Hyperlinks added.
4.1.5	**P2**	*New and reconstructed stormwater drainage systems should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council Performance Guide and Infrastructure Specification Manual.*	*New and reconstructed stormwater drainage systems should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council Performance Guide and Infrastructure Specification Manual.*	Hyperlinks added.
4.1.7	**P3 (b)**	*Detailed stormwater drainage design complying with the conditions of the Development Consent, this DCP, the Performance Guide and references for design and construction of infrastructure in North Sydney*	*Detailed stormwater drainage design complying with the conditions of the Development Consent, this DCP, the Performance Guide and references for design and construction of infrastructure in North Sydney*	Hyperlinks added.
4.2.4	**(a)**	*North Sydney Council Performance Guide; and*	*North Sydney Council Performance Guide; and*	Hyperlinks added.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	(b)	*North Sydney Council Infrastructure Specification Manual.*	*North Sydney Council Infrastructure Specification Manual.*	Hyperlinks added.
	(e)	*Department of Land and Water Conservation pamphlet Preparing an Erosion and Sediment Control Plan (1997); and*	*Department of ~~Land and Water Conservation pamphlet Preparing an Erosion and Sediment Control Plan (1997)~~Planning, Housing and Infrastructure's Guidelines for Erosion and Sediment Control on Building Sites (2024); and*	To reflect the incorporation of the former pamphlet into the new Guidelines.
Section 5 - Solar Access				
5.1	**O1**	*To ensure that all dwellings have reasonable access to sunlight and daylight.*	*Amend the objective to read:* *To ensure that all dwellings have reasonable access to sunlight and daylight with regard to the urban context within which they are located.*	To increase clarity that different solar access requirements apply in different urban contexts.
5.2	**Structure**		New sub-structure added as follows: • General • Development within the North Sydney Centre • Development outside the North Sydney Centre	This section has been restructured to provide increased clarity as to what provisions apply and in what instances, consistent with the current application of these provision under NSDCP 2013.
	P1	*P5 Spaces are to be created between taller buildings to avoid a solid mass of development and to allow daylight and/or sunlight to penetrate through to pedestrian level.*	*P1 Spaces are to be created between taller buildings (i.e. those generally greater than 8 storeys) to avoid a solid mass of development and to allow daylight and/or sunlight to penetrate through to the pedestrian level.*	Relocated to "general section" to reflect application both within and outside the North Sydney Centre. Increased clarity provided as to what a "taller building" comprises. Correction of minor grammatical error.
	P2	*P6 Setbacks must be provided between buildings above the podium level.*	*P2 Setbacks must be provided between buildings above the podium level in the E2 Commercial Centre and MU1 Mixed Use zones.*	Relocated to "general section" to reflect application both within and outside the North Sydney Centre. Increased clarity provided as to when a podium built form is likely to be encountered.
	P3	*P7 Provide a mix of sun-protected and unprotected areas in public open spaces, roof top gardens and other outdoor spaces.*	*P3 Provide a mix of sun-protected and unprotected areas in public open spaces, roof top gardens and other outdoor spaces.*	Relocated to "general section" to reflect application both within and outside the North Sydney Centre.
	P4	*P1 Developments within the North Sydney Centre must comply with the height and overshadowing requirements contained within cl.4.3, and cl.6.3 of NSLEP 2013.*	*P4 Developments ~~within the North Sydney Centre~~ must comply with the height and overshadowing requirements contained within cl.4.3, and cl.6.3 of NSLEP 2013.*	Relocated to "development within the North Sydney Centre" to reflect its application. Provision simplified due to the restructuring into subsections.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	P5	*P2 Developments located outside of North Sydney Centre 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,* *located in any residential accommodation on the land on which the development is located or on adjoining land*	*P5 Developments ~~located outside of North Sydney Centre~~ should be designed and sited ~~such that solar access at the winter solstice (21st June)~~ to provide~~s~~ a minimum of 3 hours of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June) 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,* *located in any residential accommodation on the land on which the development is located or on adjoining land.*	Relocated to "development outside the North Sydney Centre" to reflect its application. To improve clarity. To ensure that the controls only apply to external impacts.
	P6 (NEW)		Insert the following new provision: *P6 Despite P5, at least 70% of dwellings within a residential flat building or shoptop housing 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).*	Relocated to "development outside the North Sydney Centre" to reflect its application. To incorporate an existing provision under NSDCP 2013 that had not been transferred.
	P7	*P3 Developments located outside of North Sydney Centre should be designed and sited such that a development will not result in a net increase in overshadowing:* *(a) between 12 pm and 2 pm from the March equinox to the September equinox (inclusive) on land within the North Sydney Centre that is within the RE1 Public Recreation zone or that is identified as "Special Area" under NSLEP 2013, or* *(b) between 10 am and 2 pm from the March equinox to the September equinox (inclusive) of the Don Bank Museum.*	*P7 Developments ~~located outside of North Sydney Centre~~ should be designed and sited such that it~~s development~~ will not result in a net increase in overshadowing:* *(a) between 12 pm and 2 pm from the March equinox to the September equinox (inclusive) on land within the North Sydney Centre that is within the RE1 Public Recreation zone or that is identified as a "Special Area" under NSLEP 2013, or* *(b) between 10 am and 2 pm from the March equinox to the September equinox (inclusive) of the Don Bank Museum.*	Relocated to "development outside the North Sydney Centre" to reflect its application. Provision simplified due to the restructuring into subsections. Correction of grammar.
	P8 (for adoption)	*P4 New development should not overshadow existing or proposed public open spaces located outside of the North Sydney Centre between 11.30am and 2.30pm, or any alternative specified timeframes for particular areas identified in Part F of the DCP.*	*P8 New development should not overshadow existing or proposed public open spaces located outside of the North Sydney Centre between 11.30am and 2.30pm, or any alternative specified timeframes for particular ~~areas~~spaces identified in Part F of the DCP.*	To improve consistency and clarity that the provision applies to "public open spaces" not "areas".
	P8 (exhibited draft)	*P8 For outdoor dining and goods display on footpaths, solar access to nearby open spaces, outdoor dining areas or residential areas, is not to be obstructed particularly between the hours of 12 noon and 2.00pm.*	Deleted in its entirety.	Provisions relating to outdoor dining and goods display is covered by Council's Outdoor Dining and Goods Display on the Footpath Policy and therefore removes a duplication.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
Section 6 - Visual Privacy				
6.2	**P9(d)**	*for non-residential development, there is no other no other appropriate ground level space for outdoor recreation;*	*for non-residential development, there is no other ~~no other~~ appropriate ground level space for outdoor recreation;*	To correct a grammatical error.
Section 7 - Operational Noise				
7.2		Child Care Facilities	Section deleted in its entirety.	Due to duplication of provisions under the Child Care Planning Guidelines and SEPP (Transport and Infrastructure) 2021, the DCP provisions are redundant.
Section 8 - Light Spill and Reflectivity				
	NO CHANGES			
Section 9 - Wind and Air Quality				
	NO CHANGES			
Section 10 - Environmental Sustainability				
10.3	**O1**	*O1 To ensure that site layout and building orientation allows for maximum solar access to dwellings, especially to living areas, and are adapted to local climatic conditions and prevailing site characteristics.*	*O1 To ensure that site layout and building orientation allows for maximum solar access ~~to dwellings~~, especially to living areas of dwellings, and are adapted to local climatic conditions and prevailing site characteristics.*	To reflect that the associated provisions apply to more than just residential development.
10.6	**Objectives**	*O1 To maximise the energy efficiency of dwellings.*	*O1 To maximise the energy efficiency of ~~dwellings~~ buildings.* *O2 To encourage the use of materials which have a low environmental impact during their life cycle.* *O3 To encourage the use of toxin free material to minimise the health impact of materials used indoors.*	To further consolidate sections with the relocation of objectives from Part B – Section 10.9 Building Materials and remove duplication.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	Provisions	*P1 Buildings should use lighter coloured materials and finishes on main external parts of the building.*	*P1 Buildings should use lighter coloured materials and finishes on main external parts of the building.* *P2 Products with the least life cycle impact should be favoured.* *P3 The use of the following types of building materials are to be maximised wherever possible:* *(a) materials which are sourced from renewable and abundant resources;* *(b) materials which are durable;* *(c) locally manufactured and produced materials;* *(d) materials with a low embodied energy content;* *(e) salvaged and/or recycled materials;* *(f) timber obtained from certified sustainable sources;* *(g) materials with a high recycled content (>50%);* *(h) low volatile organic compound (VOC) emitting materials;* *(i) mechanical fixings instead of adhesives and glues, wherever possible;* *(j) when using Medium Density Fibreboard, ensure that it has a low formaldehyde content;* *(k) toxin-free floor finishes.* *P4 Avoid the use of the following:* *(a) copper, chrome, cadmium, lead, mercury, cyanide, and formaldehyde;* *(b) materials, sealants and adhesives containing PVC;* *(c) wood treated with CCA;* *(d) solvents.* *P5 Use physical termite barriers (made of granite or stainless steel) instead of chemicals where possible.*	To further consolidate sections with the relocation of provisions from Part B – Section 10.9 Building Materials and remove duplication.
10.9	**All**		Delete this Section in its entirety and relocate the relevant objectives and provisions to Part B - Section 10.6 Colours and Materials.	To further consolidate sections and remove duplication.
10.11.2	**New**		To be inserted before P1: *P1 Applications are to demonstrate compliance with the requirements for non-residential development types nominated under SEPP (Sustainable Buildings) 2022. Where there is an inconsistency between the targets set under SEPP (Sustainable Buildings) 2022 and this DCP, those under the SEPP will prevail.*	To recognise that different requirements may apply under SEPP (Sustainable Buildings) 2022. In sufficient time was available to determine the extent of duplicated provisions and therefore this specific section of the DCP will require further review in the future.
Section 11 - Contamination and Hazardous Building Materials				
	NO CHANGES			

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
PART C – HERITAGE CONSERVATION				
Preface				
	NO CHANGES			
Section 1 - Introduction				
1.3	**Paragraph 4**	*... State Heritage Inventory ...*	*... State Heritage ~~Inventory~~ Register ...*	To correctly identify that items of State heritage significance are listed on the "State Heritage Register" and not the State Heritage Inventory, which identifies items of both State and local heritage significance.
1.5	**Paragraph 2**	***Heritage Inventory data Sheets*** *The first source of information is to determine if a Heritage Inventory data sheet for the heritage item or conservation area. Heritage Inventory data sheets have been prepared for all heritage items and conservation areas listed in Schedule 5 to NSLEP 2013. The data sheets are available from NSW Heritage at: https://www.environment.nsw.gov.au/topics/heritage/search-heritage-databases/state-heritage-inventory or from the Heritage Centre at Stanton Library, 234 Miller Street, North Sydney.*	***Heritage Inventory data Sheets*** *The first source of information is to determine if there is a Heritage Inventory data sheet for the heritage item or conservation area. Heritage Inventory data sheets have been prepared for all heritage items and conservation areas listed in Schedule 5 to NSLEP 2013. The data sheets are available from NSW Heritage at: https://www.environment.nsw.gov.au/topics/heritage/search-heritage-databases/state-heritage-inventory~~or from the Heritage Centre at Stanton Library, 234 Miller Street, North Sydney~~.*	Correction of grammar. To correctly identify that Heritage Inventory data sheets are now solely available from the NSW Heritage's website.
	Paragraph 6	***Area Character Statements*** *Part F to this DCP contains the Area Character Statements for each Planning Area and Locality Area in the Local Government Area. The Locality Areas are in part based on heritage conservation areas as identified in Schedule 5 to NSLEP 2013. The Character Statements for each of the heritage conservation areas provide an explanation as to why each Area is significant and identifies those elements which positively contribute to the character of that area and those which do not.*	***Area Character Statements*** *Part F to this DCP ~~contains the~~ identifies the desired Area Character ~~Statements~~ Outcomes for each Planning Area and Locality Area in the Local Government Area. The Locality Areas are in part based on the extent of heritage conservation areas ~~as~~ identified in Schedule 5 and on the Heritage Map to NSLEP 2013. The Character Statements for each of the heritage conservation areas provide an explanation as to why each Area is significant and identifies those elements which positively contribute to the character of that area and those which do not.*	To reflect the change in the name of Part F.
Section 2 – Aboriginal Heritage				
	NO CHANGES			
Section 3 – Archaeology				
	NO CHANGES			
Section 4 – Development in the Vicinity of Heritage Items				
	NO CHANGES			

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
Section 5 – Heritage Items				
5.7	**Paragraph 2**	*The controls in this subsection apply to heritage items that form part of a group as identified on the relevant heritage data inventory sheet.*	*The controls in this subsection apply to heritage items that form part of a group as identified on the relevant heritage ~~data~~ inventory data sheet.*	To improve consistency in terminology.
Section 6 – Heritage Conservation Areas				
	Paragraph 3 (Note)	*This Section should be read in tandem with the relevant Area Character Statement (refer to Part F of the DCP). Contributory and uncharacteristic items are listed in Tables App-A.1 and App-A.2 within Appendix 2 to this DCP. All other properties within a heritage conservation area that are not identified as a heritage item under NSLEP 2013, or listed as a contributory item or an uncharacteristic item is deemed to be a neutral item.*	*This Section should be read in tandem with the relevant Planning Area Character Statement and Locality Area provisions (refer to Part F of the DCP). Contributory and uncharacteristic items are listed in Tables App-~~A~~2.1 and App-~~A~~2.2 within Appendix 2 to this DCP. All other properties within a heritage conservation area that are not identified as a heritage item under NSLEP 2013, or listed as a contributory item or an uncharacteristic item is deemed to be a neutral item.*	To correct the terminology associated with the revision of the area character statements to area character outcomes. To be consistent with the format of table numbering throughout the DCP.
6.2	**02**	*To maintain and enhance streetscape character as identified within the Planning Area Character Statements and Locality Area provisions Outcomes in Part F of this DCP.*	*To maintain and enhance streetscape character as identified within the Planning Area Character Statements and Locality Area provisions ~~Outcomes~~ in Part F of this DCP.*	To correct the terminology associated with the revision of the area character statements to area character outcomes.
6.3	**P1**	*Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant area character outcomes (refer to Part F of the DCP).*	*Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant Planning ~~a~~Area ~~c~~Character ~~outcomes~~Statement and Locality Area provisions (refer to Part F of the DCP).*	To correct the terminology associated with the revision of the area character statements to area character outcomes.
6.6	**P1**	*Infill developments in heritage conservation areas need to positively respond to the setting and special character of the area, as outlined in the relevant area character outcomes (refer to Part F of the DCP).*	*Infill developments in heritage conservation areas need to positively respond to the setting and special character of the area, as outlined in the relevant Planning ~~a~~Area ~~c~~Character ~~outcomes~~Statement and Locality Area provisions (refer to Part F of the DCP).*	To correct the terminology associated with the revision of the area character statements to area character outcomes.
Section 7 – Subdivision and Lot Amalgamation				
	NO CHANGES			
Section 8 – Demolition				
	NO CHANGES			
Section 9 – Specific Building Elements				
	NO CHANGES			
Section 10 - Guidelines for Residential Building Types				
10.1	**P1**	*In addition to the requirements in sections 4 to 9 to this Part of the DCP, the following characteristic features should be incorporated*	*In addition to the requirements in Sections 4 to 9 to ~~this~~ Part C of the DCP, the following characteristic features should be incorporated:*	Minor grammatical change to improve clarity.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
10.2	**P1**	*In addition to the requirements in sections Sections 4 to 9 to this Part of the DCP, the following characteristic features should be incorporated:*	*In addition to the requirements in ~~sections~~ Sections 4 to 9 to ~~this~~ Part C of the DCP, the following characteristic features should be incorporated:*	Minor grammatical change to improve clarity and remove duplicated word.
10.3	**P1**	*In addition to the requirements in sections 4 to 9 to this Part of the DCP, the following characteristic features should be incorporated*	*In addition to the requirements in Sections 4 to 9 to ~~this~~ Part C of the DCP, the following characteristic features should be incorporated:*	Minor grammatical change to improve clarity.
10.4	**P1**	*In addition to the requirements in sections 4 to 9 to this Part of the DCP, the following characteristic features should be incorporated:*	*In addition to the requirements in Sections 4 to 9 to ~~this~~ Part C of the DCP, the following characteristic features should be incorporated:*	Minor grammatical change to improve clarity.
10.5	**Paragraph 1**		*Also refer to Sections 5, 6 and 9 to Part C of the DCP for other applicable controls.*	P7 as exhibited represents a reminder for proponents to also look in other sections of the DCP in relation to heritage matters for apartment buildings. Relocated to the introductory text for greater clarity.
	P7	*Refer to Sections 5, 6 and 9 to this Part of the DCP for other applicable controls.*	*~~Refer to Sections 5, 6 and 9 to this Part of the DCP for other applicable controls.~~*	
	P6	*Upgrading for compliance with the BCA, fire egress, disable access or service installations or structural upgrade should comply with s.5.6 to this Part of the DCP.*	*Upgrading for compliance with the BCA, fire egress, disable access or service installations or structural upgrade should comply with ~~s.~~Section ~~5.6 to this~~ Part C of the DCP.*	Minor grammatical change to improve clarity.
Section 11 – Guidelines for Non-residential Building Types				
11.1	**P16**	*Upgrading for compliance with the BCA, fire egress, disable access or service installations or structural upgrade should comply with s.5.6 to this Part of the DCP.*	*Upgrading for compliance with the BCA, fire egress, disable access or service installations or structural upgrade should comply with ~~s.~~Section 5.6 to ~~this~~ Part C of the DCP.*	Minor grammatical change to improve clarity.
11.3	**P1**	*Refer to Sections 5 and 9 to this Part C of the DCP for controls on heritage items and specific development types.*	*Refer to Sections 5 and 9 to ~~this~~ Part C of the DCP for controls on heritage items and specific development types.*	Minor grammatical change to improve clarity.
Section 12 – Heritage in the Public Domain				
	Paragraph 1	*The roads, footpaths, verges and land owned or managed by Council include important elements of North Sydney's heritage. These are elements are identified within the relevant character area outcomes (refer to Part F of the DCP).*	*The roads, footpaths, verges and land owned or managed by Council include important elements of North Sydney's heritage. These ~~are~~ elements are identified within the relevant Planning ~~a~~Area ~~c~~Character ~~outcomes~~Statement and Locality Area provisions (refer to Part F of the DCP).*	To correct the terminology associated with the revision of the character area statements to area character outcomes.
PART D – DEVELOMENT ELEMENTS				
Preface				
NO CHANGES				
Section 1 Subdivision				
1.1	**P1**	*Maintain lot sizes, shape and orientation identified in the relevant Planning Area Character Statement (refer to Part F of the DCP), or if not identified in the relevant Area Character Statement, that are characteristic of the area.*	*Maintain lot sizes, shape and orientation identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP), or if not identified in the relevant Planning or Locality Area ~~Character Statement~~, that are characteristic of the area.*	To correct the terminology associated with the revision of the character area statements to area character outcomes.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
1.3	**P1**	*Amalgamate lots to achieve lot frontage identified in the relevant Planning Area Character Statement (refer to Part F of the DCP).*	*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).*	To correct the terminology associated with the revision of the character area statements to area character outcomes.
Section 2 Landscaping				
2.1	**P1**	*The minimum landscaped area applying to development in residential zones is specified in Part E of this DCP, and in particular in Section 1.4.8 for residential development and in Section 3.3.2 for non-residential development in Part E.*	*Development must provide the ~~The~~ minimum landscaped area as ~~applying to development in residential zones is~~ specified within ~~in~~ Part E – Development Types of this DCP (~~, and~~ in particular in Sections 1.4.7~~8 for residential development~~ and ~~in Section~~ 3.3.5~~2 for non-residential development in Part E~~), or any alternative minimum landscaped area requirement specified within Part F – Area Character Outcomes of this DCP.*	Minor grammatical change to improve clarity.
	P2	*Retain existing trees and mature vegetation wherever practical. (Refer to provisions for management of existing vegetation in Section 3 – Vegetation to Part B of this DCP).*	*Retain existing trees and mature vegetation wherever practical.* *Note: ~~(~~Refer to provisions for management of existing vegetation in Section 3 – Biodiversity~~Vegetation~~ to Part B of this DCP~~)~~.*	Minor grammatical change to make the reference a note rather than part of the provision.
	P11	*Council encourages the incorporation of green walls into developments where appropriate.* ***Notes:*** *Refer to the North Sydney Council Green Roof and Wall Resource Manual for technical guidance on the design, construction and maintenance of green walls.*	*Council encourages the incorporation of green walls into developments where appropriate.* ***Notes:*** *Refer to the North Sydney Council Green Roof and Wall Resource Manual for technical guidance on the design, construction and maintenance of green walls.*	Minor grammatical change to the "Note" heading to be more consistent throughout DCP. Hyperlink added.
2.2	**P5**	*Complement the existing landscape character of the street, including street planting undertaken through Council's Street Tree Strategy.*	*Complement the existing landscape character of the street, including street planting undertaken through ~~Council's~~ the North Sydney Street Tree Strategy.*	Minor grammatical change to improve clarity and consistency of terminology. Hyperlink added.
2.3	**P2**	*When planting is to take place on public land, Council's arborists will advise the appropriate species in accordance with the North Sydney Street Tree Strategy.*	*When planting is to take place on public land, Council's arborists will advise the appropriate species in accordance with the North Sydney Street Tree Strategy.*	Hyperlink added.
	P7	*Any new street trees should be located in accordance with the North Sydney Council Street Tree Strategy.*	*Any new street trees should be located in accordance with the North Sydney ~~Council~~ Street Tree Strategy.*	Minor grammatical change to improve clarity and consistency of terminology. Hyperlink added.
	P8	*Any new trees on private property should be located in accordance with the objectives of the landscaping provisions throughout this DCP and the North Sydney Urban Forest Strategy.*	*Any new trees on private property should be located in accordance with the objectives of the landscaping provisions throughout this DCP and the North Sydney Urban Forest Strategy.*	Hyperlink added.
Section 3 Accessibility				
3.1.2	**(c)**	*All development applications for new or alterations and additions to a boarding house or a group home; and*	*All development applications for new or alterations and additions to a boarding house, co-living or a group home; and*	To reflect the inclusion of co-living housing in section 4 to Part E of the DCP.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	(d)	*All development applications for new or alterations and additions to child care centres.*	*All development applications for new or alterations and additions to child care facilities~~centres~~.*	To reflect the definitions used under the LEP and DCP.
Section 4 Car Parking and Transport				
4.1.3	**(f)**	***Performance Guide***	***Performance Guide***	Hyperlink added
4.2.1	**P1**	*Provide on-site car parking, not exceeding the maximum rates stated in Table D-4.1*	Add the following: ***Note:*** *To remove any doubt, where the parking calculation for each component of the development results in a fraction of a parking space, the maximum rate is to be rounded down.*	To aid with clarity when calculating the maximum number of parking spaces.
	P7	*Provide on-site car parking, not exceeding the maximum rates stated in Table D-4.2*	Add the following: ***Note:*** *To remove any doubt, where the parking calculation for each component of the development results in a fraction of a parking space, the maximum rate is to be rounded down.*	To aid with clarity when calculating the maximum number of parking spaces.
	P8	*For specific non-residential uses, provide on-site car parking not exceeding the maximum rates specified in Table D-4.3. The parking requirements within Table D-4.2 take precedence over the rates within Table D-4.3*	Add the following: ***Note:*** *To remove any doubt, where the parking calculation for each component of the development results in a fraction of a parking space, the maximum rate is to be rounded down.*	To aid with clarity when calculating the maximum number of parking spaces.
	TABLE D-4.3	Child Care Centres	~~Child care centres~~ Centre-based child care facility School-based child care facility	To align with current terminology.
	P11	*In addition to P8 above, a child care centre must provide one designated disabled access and one designated emergency vehicle space on site in the R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, SP2 Infrastructure (Educational Establishment) and C4 Environmental Living zones, and within close proximity in the E1 Local Centre, E2 Commercial Centre, MU1 Mixed Use and E3 Productivity Support zones (e.g. on-street directly adjacent to the centre).*	*In addition to P8 above, a ~~child care centre~~ centre-based child care or school-based child care facility must provide one designated disabled access and one designated emergency vehicle space on site in the R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, SP2 Infrastructure (Educational Establishment) and C4 Environmental Living zones, and within close proximity in the E1 Local Centre, E2 Commercial Centre, MU1 Mixed Use and E3 Productivity Support zones (e.g. on-street directly adjacent to the ~~centre~~facility).*	To align with current terminology.
4.3.2	**O3**	-	Insert the following objective: *03 To ensure the safe and efficient transfer of children to and from centre-based child care facilities.*	Relocated from Section 5.9 to Part E of draft DCP 2025.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	New P6-P10		Insert the following: ***Centre-based child care facilities*** *P6 Parking spaces for the set down and pick up of children are to be provided no more than 50m from the child care facility.* *P7 The provision of associated car parking does not substantially modify the streetscape.* *P8 Spaces are clearly marked to reflect that they are for the exclusive use of the child care users between the peak am and pm hours of the centre (i.e. 7.30am-9.30am and 4.30pm-6.30pm).* *P9 Where the parking is provided underground, that parking is located within 20 metres of a lift which has access to the child care facility.* *P10 Secure, undercover pram storage should be provided at 1 space for every 2 children under two years of age.*	Relocated from Section 5.9 to Part E of draft DCP 2025.
4.5	**P1**		*Insert as follows:* ***Note*** *To remove any doubt:* *(a) the minimum number of bicycle parking spaces is to be rounded up to the nearest whole number if it is not a whole number; and* *(b) bicycle parking facilities are in addition to other parking requirements under this DCP.*	Relocated provisions P2 and P3.
	TABLE D-4.4:	*Child care centre*	~~*Child care centre*~~ *Centre-based child care facility* *School-based child care facility*	To align with current terminology.
	P2	*Bicycle parking facilities are to be additional to other parking requirements.*	Relocate as a note at the end of P1 to this section.	This is not really a provision, but just an explanation as to how to apply a provision.
	P3	*The minimum number of bicycle parking spaces is to be rounded up to the nearest whole number if it is not a whole number.*	Relocate as a note at the end of P1 to this section.	This is not really a provision, but just an explanation as to how to apply a provision.
4.7.2	**P2(a)**	*Child care centres*	~~*Child care centres*~~ *Centre-based child care facilities*	To align with current terminology. Does not need to apply to school-based child care or home based child care facilities.
	P3 - Note	*Note. Refer to the Performance Guide for more details.*	*Note. Refer to the Performance Guide for more details.*	Hyperlink added

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
Section 5 Waste Minimisation and Management				
5.1	**Paragraph 2**	*North Sydney Council has traditionally adopted a sustainability approach to the way waste is managed and diverted from landfill. Council has been at the forefront of waste processing and has consistently been rated highly in striving to meet the NSW EPA's landfill diversion targets (currently, 70% diversion by 2021/22). In order to maximise landfill diversion, Council has successfully implemented education programs and strategic collection and disposal contracts. Whilst a large proportion of waste is currently being redirected for recycling purposes, the amount of average waste generated per person is also increasing.*	*North Sydney Council has traditionally adopted a sustainability approach to the way waste is managed and diverted from landfill. Council has been at the forefront of waste processing and has consistently been rated highly in striving to meet the NSW EPA's landfill diversion targets (currently, ~~70~~80% diversion by ~~2021/22~~2030). In order to maximise landfill diversion, Council has successfully implemented education programs and strategic collection and disposal contracts. Whilst a large proportion of waste is currently being redirected for recycling purposes, the amount of average waste generated per person is also increasing.*	To reflect the current targets set in 2021.
	NEW Paragraph 5		*In 2021, the NSW Government set a target to divert at least 50% of organic waste from landfill by 2030. To support this target, legislation was made in 2024 requiring all food organics and garden organics (FOGO) from residential development to be separated from general waste collection by 2030, with separate targets for non-residential development. Council is currently developing appropriate planning controls to ensure that the organic waste diversion target can be met. In the interim, applicants are requested to demonstrate how the future need for separate FOGO waste storage and collection may be met when designing new developments.*	To pre-empt future changes to waste storage which will occur and may result in the need to retrofit or accommodate different waste storage and collection at a later date.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
Section 6 Safety and Security				
6.2.2	**ALL**	***Objectives*** *O1 To ensure all users are capable of entering and leaving the child care facility in a safe manner.* ***Provisions*** *P1 On site parking spaces and set-down and pick-up areas are well lit.* *P2 Entry gates are located within sight of staff in the office.* *P3 Bells, alarms or other suitable mechanisms are to be provided on the entry gate to alert staff as to when someone is entering or leaving the child care facility.* *P4 An Emergency Evacuation Plan must be submitted to Council with any development application.* *P5 Entry to a child care facility should be limited to one secure point, which is to be:* *(a) appropriately located to allow ease of access;* *(b) adequately signposted;* *(c) well lit;* *(d) accessible by pedestrians and motorists;* *(e) safe from pedestrian and vehicle transition areas;* *(f) visible from the street if located within a separate building, or building foyer if located in a multiple occupancy building;* *(g) of sufficient size to prevent congestion, taking into consideration the capacity of the child care facility;* *(h) monitored through either natural or camera surveillance; and* *(i) incorporate a transitional space which is to be adequately fenced and separated from the entrance.*	Entire sub-section deleted.	To reflect that these provisions are duplicated within the Child Care Guidelines and have no relevance as per section 3.27 of SEPP (Transport and Infrastructure) 2021.
Section 7 Public Infrastructure				
7.2.1	**Paragraph 1**	*This section of the DCP is to be used in conjunction with a range of other documents including:*	This section of the DCP is to be used in conjunction with ~~a range of other~~the following documents ~~including~~ as relevant to the following subsections	To improve clarity that not all the listed documents will be needed to be considered in all instances.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	(c)	***North Sydney Council Performance Guide*** *The Performance Guide is a separate infrastructure guideline providing more information about Council's performance expectations and other relevant information. The Performance Guide also provides a matrix of key relationships and typical drawing(s) where applicable. The Performance Guide is not intended to be a design and construction guide but directs the reader to other references to fulfil this objective. Copies of the performance Guide are available over the counter at Council's Customer Service Centre and from the web via www.northsydney.nsw.gov.au.*	***North Sydney Council Performance Guide*** The Performance Guide is a separate infrastructure guideline providing more information about Council's performance expectations and other relevant information. The Performance Guide also provides a matrix of key relationships and typical drawing(s) where applicable. The Performance Guide is not intended to be a design and construction guide but directs the reader to other references to fulfil this objective. ~~Copies of the performance Guide are available over the counter at Council's Customer Service Centre and from the web via www.northsydney.nsw.gov.au.~~	Hyper link provided. All documents are available from Council so there is no need to duplicate this statement.
	(d)	***North Sydney Council Infrastructure Specification Manual for Roadworks, Drainage and Miscellaneous Works*** *Contains detailed infrastructure specifications for the works described within this section of the DCP. Copies are available over the counter at Council's Customer Service Centre and from the web via www.northsydney.nsw.gov.au.*	***North Sydney Council Infrastructure Specification Manual for Roadworks, Drainage and Miscellaneous Works*** *Contains detailed infrastructure specifications for the works described within this section of the DCP. ~~Copies are available over the counter at Council's Customer Service Centre and from the web via www.northsydney.nsw.gov.au.~~*	Hyper link provided. All documents are available from Council so there is no need to duplicate this statement.
7.2.2	**Last Paragraph**	*Refer to the Council's Performance Guide and consult with Council for specific details regarding permits, fees and charges.*	*Refer to the Council's Performance Guide and consult with Council for specific details regarding permits, fees and charges.*	Hyperlink provided.
7.3.2	**P1**	*New and reconstructed road/s should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council Performance Guide and Infrastructure Specification Manual.*	*New and reconstructed road/s should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council Performance Guide and Infrastructure Specification Manual.*	Hyperlinks provided.
7.3.5	**(a)**	*North Sydney Council Performance Guide;*	*North Sydney Council Performance Guide;*	Hyperlink provided.
	(b)	*North Sydney Council Infrastructure Specification Manual*	*North Sydney Council Infrastructure Specification Manual*	Hyperlink provided.
7.4.7	**(b)**	*North Sydney Council Performance Guide;*	*North Sydney Council Performance Guide;*	Hyperlink provided.
	(c)	*North Sydney Council Infrastructure Specification Manual*	*North Sydney Council Infrastructure Specification Manual*	Hyperlink provided.
7.5.7	**(a)**	*North Sydney Council Performance Guide;*	*North Sydney Council Performance Guide;*	Hyperlink provided.
	(b)	*North Sydney Council Infrastructure Specification Manual*	*North Sydney Council Infrastructure Specification Manual*	Hyperlink provided.
7.7.7	**(a)**	*North Sydney Council Performance Guide;*	*North Sydney Council Performance Guide;*	Hyperlink provided.
	(b)	*North Sydney Council Infrastructure Specification Manual*	*North Sydney Council Infrastructure Specification Manual*	Hyperlink provided.
Section 8 Construction Management				
	NO CHANGES			

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
Section 9 Late Night Trading Hours				
9.3.1	**P1**	*The maximum trading hours that will be granted for a premises within each zone are outlined within Table D-10.1 below. These hours will be granted only where an application satisfies the matters for consideration in Section 9.2 above to this Part D and all other relevant sections outlined within this Section of the DCP.*	*The maximum trading hours that will be granted for a premises within each zone are outlined within Table D-~~10~~9.1 below. These hours will be granted only where an application satisfies the matters for consideration in Section 9.2 ~~above~~ to ~~this~~ Part D and all other relevant sections outlined within this Section of the DCP.*	To be consistent with Table numbering format throughout the DCP. Minor grammatical change to improve clarity and consistency of terminology.
	TABLE D-10.1	***TABLE D-10.1***	***TABLE D-~~10~~9.1***	To be consistent with Table numbering format throughout the DCP.
		Properties in Kirribilli Village where small bars are permitted and as identified in Figure E-7.1	*Properties within Kirribilli Village ~~where small bars are permitted and~~ as identified in Figure ~~E-7.1~~D9-1.*	To note that small bars are now permitted in the entirety of the E1 zone, and that the controls effectively identify where additional trading hours in the E1 zone may be permitted. To be consistent with Figure numbering format throughout the DCP.
		1) Properties within Kirribilli Village, other than those identified in Figure E-7.1.	*1) Properties within Kirribilli Village, other than those identified in Figure ~~E-7.1~~D9-1.*	To be consistent with Figure numbering format throughout the DCP.
	Figure D-10.1	***Figure D-10.1:***	*Figure D-~~10.1~~9.1:*	To be consistent with Figure numbering format throughout the DCP.
		Areas within Kirribilli Village where small bars are permitted. For clarity purposes, it affects 11-33 Broughton Street, Kirribilli; 32 Burton Street, Kirribilli and 2-44 Ennis Road, Kirribilli.	*Areas within Kirribilli Village where ~~small bars are permitted~~additional operating hours are permitted. For clarity purposes, it affects 11-33 Broughton Street, Kirribilli; 32 Burton Street, Kirribilli and 2-44 Ennis Road, Kirribilli.*	To note that small bars are now permitted in the entirety of the E1 zone, and that the controls effectively identify where additional trading hours in the E1 zone may be permitted.
	P2	*... Table D-10.1, ...*	*... Table D-~~10.1~~9.1, ...*	To be consistent with Table numbering format throughout the DCP.
	P6	*... Table D-10.1, ...*	*... Table D-~~10.1~~9.1, ...*	To be consistent with Table numbering format throughout the DCP.
9.3.5	**P1**	*... Table D-10.1, ...*	*... Table D-~~10.1~~9.1, ...*	To be consistent with Table numbering format throughout the DCP.
PART E – DEVELOMENT TYPES				
Preface	**TABLE**	*Section 5: Child Care Facilities*	***~~Section 5: Child Care Facilities~~***	To reflect that this section has been removed due to duplications under SEPP (Transport & Infrastructure) 2021.
Section 1 - Residential Development				
1.1.1	**O9**	*is consistent with the character that is described in the relevant area character statements.*	*is consistent with the desired character that is described in the relevant Planning A~~a~~rea C~~c~~haracter S~~s~~tatements and Locality Area provisions.*	The objective has been revised to reflect the new terminology used within the DCP and provide increased clarity.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
1.3.2	**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).*	*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).*	Hyperlink provided.
1.3.4	**P1**	*Buildings are to be sited in accordance with that described in the relevant area character statement (refer to Part F of the DCP), or if not identified in the relevant area character statement sited to relate to neighbouring buildings.*	*Buildings are to be sited in accordance with that described in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP), or if not identified ~~in~~ for the relevant Planning or Locality ~~a~~Area, ~~character statement sited to relate~~ is to be consistent with the siting of neighbouring buildings which share the same street frontage.*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity. Minor grammatical revisions to improve clarity as to what the provisions is trying to achieve.
1.3.5	**P2** **TABLE E-1.2**	*Refer to Part E: Section 2 - Non-residential Development in the Employment and Mixed Use zones to this DCP.*	*Refer to Part E: Section 2 - ~~Non-residential~~ Development in ~~the~~ Employment and Mixed Use zones and Part F – Area Character Outcomes to this DCP.*	Minor grammatical revisions to correct the naming of proposed sections within the DCP. To reflect that there are sometimes bespoke setback controls within the Area Character Outcomes Part of the DCP that will override the setback controls in Part E.
	P4	*Where possible, side setbacks should match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant area character statement (refer to Part F of the DCP).*	*Where possible, side setbacks should match those on adjoining properties, or, if side setbacks of adjoining properties are not characteristic, with setbacks identified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
	P5	*Provide rear building setbacks that match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant area character statement (refer to Part F of the DCP).*	*Provide rear building setbacks that match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
1.3.6	**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 area character statement (refer to Part F of the DCP).*	*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 ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
1.3.9	**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 an relevant area character statement (refer to Part F of the DCP) for the neighbourhood, or as being compatible with the characteristic roof form for the neighbourhood.*	*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 ~~an~~ the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP) ~~for the neighbourhood~~, or as being compatible with the characteristic roof form for the neighbourhood.*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	P2	*Roofs should be similar in form and utilise similar materials to those identified in the relevant area character statement (refer to Part F of the DCP), or if not identified in the relevant area character statement, that it positively relates to neighbouring buildings.*	*Roofs should be similar in form and utilise similar materials to those identified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP), or if not identified ~~in the~~for that relevant Planning and Locality Area~~area character statement,~~ that it is compatible with the prevailing roof forms on ~~positively relates to~~ neighbouring buildings in the immediate streetscape.*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
1.3.11	**P1**	*Buildings should use colours, finishes and materials identified in the relevant area character statement (refer to Part F of the DCP), if provided.*	*Buildings should use colours, finishes and materials identified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP), if provided.*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
1.3.13	**P2**	*Fences should be designed and constructed with materials similar to those identified in the relevant area character statement (refer to Part F of the DCP), if provided.*	*Fences should be designed and constructed with materials similar to those identified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP), if provided.*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
1.4.2	**P2**	*Despite P1 above, solar access to dwellings in residential flat buildings should meet the requirements of the Apartment Design Guide which includes:* *(a) Living rooms and private open spaces for 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 they are provided with adequate access to natural light (e.g. by providing enlarged windows, skylights and the like). No more than 15% of all dwellings in the development must not receive no direct sunlight between 9am and 3pm at mid-winter.*	*Despite P1 above, solar access to dwellings within~~in~~ residential flat buildings and shop top housing should meet the requirements of the Apartment Design Guide which includes:* *(a) ~~Living rooms and private open spaces for~~ 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 ~~they~~ are provided with adequate access to natural light (e.g. by providing enlarged windows, skylights and the like). ~~No more than 15% of all dwellings in the development must not receive no direct sunlight between 9am and 3pm at mid-winter.~~*	To provide greater clarity as to how the controls are to be applied. To ensure that the same provisions apply to shop top housing which is similar to dwellings in an apartment building.
1.4.8	**TABLE E-1.8:**	*Detached dwelling,* *Semi-detached dwelling,* *Attached dwelling*	*Detached dwelling,* *Semi-detached dwelling,* *Attached dwelling,* *Secondary dwelling*	To ensure all forms of residential accommodation types provide private open space consistent with their general typology.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
		Residential flat building,	*Residential flat building,* *Shop top housing*	To ensure all forms of residential accommodation types provide private open space consistent with their general typology.
Section - 2 Development in Employment and Mixed Use Zones				
2.2.4	**NEW**		***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.*	Relocated from former Section 5 – Early Education and Care Facilities as these controls were not duplicated under the relevant Guidelines to SEPP (Transport and Infrastructure) 2021.
2.3.1	**P1**	*Provide continuous, horizontal awnings on all street frontages which are activated by ground floor uses and those streets identified in the relevant area character statement (refer to Part F of the DCP), using materials that are sun, rain and wind proof.*	*Provide continuous, horizontal awnings on all street frontages which are activated by ground floor uses and those streets identified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP), using materials that are sun, rain and wind proof.*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
2.4.1	**P1**	*Amalgamate lots to achieve lot frontage identified in the relevant area character statement (refer to Part F of the DCP).*	*Amalgamate lots to achieve lot frontage identified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
2.4.2	**P1**	*Provide a setback for public space at ground level where indicated in the relevant area character statement (refer to Part F of the DCP).*	*Provide a setback for public space at ground level where indicated within the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	P3	*The entire building is to have a zero metre setback to all street frontages, unless an alternative setback is identified within the in the relevant area character statement (refer to Part F of the DCP).*	*The entire building is to have a zero metre setback to all street frontages, unless an alternative setback is identified within the ~~in the~~ relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	Correction of grammar. The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
	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 area character statement (refer to Part F of the DCP).*	*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 ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
	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 area character statement (refer to Part F of the DCP).*	*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 ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
2.4.3	**P1**	*Where required, a podium must incorporate the required boundary setbacks, podium heights and above podium setbacks in accordance with the relevant area character statement (refer to Part F of the DCP).*	*Where required, a podium must incorporate the required boundary setbacks, podium heights and above podium setbacks in accordance with the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
2.4.4	**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 in the relevant area character statement (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*	*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 ~~in the~~ relevant Planning ~~a~~Area ~~c~~Character ~~s~~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.*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
	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 area character statement.*	*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 ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
2.4.7	**P1**	*Provide linkages through sites to other streets and laneways as identified in the relevant area character statement (refer to Part F of the DCP) applying to the site or where enhancing pedestrian movement to public transport infrastructure.*	*Provide linkages through sites to other streets and laneways as identified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~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.*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
2.4.8	**P6**	*All ground level shopfronts are to have a zero metre setback unless specified in the relevant area character statement (refer to Part F of the DCP).*	*All ground level shopfronts are to have a zero metre setback unless specified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
Section 3 Non-Residential Development in Residential Zones				
3.1.1	**O5**	*is consistent with the character that is described in the relevant area character statements.*	*is consistent with the desired character that is described in the relevant Planning A~~a~~rea C~~c~~haracter S~~s~~tatements and Locality Area provisions.*	The objective has been revised to reflect the new terminology used within the DCP and provide increased clarity.
3.3.1	**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).*	*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).*	Hyperlink provided.
3.2.4	**P1**	*Buildings are to be sited in accordance with that described in the relevant area character statement (refer to Part F of the DCP), or if not identified in for the relevant area character statement sited to relate to neighbouring buildings*	*Buildings are to be sited in accordance with that described in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP), or if not identified ~~in~~ for the relevant Planning or Locality ~~a~~Area, ~~character statement sited~~ to relate to neighbouring buildings.*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
3.2.5	**P4**	*Where possible, side setbacks should match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant area character statement (refer to Part F of the DCP).*	*Where possible, side setbacks should match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
	P6	*Provide rear building setbacks that match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant area character statement (refer to Part F of the DCP).*	*Provide rear building setbacks that match those on adjoining properties, or, if adjoining properties are not characteristic, with setbacks identified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
3.2.6	**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 area character statement (refer to Part F of the DCP).*	*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 ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
3.2.8	**P1**	*Buildings should use materials identified in the relevant area character statement (refer to Part F of the DCP), if provided.*	*Buildings should use colours, finishes and materials identified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP), if provided.*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity consistent with similar provisions elsewhere in the DCP.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
3.2.9	**P1**	*Fences should be designed similar to those identified in the relevant area character statement (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*	*Fences should be designed similar to those identified in the relevant Planning ~~a~~Area ~~c~~Character ~~s~~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.*	The provision has been revised to reflect the new terminology used within the DCP and provide increased clarity.
3.3.2	**NEW**		***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.*	Relocated from former Section 5 – Early Education and Care Facilities as these controls were not duplicated under the relevant Guidelines to SEPP (Transport and Infrastructure) 2021.
Section 4 - Boarding Houses and Co-Living Housing				
	NO CHANGES			
Section 5 – Early Education and Care Facilities				
All			Delete Section 5 in its entirety.	To reflect that these provisions are duplicated within the Child Care Guidelines and have no relevance as per section 3.27 of SEPP (Transport and Infrastructure) 2021. Some provisions that have not been duplicated have been relocated to other sections of the DCP as identified in this table. Has consequential numbering amendments for subsequent sections in this Part.
Section 6 - Sex Services and Restricted Premises *(Now Section 5)*				
	NO CHANGES *(other than consequential Section numbering)*			

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
Section 7 - Advertising and Signage *(Now Section 6)*				
7.2.1	**Paragraph 1**	*These areas consist mainly of one and two storey buildings with shops at ground floor level that serve the local needs of the community and some shop top housing above. Existing signage is limited to small scale business identification signs such as fascia, under awning (some illuminated), top hamper and window signs. There are no large scale advertisements given the limited scale of the built form. The existing character of these villages should be retained by limiting signage to small scale business identification signs in the forms previously described.*	*These areas consist mainly of one and two storey buildings with shops at ground floor level that serve the local needs of the community and some shop top housing above. Existing signage is predominantly limited to small scale business identification signs ~~such as~~mostly consisting of fascia, under awning (some illuminated), top hamper and window signs. There are no large scale advertisements given the limited scale of the built form. The existing character of these villages should be retained by limiting signage to small scale business identification signs in the forms previously described.*	To increase clarity and provide a better consistency in wording structure through this section of the DCP.
7.2.2	**Paragraph 1 (a)**	*Milsons Point has a diverse range of land uses including residential, commercial and retail that are mostly located in multi storey buildings that have a prominent location on the foreshores of Sydney Harbour. Signage in Milsons Point comprises a mixture of small business identification signs (fascia, under awning, wall, projecting wall signs). There are some larger wall and roof signs on building elevations that are quite visible from Sydney Harbour. To enhance the views of North Sydney from Sydney Harbour and the Bradfield Highway, future signage should be limited to small scale business and/or building identification signs at lower levels where commercial development is permitted under NSLEP 2013.*	*Milsons Point has a diverse range of land uses including residential, commercial and retail that are mostly located in multi storey buildings that have a prominent location on the foreshores of Sydney Harbour. Signage in Milsons Point predominantly comprises a mixture of small business identification signs (mostly consisting of fascia, under awning, wall~~,~~ and projecting wall signs). There are some limited larger wall and roof signs on building elevations that are quite visible from Sydney Harbour. To enhance the views of North Sydney from Sydney Harbour and the Bradfield Highway, future signage should be limited to small scale business and/or building identification signs at lower levels where commercial development is permitted under NSLEP 2013.*	To increase clarity and provide a better consistency in wording structure through this section of the DCP.
	Paragraph 2 (b)	*Crows Nest is a lively, interesting main street shopping village that is predominately two storey in scale to Willoughby Road and increasing in scale as it approaches the Pacific Highway, with mostly retail shops and cafes at ground level. Current signage is predominantly limited to small scale business identification signs (mostly consisting of under awning signs, fascia signs, projecting wall signs and window signs). There are, however, three large roof signs at the major intersection of Falcon Street, Shirley Road and the Pacific Highway that have an adverse impact upon the streetscape. For this reason, further large and/or roof signs are discouraged in the Crows Nest area. Signage in the Crows Nest Village should remain small scale especially along Willoughby Road where there is a small scale village atmosphere and along Pacific Highway where the traditional two storey parapet shopfront is a dominate feature. Above awning signs on traditional shop frontages should be avoided to enhance the character of the Crows Nest Village Centre.*	*Crows Nest is a lively, interesting main street shopping village that is predominately two storey in scale to Willoughby Road and increasing in scale as it approaches the Pacific Highway, with mostly retail shops and cafes at ground level. Current signage is predominantly limited to small scale business identification signs (mostly consisting of under awning ~~signs~~, fascia ~~signs~~, projecting wall ~~signs~~ and window signs). There are, however, three large roof signs at the major intersection of Falcon Street, Shirley Road and the Pacific Highway that have an adverse impact upon the streetscape. For this reason, further large and/or roof signs are discouraged in the Crows Nest area. Signage in the Crows Nest Village should remain small scale especially along Willoughby Road where there is a small scale village atmosphere and along Pacific Highway where the traditional two storey parapet shopfront is a dominate feature. Above awning signs on traditional shop frontages should be avoided to enhance the character of the Crows Nest Village Centre.*	To increase clarity and provide a better consistency in wording structure through this section of the DCP. To correctly identify that the Crows Nest Village does not only contain 2 storey buildings.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	Paragraph 3 (c)	*St Leonards has been rezoned from a former commercial and industrial area to mixed use and commercial. There are a number of large existing roof and wall signs that currently dominate the skyline so any additional signage of this type should be avoided. Signage in this area should be limited to small scale business identification advertisements at ground level (under awning, fascia, top hamper signs) and no new larger illuminated wall and roof signs at upper levels.*	*St Leonards has been rezoned from a former commercial and industrial area to mixed use and commercial. There are a number of large existing roof and wall signs that currently dominate the skyline, so any additional signage of this type should be avoided. Signage in this area should be limited to small scale business identification advertisements at the ground level (mostly consisting of under awning, fascia and ~~,~~ top hamper signs) and no new larger illuminated wall and roof signs at upper levels.*	To increase clarity and provide a better consistency in wording structure through this section of the DCP.
	Paragraph 4 (d)	*The built form in the Cremorne and Neutral Bay villages is generally two storeys with small shops located at ground level. Signage is limited to small scale business identification signs (under awning, fascia, top hamper sign, window, projecting wall signs). There are two undesirable forms of signage that have an adverse impact on the streetscape including a bridge sign located on the pedestrian link to SCEGS Redlands and a large wall sign on Military Road near Wycombe Road. Future signage should, therefore, be limited to small scale business identification signs at ground floor level to promote commercial activity in the area.*	*The built form in the Cremorne and Neutral Bay villages is generally two -five storeys with small shops located at ground level. Signage is predominantly limited to small scale business identification signs (mostly consisting of under awning, fascia, top hamper ~~sign~~, window~~,~~ and projecting wall signs). There are two undesirable forms of signage that have an adverse impact on the streetscape including a bridge sign located on the pedestrian link to SCEGS Redlands and a large wall sign on Military Road near Wycombe Road. Future signage should, therefore, be limited to small scale business identification signs at the ground floor level to promote commercial activity in the area.*	To increase clarity and provide a better consistency in wording structure through this section of the DCP. To correctly identify that the Cremorne and Neutral Bay villages do not only contain 2 storey buildings.
7.2.3	**Paragraph 1 (a)**	*This area is a mixture of modern two or three storey commercial buildings amidst one or two storey historic terrace houses and timber or stone cottages. Most of the non-residential uses in McMahons Point provide support services for businesses located in the North Sydney Centre such as advertising agencies, printers, graphic designers, publishers. Existing signage is mostly small business or building identification signs including fascia and illuminated under awning signage. There are no large scale signs within the Productivity Support zone, with signage limited in number and scale and subdued to preserve the partially residential character of the area. Small scale business identification signage is the desired level of advertising for this area.*	*This area is a mixture of modern two or three storey commercial buildings amidst one or two storey historic terrace houses and timber or stone cottages. Most of the non-residential uses in McMahons Point provide support services for businesses located in the North Sydney Centre such as advertising agencies, printers, graphic designers~~,~~ and publishers. Existing signage is mostly small business or building identification signs ~~including~~mostly consisting of fascia and illuminated under awning signage. There is ~~are~~ no large scale ~~signs~~signage within the Productivity Support zone, with signage limited in number and scale and subdued to preserve the partially residential character of the area. Small scale business identification signage is the desired level of advertising for this area.*	To increase clarity and provide a better consistency in wording structure through this section of the DCP.
7.2.4	**Paragraph 2**	*Signage within the North Sydney Centre is diverse with a number of large illuminated wall and roof business identification signs that dominate the skyline. In addition to larger advertisements, there are numerous small scale business identification signs at street level including under awning and window signs, top hamper signs, free standing signs, fascia signs and projecting wall signs.*	*Signage within the North Sydney Centre is diverse with a number of large illuminated wall and roof business identification signs that dominate the skyline. In addition to larger advertisements, there are numerous small scale business identification signs at the street level (mostly consisting of ~~including~~ under awning, ~~and~~ window~~signs~~, top hamper~~signs~~, free standing~~signs~~, fascia ~~signs~~ and projecting wall signs).*	To increase clarity and provide a better consistency in wording structure through this section of the DCP.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	Paragraph 3	*The visual impact of the larger illuminated roof and walls signs in the North Sydney Centre is significant given their prominent location on the shores of Sydney Harbour and their close proximity to Bradfield Highway. To enhance views from Sydney Harbour, large business identification wall signs on multi storey buildings above first floor level should be limited to two per building that are incorporated into the overall design of the building. Generally, additional signage should be limited to small scale business identification signs at ground floor level to convey messages to potential customers in preference to large scale roof and/or sky signs.*	*The visual impact of the larger illuminated roof and wall~~s~~ signs in the North Sydney Centre is significant given their prominent location on the shores of Sydney Harbour and their close proximity to Bradfield Highway. To enhance views from Sydney Harbour, large business identification wall signs on multi storey buildings above first floor level should be limited to no more than two per building and must be~~that are~~ incorporated into the overall design of the building. Generally, additional signage should be limited to small scale business identification signs at the ground floor level to convey messages to potential customers in preference to large scale roof and/or sky signs.*	To increase clarity and provide a better consistency in wording structure through this section of the DCP.
7.11	**P14**	*Limited to land within the North Sydney Centre as identified by NSLEP 2013.*	*Limited to land within the North Sydney Centre as identified ~~by~~ under NSLEP 2013.*	To provide increased consistency in wording throughout the DCP.
Section 8 - Telecommunications *(Now Section 7)*				
8.2	**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, R3 and R4).*	*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, ~~and~~ R4 High Density Residential and C4 Environmental Living).*	To be more consistent in the identification of zones throughout the DCP and recognise that the E4 Environmental Living zone is predominantly a residential zone albeit with recognised environmental attributes.
PART F – AREA CHARACTER OUTCOMES				
Preface				
NO CHANGE				
Section 1 - Planning and Locality Areas				
1.1	**Paragraph 2**	*Where there is an inconsistency between this Part and Parts B-E inclusive of the DCP, the provisions within this Part of the DCP prevail.*	*Where there is an inconsistency between this Part and Parts B-E ~~inclusive~~ of the DCP, the provisions within this Part of the DCP prevail.*	Simplification of paragraph by removal of redundant word.
	Paragraph 3	*Applicants need to refer to both the Area Character Statements for the Planning Area and Locality Area relevant to their property, as matters covered for a Planning Area are not necessarily covered in a Locality Area.*	*Applicants need to refer to both the ~~Area~~ Character Statement~~s~~ for the Planning Area and the outcomes, objectives and provisions for the Locality Area relevant to their property, as matters covered ~~for a~~within a Planning Area Character Statement are not necessarily covered within the requirements for a Locality Area.*	To increase clarity as a result of a change to the terminology regarding character areas.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
1.3	**Paragraph 3**	*Each Locality Area is subject to area specific character statements and provisions outlining the desired future outcomes. The Locality provisions do not necessarily describe the existing character or existing features of any of those neighbourhoods unless those features are to be retained. They also contain a suite of development controls to ensure that those outcomes can be met*	*Each Locality Area is subject to ~~area~~a specific character statement~~s~~ and provisions outlining how the desired future outcomes can be met. The Locality provisions do not necessarily describe the existing character or existing features of any of those neighbourhoods unless those features are to be retained. ~~They also contain a suite of development controls to ensure that those outcomes can be met~~*	To further simplify the intent of the Locality Area provisions.
Section 2 North Sydney Planning Area				
2.1.5	**NEW**			Insertion of the site specific controls relating to 52 McLaren Street as adopted by Council 26 May 2025 and came into force on 13 June 2025.
Section 3 St Leonards / Crows Nest Planning Area				
NO CHANGES				
Section 4 Cammeray Planning Area				
NO CHANGES				
Section 5 North Cremorne Planning Area				
NO CHANGES				
Section 6 South Cremorne Planning Area				
NO CHANGES				
Section 7 Neutral Bay Planning Area				
NO CHANGES				
Section 8 Kirribilli Planning Area				
NO CHANGES				
Section 9 Lavender Bay Planning Area				
NO CHANGES				
Section 10 Waverton / Wollstonecraft Planning Area				
NO CHANGES				
APPENDICES				
Preface				
	Paragraph 1	*The North Sydney Development Control Plan 2025 contains two appendices.*	*The ~~North Sydney Development Control Plan~~NSDCP 2025 contains two appendices.*	To simplify the text as used throughout the DCP.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	Paragraph 2	*Appendix 1 contains the dictionary defining the meaning of particular terms in the DCP.*	*Appendix 1 contains ~~the dictionary defining the meaning of particular terms in the DCP~~ a glossary of abbreviations, acronyms, and terms used in the DCP and explains and defines the meaning of those abbreviations, acronyms, and terms.*	To reflect that the Appendix is trying to achieve two tasks in terms of interpretation.
	Paragraph 3	*Appendix 2 identifies items in conservation areas that are contributory, neutral and uncharacteristic (and not heritage items) to guide the approach to development.*	*Appendix 2 identifies ~~items~~ sites within conservation areas (excluding heritage items) that contain items that have a ~~are~~ contributory, neutral ~~and~~or uncharacteristic impact on the significance of that conservation area~~(and not heritage items) to guide the approach to development~~.*	To improve clarity as to what the Appendices are trying to achieve.
Appendix 1 – Dictionary				
Title		Dictionary	**Glossary of Terms**	To reflect that the Appendix is trying to achieve two tasks in terms of interpretation.
Format			**1.1 Abbreviations & Acronyms** **1.2 Definition of Terms**	The Appendix has been split into two subsections to reflect that it is trying to achieve two tasks in terms of interpretation.
1.1	**Paragraph 1**	*Abbreviations used in this DCP are defined as follows:*	*Abbreviations and acronyms used in this DCP are ~~defined~~identified as follows:*	To reflect that the list immediately below is predominantly a list of acronyms.
	Terms	*ABS Australian Bureau of Statistics*	*~~ABS Australian Bureau of Statistics~~*	Term no longer used within the DCP.
			DA Development Application	To reflect a recurrent acronym.
			GFA Gross Floor Area	To reflect a recurrent acronym.
			NSDCP 2025 North Sydney Development Control Plan 2025	To reflect a recurrent acronym.
1.2	**Paragraph 1**	*This DCP adopts all the definitions contained within NSLEP 2013. In addition to these definitions, the following terms used in this DCP are defined as follows:*	*This DCP adopts all the definitions contained within the EP&A Act and NSLEP 2013. In addition to these definitions, the following terms used in this DCP are defined as follows:*	To ensure there is a consistency in the definition of terms and noting that the EP&A Act defines a number of terms which the DCP utilises.
	Terms	***building identification sign*** *means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.*	*~~building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.~~*	Removes a duplicate term, which is defined under NSLEP 2013.
		Special Areas *means that area marked red with a black cross hatch as shown on the North Sydney Centre Map to NSLEP 2013.*	***Special Area~~s~~*** *means ~~that area~~ land identified as a "Special Area" ~~marked red with a black cross hatch as shown~~ on the North Sydney Centre Map ~~to~~under NSLEP 2013.*	To correctly identify those areas identified as a Special Area under NSLEP 2013.
Appendix 2 Heritage – Contributory, Neutral and Uncharacteristic Items				
2.4	**A1**	*Table App-1.1 lists all contributory items.*	*Table App-2~~1~~.1 lists all contributory items.*	To be consistent with numbering format protocol throughout the DCP.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
	A2	*Table App-1.2 lists all uncharacteristic items.*	*Table App-2~~1~~.2 lists all uncharacteristic items.*	To be consistent with numbering format protocol throughout the DCP.
	A3	*Those properties not listed in Tables App-1.1 or App-1.2 or identified as a heritage item under NSLEP 2013 are deemed to be neutral items.*	*Those properties not listed in Tables App-2~~1~~.1 or App-2~~1~~.2 or identified as a heritage item under NSLEP 2013 are deemed to be neutral items.*	To be consistent with numbering format protocol throughout the DCP.
TABLE APP-1.1	**Heading**	*Table App-1.1*	*Table App-2~~1~~.1*	To be consistent with numbering format protocol throughout the DCP.
	Entry	*27-29 Ancrum Street Waverton*	*27-~~29~~ Ancrum Street Waverton*	To correctly identify the current registered street address.
		96-98 Bank Street North Sydney	*96-~~98~~ Bank Street North Sydney*	To correctly identify the current registered street address.
		11A Bay Road Waverton	*11~~A~~ Bay Road Waverton*	To correctly identify the current registered street address. This is no 11A Bay Road.
		-	Insert following 29 Bannerman Street: *50 Bay Road Waverton Priory Road*	To reflect that 48 Bay Road has been subdivided into two lots.
		71 Bay Road Waverton Bay Road	*69-71 Bay Road Waverton Bay Road*	To correctly identify the current registered street address.
		2 Bertha Road Cremorne	*2 Bertha Road (also known as 15 Burraway Street) Cremorne*	To recognise that this property may be known as two addresses. Registered title is 2 Bertha Road, but Council records indicate that it is 15
		63 Blues Point Road McMahons Point	*63-65 Blues Point Road McMahons Point*	To reflect that this single lot contains two separate dwellings
			81 Blues Point Road McMahons Point	To recognise that this property has dual street addresses and contains 2 buildings with a contributory status. Also known as 58 Middle Street.
		120-122 Blues Point Road McMahons Point	*120-~~122~~ Blues Point Road McMahons Point*	To correctly identify the current registered street address.
		5-7 Carter Street (That part comprising Lot 8 - DP 4895) Cammeray	*5-7 Carter Street (That part comprising Lot 8 - Sec A, DP 4895 only)* Cammeray	To correctly identify that part which is contributory.
		25 Clifton Street Waverton	*~~25~~23 Clifton Street (limited to building on former Lot 1, DP 772244) Waverton*	To correctly identify a contributory item, prior to the site's consolidation.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
			Insert after 1 Cremorne Road: *2 Cremorne Road Cremorne Point* *Cremorne Point*	To correctly identify the current street numbering and recognising that a separate street address exists for a second dwelling on the site at 7 Milson Road.
		38 Edward Street North Sydney	*38A-38D Edward Street North Sydney*	To correctly identify the current registered street address.
		49 Edward Street North Sydney	*49-51 Edward Street North Sydney*	To correctly identify the current registered street address.
		72A Hayberry Street Crows Nest	*72A Hayberry Street Crows Nest*	To correctly identify the current registered street address.
		23 Holbrook Avenue Kirribilli Kirribilli	~~*23 Holbrook Avenue Kirribilli Kirribilli*~~	This property is a heritage item, and therefore is incapable of being identified as contributory item.
		14 Lower Wycombe Road Neutral Bay	~~*14 Lower Wycombe Road Neutral Bay*~~	To reflect that 12 and 14 Lower Wycombe have been consolidated.
		46 Macpherson Street Cremorne Montague Road	Delete: ~~*46 Macpherson Street Cremorne Montague Road*~~ Insert after 44 Montague Road: *46 Montague Road Cremorne Montague Road*	To correctly identify the current registered street address.
		1 Mathew Lane Crows Nest	*1 Matthew Lane Crows Nest*	To correct the street name.
		3 Mathew Lane Crows Nest	*3 Matthew Lane Crows Nest*	To correct the street name.
		32 McHatton Street North Sydney	Delete: ~~*32 McHatton Street North Sydney*~~ Insert After 4 Ormiston Avenue *118 Pacific Highway North Sydney*	To correctly identify the current registered street address.
			Insert after 30 McHatton Street: *6 McLaren Street North Sydney* *McLaren Street*	To reflect the outcomes of the 2009 North Sydney Heritage Review to downgrade the property as a heritage item to a contributory item.
		113 Milson Road Cremorne Point *Cremorne Point*	~~*113 Milson Road Cremorne Point*~~ ~~*Cremorne Point*~~	To recognise that the former lots comprising 113 and 115 Milson Road have been consolidated into a single lot to reflect the apartment building located thereon.
		30-34 Murdoch Street Cremorne Point *Kurraba Point*	*30~~-34~~ Murdoch Street Cremorne Point* *Kurraba Point*	To correctly identify the current registered street address.
		4 Peel Street Kirribilli Kirribilli	*~~4~~6 Peel Street Kirribilli Kirribilli*	To correctly identify the current registered street address.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
		71 Ridge Street North Sydney Walker / Ridge Streets *73 Ridge Street North Sydney Walker / Ridge Streets* *75 Ridge Street North Sydney Walker / Ridge Streets*	~~*71 Ridge Street North Sydney Walker / Ridge Streets*~~ *73 Ridge Street North Sydney Walker / Ridge Streets* ~~*75 Ridge Street North Sydney Walker / Ridge Streets*~~	To reflect that these three properties have been consolidated and now have a single registered street address.
			Insert after 19 Riley Street: *21-27 Riley Street North Sydney Edward Street*	To correctly reflect that a single registered allotment has two registered street addresses.
		38-40 Thomas Street McMahons Point Union / Bank / Thomas Streets	*38~~-40~~ Thomas Street McMahons Point Union / Bank / Thomas Streets*	To correctly identify the current registered street address.
		42 Union Street McMahons Point Union / Bank / Thomas Streets	~~*42 Union Street McMahons Point Union / Bank / Thomas Streets*~~	To reflect that this property is a heritage item listed under NSLEP 2013 and is incapable of being listed as a contributory item.
		100A West Street Crows Nest Holtermann Estate D	*100~~A~~ West Street Crows Nest Holtermann Estate D*	To correctly identify the current registered street address.
		17 Whaling Road North Sydney Whaling Road	~~*17 Whaling Road North Sydney Whaling Road*~~	Correction. This property was added in error, being inconsistent with the adopted recommendations of the 2007 North Sydney Heritage Review. Has retained a heritage listing under NSLEP 2013.
		21 Whaling Road North Sydney Whaling Road	~~*21 Whaling Road North Sydney Whaling Road*~~	Correction. This property was added in error, being inconsistent with the adopted recommendations of the 2007 North Sydney Heritage Review. Has retained a heritage listing under NSLEP 2013.
		23 Whaling RoadNorth Sydney Whaling Road	~~*23 Whaling Road North Sydney Whaling Road*~~	Correction. This property was added in error, being inconsistent with the adopted recommendations of the 2007 North Sydney Heritage Review. Has retained a heritage listing under NSLEP 2013.
		25 Whaling Road North Sydney Whaling Road	~~*25 Whaling Road North Sydney Whaling Road*~~	Correction. This property was added in error, being inconsistent with the adopted recommendations of the 2007 North Sydney Heritage Review. Has retained a heritage listing under NSLEP 2013.
		29 Whaling Road North Sydney Whaling Road	~~*29 Whaling Road North Sydney Whaling Road*~~	Correction. This property was added in error, being inconsistent with the adopted recommendations of the 2007 North Sydney Heritage Review. Has retained a heritage listing under NSLEP 2013.
		31 Whaling Road North Sydney Whaling Road	~~*31 Whaling Road North Sydney Whaling Road*~~	Correction. This property was added in error, being inconsistent with the adopted recommendations of the 2007 North Sydney Heritage Review. Has retained a heritage listing under NSLEP 2013.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
			Insert after 3 Winslow Street, Kirribilli: *4 Winslow Street Kirribilli Careening Cove*	To reflect that the former property which comprised 2 and 4 Winslow Street has been subdivided to reflect the two dwellings that were on the site.
TABLE App-1.2	**Heading**	*Table App-1.2*	*Table App-2~~1~~.2*	To be consistent with numbering format protocol throughout the DCP.
		85-87 Burlington Street Crows Nest Holtermann Estate B	*85~~-87~~ Burlington Street Crows Nest Holtermann Estate B*	To correctly identify the current registered street address.
		120 Chandos Street Crows Nest Holtermann Estate A	*120-122 Chandos Street Crows Nest Holtermann Estate A*	To correctly identify the current registered street address.
		11 Dumbarton Street McMahons Point Union / Bank / Thomas Streets *13 Dumbarton Street McMahons Point Union / Bank / Thomas Streets*	*~~11 Dumbarton Street McMahons Point Union / Bank / Thomas Streets~~* *~~13 Dumbarton Street McMahons Point Union / Bank / Thomas Streets~~*	Prior to the commencement of NSDCP 2013, these sites had a contributory status. However, the site was redeveloped in circa 2008, with the current buildings being characteristic with a neutral item, neither adding to or detracting from the significance of the conservation area.
		45-47 Dumbarton Street McMahons Point Union / Bank / Thomas Streets	*~~45-47 Dumbarton Street McMahons Point Union / Bank / Thomas Streets~~*	To recognise that the former industrial building on this site has been demolished and replaced with two contemporary dwellings circa 2015, being characteristic with a neutral item, neither adding to or detracting from the significance of the conservation area.
		118-120 Ernest Street Crows Nest Holtermann Estate B	*118~~-120~~ Ernest Street Crows Nest Holtermann Estate B*	To correctly identify the current registered street address.
		25 Hayberry Street Crows Nest Holtermann Estate C	*25-33 Hayberry Street Crows Nest Holtermann Estate C*	To correctly identify the current registered street address.
		61-69 Holtermann Street Crows Nest Holtermann Estate B *62-64 Holtermann Street Crows Nest Holtermann Estate B*	*~~61-69 Holtermann Street Crows Nest Holtermann Estate B~~* *62-64 Holtermann Street Crows Nest Holtermann Estate B* *65 Holtermann Street Crows Nest Holtermann Estate B*	To correctly identify the current registered street address. Reordered to be in numerical order.
		40 Huntington Street Crows Nest Holtermann Estate B	Relocated after 37 Huntington Street	Reordered to be in numerical order.
		63 Kirribilli Avenue Kirribilli Kirribilli	*63-65 Kirribilli Avenue Kirribilli Kirribilli*	To correctly identify the current registered street address.

NSDCP 2025 – STREAMLINING PROJECT –POST EXHIBITION AMENDMENTS				
SECTION	**PROVISION**	**AS EXHIBITED**	**RECOMMENDED AMENDMENT**	**REASON**
		4-6 Margaret Street North Sydney (That part comprising the dwelling house fronting Maragret Street) Whaling Road	~~*4-6 Margaret Street North Sydney (That part comprising the dwelling house fronting Maragret Street) Whaling Road*~~	Incorrectly identifies that the site contains an uncharacteristic item. The entire site is identified as a heritage item under NSLEP 2013.
		7-7A Reed Street Cremorne Cremorne	*7~~-7A~~ Reed Street Cremorne Cremorne*	To correctly identify the current registered street address.
		5 Riley Street North Sydney Union / Bank / Thomas Streets	*3-5 Riley Street North Sydney Union / Bank / Thomas Streets*	To correctly identify the current registered street address.
		22 Spofforth Street Cremorne Cremorne	*~~22~~20 Spofforth Street Cremorne Cremorne*	To correctly identify the current registered street address.
		30-40 Spofforth Street Cremorne Cremorne	*~~30-~~40 Spofforth Street Cremorne Cremorne*	To correctly identify the current registered street address.
			Insert after 25 West Street, North Sydney: *27 West Street North Sydney Holtermann Estate D*	To reflect that the former property which comprised 25 West Street has been subdivided to reflect the two dwellings that were on the site.
		102 West Street Crows Nest Holtermann Estate D *102A West Street Crows Nest Holtermann Estate D*	~~*102 West Street Crows Nest Holtermann Estate D*~~ ~~*102A West Street Crows Nest Holtermann Estate D*~~	The site originally contained a single storey scrap metal/metal recycling premises, with a form generally uncharacteristic with the residential nature of the conservation area. However, these former industrial premises were demolished in 2007 and replaced with two x 2-storey terrace houses. These dwellings are characteristic of a neutral item, which neither adds to nor detracts from the significance of the conservation area.
		110 Wycombe Road Cremorne Neutral Bay	*108-110 Wycombe Road Cremorne Neutral Bay*	To correctly identify the current registered street address.

NORTH SYDNEY
~~DRAFT~~
DEVELOPMENT CONTROL PLAN 2025

For Adoption Post Exhibition

North Sydney Development Control Plan (NSDCP) 2025 was adopted by Council on ... 2025 and came into force on the ... 2025.

This edition includes the following amendments:

DATE		**PART**	**SECTION**
Adopted	***In force***		
N/A			

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Part C Heritage Conservation

Section 1: Introduction

Section 2: Aboriginal heritage

Section 3: Archaeological (non-Aboriginal heritage)

Section 4: Development in the Vicinity of Heritage Items

Section 5: Heritage Items

Section 6: Heritage Conservation Areas

Section 7: Subdivision and Lot Amalgamation

Section 8: Demolition

Section 9: Specific Building Elements

Section 10: Guidelines for Residential Building Types

Section 11: Guidelines for Non-Residential Building Types

Section 12: Heritage in the Public Domain

Part D Development Elements

Section 1: Subdivision
Section 2: Landscaping
Section 3: Accessibility
Section 4: Car Parking and Transport
Section 5: Waste Minimisation and Management
Section 6: Safety and Security
Section 7: Public Infrastructure
Section 8: Construction Management
Section 9: Late Night Trading Hours

Part E Development Types

Section 1: Residential Development
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: Child Care Facilities~~
Section ~~6~~5: Sex Services and Restricted Premises
Section ~~7~~6: Advertising and Signage
Section ~~8~~7: Telecommunications

Part F Area Character Outcomes

Section 1: Planning and Locality Areas
Section 2: North Sydney Planning Area
Section 3: St Leonards / Crows Nest Planning Area
Section 4: Cammeray Planning Area
Section 5: North Cremorne Planning Area
Section 6: South Cremorne Planning Area
Section 7: Neutral Bay Planning Area
Section 8: Kirribilli Planning Area
Section 9: Lavender Bay Planning Area
Section 10: Waverton / Wollstonecraft Planning Area

Appendices

Appendix 1:- ~~Dictionary~~Glossary of Terms
Appendix 2: -Heritage – Contributory, Neutral and Uncharacteristic Elements

PART A INTRODUCTION

PREFACE

Part A of the ~~North Sydney Development Control Plan~~NSDCP 2025 contains the preliminary administrative elements and purpose of the DCP including its formal name, description of the land to which it applies, relationship to other plans and policies, the purpose and aims of the DCP, and its periodic review.

Part A of the DCP also describes the structure of the DCP~~, into Parts A to F and~~ how each Part applies to development~~,~~ and explains how the objectives and development control provisions in each section apply to development.

Part A of the DCP comprises the following ~~two main~~ sections:

Section 1:	Preliminary
Section 2:	Structure and Application of the DCP

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SECTION 1 PRELIMINARY

1.1 NAME OF THIS DEVELOPMENT CONTROL PLAN

This plan is known as North Sydney Development Control Plan ~~(~~DCP~~)~~ 2025 (the DCP). The DCP was adopted by Council on [INSERT DATE] and came into effect on [INSERT DATE].

1.2 WHERE THIS DEVELOPMENT CONTROL PLAN APPLIES

This DCP applies to all land identified ~~in~~on the Land Application Map to North Sydney Local Environmental Plan 2013 (NSLEP 2013).

1.3 ~~RELATIONSHIP TO PLANNING LEGISLATION AND NSLEP 2013~~LEGISLATIVE FRAMEWORK

The DCP has been prepared and approved in accordance with s.3.43 of the Environmental Planning and Assessment Act, 1979 (*EP&A Act 1979*) and Division 2 to Part 2 of the Environmental Planning and Assessment Regulation 2021 (*EP&A Regulation 2021*).

This DCP supplements and is to be read in conjunction with ~~the~~ NSLEP 2013. If there is any inconsistency between this DCP and ~~the~~ NSLEP 2013, ~~the~~ NSLEP 2013 will prevail.

This DCP repeals North Sydney Development Control Plan 2013 (NSDCP 2013) pursuant to s.16 of the EP&A Regulation 2021.

1.4 PURPOSE OF THIS DEVELOPMENT CONTROL PLAN

The purpose of this DCP is to supplement NS LEP 2013 and provide more detailed provisions to guide future development, such that impacts on the community and environment are minimised. The DCP is intended for use by:

- property owners;
- developers;
- the community; and
- the consent authority.

1.5 AIMS OF THIS DEVELOPMENT CONTROL PLAN

The aims of this DCP are to:

(a) Ensure that development positively contributes to the quality of the natural and built environments;

(b) Encourage development that contributes to the quality of the public domain;

(c) Ensure that development is economically, socially and environmentally sustainable;

(d) Ensure future development has consideration for the needs of all members of the community;

(e) Ensure development positively responds to the qualities of the site and its context;

(f) Ensure development positively responds to the character of the surrounding area;

(g) Ensure that the actions of the North Sydney Local Strategic Planning Statement (as amended) and the North Sydney Local Housing Strategy (as amended) are achieved; and

(h) Ensure that the Directions Outcomes and Strategies of the North Sydney Community Strategic Plan are achieved.

1.6 SAVINGS PROVISION

~~North Sydney DCP 2013 continues to apply if a development application was lodged with the relevant consent authority, but had not finally been determined before this DCP came into effect.~~To assist with managing the Development Application process during the transition between the operation of NSDCP 2013 and the new NSDCP 2025 coming into effect, the following Savings and Transitional Arrangements are in place:

If a Development Application has been lodged before the commencement of NSDCP 2025 in relation to land to which the NSDCP 2025 applies, and the Development Application has not been finally determined before the commencement of NSDCP 2025 on [INSERT DATE OF COMMENCEMENT], the Development Application must be determined as if NSDCP 2025 had not commenced.

1.7 MONITORING AND REVIEW

Consent authorities are required to keep LEPs and DCPs under regular and periodic review under s.3.21(1) of the *EP&A Act 1979*. Council is committed to this process to ensure that the Plans continue to be useful and relevant planning instruments.

It is proposed to undertake a comprehensive review of the LEP and DCP at five (5) yearly intervals in order to:

(a) assess the continued relevance and responsiveness of the Plan's provisions;

(b) measure the achievement of the objectives of the Plan;

(c) identify the need for changes to the provisions to better achieve the objectives of the Plan; and

(d) ensure the availability of adequate development capacity under the Plan's provisions.

The DCP may also be required to be updated on a more regular basis due to a need to immediately resolve arising issues to ensure that development reflects the desired future character of North Sydney and the impacts on the environment and residential amenity is minimised.

SECTION 2 STRUCTURE AND APPLICATION OF THE DCP

2.1 STRUCTURE OF THE DCP

This DCP comprises ~~five~~ six Parts with Appendices as follows:

- Part A: Introduction
- Part B: Environment Considerations
- Part C: Heritage Conservation
- Part D: Development Elements
- Part E: Development Types
- Part F: Area Character Outcomes
- Appendices

Each Part of the DCP is to be taken into consideration in a Development Application. The degree of relevance of each of the Parts and Sections in this DCP varies between different types of development and different locations which needs to be taken into consideration. An explanation of each Part is below.

Part A – Preliminary

Part A of this DCP contains preliminary information on the DCP including identification of the land to which it applies, relationship with other planning documents, aims of the DCP and information on the DCP structure and the way in which it applies to development.

Part B – Environment Considerations

Part B of this DCP includes the various environmental impact considerations applicable to different types of development. It includes objectives and provisions for topography, visual impact and views, vegetation, water, solar access, visual privacy, noise, light spill and reflectivity, wind and air quality, environmental sustainability, and contamination & hazardous materials, which need to be given due consideration in Development Applications. The degree of relevance of each of these provisions varies between different types of development and different locations which needs to be taken into consideration.

Part C – Heritage Conservation

Part C of this DCP applies to development of a heritage item or within the vicinity of a heritage item or on land in a conservation area which are identified in the ~~North Sydney~~NS LEP 2013, and applies to land on which there is a known Aboriginal place of heritage significance. Part C includes objectives and provisions relating to conservation of Aboriginal heritage, non-Aboriginal archaeological heritage, heritage items and conservation areas. It includes provisions and guidelines for subdivision, demolition, specific building elements, public domain elements, residential buildings and non-residential buildings.

Part D – Development Elements

Part D of this DCP includes objectives and development control provisions for elements of development that are applicable to different types of development. This includes objectives and provisions for subdivision, landscaping, accessibility, vehicle access and parking, waste management, safety and security, wind turbines, public infrastructure, construction management, and late night trading hours. The degree of relevance of each of these provisions varies between different types of development and different locations which needs to be taken into account.

Part E – Development Types

Part E of this DCP contains objectives and development control provisions applying to particular land uses / types of development. This includes Residential Development, Development in Employment and Mixed Use Zones, Non-Residential Development in Residential Zones, Boarding Houses and Co-living Housing, ~~Child Care Facilities,~~ Sex Services and Restricted Premises, Advertising and Signage, Telecommunications.

Part F – Area Character Outcomes

The North Sydney LGA ~~includes~~ comprises a number of neighbourhoods and areas which display distinct characteristics. Part F of the DCP identifies the desired character outcomes~~,~~ and objectives and ~~development control~~ provisions for development within these ~~particular planning~~ distinct areas. In the event of an inconsistency between Part F and ~~the other~~ Parts B-E of this DCP, the desired outcomes and provisions in Part F ~~takes precedence and is to apply~~prevail.

Appendices

The appendices to this DCP include:

- Appendix 1: Glossary of Terms~~Dictionary~~
  Which explains abbreviations and defines terms used in this DCP.~~:~~
- Appendix 2: Heritage – Characteristic, Neutral and Uncharacteristic Items
  Which comprises a schedule that classifies buildings and items or sites within heritage conservation areas.

2.2 Application of DCP Objectives and Provisions to Development

Sections in Parts B to F of this DCP commence with a general explanation of issues and what Council is trying to achieve, and is supplemented with specific objectives and development control provisions that need to be considered in the assessment of a proposed development where relevant.

Many of the provisions are performance based, which provides added flexibility in meeting the desired intent of the provision where developments may not necessarily meet specific numerical standards, due to site or environmental constraints.

Generally, meeting the specific objectives and provisions of each section will achieve overall compliance. The DCP format is intended to encourage flexibility and innovation in development while ensuring the objectives for North Sydney are achieved. In this context Council will not consider favourably development proposals that are inconsistent with the objectives of the DCP. However, Council will consider development proposals that achieve the objectives of the DCP by means other than the provisions in this DCP.

In every neighbourhood there will be examples of development that do not comply with this DCP. DCP's can't undo what has been done in the past and they are often designed to prevent things that have been allowed in the past from reoccurring. For this reason, the existence of features or aspects of development that do not comply with this DCP may have no influence on whether a development or feature will be approved.

Variations to key built form controls will generally not be supported. A detailed written justification is required to be submitted with all applications seeking a variation to a key built form controls.

Applicants will need to consider the Sections of the DCP that are relevant to their particular development and design their proposal in accordance with the objectives and provisions of those sections.

2.3 VARIATIONS TO KEY DEVELOPMENT CONTROLS

To ensure the consistent application of key development controls contained within this DCP, the consent authority must not grant development consent to any development application which does not comply with the following key development control provisions:

- Site coverage controls contained within provision P1 to s.1.4.7 and P1 to s.3.3.1 to Part E of the DCP, and
- Landscaped area and unbuilt upon area controls contained within provisions P1 to s.1.4.8 and P1 to s.3.3.2 to Part E of the DCP.

However, the consent authority may grant development consent to a development application which does not comply with the aforementioned key development standards but only if it is satisfied that a written request from the applicant has been provided that seeks to justify the contravention of the development control by demonstrating that:

(a) compliance with the development control is unreasonable or unnecessary in the circumstances of the case,

(b) there are sufficient environmental planning grounds to justify contravening the development control, and

(c) the proposed development is consistent with the objectives of the particular control.

2.4 APPLICATION OF OTHER PLANS AND POLICIES

Pursuant to s.4.15 of the *EP&A Act 1979*, the consent authority is required to take into consideration the relevant provisions of this DCP when determining an application for development. However, strict compliance with the provisions of this DCP does not guarantee that development consent will be granted. Section 4.15 of the *EP&A Act 1979* contains other matters that must be considered in determining a development application including:

- Any relevant in-force environment planning instruments (SEPP or LEP) or proposed instrument that has been the subject of public consultation under the *EP&A Act 1979*;
- Any draft or in-force planning agreement that has been entered into under s.7.4, of the *EP&A Act 1979*;
- Any relevant prescribed matters in the *EP&A Regulation 2021*;
- The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- The suitability of the site for the development;
- Any submissions made in accordance with the *EP&A Act 1979* or *EP&A Regulation 2021*; and
- The public interest.

In addition, the consent authority will assess each development application according to its merits and in the context of the site and its locality.

This DCP should be read in conjunction with the following:

(a) Environmental Planning and Assessment Act, 1979 (*EP&A Act 1979*);

(b) Environmental Planning and Assessment Regulation 2021 (*EP&A Regulation 2021*);

(c) Relevant State Environmental Planning Policies (SEPPs) ~~and deemed SEPPs~~;

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

(d) *Local Government Act 1993*;

(e) National Construction Code (NCC) / Building Code of Australia (BCA);

(f) Relevant Australian Standards as identified throughout this DCP;

(g) Land and Environment Court Planning Principles which deal with a broad range of topics including principles elaborating on provisions in this DCP with a process to be followed or a breakdown of factors to be addressed in considering a particular matter, and which can be viewed on the Court's website at (*https://www.lec.nsw.gov.au/practice-and-procedure/principles.html*)

(h) Any other policy or document identified for consideration throughout this DCP.

Where relevant, the provisions in this DCP should be read in conjunction with the following planning policies and documents which tend to be particularly relevant to the types of development in North Sydney LGA:

(a) ***Crows Nest Transport Oriented Development Precinct Design Guide***: Development of land located within the Crows Nest Transport Oriented Development Precinct is subject to the requirements of the *Crows Nest Transport Oriented Development Precinct Design Guide* (Design Guide). In the event of any inconsistency between the Design Guide and this DCP, the objectives and provisions of the Design Guide will prevail to the extent of that inconsistency. Where no provisions are indicated in the Design Guide, the relevant provisions of this DCP will apply.

(b) *SEPP (Housing) 2021* which includes provisions for all forms of residential accommodation, except dwelling houses.~~in-fill affordable housing, boarding houses, co-living housing, retention of existing affordable rental housing, secondary dwellings, group homes, co-living hosing, build to rent housing, housing for seniors and people with a disability, short term rental accommodation, conversion of certain serviced apartments, temporary emergency accommodation, dual occupancies and semi-detached dwellings in Zone R2, design of residential apartment development, and transport oriented development~~

(c) The DoP's *Apartment Design Guide* which includes guidelines for residential flat buildings;

(d) Livable Housing Australia's *Livable Housing Design Guidelines* which contain performance standards for residential dwellings*;*

(e) The DoP's *Seniors Living Policy – Urban Design Guidelines for Infill Development*; which applies to the design of seniors housing;

(f) *SEPP (Sustainable Buildings) 2022*~~;~~ which includes sustainability standards and requirements for residential development and for non-residential ~~commercial~~ types of development;

(g) *SEPP (Resilience and Hazards) 2021*, ~~including~~ in particular the provisions in:

(i) -*Chapter 2 - Coastal Management* for development in the coastal zone which generally comprise land on the foreshores to and within the waterways of Sydney and Middle Harbours; and

~~(i)~~(ii) ~~provisions in~~ *Chapter 4 Remediation of Land*~~;~~ for land which has been subject to past potentially contaminating activity~~y~~ies;

(h) *SEPP (Transport and Infrastructure) 2021*, ~~including~~ in particular the provisions in:

(i) -*Chapter 2 – Infrastructure* which include provisions relating to traffic generating development and development near rail and busy road corridors~~,~~; and

~~(i)~~(ii) ~~provisions in~~ *Chapter 3 Educational establishments and child care facilities*;

~~(g)~~(i) The DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline (19 December 2008)*;

~~(h)~~(j) The ~~DOP's~~ DoP's *Child Care Planning Guideline (2021)*;

(k) *SEPP (Biodiversity and Conservation) 2021*, ~~including~~ in particular the provisions in:

(i) ~~-~~*Chapter 2 – Vegetation in non-rural areas* which detail approval requirements ~~requiring consent~~ for the pruning and removal of trees ~~clearing of~~and vegetation, and

~~(i)~~(ii) ~~-provisions in~~ *Chapter 6 – Water Catchments* which detail requirements for development on land on the foreshores to and within the waterways of Sydney and Middle Harbours;

~~(i)~~(l) The DoP's *Sydney Harbour Foreshores and Waterways Area DCP (2005)*;

(m) *SEPP (Industry and Employment) 2021*, ~~and~~ in particular the provisions in:

(i) ~~-~~*Chapter 3 - Advertising and Signage*, which contains additional assessment criteria for advertising and signs;

~~(j)~~(n) The Rural Fire Service's *Planning for Bush Fire Protection*. which includes planning and design guidelines for development on bushfire prone land.

2.5 INTERPRETATION

~~The Dictionary appended to this DCP includes definitions of the terms used in this DCP.~~

~~The definitions of terms in NSW planning statutes and instruments including definitions in the EP&A Act 1979, EP&A Regulation 2021, relevant SEPPs, and NSLEP 2013 are also applicable.~~

~~Where there is an inconsistency in definitions, the higher order instrument (Act/Regulation, then SEPP, then LEP) prevails.~~The terms used in this DCP, have the same meaning as ascribed under the EP&A Act and NSLEP 2013. Other terms used throughout the DCP are defined in the Glossary of Terms located at Appendix 1.

A reference in this DCP to any Australian Standard or legislation includes a reference to any amendment or replacement as made.

2.6 SUBMITTING A DEVELOPMENT APPLICATION

In preparing a Development Application, applicants are advised to first access the planning and development information located on Council's website (*https://www.northsydney.nsw.gov.au/development*) for information on the process and requirements for preparing and lodging a DA. This includes pre-DA lodgement consultation recommended to first obtain advice from Council on the DA, and checklists of documentation and information required to be submitted with the DA.

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PART B

ENVIRONMENT CONSIDERATIONS

PREFACE

The quality and amenity of the environment in the North Sydney local government area is important to the community. It contributes to the comfort and wellbeing of current residents and to sustainability of residential areas and the environment for future users. The quality and amenity of residential development can be maintained and improved by minimising the impacts of development by utilising some or all of the following approaches.

Part B of this DCP contains objectives and development control provisions for the various environmental impact considerations that are applicable to different types of development.

The degree of relevance of each of the provisions in Part B varies between different types of development and different locations which needs to be taken into consideration.

Part B of the DCP comprises the following sections:

Section 1:	Topography
Section 2:	Visual Impact and Views
Section 3:	Biodiversity
Section 4:	Water
Section 5:	Solar Access
Section 6:	Visual Privacy
Section 7:	Operational Noise
Section 8:	Light Spill and Reflectivity
Section 9:	Wind and Air Quality
Section 10:	Environmental Sustainability
Section 11:	Contamination and Hazardous Materials

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SECTION 1 TOPOGRAPHY

1.1 EARTHWORKS

Objective

O1 To ensure that the natural topography and landform are maintained.

O2 To retain existing vegetation and allow for new substantial vegetation and trees.

O3 To minimise the adverse effects of excavation on the amenity of neighbouring properties.

O4 To minimise excavation and site disturbance so as to retain natural landforms, natural rock faces, sandstone retaining walls and the like and to retain natural water runoff patterns and underground water table and flow patterns.

O5 To ensure the structural integrity of adjoining properties.

O6 To minimise adverse effects of adjoining transport infrastructure.

Provisions

P1 Development that includes excavation must not be carried out unless:

(a) the development is in accordance with and promotes the objectives to this subsection; and

(b) land stability of the site and adjoining land is preserved; and

(c) the natural drainage patterns of the land and catchment will not be disrupted; and

(d) adverse effects on other properties are avoided or minimised.

P2 New development should not result in the removal or covering of rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls.

P3 Development should not result in the ground level (finished) being greater than 500mm above or below ground level (existing).

P4 Habitable rooms (excluding bathrooms, laundries and storerooms) should not be located more than 1m below ground level (existing) for more than 50% of the room's floor area.

P5 Excavation should not occur within 1m of any property boundary. Where excavation is required within 500mm of a property boundary, Council must not grant development consent unless it is satisfied that the proposed excavation will not result in adversely impacting upon the structural integrity of adjoining properties.

Note: *In order to satisfy Council that the level of excavation is acceptable, it is recommended that applicants submit appropriate details from a structural engineer.*

P6 The depth of soil around buildings must be sufficient to sustain trees as well as shrubs and smaller scale gardens.

P7 Consent must not be granted to a development for the purposes of attached dwellings, dual occupancies, dwelling houses or semi-detached dwellings where any associated garage or car parking is located in a basement.

P8 Notwithstanding P7, Council may grant consent to a dwelling house, dual occupancy, attached dwelling or semi-detached dwelling incorporating a basement garage or car parking, but only where it can be demonstrated:

(a) that the development satisfies the objectives of this subsection; and

(b) that the entire basement is located entirely within the footprint of the building above; and

(c) there is no alternative location on the site to accommodate the required level of car parking.

P9 Consent must not be granted to a development for the purposes of multi dwelling housing or residential flat buildings in any residential zone, where the excavation for any associated garages, car parking, plant rooms or ancillary storage and access thereto exceeds 70% of the site area.

P10 Where practical:

(a) a minimum of 50% of the un-excavated area should be located at the rear of the site. Sites with dual or rear lane frontages, this area may be relocated to allow buildings to address the secondary frontage.

(b) a minimum of 30% of the unexcavated area should be located within the front setback.

(c) a minimum 1.5m wide strip of landscaped area should be located along at least one side boundary. A minimum 1.5m wide strip should be provided along both boundaries where the site width permits.

P11 Basement car parks, where permitted, must not extend to the full width of a site.

1.2 PROPERTIES WITH A FORESHORE FRONTAGE

Objectives

O1 To promote a scale and form of development that enhances the scenic, environmental and cultural qualities of the foreshore.

O2 To ensure that development considers coastal processes, such as sea level rise.

O3 To ensure development is consistent with Council's *Foreshore Access Strategy*.

Provisions

P1 Development on land adjacent to the foreshore must be designed with regard to sea level rise.

Note: *Further information about sea level rise can be obtained from the Department of Planning (www.planning.nsw.gov.au).*

P2 Development on land adjacent to the foreshore must be designed with regard to the provisions of *Chapter 6 - Water Catchments* to *SEPP (Biodiversity and Conservation) 2021* and *Sydney Harbour Foreshores and Waterways Area DCP* (2005).

P3 Development must not alienate public access to foreshores by the location of foreshore structures.

P4 Mature trees or significant landscaping should not be removed in order to locate foreshore structures.

P5 Sea walls, rock outcrops or sandstone platforms should not be removed or covered in order to locate foreshore structures.

P6 Minimise disturbance of existing, surface and underground drainage to minimise run-off into the water.

P7 In accordance with Part B: Section 3 – *Biodiversity* of the DCP, preserve existing trees and vegetation where-ever feasible and replace any tree or vegetation removed or damaged as part of development.

P8 Natural materials and colours should be used that blend with the water, foreshore sandstone and vegetation, for any foreshore structure.

P9 Avoid the use of large areas of blank, hard or reflective surfaces.

P10 Buildings or structures must respect the topographical features of the site.

Note: *For example, buildings are not cantilevered, but follow the topography.*

SECTION 2 VISUAL IMPACT & VIEWS

2.1 VISUAL IMPACT - ACCESS

Objectives

O1 To minimise adverse visual effects as viewed from the harbour.

Provisions

P1 Landscaping should be used to soften the appearance of structures such as inclinators.

P2 Structures such as inclinators should be recessed below the ground level (existing).

P3 The use of pathways and graded ramps is preferable to the use of inclinators for access. Where inclinators are to be used, they must be minimised in length.

2.2 VIEWS

Due to North Sydney's sloping topography and proximity to Sydney Harbour, views and vistas comprise special elements that contribute to its unique character and to the amenity of both private dwellings and the public domain.

New development has the potential to adversely affect existing views. Accordingly, there is a need to strike a balance between facilitating new development while preserving, as far as practicable, access to views from surrounding properties.

The ability to share views becomes increasingly more difficult in locations of existing or anticipated areas of high density (e.g. North Sydney Centre, St Leonards and Milsons Point). Whilst no-one is entitled to a view, attempts should be made to consider the potential impact on existing views and share those where reasonably possible.

When considering impacts on views, Council will generally not refuse a development application on the grounds that the proposed development results in the loss of views, where that development strictly complies with the building envelope controls applying to the subject site.

Objectives

O1 To protect and enhance existing views and vistas from streets and other public spaces.

O2 To provide additional views and vistas from streets and other public spaces where opportunities arise.

O3 To encourage view sharing as a means of ensuring equitable access to views from dwellings, whilst recognising development may take place in accordance with the other provisions of this DCP and the LEP.

Provisions

P1 Development should be designed such that views from streets and other public places, as identified in the relevant Planning Area Character Statement and Locality Area provisions (refer to Part F of the DCP), are not unreasonably obstructed.

P2 Use setbacks, design and articulation of buildings to maintain and where practical enhance street views, views from public areas and those identified in the relevant Planning Area Character Statement and Locality Area provisions (refer to Part F of the DCP).

P3 Development should be designed to promote the sharing of views from surrounding residential properties and public places.

P4 Where appropriate, the opening up of views should be sought to improve the legibility of the area.

P5 Ensure that existing and proposed dwellings will have an outlook onto trees and sky.

P6 In commercial premises, provide public or semi-public access to top floors where possible (e.g. restaurants, roof top gardens and facilities).

P7 Where a proposal is likely to adversely affect views from either public or private land, Council will give consideration to the Land and Environment Court's Planning Principles for view sharing established in Rose Bay Marina Pty Ltd v Woollahra Municipal Council and anor [2013] NSWLEC 1046 and Tenacity Consulting v Warringah Council [2004] NSWLEC 140. The Planning Principles are available to view on the Land and Environment Court's website (*https://www.lec.nsw.gov.au/practice-and-procedure/principles.html*).

SECTION 3 BIODIVERSITY

3.1 TREE & VEGETATION MANAGEMENT

3.1.1 Introduction

Vegetation, particularly mature trees, can contribute significantly to an area's character. In particular, they have exceptional value visually, culturally, economically and intrinsically. North Sydney has a leafy character, established through the interconnection of many canopy trees distributed across road reserves, parks, bushland areas and private property.

The quality of the vegetation has an enormous impact on the quality of life of all those who live or work in North Sydney. The obvious aspects of aesthetics, oxygen production and pollution reduction are supported by many other more subtle functions, such as traffic calming, privacy, reduced energy consumption, recreation, habitat and shade.

New development provides opportunities to reinforce this leafy character and embellish North Sydney's strong "sense of place" by planting appropriate trees as part of a development. It is the responsibility of the developer to provide appropriate landscaping to achieve these objectives.

This section of the DCP also identifies those instances where a permit is required to remove or prune trees and vegetation. Council also enforces a long established policy regarding the unlawful damage to or removal of existing trees and vegetation within the LGA, regardless of whether they are located on public or private land.

3.1.1.1 General objectives

The objectives of this Section of the DCP are to:

O1 Declare trees and vegetation for the purposes of Part 2.3 of *SEPP (Biodiversity and Conservation) 2021*.

O2 Maintain the visual, social and environmental amenity of the area through the management of trees and other vegetation.

O3 Maintain and increase the totality of trees and vegetation across the North Sydney area by embracing the principles of Urban Forest Management, green (habitat) corridors and Continuous Cover Arboriculture.

O4 Ensure the planting of adequate numbers of appropriate trees in association with new development in the North Sydney area.

O5 Promote the value of and the need for the protection of trees and vegetation to the community, developers and Council staff and encourage the reporting of tree vandalism.

O6 Protect existing trees and vegetation during construction of development.

O7 Minimise the risk of injury to people or damage to property from trees and vegetation.

O8 Recognise the financial value of trees and vegetation.

O9 Ensure that vegetation is not used to unreasonably reduce the amenity of adjoining properties in terms of access to sunlight and views.

3.1.1.2 When does this section of the DCP apply?

This Section of the DCP applies when intending to prune, remove or replace trees or vegetation on their own or as part of undertaking a development or action that will impact on trees and vegetation, when Development Consent or a Tree Management Permit is required. These controls apply to trees and vegetation on all land within the LGA whether it is in public or private ownership.

This Section also provides advice with respect to maintaining of vegetation on adjoining properties where existing vegetation may be impacted upon by development or has

unreasonably reduced the amenity of a property through the reduction of access to sunlight or views.

3.1.1.3 Relationship to other documents and planning policies

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

(a) ***SEPP (Biodiversity and Conservation) 2021***

In particular, consideration should be given to *Part 2.2 – Clearing vegetation in non-rural areas* and *Part 2.3- Council permits for clearing of vegetation in non-rural areas*.

(b) ***North Sydney Council Street Tree Strategy***

A management document that provides the framework and guidelines to ensure that all street trees are managed in accordance with industry best practice, such that they maximise their benefits to the North Sydney community.

(c) ***Council's Infrastructure Specification Manual for Roadworks, Drainage & Miscellaneous Works***

This document provides technical specifications regarding the supply, installation and establishment of trees and vegetation in the North Sydney Council area.

(d) ***North Sydney Council Urban Forest Strategy***

A strategic document developed to maintain and increase the level of canopy cover across the North Sydney area to maximise all of the known benefits that trees provide to the wider community.

(e) ***North Sydney Tree Vandalism Policy***

A policy document that sets out the procedures to be followed when an instance of tree vandalism is identified, including such things as investigations, letterbox drops, signage, rehabilitation and prosecutions.

(f) ***North Sydney Natural Area Survey***

A survey undertaken to identify all significant vegetation types located on public and private land throughout the LGA and their quality. The survey data has been subsequently mapped and is available on Council's website (*www.northsydney.nsw.gov.au*). This survey gets updated from time to time.

(g) ***Australian Standard AS4373-2007 - Pruning of amenity trees***

This Standard provides arborists, tree workers, government departments, property owners, and contractors with a guide defining uniform tree pruning procedures and practices in order to minimize the adverse or negative impact of pruning on trees.

(h) ***Australian Standard AS4970-2009 – Protection of trees on development sites***

This Standard provides guidance for arborists, architects, builders, engineers, land managers, landscape architects and contractors, planners, building surveyors, those concerned with the care and protection of trees, and all others interested in integration between trees and construction. It describes the best practices for the planning and protection of trees on development sites. The procedures described are based on plant biology and current best practices as covered in recently published literature.

3.1.1.4 Additional permits

Where an applicant seeks to plant trees on public property, they may also be required to obtain additional permits under s.68 of the *Local Government Act 1993* and/or s.138 of the *Roads Act 1993*. Inquire with Council to ascertain if the permits are required.

Council does not encourage the ad-hoc planting of trees on public land by individuals however a "Streets Alive" community greening program is in place. This program allows residents to plant and maintain vegetation on public land under the approval and guidance of specialist Council officers. The residents are provided free of charge with horticultural expertise, plants, soils, mulch and any other necessary materials in return for their labour to install and maintain the vegetation. Planting of shrubs and trees in and around public

bushland areas is a regular activity under Council's "Bushcare" program, where over 50Ha of remnant bushland and buffering habitat is under active rehabilitation.

3.1.2 Controls for the Management of Trees and Vegetation

North Sydney Council has adopted a tree and vegetation management policy which aims to prevent the unlawful removal, pruning or destruction of trees and vegetation in the North Sydney LGA. This policy is enforced though *Part 2.2 – Clearing vegetation in non-rural areas* and *Part 2.3 - Council permits for clearing of vegetation in non-rural areas* of *SEPP (Biodiversity and Conservation) 2021* and this section of the DCP.

The policy requires a property owner to first obtain *Development Consent* or a *Tree Management Permit* prior to the removal or pruning of declared trees or vegetation. The requirement to obtain Development Consent will only be required to remove or prune declared trees or vegetation where undertaken in conjunction with other works that also require development consent (e.g. erection of a dwelling house). Trees and vegetation that are not declared may be removed or pruned without the need for Development Consent or a Tree Management Permit (i.e. those works permitted by *SEPP (Biodiversity and Conservation) 2021* and this DCP).

Before removing, pruning or proposing development within 5m of a tree in North Sydney, residents and/or contractors are advised to contact Council to determine whether they need to obtain a Tree Management Permit or Development Consent.

Where a Tree Management Permit is required, an application is to be made to Council using the appropriate form. Once Council has received a completed application form, an on-site tree inspection of the relevant tree(s) or vegetation by one of Council's Tree Management Officers will be undertaken.

If the application is approved, a Tree Management Permit will be sent to the applicant and may include specific conditions that must be complied with.

If the application is refused, Council will advise the applicant in writing and may include information as to how the matter may be reviewed, including the potential to submit an Appeal to the Land and Environment Court under section 2.12 of *SEPP (Biodiversity and Conservation) 2021*.

Where a Development Consent is required, the applicant will be advised by one of Council's Planning Officers as to what information will be required.

3.1.2.1 Objectives

O1 To maintain the visual, social and environmental amenity of the area through the preservation of trees and other vegetation.

O2 To identify when Council approval is required under the provisions of *SEPP (Biodiversity and Conservation) 2021* to prune, remove or replace trees or vegetation.

O3 To identify declared trees and vegetation for the purposes of *Part 3- Council permits for clearing of vegetation in non-rural areas* under *SEPP (Biodiversity and Conservation) 2021*.

O4 To make the community aware of the implications for the unlawful removal, pruning or wilful destruction of trees and vegetation within the LGA.

3.1.2.2 Provisions

Approvals General

P1 Pursuant to *Part 2.2 Clearing vegetation in non-rural areas* and *Part 2.3 - Council permits for clearing of vegetation in non-rural areas* under *SEPP (Biodiversity and Conservation) 2021*, Development Consent or a Tree Management Permit **is not required** for removal or pruning any of the following:

(a) non-declared trees or vegetation (i.e. comprising all trees and vegetation that do not meet the criteria under provision P2 below);

(b) trees or vegetation that are adequately justified to be dead as confirmed in writing by a qualified arborist (minimum AQF level 3) or qualified Horticulturalist (minimum AQF Certificate 3) and where the tree or vegetation is not required as the habitat for native animals[1];

(c) pruning of deadwood from a tree or vegetation, including dead palm fronds;

(d) maintenance pruning of trees whereby:

(i) no more than 10% of the existing crown volume is removed; and

(ii) branches no more than 100mm in diameter are removed and those branches are:

a. not located more than 2.4m above ground level where they adjoin the trunk of the tree, or

b. located within 1m of existing buildings (including eaves and gutters); and

(iii) all work is undertaken in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4373-2007).

(e) maintenance pruning of hedges:

(i) where the hedge is less than 5m in height; or

(ii) where the hedge is 5m or greater in height, but only where all work is undertaken in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4373-2007) and must be conducted by a qualified Arborist (minimum AQF Level 3);

(f) trees or vegetation identified as a biosecurity risk (formerly known as noxious weeds) under the *Biosecurity Act, 2015*, except where that tree or vegetation is greater than 10m in height;

(g) trees or vegetation that are being maintained or removed by North Sydney Council staff (or their sub-contractors) on land under Council's ownership or care and control;

(h) trees or vegetation that have been authorised to be removed or pruned pursuant to a Development Consent issued under the *EP&A Act*, but not prior to the issue of a Construction Certificate relating to that Development Consent;

(i) trees or vegetation that are growing inside a building, where there is a roof over the tree (e.g. within an atrium or internal garden bed);

(j) the following tree and vegetation species:

(i) African Olive Trees (Olea Africana);

(ii) Bamboo (Bambusa species);

(iii) Box Elder (Acer negundo);

(iv) China Doll (Radermachia sinica);

(v) Cocos Palms (Syagrus romanzoffiana);

(vi) European Nettle or Hackberry (Celtis sp) – except on land identified as a heritage item under cl.5.10 of NSLEP 2013;

(vii) Indian Coral Tree (Eryrthina x sykesii) – except on land identified as a heritage item under cl.5.10 of NSLEP 2013;

[1] *Written justification is required prior to the removal or pruning of the tree(s) or vegetation, copies of which must be kept on hand by the property owner and the person undertaking the removal or pruning.*

(viii) Privet species (Ligustrum sp) – except on land identified as a heritage item under cl.5.10 of NSLEP 2013;

(ix) Rubber Trees (Ficus elastica);

(x) Tree of Heaven (Ailanthus sp);

(xi) Umbrella Trees (Schefflera sp); or

(xii) Willow Trees (Salix spp) – except on land identified as a heritage item under cl.5.10 of NSLEP 2013.

P2 Development Consent or a Tree Management Permit **is required** in accordance with *SEPP (Biodiversity and Conservation) 2021* for the removal or pruning of a declared tree or vegetation. The **following trees and vegetation are declared for the purposes of this DCP**:

(a) any tree or vegetation on public land, regardless of size;

(b) any tree or vegetation with a height of 5m or more, or a crown width of 5m or more, or a trunk circumference of 500mm or more measured at ground level (existing);

(c) any tree identified as a biosecurity risk under the *Biosecurity Act, 2015* and is greater than 10m in height;

(d) any of the following species of trees or vegetation on land identified as a heritage item under cl.5.10 of NSLEP 2013 regardless of size:

(i) Bangalow Palms (Archontophoenix cunninghamiana sp);

(ii) European Nettle or Hackberry (Celtis sp);

(iii) Indian Coral Tree (Eryrthina x sykesii);

(iv) Kentia Palms (Howea forsteriana sp);

(v) Privet species (Ligustrum sp);

(vi) Willow Trees (Salix spp).

P3 Council, in determining an application for Development Consent or a Tree Management Permit under *SEPP (Biodiversity and Conservation) 2021*, must have regard to:

(a) the health or condition of the tree or trees, whether the tree is dead or dangerous, its proximity to existing or proposed structures, interference with utility services, interference with the amenity of any person or property;

(b) the necessity for action in order to construct improvements to the property the subject of the application to achieve reasonable development;

(c) the effects in the nature of erosion, soil retention or diversion or increases to overland flow;

(d) the number of trees in the surrounding area and the effect on the amenity of that area;

(e) the number of healthy trees that a given parcel of land will support;

(f) whether the trees or vegetation in question provide habitat for fauna and/or canopy connectivity; and

(g) any potential impacts to heritage items and/or heritage conservation areas.

P4 In determining its approval under P2 and P3 Council may request the applicant to submit additional supporting documentation (e.g. an arborist report prepared by a qualified arborist with a minimum AQF Level 5 or engineering report) to justify the removal of the tree or vegetation.

P5 Council does not support the removal of trees or vegetation as a result of:

(a) leaf, fruit, flower, bark, cone or twig drop; or

(b) blocked or damaged water, sewer or stormwater drainage pipes; or

(c) cracking of driveways, footpaths, paving or fences; or

(d) issues arising from roosting, nesting or browsing fauna.

P6 Despite P5 above, Council may consider on merit the removal of trees or vegetation which result in the blocking of water, sewer or stormwater pipes or the cracking of driveways, footpaths and paving if there are no permanent repair solutions available (e.g. where tunnelling or re-sleeving of pipes, or removal of roots is not feasible). Council must not determine an application to which this clause applies, unless it has considered additional supporting documentation (e.g. an arborist report prepared by a qualified arborist with a minimum AQF Level 5 or engineering report) supplied by the applicant to justify the removal of the tree or vegetation.

P7 Branches of trees and vegetation located on private property that overhang public footpaths and roadways should be pruned back to the property boundary to a height of 2.4m (8ft) above ground level (existing). Pruning of these trees is the responsibility of the property owner. Where the tree or vegetation to be pruned comprises a declared tree or vegetation, Council's consent must be obtained prior to pruning.

P8 Where Council approves the issuing of a Development Consent or Tree Management Permit in accordance with this Section and *SEPP (Biodiversity and Conservation) 2021*, Council may impose a condition which requires:

(a) the replanting of replacement trees or vegetation on the land subject to the application; or

(b) where there is insufficient space on the development site:

(i) the replanting of replacement trees or vegetation in a specified location on public land; or

(ii) payment of a fee from the applicant to fund Council's planting of such trees on public land.

Replacement tree species will be specified by Council and will be of a type suitable for the site.

Fees associated with planting trees on public land shall be calculated based on the industry accepted average price to supply, install, and maintain for 13 weeks a containerised tree of the size specified by the assessing officer but that size shall be not less than 45 litres. Council's Infrastructure Specifications for Miscellaneous works contains Council contractor schedule of rates. The average price from the schedule will be used.

P9 All work must be carried out in accordance with Australian Standard *AS4373-2007: Pruning of Amenity Trees* and Council may condition that the work be carried out by a qualified arborist (minimum AQF Level 3) or a qualified horticulturalist (minimum AQF Certificate 3).

P10 Any Tree Management Permit issued by Council will be valid for the described work only, provided it is carried out within a 12 month period from the date of issue and may be subject to such conditions as required by Council. Tree or vegetation removal or pruning permitted under a Development Consent may have a longer timeframe imposed in accordance with the EP&A Act.

P11 Where a development application is lodged after a Tree Management Permit has been issued but prior to approved tree work taking place, that Permit becomes null and void and will be reassessed through the development assessment process.

Approvals for non-essential pruning work

P12 Council may approve a request from the public to prune trees located on public land in the immediate surrounds of the property upon which the applicant resides for 'cosmetic' or non-essential pruning for such purposes as aesthetics, increased sunlight or views, but only where such pruning:

(a) will not affect the health or integrity of the tree;

(b) will not have an adverse impact on the streetscape;

(c) will not have an adverse impact on the general safety of the public;

(d) is carried out in accordance with Australian Standard AS 4373-2007 – *Pruning of Amenity Trees* by a qualified arborist (minimum AQF Level 3);

(e) is done under the supervision of a council officer if deemed necessary by Council (minimum 5 days notice required).

P13 Non-essential pruning work will not be permitted on any vegetation growing on land zoned *C2 Environmental Conservation* or other public land managed by Council as bushland.

P14 Council will not support applications for tree or vegetation removal for the sole purpose of facilitating solar access to new solar photovoltaic or hot water systems. However, Council may consider applications for pruning trees or vegetation to enable solar access to existing solar photovoltaic or hot water systems to be maintained on a case by case basis, provided the proposed works are carried out in accordance with Australian Standard *AS4373-2007 - Pruning of Amenity Trees*.

Penalties

P15 Pursuant to s.629 of the *Local Government Act 1993*, an on-the-spot fine may be imposed for the injury or unnecessary disturbance of trees and vegetation on public land including road reserves without a lawful Development Consent or Tree Management Permit. This specifically relates to street trees, foreshore reserves, bushland and public open spaces.

P16 Pursuant to s.9.37 and Division 9.6 of the *EP&A Act*, an on-the-spot fine or court proceedings may be imposed for the injury, unnecessary disturbance or removal of trees and vegetation on private land without a lawful Development Consent or Tree Management Permit.

P17 Breaches of the requirements to P15 and P16 above, may result in prosecution with maximum penalties of $1.1million. Fines may be imposed on the resident, property owner, anyone ordering the work and/or contractors employed to undertake the works if they do not have a lawful Development Consent or Tree Management Permit.

P18 The resident, applicant, property owner and any contractor involved in the cutting down or pruning of any tree protected by this DCP, must have a copy of the current and valid Tree Management Permit or Development Consent displayed in a publicly accessible location of the site during the undertaking of those works.

P19 Rehabilitation and maintenance of tree vandalism sites is to be carried out in accordance with Council's Tree Vandalism Policy.

Note: *The extent of the penalty that may be imposed is set out within Council's Tree Vandalism Policy.*

3.1.3 Management of Trees and Vegetation on Adjoining Properties

Property owners generally have the ability to plant any type of trees or vegetation they like upon their property. Most species of trees and vegetation can be planted without development consent.

Whilst this is not normally a problem in itself, trees and vegetation on adjoining properties have the ability to result in damage to property or have the potential to cause damage to property or injury of persons utilising adjoining land. In addition, some property owners have been known to plant trees or vegetation to purposely obstruct sunlight or views to adjacent properties, often known as "hedge rage" or "spite hedges".

Provisions under the *Tree (Disputes Between Neighbours) Act 2006* provide adjoining land owners in certain circumstances the ability to commence proceedings in the Land and Environment Court to have the subject trees or vegetation removed or lopped, amongst other remedies.

Affected persons are advised to consult the *Tree (Disputes Between Neighbours) Act 2006* to determine the most current criteria as to when proceedings can be commenced or what matters need to be considered.

3.1.3.1 Trees that cause or are likely to cause damage or injury

Part 2 of the *Tree (Disputes Between Neighbours) Act 2006* generally enables proceedings to commence. The Court must be satisfied that the subject tree has caused, is causing, or is likely in the near future to cause, damage to the applicant's property, or is likely to cause injury to any person.

Prior to the Court determining whether to issue orders or not, it must consider:

- if the applicant has made a "reasonable effort" to reach agreement with the owner of the land on which the trees are situated; and
- 13 individual matters for consideration under s.12 of the *Tree (Disputes Between Neighbours) Act 2006*, including but not limited to issues pertaining to location, biodiversity, heritage, social value, impacts from pruning and contribution to amenity.

The Court has broad remedial powers ranging from remedying any damage, payment of compensation for damage or injury, requiring actions to prevent injury to persons, requiring the tree (or parts of it) to be removed entirely, to having it lopped and maintained, to replacement of the tree(s), and includes the payment of costs for carrying out such works.

3.1.3.2 High hedges that obstruct sunlight or views (spite hedges)

Part 2A of the *Tree (Disputes Between Neighbours) Act 2006* generally enables proceedings to commence, but only where:

- it applies to two or more trees that are planted so as to form a hedge (i.e. does not apply to a single tree);
- the hedge has a minimum height of 2.5 metres above ground level (existing);
- the hedge does or will result in a "severe obstruction" of:
  - sunlight to a window of a dwelling situated on adjoining land, or
  - any view from a dwelling situated on adjoining land,

Prior to the Court determining whether to issue orders or not it must consider:

- if the applicant has made a "reasonable effort" to reach agreement with the owner of the land on which the trees are situated; and
- 19 individual matters for consideration under s.14F of the *Tree (Disputes Between Neighbours) Act 2006*, including issues pertaining to biodiversity, heritage, sunlight, views, privacy, location and length of time the hedge has existed.

The Court has broad remedial powers ranging from requiring the hedge (or parts of it) to be removed entirely, to having it lopped and maintained at a certain height, to replacement of the trees with another specified species, and includes the payment of costs for carrying out such works. These potential solutions should be kept in mind when making "a reasonable effort" to reach agreement with a neighbour, because in some instances it may not be "reasonable" to insist on full removal of trees/hedges if other more appropriate and equally effective solutions are available.

3.1.4 Protection of Trees During Construction

3.1.4.1 Objective

O1 To ensure that all trees in the public domain and on private property (both the site of development and neighbouring properties) are adequately protected during construction of developments.

3.1.4.2 Provisions

Where applicable, development applications are required to detail the location and type of any tree or vegetation to be removed and any effect on the landscape and streetscape the development may have. Refer to the development application form for further information.

General

P1 Existing trees should be retained and incorporated into proposed developments wherever the existing trees are of appropriate species and have an adequate life expectancy.

P2 Where trees are identified to be retained, they must be protected during construction in accordance with Australian Standard *AS4970 - Protection of trees on development sites* and best practice.

P3 An arborist report (prepared by a qualified arborist with minimum AQF Level 5) is required to be submitted with any development application where works are proposed within the Tree Protection Zone of a tree or where Council deems the vegetation on site is significant enough to warrant such a report.

P4 Where an existing tree(s) is approved for removal as part of a development, adequate space in the landscaped area is to be provided for an equivalent replacement canopy tree(s) appropriate to the site and scale of development.

Aerial photos shall be used to calculate the existing canopy cover across a site prior to development. The number and mature size of replacement trees must equal the total pre-development canopy cover. Where this cannot be achieved on site, P5 to this Section shall be applied.

P5 Where insufficient space is available on the development site and significant canopy has been removed as part of the development, Council may require the planting of equivalent canopy replacement trees on public land or require payment of a fee to enable Council to undertake equivalent canopy replacement planting on public land.

That fee will be calculated based on the industry average cost to supply and install equivalent size replacement tree(s) plus 13 weeks maintenance. Refer to P8 to Section 3.1.2.2 to this Part of the DCP.

Bonds

P6 A tree bond may be required if trees are located in close proximity to a proposed development.

P7 The bond shall be lodged with the Council for each tree likely to be affected by the development, the bond amount to be forfeited if the identified tree is removed, destroyed or damaged. A minimum bond of $1,000.00 per tree will be applicable.

P8 Bonds must be lodged prior to any work commencing on site and will generally be held for a period of 12 months after completion of the development.

P9 Bonds will be refunded upon receipt of a tree condition report from a suitably qualified arborist (minimum AQF Level 5) confirming that the tree is in good health, prior to issuing an Occupation Certificate.

P10 The maximum bond amount will be the value of each tree calculated using an industry accepted Valuation Method.

Construction Hoardings

P11 When giving consideration to the issue of a Permit for the erection of a hoarding on Council property, Council will consider the likelihood of damage to trees, both on public and private property.

P12 Hoarding applications are to be accompanied by a plan(s) accurately locating any adjacent trees within 10m of the proposed hoarding.

P13 A tree bond may be required, if a tree(s) is located in close proximity of a proposed hoarding, the bond amount to be forfeited if the tree is removed, destroyed or damaged.

P14 Hoardings should be designed and erected to protect existing trees to clearances approved by Council and/or any conditions imposed by Council.

Works in Association

P15 Works in association are Council funded tree works on public property that may be combined with developer funded tree works for the purpose of integrating the streetscape. Council may contribute money to the developer to build works in association subject to it being in the public interest.

P16 Where two or more adjoining developments are under construction simultaneously, Council may offer to plant trees and/or install protection works for all developments in the interests of achieving an integrated and coordinated streetscape subject to the developer contributing money to Council to build these works. This is seen as adding value to the community dollars spent.

3.2 BUSHLAND

3.2.1 Introduction

North Sydney's bushland contributes to an attractive environment in which to live and:

(a) is a popular recreational resource, playing an important role in wildlife conservation;

(b) is an integral part of the harbour foreshore scenery; and

(c) contributes to the enjoyment of adjoining properties.

There are approximately 49 hectares of bushland in North Sydney with 47 hectares contained within public reservations. While bushland is typically located in narrow strips bordering urban development, there are some significant larger areas such as Balls Head.

Bushland is under pressure from both within and outside the bushland reserve system. Without significant commitment to the management of bushland degradation, biodiversity loss will continue to occur, resulting ultimately in increased costs for rehabilitation and maintenance and loss of ecosystem services. The high population density of North Sydney and limited opportunities for future open space reservations increase the need to effectively manage precious remnant bushland. As such, a holistic approach to bushland management needs to be taken.

Studies have found higher levels of bushland degradation occur along a bushland's boundary with residential properties. This is associated with excess runoff, dumping of imported fill soil and vegetation, siltation, leaching of fertilisers, infestation of introduced plant species, vegetation clearance and tree vandalism, unnatural fire regimes and inappropriately managed domestic animals.

Residents with properties adjoining bushland are encouraged to maintain their property in a way which complements the values and condition of adjoining bushland through providing additional habitat for indigenous flora and fauna. Volunteer Bushcare groups and Council staff undertake significant bushland rehabilitation activities within public reserves.

Council offers support to residents through the Bushcare Program that includes expert technical advice and training in bush rehabilitation, habitat creation, fauna management and home native gardening.

For further detailed information on this assistance, please contact Council's Bushland Management Co-ordinator or visit Council's website (*www.northsydney.nsw.gov.au*).

Whilst bushland can contribute to a pleasant visual outlook, it can also pose a risk to the loss of life or property in the event of a bush fire. Careful planning of development and regular vegetation maintenance is required to ensure this risk is minimised.

The provisions in this section of the DCP aim to assist in the appropriate design and management of land adjoining bushland.

The provisions in this section complement the management of bushland areas by Council and the community. The provisions are compatible with the long term conservation and management of remnant bushland in accordance with Council's *Bushland Plan of Management* (under the *Local Government Act 1993*) and the principles and objectives of Chapter 2 – Vegetation in non-rural areas to *SEPP (Biodiversity and Conservation) 2021*.

3.2.2 General Objectives

The general objectives of this Section 3.2 to Part B of the DCP are to:

O1 preserve, manage and rehabilitate bushland for its ecological, cultural, historical, scientific, educational, archaeological, geological, recreational, scenic and visual values;

O2 protect and enhance viable native fauna populations and their habitats;

O3 preserve remnant bushland on private properties;

O4 avoid and mitigate adverse affects on bushland associated with urban development;

O5 ensure that private landscaped areas complement bushland by providing food and habitats for fauna, reducing water and fertilizer requirements and maximising the use of locally indigenous vegetation species;

O6 ensure that vegetation is managed and maintained to reduce potential bush fire attack to residential dwellings.

3.2.3 When does this section of the DCP apply?

This Section 3.2 to Part B of the DCP applies to development on land within the North Sydney LGA which is identified as *C2 Environmental Conservation*, Area A or Area B on the Bushland Buffer Map located in Figure B-3.1 at the end of this Section.

3.2.4 Relationships to other policies and documents

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

(a) Commonwealth Environment Protection & Biodiversity Conservation Act, 1999 (*EP&BC Act*);

(b) NSW Environmental Planning and Assessment Act, 1979 (*EP&A Act 1979*);

(c) NSW Environmental Planning and Assessment Regulation 2021 (*EP&A Regulation 2021*);

(d) NSW Biodiversity Conservation Act (*BC Act 2016*);

(e) NSW *National Parks and Wildlife Act 1974*;

(f) NSW *Rural Fires Act 1997*;

(g) NSW Rural Fire Service's *Planning for Bush Fire Protection* (as amended);

(h) NSW *Biosecurity Act 2015*;

(i) NSW *Companion Animals Act 1998*;

(j) Protection of the Environment Operations Act 1997 (*POEO Act*);

(k) Chapter 2 – Vegetation in non-rural areas to *SEPP (Biodiversity and Conservation) 2021*;

(l) North Sydney Council's *Bushland Plan of Management*; and

(m) North Sydney Council's *Bushland & Fauna Rehabilitation Plans*.

3.2.5 Building design and siting

Each property has a different relationship with the adjoining bushland in terms of the size of a property's boundary with the bushland, the extent of existing development, the available landscaped area and the topography. In site planning and building design these differences need to be taken into consideration to ensure that development complements the bushland character and is appropriately set back from the boundary with the bushland.

3.2.5.1 Siting and design

Objectives

O1 To minimise any impacts of development on nearby bushland.

O2 To ensure landscaping protects and enhances North Sydney's urban biodiversity.

O3 To minimise the risk of loss of life or property in the event of a bush fire.

Provisions

P1 Development located within Area A as shown on the Bushland Buffer Map (refer to Figure B-3.1) that adjoins or is adjacent to (i.e. includes land that is located on the opposite side of a road) land zoned *C2 Environmental Conservation* must be setback a minimum of 10m from all bushland boundaries.

P2 Buildings and structures should be sited and designed to minimise any negative impacts on, and be complementary to, nearby bushland.

P3 Landscaped areas, as required under this DCP, should be predominantly concentrated at the boundary with bushland in order to create a buffer between the bushland and development.

P4 Sites with one or more boundaries adjoining bushland will be given special consideration, in terms of setbacks and location of landscaped area.

P5 Buildings and other structures, such as swimming pools and decks, should not be located directly adjacent to bushland. However, minor works relating to landscaping and stormwater containment may be appropriate adjacent to bushland, providing the initial and ongoing impacts on bushland are considered negligible by the Council.

P6 Buildings and structures must be designed to respect the topographical features of the site (e.g. buildings should not be cantilevered, but step down with the topography).

P7 Fencing should not incorporate a continuous foundation at its base along the boundary of a site adjacent to bushland, in order to reduce the impact of construction and improve visual aesthetics on the adjoining bushland.

P8 Do not excavate, fill, level or retain land adjacent to bushland.

P9 Access to proposed developments through or across land zoned *C2 Environmental Conservation* will not be permitted under any circumstances.

3.2.5.2 Bushland and Bushfire Hazard Management

Objectives

O1 To minimise the risk of loss of property and life through a bushfire.

O2 To maintain the landscape and environmental qualities of a locality.

Provisions

P1 Development of bushfire prone land as identified on Council's Bush Fire Prone Land Map must conform to the specifications and requirements of *Planning for Bush Fire Protection* (as amended) produced by the Rural Fire Service.

Note: *Not all properties located adjacent to land zoned C2 Environmental Conservation are Bush Fire Prone Land.*

P2 Landscape design at the bushland interface should seek to achieve the dual objectives of bushfire mitigation and biodiversity conservation by protecting remnant vegetation and enhancing habitat opportunities.

P3 Bushfire mitigation controls must be integrated wholly within the boundaries of the land being developed. Asset Protection Zones or other mitigation controls must not be placed on Council land.

P4 Properties adjoining bushland not designated as 'bushfire prone' should consider bushfire threat mitigation in regard to building location and landscaping design/species selection.

P5 Sites are to be maintained where possible to minimise bushfire hazard without unduly altering the natural qualities of the area.

P6 Unencumbered access to bushfire prone properties is to be provided to assist in mitigating bushfire hazards.

3.2.5.3 Materials and colours

Objectives

O1 To minimise the visual impact of development upon bushland settings.

Provisions

P1 Materials should complement the bushland setting.

P2 Use colours and materials that are non-reflective and earth toned or selected to blend with the colours of the bushland.

3.2.6 Landscaping and stormwater management

The character of the bushland adjoining a residential property can be reflected in landscaping on that property through the compatibility of plant species, the preservation of existing trees and remnant bushland on the property and by limiting the amount of levelling, cutting and filling.

Local indigenous plants require much less fertiliser and water than exotic plants and provide food and habitat for local fauna species. The regular use of fertiliser will contaminate nearby bushland and water courses.

The potential for excessive storm water run-off and soil erosion occurs when vegetation cover is removed especially during urban construction or land development, and in the subsequent earth movement and land shaping that follows. Sediment moved in this way can destroy bushland and encourage the spread of weeds and exotic plants. For those properties with a boundary to bushland, effective stormwater management and sediment control can reduce the spread of introduced species both within the bushland and on properties with a bushland boundary.

Appropriate species selection will also assist in the uptake of water from any absorption pits and may reduce erosion during prolonged wet periods when absorption trenches overflow.

3.2.6.1 Weeds

Objectives

O1 To ensure that environmental and biosecurity weeds do not spread into bushland areas.

Provisions

P1 Environmental and biosecurity weeds (as listed on Council's website – www.northsydney.nsw.gov.au) must be eradicated from the property before the commencement of works.

P2 Locally indigenous vegetation species should not be removed from the boundary of a site.

P3 Land adjoining bushland should not remain un-vegetated for any period of time.

P4 All weeds must be fully and continuously suppressed for the duration of the development.

P5 Weed control must not adversely affect existing native vegetation on the site (or on adjoining land).

3.2.6.2 Landscaping design

Objectives

O1 Ensure that landscaping complements the adjoining bushland character and species.

O2 To ensure that landscaping on properties directly adjoining or opposite bushland not designated as bushfire prone meets the dual objectives of bushfire hazard mitigation and biodiversity conservation.

Provisions

P1 Retain any bush-rock in-situ or if removed re-use on-site.

P2 Retain the natural soil profile as much as possible.

P3 Use landscaping that will reduce potential fire hazards such as a disconnection between vegetation layers (i.e. ground covers, shrubs and canopy.

P4 Trees are planted in clumps, not with a continuous canopy between the bushland interface and the building line.

P5 Landscaping is maintained through fuel reduction, overhangs on roofs clipped, mulch minimised and garden well watered.

P6 Landscape design on properties adjoining non-bushfire prone bushland should achieve biodiversity objectives without exposing the property to increased bushfire risk. Guidance for achieving this provision can be found in the RFS's *Planning for Bush Fire Protection* (as amended).

3.2.6.3 Indigenous vegetation

Objectives

O1 To enhance the habitat of local flora and fauna species.

O2 Indigenous trees and plants are preserved.

Provisions

P1 Developments located within Area A as shown on the Bushland Buffer Map (refer to Figure B-3.1) that are required to incorporate a 10m wide vegetated buffer to bushland boundaries must submit a landscape plan to Council showing that the buffer will be vegetated using 100% local native species (as listed on Council's website). Landscape plan design should be species diverse and incorporate a range of vegetative layers that enhance the habitat value of the landscaped area for local wildlife.

P2 Developments located within Area A as shown on the Bushland Buffer Map (refer to Figure B-3.1) that will significantly alter existing vegetation, ground levels, or drainage conditions must submit a landscape plan to Council with at least 80% of the overall number of trees, shrubs and groundcovers being locally occurring native species (as listed on Council's website). The landscape plan design should be species diverse and incorporate a range of vegetative layers that enhance the habitat value of the landscaped area for local wildlife. Exemptions may apply for heritage properties or properties within a heritage conservation area.

P3 Sites containing remnant bushland greater than 500m^2 must submit a Bushland Rehabilitation Plan prepared by a suitably qualified ecological consultant specialising in bushland regeneration.

P4 Retain all remnant bushland on the site undisturbed and protected during any construction or works undertaken.

P5 Do not disturb remnant bushland.

P6 Give consideration to soil depth, underground water flow, natural drainage, the understorey canopy and sufficient space around trees to ensure the long term conservation and health of indigenous trees and plants.

3.2.6.4 Stormwater run-off and soil erosion

Objectives

O1 To minimise the negative impacts of stormwater runoff and soil erosion on bushland vegetation, soil biota and catchment health.

Provisions

P1 Development within Area A as shown on the Bushland Buffer Map (refer to Figure B-3.1) must submit a *Drainage Plan* to Council addressing the requirements of Part B: Section 4 – *Water* in addition to the provisions of this Section.

P2 Development should not result in any increase in volume, concentration or rate of stormwater run-off to those which existed prior to development.

P3 Development should seek to improve the condition and function of stormwater management infrastructure from the pre-existing level.

P4 Existing site contours, topography and soil levels should be maintained.

P5 Stormwater collected from roofs, driveways and other impervious paved areas should be retained on site and discharged into the Council's stormwater system.

P6 Excavation for stormwater retention tanks should be minimised.

3.2.7 Cultural resources

There is potential that any undiscovered archaeological sites or Aboriginal sites or relics, would be found in the undisturbed areas of bushland within North Sydney. Therefore, care needs to be taken when undertaking works on properties adjoining bushland.

The preservation and documentation of any archaeological sites or Aboriginal relics found ensures evidence of previous settlement patterns of the local area can be maintained for future generations.

Objectives

O1 To protect, record and maintain archaeological sites and Aboriginal sites and relics.

Provisions

P1 Consideration is given to the objectives and requirements of cl.5.10 of NSLEP 2013 and Part C: Heritage Conservation of the DCP where archaeological sites and Aboriginal sites and relics are discovered before, during or after work is to be undertaken.

3.2.8 Threatened species

The protection of threatened fauna and flora species is a legal requirement that must be considered to ensure that works not only complement the bushland setting but reinforce and conserve the natural habitat for flora and fauna species. Lists of threatened species are available on the NSW Department of Environment and Heritage website - *www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species*. Information pertaining to known threatened species and endangered ecological communities present within North Sydney is available on Council's website *www.northsydney.nsw.gov.au* or by contacting the Bushland Management Coordinator.

Objectives

O1 That development is undertaken in an environmentally sensitive manner with appropriate measures undertaken to minimise any adverse effects on threatened flora and fauna species, populations or ecological communities.

Provisions

P1 All development must be undertaken in accordance with the requirements of the NSW *BC Act 2016* and the Commonwealth's *EPBC Act 1999*.

3.2.9 Wetland areas

Wetlands in the form of Coastal Saltmarsh occur in certain locations around the North Sydney foreshore. It is important to note that Coastal Saltmarsh is listed as an Endangered Ecological Community under the NSW *BC Act 2016* and therefore requires special consideration where development activities may directly or indirectly impact on the community or its habitat. Whilst most of these wetlands are situated within designated bushland conservation reserves, some impacts related to urban development such as stormwater pollution, erosion, sedimentation and unauthorised access can cause negative impacts. Coastal Saltmarsh is known to occur on the foreshores of Gore Cove, Lavender Bay and Willoughby Bay. Current mapping of this community may uncover further locations on both Council and private land where this community occurs. Please contact Council's Bushland Management Coordinator for the most up-to-date mapping information for Coastal Saltmarsh in North Sydney.

Wetland environments provide habitat for important flora and fauna. In addition, surrounding vegetation can assist in lowering flood water velocities, intercept silt and aid in the uptake of nutrients to improve water quality.

Objectives

O1 To preserve the aesthetic, social and economic values of wetland areas.

O2 To ensure water entering into natural wetlands is of sufficient quality to ensure that wetland conservation values and functions are not compromised.

O3 To maintain or restore the physical, chemical and biological processes existing in wetlands by minimising changes to wetland hydrology from land uses in wetland catchments.

Provisions

P1 Maintain existing wildlife corridors and provide habitat links between isolated areas.

P2 Provide landscaping and planting of locally occurring species, at the site's boundary with the wetland in order to create a buffer between wetlands and development. This will provide additional protection and habitat.

P3 Wetland vegetation must not be removed.

P4 Development must not result in alteration of local surface runoff and groundwater flows to the wetland and ensure appropriate water flow regimes are maintained to the wetland.

P5 Development must not result in major changes to water flow processes including changes to current and wave patterns and tidal regimes.

P6 All stormwater runoff should be detained on site before draining to Council's stormwater system.

P7 Despite P6, if stormwater cannot be contained on site ensure a dispersed pattern of stormwater flow into the wetland as opposed to a concentrated flow.

P8 Ensure the quality of stormwater flowing into wetlands is maintained or improved through the use of WSUD on-site (refer to Part B: Section 17 - *Water* of the DCP).

P9 Where nutrient control devices and other pre-treatment measures are proposed, ensure that they are located away from wetland areas.

P10 Avoid sewage overflows in catchments upstream of wetlands.

P11 Minimise visual impacts on wetland through use of natural and non-reflective materials, muted colours and landscaped screens.

P12 Enhance and maintain social, educational and recreational values of wetland areas through appropriately sited boardwalks, information signs, collection of background information and consideration of European and aboriginal heritage. (Refer to Part C: Heritage Conservation).

P13 Submit a Wetland Effects Statement if the proposed development may impact on the ecology and habitat, hydrology and/or water quality of the wetland. The Wetland Effects Statement must address the assessment criteria set out in the Model DCP for *Protecting Sydney's Wetlands* published by the Sydney Coastal Council Group (2001).

P14 Only plant species which occur locally should be used for landscaping and revegetation near wetlands.

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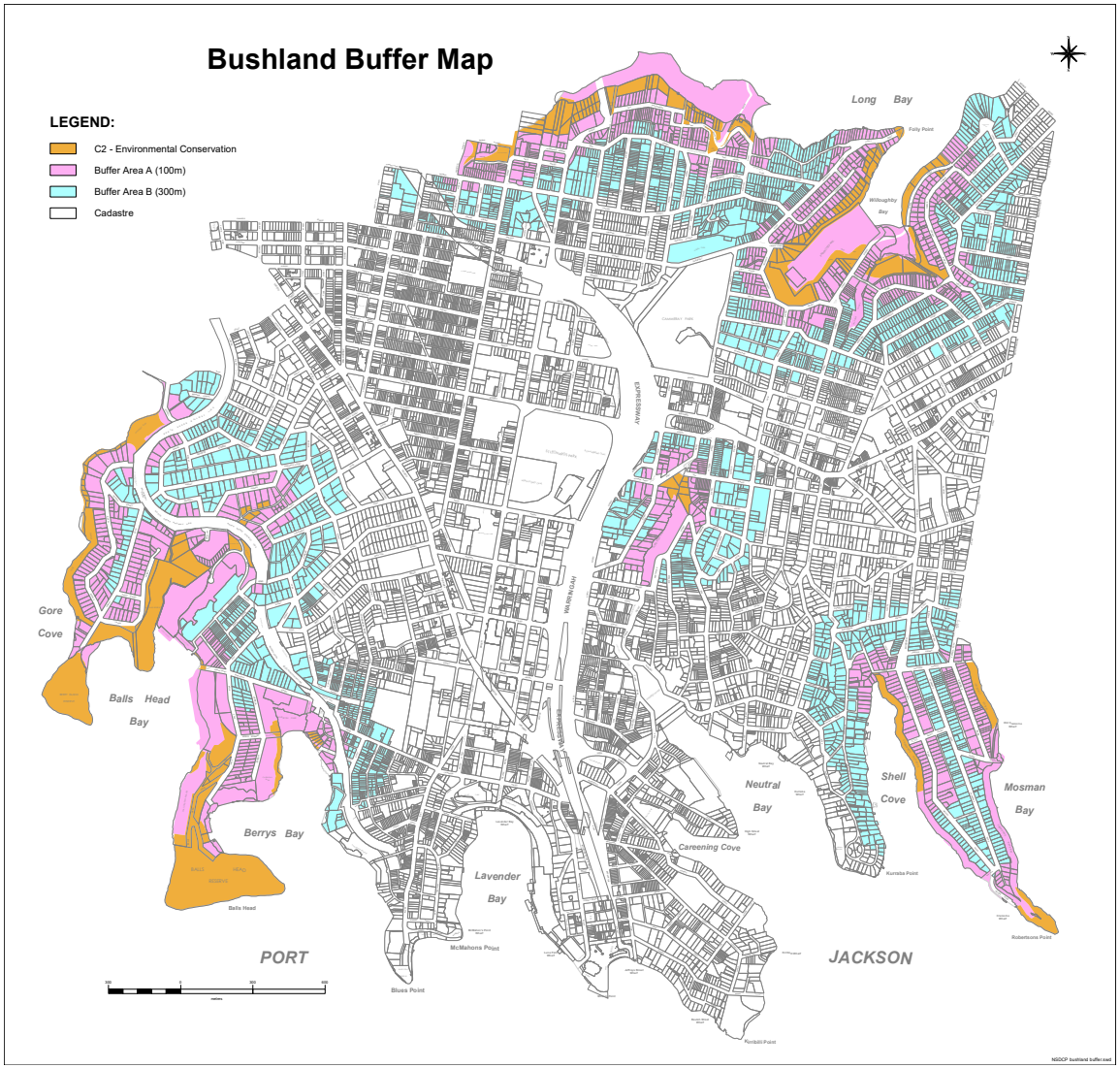

Figure B-3.1: Bushland Buffer Map

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SECTION 4 WATER

4.1 STORMWATER MANAGEMENT

4.1.1 Introduction

Stormwater drainage refers to systems from private developments such as;

- Inter-allotment stormwater draining through adjoining private property that remain in private ownership,
- Stormwater draining to a public road that reverts to Council's ownership.

Nuisance drainage problems resulting from developments are one of the most commonly reported complaints received by many Councils. Therefore disposal of stormwater drainage requires special attention.

Since private development is a primary contributor to stormwater entering Council's drainage system, the cost of providing a new drainage system from private development that is to revert to Council's ownership, must be borne by the developer.

Inter-allotment stormwater drains through private property remain forever the responsibility of the owner of the property. This includes inter-allotment easements that drain stormwater unless Council is mentioned in the Title Deeds as being responsible for maintenance of the easement.

Many drainage structures are required to be upgraded to meet current standards as a result of new development. Generally the developer is responsible for the cost of up-grading these structures in the vicinity of the development, where it can be demonstrated that the proposed development further overloads the existing drainage system.

North Sydney has many areas of kerb having heritage and conservation significance. Heritage kerb must be reconstructed where it is impacted by drainage systems from private development at no cost to Council.

Most development requires a drainage connection to a Council gutter or stormwater pipe located in an adjoining public road. Consequently, most development involves the carrying out of excavation or other work within the footpath or carriageway of a public road.

4.1.2 General Objectives

The general objectives of Section 4.1 to this Part of the DCP are to:

O1 To establish a long term drainage strategy for affected land, that will control stormwater run off from development and minimise nuisance flow onto adjacent land.

O2 To mimic pre-development or natural drainage systems as much as is possible.

O3 To improve Council stormwater drainage systems by achieving a high level of compliance with Council's design and construction standards.

O4 To minimise the impact of new development on the existing stormwater system.

O5 To minimise the risk of injury to people and damage to private and public property from the effects of stormwater disposal.

O6 To preserve, conserve and reinstate of heritage kerbs.

4.1.3 When does this section of the DCP apply?

Section 4.1 to this Part of the DCP applies to all development applications that involve:

(a) An increase in hard surface areas on a site; or

(b) Any change to the existing stormwater drainage requirements of the site.

4.1.4 Further Information

For more information about stormwater design and construction and associated details regarding permits, fees and charges consult with Council and refer to:

(a) North Sydney Council *Performance Guide*; and

(b) North Sydney Council *Infrastructure Specification Manual*.

4.1.5 Requirements

Objectives

O1 To ensure that stormwater drainage systems are satisfactorily designed to minimise impacts to neighbouring properties.

O2 To reduce stormwater discharge and improve stormwater quality through the incorporation of WSUD on-site.

O3 To mimic pre-development or natural drainage systems through the incorporation of WSUD on-site.

O4 To protect watersheds by minimising stormwater discharge and maximising stormwater quality.

O5 To minimise off-site localised flooding or stormwater inundation.

Provisions

P1 A *Stormwater Management Plan* is required for all developments and must demonstrate compliance with this section.

P2 New and reconstructed stormwater drainage systems should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council *Performance Guide* and *Infrastructure Specification Manual*.

P3 Stormwater drainage disposal from private property should not cause nuisance drainage problems to any other property. Nuisance drainage is any damage to other property from stormwater caused by the development of property.

P4 Where stormwater drainage from private property cannot drain directly to a road without first draining through adjoining private property, an inter-allotment stormwater drainage easement is required. This easement should be sought by negotiation, mediation or by using mechanisms of s.88 of the *Conveyancing Act, 1919*.

P5 Easement widths are governed by requirements for access and maintenance of pipes by appropriate machinery.

P6 Zone of influence of stormwater pipes should not affect the structural stability of any structure, building or utility service.

P7 Stormwater should not be diverted into an adjoining catchment unless it can be demonstrated that the diversion will not cause detriment to any property or structures.

P8 Where an inter-allotment drainage easement cannot be obtained, Council may consider alternative proposals based on their merit.

P9 Minimum permissible pipe size leading from down pipes to primary inter-allotment drainage pipes is 100mm internal diameter sewer grade pipe or greater as required to meet drainage design criteria. Minimum permissible pipe size for primary inter-allotment drainage systems is 150mm diameter sewer grade pipe.

P10 Stormwater drains may not be constructed on public property without holding a *Street Opening Permit*, a Construction Certificate and design approved by Council.

P11 Stormwater drainage systems through adjoining private property should be designed and constructed to allow for an emergency overflow path to be located within the inter-allotment drainage easement.

P12 Pipes within an easement are permitted to carry only the amount of stormwater for which they are designed. Damage caused to property by unapproved works may be subject to legal action and a claim for damages.

P13 Physical obstructions should not be placed within an easement or emergency overflow path that may block the flow of surface run-off.

P14 Sandstone kerb and gutter with heritage significance is to be retained and not replaced with concrete.

P15 The stormwater drainage is designed to ensure existing downstream systems are not adversely affected. It should:

(a) 'fit' as much as possible, within the hydrology of the natural system;

(b) emphasise stormwater detention, vegetated overflow lines, sensitive location of discharge points and quality of receiving waters;

(c) minimise non-porous surfaces to reduce stormwater run-off;

(d) store water for re-use (such as in rainwater tanks);

(e) retain existing trees;

(f) exclude land needed for natural or modified drainage, floodplains, remnant vegetation, environmental values; and

(g) ensure stormwater drains are designed to accept rainwater only excluding other pollutants from the City's waterways.

P16 On-site detention, preferably on unpaved or grass surfaces, is used to trap and remove contaminants from stormwater and increase infiltration into the ground. Where technically possible, on-site gravel filled retention pits are incorporated.

P17 Demonstrate how run-off from the site will be minimised and the quality of water leaving the site will be improved.

P18 Use site contouring and landscaped areas to increase on-site infiltration of stormwater.

P19 Rainwater tanks should be installed for all residential and commercial developments, including major alterations and additions, and be plumbed to appropriate end uses, including toilet flushing, water features, car washing and garden irrigation, to ensure sufficient use of tank water so that capacity exists to accommodate rainwater from storm events.

P20 As a minimum, post-development stormwater discharge rates should be less than pre-development stormwater discharge rates.

P21 As a minimum, post-development stormwater quality should be improved from pre-development levels.

P22 In residential development, grade land around structures to divert surface water clear of existing and proposed structures and adjoining premises.

P23 On-site stormwater detention, including the use of grass swales and detention basins, should be pursued where practicable to minimise and filter stormwater runoff.

P24 Do not construct over any registered easement without the approval of the body benefiting from the easement.

P25 Do not construct within 3m of a sewer/water main without the prior approval of the relevant service authority.

P26 Impervious surfaces should be minimised.

P27 Ensure paved areas are at least 50% pervious.

P28 In addition to a Stormwater Drainage Plan, residential developments with a gross floor area greater than 2000m² must also submit a Water Sensitive Urban Design report from a suitably qualified consultant demonstrating that WSUD has been incorporated

to the maximum extent practicable and that stormwater discharge will be reduced to the maximum extent practicable.

P29 All developments with a gross floor area greater than 2000m² are to undertake a stormwater quality assessment to demonstrate that the development will achieve the post-development pollutant load standards indicated below:

(a) Litter and vegetation larger than 5mm: 90% reduction on the Baseline Annual Pollutant Load;

(b) Total Suspended Solids: 85% reduction on the Baseline Annual Pollutant Load;

(c) Total Phosphorous: 65% reduction on the Baseline Annual Pollutant Load;

(d) Total Nitrogen: 45% reduction on the Baseline Annual Pollutant Load.

4.1.6 Maintenance and Monitoring

Objectives

O1 To ensure that erosion and sediment impacts are minimised during both the construction and post-construction period and that drainage systems are monitored and maintained.

Provisions

During Construction

The consent holder has an ongoing responsibility to maintain all sediment control devices during construction as required by the Erosion and Sediment Control Plan and as directed by Council. Stormwater drainage and erosion/sediment control devices will be inspected in the course of Council site inspections following issue of a construction certificate.

Where non-compliance with the approved construction drawings or Erosion and Sediment Control Plans occurs, Council may charge a reinspection fee, claim the environmental bond, and issue a stop work notice or infringement notice.

General Maintenance

P1 The owners of the properties affected by stormwater drainage easements are required to:

(a) Permit stormwater to be drained via the stormwater drainage system;

(b) Keep the stormwater system clean and free from silt, rubbish and debris;

(c) Maintain and repair the stormwater system so that it functions in a safe and efficient manner;

(d) Replace, repair, alter and renew the whole or parts of the stormwater system within the time and in the manner specified in a written notice issued by the Council;

(e) Not make any alterations to the stormwater system or elements thereof without prior consent in writing from the Council;

(f) Permit the Council, or its authorised agent, from time to time upon giving reasonable notice to enter and inspect the land for compliance with the requirements of this clause;

(g) Permit the Council, or its authorised agent, at any time and without notice in the case of an emergency to enter and inspect the land for compliance with the requirements of this clause; and

(h) Comply with the terms of any written notice issued by the Council in respect to maintenance requirements within the time stated in the notice.

P2 Where non-compliance occurs legal action may be considered under legislation dealing with environmental protection.

4.1.7 Procedures

Objectives

O1 To provide a framework which outlines the procedures to be followed when proposing and undertaking stormwater drainage works.

Provisions

P1 When lodging a development application the applicant should provide:

(a) Conceptual stormwater design plans; and

(b) Conceptual stormwater drainage easement details.

P2 Before starting stormwater drainage construction work, obtain:

(a) Street Opening Permit;

(b) Construction Certificate; and

(c) Copy of design plans approved with the construction certificate

P3 With an application for a Construction Certificate the applicant should provide:

(a) Evidence of an inter-allotment stormwater drainage easement having been created (if applicable);

(b) Detailed stormwater drainage design complying with the conditions of the Development Consent, this DCP, the *Performance Guide* and references for design and construction of infrastructure in North Sydney;

(c) Evidence of having paid all contributions, bonds and securities to Council; and

(d) Dilapidation report showing the pre-development condition of private and public property, utility services and heritage items.

P4 A qualified Hydraulics engineer should prepare Stormwater designs. Designs should incorporate hydraulic grade line analysis and demonstrate that WSUD has been incorporated to the maximum extent practicable and that the capacity of the existing downstream drainage system is sufficient to carry any additional flow from a development.

P5 Before applying for a refund of bonds and/or security, applicants are required to obtain approval from Council for completion of the stormwater drainage works.

P6 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

P7 Where stormwater from development contributes to the overload of existing drainage systems at some distance downstream of the development site, Council may consider carrying out *works in association* with works required by the developer.

4.1.8 Stormwater Drainage Matrix

Table B-4.1 comprises a Stormwater Drainage Matrix which describes the process, prerequisites and references for addressing stormwater drainage.

TBALE B-4.1: Stormwater Drainage Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Stormwater Drainage	• Drainage from private property that is to revert to Council' s ownership	1. Lodge a Development Application	• Survey details • Concept stormwater design • Statement of Impact of stormwater • Dilapidation report	• This section of the DCP • Development Application Guides	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough information to allow Council to assess the merit of the proposal • The Statement of Environmental Impact must address the issues raised in the checklist within the EP&A Act
		2. Obtain development consent	• Council considers impact of stormwater from new development on capacity of existing infrastructure and adjoining property	• EP&A Act 1979		• In order to minimise delay the applicant should ensure that the Information provided in the application is relevant, accurate and fit-for-purpose
		3. Lodge a Construction Certificate Application	• Detailed stormwater design • Erosion Control Plan • Section 138 Permit • Pay all fess and bonds • Certifications as required	• This section of the DCP • Development consent • s.138 of Roads Act 1993 (If Applicable)	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough detailed design information to show that work can be built as per development consent conditions • No work is permitted on public property without a 138 Permit • Bonds are a security against damage to Council Infrastructure
		4. Obtain a Construction Certificate	• PCA assesses docs for compliance with development consent	• Development Consent		
		5. Start Construction	• Install erosion and sedimentation control measures • Given Council Notice	• This section of the DCP • Construction Certificate	• NSC Performance Guide • NSC Infrastructure Specification Manual	• A Construction Certificate must be obtained before construction may commence.
		6. Apply for Occupation Certificate	• As built drawings • Video of drain pipes • Certifications as required • Council approval	• BCA • This section of the DCP • Construction Certificate		• Video must show drainage pipes to be clean • Any unclean pipes must be cleaned before Council approves works

4.2 EROSION AND SEDIMENT CONTROL

4.2.1 Introduction

The potential for soil erosion occurs when vegetation cover is removed during the demolition or construction of buildings and structures, or where it is proposed to recontour the existing landform. As a result, sediment can enter the natural and stormwater drainage systems, and can potentially block their flow, reduce their capacity and eventually be deposited in receiving waters. Sediment reduces water depth, causes turbidity, reduces recreational amenity and damages aquatic systems. Sediment can also have a destructive impact on the quality of urban bushland.

Sedimentation represents a considerable cost to the community in cleaning and maintenance of stormwater infrastructure. Costs arise from increased flooding due to reduced capacity of drainage systems, cleaning of drains and dredging of receiving waters. Efficient sediment control techniques have benefits to the builder as well as the community, in improved access and site conditions and less time lost due to water logged sites.

4.2.2 General Objectives

The general objectives of Section 4.2 to this Part of the DCP are to:

O1 To provide a consistent approach to erosion and sediment control, with a view to achieving best practice.

O2 Establish principles for the control and management of erosion and sediment risks.

O3 To ensure that the Sydney and Middle Harbours water catchments are clean, productive and healthy.

O4 To minimise soil erosion and siltation resulting from building and excavation works.

O5 To ensure applicants submit sufficient information on proposed erosion and sediment control measures with development applications such that Council can make an informed decision.

O6 To ensure that consent conditions and *Erosion and Sediment Control Plans* are fully implemented through monitoring and maintenance protocols.

4.2.3 When does this section of the DCP apply?

Section 4.2 to this Part of the DCP applies to all development applications that involve:

(a) the removal of vegetation from a site;

(b) excavation, such that the land form of the site is altered; and

(c) placement of any type of fill material on a site.

4.2.4 Further Information

For more information about erosion and sediment control, consult with Council and refer to:

(a) North Sydney Council *Performance Guide*;

(b) North Sydney Council *Infrastructure Specification Manual*;

(c) NSW Department of Housing *Managing Urban Stormwater Soils and Construction* (4th edition, 2004);

(d) Selected techniques described in pamphlets available from the Council Customer Service Centre;

(e) Department of ~~Land and Water Conservation pamphlet *Preparing an Erosion and Sediment Control Plan* (1997)~~Planning, Housing and Infrastructure's *Guidelines for Erosion and Sediment Control on Building Sites* (2024); and

(f) Hawkesbury-Nepean Catchment Management Trust 2001 *Guidelines for Erosion and Sediment Control on Building Sites* (2001).

4.2.5 Requirements

Objectives

O1 Identify all areas likely to cause pollution of waterways from the transport of stormwater run-off containing sediment and silt and implement appropriate devices to stop the risk of pollution.

Provisions

P1 Divert clean water around the construction site to prevent contamination.

P2 Retain as much natural vegetation as possible and limit site disturbance to minimise the risk of pollution.

P3 Control stormwater that enters the construction site from upstream.

P4 Divert stormwater from undisturbed upper slopes onto stable areas.

P5 Retain and stockpile all excavated topsoil on site for future landscaping where feasible.

P6 Prevent sediment/silt from entering adjoining public or private property (especially drains) by installing sediment control devices at the low side of sites and wash down areas.

P7 Provide a single, stabilised entry/exit point to the site. Sediment or building materials should be prevented from reaching the road or Council's stormwater system. Sediment shall be removed by sweeping, shovelling or sponging. Under no circumstances shall sediment be hosed.

P8 Where a *work zone permit* over public property is applicable, ensure that appropriate debris control devices are implemented to prevent spillage of building materials into stormwater drains.

P9 Compact all drainage lines when backfilling.

P10 Revegetate all disturbed areas, after on-site works are completed, in order to stabilise surface.

P11 Maintain all sediment control devices during construction and earthworks to standards acceptable to Council.

4.2.6 Maintenance and Monitoring

Objectives

O1 To ensure that erosion and sediment impacts are minimised during the entire construction period of the development.

Provisions

P1 The consent holder, property owner, contractor, builder and all persons on site during construction are responsible for controlling soil erosion and preventing the discharge of sediments from the building site entering into Councils stormwater system.

P2 A condition may be imposed on a development consent requiring the payment of an environmental bond/security to cover the costs of making good any damage from pollution that a proposed development has the potential of causing.

P3 Erosion and sediment control measures will be inspected in the course of Council site inspections following issue of a construction certificate.

P4 Where non-compliance with the DCP occurs, Council may charge a reinspection fee, claim the environmental bond, issue a Clean Up Notice, Prevention Notice or Penalty Infringement Notice if a pollution incident has occurred or has the potential to occur.

P5 In more serious cases, legal action may be considered under legislation dealing with environmental protection.

P6 *Protection of the Environment Operations Act 1997* constitutes an act of pollution as being a criminal offence.

4.2.7 Procedures

Objectives

O1 To outline the requirements and procedures for addressing soil erosion and sediment control.

Provisions

P1 A *Statement of Intent* must be supplied with all development applications. The Statement must outline the sedimentation and erosion control measures to be utilised and a simple erosion control site diagram demonstrating how the proposal will achieve the general objectives of the DCP.

P2 An *Erosion/Sediment Control Plan* may also be required to be submitted with the Development Application for a development involving excavation or that is likely to pose a significant environmental risk. The plan should include diagrams showing the erosion and sediment control measures, their location and type. A detailed *Erosion/Sediment Control Plan* may also be required to obtain a Construction Certificate.

P3 Erosion and sediment control site signs must be displayed on the site during building works, and provide advice to protect the environment from sedimentation and erosion from building sites. These signs are available from Council's Customer Service Centre.

P4 Work must not be carried out in a public road or footpath unless a permit has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993*, and/or s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a Complying Development Certificate. Consult with Council to determine if a permit is required.

4.2.8 Standards for Erosion and Sediment Control Plans

An Erosion and Sediment Control Plan can vary from a simple statement for minor proposals to complex engineering plans and associated documentation for major proposals, including all details of erosion and sediment control measures to be utilised.

Objectives

O1 To ensure that soil erosion and sedimentation is considered at the design stage of the development.

Provisions

P1 *Erosion and Sediment Control Plans* should:

(a) Consider a range of erosion and sediment control measures, including (where relevant) runoff diversion techniques, sediment trapping devices, construction of exits and entrances, revegetation techniques, site management, and controls for stormwater removal and pump-out.

(b) Be part of a soil and water management plan that addresses erosion and sediment control and additional water quality and/or water quantity issues during both the construction and operational stages. This can include identifying

concrete delivery locations, service trenches, waste management and chemical storage.

(c) Demonstrate that appropriate controls have been planned, and that when implemented will minimise erosion and sedimentation. The Erosion and Sediment Control Plan should also demonstrate that its design life exceeds the anticipated life of the project or stage for which it has been designed, to allow for unforeseen delays or contingencies.

(d) Adequately cover the contingency of, and change or delays to the project, activity or scope of works.

4.2.9 Erosion and Sediment Control Matrix

Table B-4.2 comprises an Erosion and Sediment Control Matrix which describes the process, pre-requisites, references for addressing soil erosion and sediment control.

TABLE B-4.2: Erosion and Sediment Control Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Preventing pollution of waterways & bushland from the effects of erosion and sediment	• Any work that is likely to cause pollution from erosion and sediment • Maintaining erosion and sediment control devices as part of development activities	1. Lodge a Development Application	• Survey details • Statement of Environmental Impact • Erosion Control Plan showing how to minimise impact of pollution	• This section of the DCP • Development Application Guides	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough information to allow Council to assess the merit of the proposal • The Statement of Environmental Impact must address the issues raised in the checklist within the EP&A Act
		2. Obtain development consent	• Council assesses development application based on the risk of pollution and the merit of information presented.	• EP&A Act 1979		• In order to minimise delay the applicant should ensure that the Information provided in the application is relevant, accurate and fit-for-purpose
		3. Lodge a Construction Certificate Application	• Detailed construction drawings must include Erosion Control Plan • Section 138 Permit • Pay all fess and bonds	• This section of the DCP • Development consent • s.138 of Roads Act 1993 (if Applicable)	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough detailed design information to show that work can be built as per development consent conditions • No work is permitted on public property without a s.138 Permit • Bonds are a security against damage to Council Infrastructure
		4. Obtain a Construction Certificate	• PCA assesses docs for compliance with development consent	• Development Consent		• Principal Certifying Authority issues Construction Certificate
		5. Start Construction	• Install erosion and sedimentation control measures • Give Council Notice	• This section of the DCP • Construction Certificate	• NSC Performance Guide • NSC Infrastructure Specification Manual	• A Construction Certificate must be obtained before construction may commence.
		6. Apply for Occupation Certificate	• As built drawings • Video of drain pipes • Certifications as required • Council approval	• BCA • This section of the DCP • Construction Certificate		

4.3 WATER CONSERVATION

Objectives

O1 To minimise the use of potable water.

O2 To encourage the reuse of greywater, rainwater and stormwater.

Provisions

P1 A BASIX Certificate is required to be submitted with all residential development types nominated under *SEPP (Sustainable Buildings) 2022*.

Note: *BASIX assessments and certificates can be obtained on-line through the NSW Planning Portal at https://www.planningportal.nsw.gov.au/*

The following provisions apply to residential developments that do not require a BASIX Certificate and where relevant to commercial and other non-residential development.

P2 Consideration is to be given to incorporation of grey-water and black-water reticulation systems.

P3 Where the proposed development involves the installation of new:

(a) shower roses;

(b) taps for use over a basin, ablution trough, kitchen sink or laundry tub;

(c) flow restrictors;

(d) toilets;

(e) white goods, such as clothes washers or dishwashers;

they must have the highest WELS star rating available at the time of development.

P4 Install a stormwater tank where this will not affect amenity, views and other requirements of this section of the DCP.

P5 Recycled water (serviced by dual reticulation) should be utilised for permitted non-potable uses such as toilet flushing, laundry, irrigation, car washing, fire fighting, industrial processes and cooling towers..

P6 Harvest and use rainwater for garden irrigation and toilet flushing.

P7 Collect and reuse stormwater runoff for subsurface irrigation.

P8 Use endemic plants (as listed on Council's website) and xeriscape principles in landscaping.

Note: *Xeriscape principles essentially seek to limit the use of water for irrigation, through the design of landscaped areas and careful use of vegetation.*

P9 Install water efficient irrigation systems and controls.

P10 Separate meters are to be installed for the make-up lines to cooling towers, swimming pools, on the water supply to outdoor irrigation, and other significant end uses.

P11 Where cooling towers are used they are:

(a) to employ alternative water sources where practical; or

(b) to include a water meter connected to a building energy and water metering system to monitor water usage; and

(c) to be connected to a recirculating cooling water loop; and

(d) discouraged where they are a single pass cooling systems; and

(e) to be connected to a conductivity meter to ensure optimum circulation before discharge.

P12 Install a pool cover where the proposed development includes an external swimming pool.

Commercial

P13 Rainwater tanks or other alternative water sources including recycled water systems are to be installed to minimise the use of potable water and maximise the use of alternative water sources.

P14 Rainwater tanks should be plumed to appropriate end uses, including toilet flushing, water features, car washing and garden irrigation.

P15 Separate meters are to be installed on separate units of occupancy in non-residential BCA class 5, 6 and 7 buildings.

P16 A reporting system should be developed to inform/educate occupants about the building's water consumption.

P17 Use waterless urinals.

P18 Install sensor operated taps, or automatic shutoff taps, especially in public area.

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SECTION 5 SOLAR ACCESS

5.1 OBJECTIVES

O1 To ensure that all dwellings have reasonable access to sunlight and daylight with regard to the urban context within which they are located.

O2 To ensure that solar access is maintained to Special Areas, open spaces and publicly accessible outdoor places.

O3 To maintain solar access to residential areas surrounding the North Sydney Centre.

O4 To avoid the creation of long solid masses of development which prevent the penetration of daylight and/or sunlight through to pedestrian levels and to northern and eastern facades of buildings.

5.2 PROVISIONS

General

P1 Spaces are to be created between taller buildings (i.e. those generally greater than 8 storeys) to avoid a solid mass of development and to allow daylight and/or sunlight to penetrate through to the pedestrian level.

P2 Setbacks must be provided between buildings above the podium level in the *E2 Commercial Centre* and *MU1 Mixed Use* zones.

P3 Provide a mix of sun-protected and unprotected areas in public open spaces, roof top gardens and other outdoor spaces.

Development within the North Sydney Centre

~~P1~~P4 Development~~s within the North Sydney Centre~~ must comply with the height and overshadowing requirements contained within cl.4.3~~,~~ and cl.6.3 of NSLEP 2013.

Development outside the North Sydney Centre

~~P2~~P5 Development~~s located outside of North Sydney Centre~~ should be designed and sited ~~such that solar access at the winter solstice (21st June)~~ to provide~~s~~ a minimum of 3 hours of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June) 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,

located in any residential accommodation on the land on which the development is located or on adjoining land.

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

P6 Despite P2, at least 70% of dwellings within a residential flat building or shoptop housing 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).

~~P3~~P7 Development~~s located outside of North Sydney Centre~~ should be designed and sited such that it~~a development~~ will not result in a net increase in overshadowing:

(a) between 12 pm and 2 pm from the March equinox to the September equinox (inclusive) on land within the North Sydney Centre that is within the *RE1 Public Recreation* zone or that is identified as a "Special Area" under NSLEP 2013, or

(b) between 10 am and 2 pm from the March equinox to the September equinox (inclusive) of the Don Bank Museum.

~~P4~~P8 New development should not overshadow existing or proposed public open spaces located outside of the North Sydney Centre between 11.30am and 2.30pm, or any alternative specified timeframes for particular ~~areas~~spaces identified in Part F of the DCP.

~~P5 Spaces are to be created between taller buildings to avoid a solid mass of development and to allow daylight and/or sunlight to penetrate through to pedestrian level.~~

~~P6 Setbacks must be provided between buildings above the podium level.~~

~~P7 Provide a mix of sun protected and unprotected areas in public open space, roof top gardens and other outdoor spaces.~~

~~P8 For outdoor dining and goods display on footpaths, solar access to nearby open spaces, outdoor dining areas or residential areas, is not to be obstructed particularly between the hours of 12 noon and 2.00pm.~~

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SECTION 6 VISUAL PRIVACY

6.1 OBJECTIVES

O1 To ensure that existing and future residents are provided with a reasonable level of visual privacy.

6.2 PROVISIONS

Building Separation

P1 Provide visual separation between any non-residential use and dwellings.

P2 Development for the purposes of residential flat building and shoptop housing are to provide adequate separation to adjacent properties and within the development between habitable rooms, balconies and non-habitable rooms, consistent with *SEPP (Housing) 2021*. The relevant building separation distances are reproduced in Table B-6.1. Increased setbacks may be required to ensure that adequate solar access is provided to neighbouring dwellings.

TABLE B-6.1: Building Separation Requirements

Building height (metres)	Between habitable rooms and balconies	Between habitable & non-habitable rooms	Between non-habitable rooms
Up to 4 storeys (approx. 12m)	12m	9m	6m
5 to 8 storeys (approx.-25m)	18m	12m	9m
9 storeys (approx. 25m +)	24m	18m	12m

P3 Council may consider a variation to the building separation control within P5 above, but only where the applicant can demonstrate that the variation has been made in response to site and context constraints and that the variation is not made at the expense of amenity (e.g. visual and acoustic privacy, outlook, solar access). However, Council will not consider a variation if an apartment's only outlook is onto an area that is under the minimum building separation distance.

Windows

P4 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.

P5 Where windows are located with a direct outlook to windows of an adjacent dwelling, the windows must be provided with a minimum sill height of 1.5m, or use fixed obscure glazing or other privacy devices.

P6 Provide suitable screening structures to minimise overlooking to the windows, balconies or private open space of dwellings within the same development or adjoining land.

Decks, Patios, Terraces, Open Entertaining (excluding residential flat buildings and shoptop housing development greater than 2 storeys in height)

P7 Limit the width and depth of any deck, patio or terrace located greater than 1m above ground level (existing) where privacy and loss of views is an issue and consider using screen devices where relevant.

P8 Private or communal open spaces or open entertaining spaces such as terraces, patio, gardens and the like are not supported on rooftops.

P9 Despite P7 above, private or communal open spaces on roofs may be considered, but only if:

(a) the space is designed such that there is no potential for existing or future overlooking of the space and subsequent noise and privacy issues; and

(b) the space is setback at least 1m from the extent of the external enclosing walls to the floor level below; and

(c) the space does not exceed 50% of the floor area of the storey immediately below or 18m^2, whichever is the lesser; and

(d) for non-residential development, there is no other ~~no other~~ appropriate ground level space for outdoor recreation;

(e) for residential accommodation, there is no other appropriate ground level space for outdoor recreation off a primary living room.

Note: *For residential flat buildings and shoptop housing development greater than 2 storeys in height, the provisions of the Apartment Design Guide apply.*

SECTION 7 OPERATIONAL NOISE

7.1 NON-RESIDENTIAL USES

Objectives

O1 To ensure reasonable levels of acoustic amenity to nearby residents.

Provisions

P1 Noise emission associated with the operation of non-residential premises or non-residential components of a building within all zones other than the *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential* or *C4 Environmental Living* Zones must not exceed the maximum 1 hour noise levels (LAeq 1 Hour) specified in Table B-7.1.

TABLE B-7.1 –Noise Emission Limits

Time Period			Max 1 hour noise level (LAeq 1 Hour)
Day	**Period**	**Time**	
Weekday	Day	7am – 6pm	60 dBA
	Evening	6pm – 10pm	50 dBA
	Night	10pm – 7am	45 dBA
Weekend	Day	8am – 7pm	60 dBA
	Evening	7pm – 10pm	50 dBA
	Night	10pm – 8am	45 dBA

Notes: *LAeq (1hour) readings are to be measured during the noisiest 1 hour period between Day – 7/8am to 6/7pm, Evening – 6/7pm – 10pm and Night – 10pm to 7/8am.*

P2 Noise emission associated with the operation of non-residential premises on land within the *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential* or *C4 Environmental Living* zones, or on land zoned *SP2 Infrastructure* which is also located adjacent to land zoned *R2 Low Density Residential*, *R3 Medium Density Residential, R4 High Density Residential* or *C4 Environmental Living*, must not exceed the maximum 1 hour noise levels (LAeq 1 Hour) specified in Table B-7.2.

TABLE B-7.2: Noise Emission Limits

Time Period			Max 1 hour noise levels (LAeq 1 Hour)	
Day	**Period**	**Time**	**Urban Area***	**Suburban Area#**
Weekday	Day	7am – 6pm	60 dBA	55 dBA
	Evening	6pm – 10pm	50 dBA	45 dBA
	Night	10pm – 7am	45 dBA	40 dBA
Weekend	Day	8am – 7pm	60 dBA	55 dBA
	Evening	7pm – 10pm	50 dBA	45 dBA
	Night	10pm – 8am	45 dBA	40 dBA

Notes: *Laeq (1hour) readings are to be measured during the noisiest 1 hour period between Day – 7/8am to 6/7pm, Evening – 6/7pm – 10pm and Night – 10pm to 7/8am.*
** Urban Area – applies to any allotment of land zoned SP1 Special Activities or SP2 Infrastructure that is located adjacent to land zoned E1 Local Centre, E2 Commercial Centre or MU1 Mixed Use.*
 # Suburban Area – Applies to any allotment of land not classified as an urban area.

P3 In terms of determining the maximum noise levels as required by P1 and P2, the measurement is to be taken at the property boundary of the nearest residential premises. Within a mixed use development, the boundary is taken to be nearest floor ceiling or wall to a residential dwelling on the site.

P4 Despite P1 and P2 above, the noise emission associated with the operation of non-residential premises or non-residential components of a building must not exceed 5 dBA above the background maximum 1 hour noise level (LAeq 1 Hour) during the day and evening and not exceeding the background level at night when measured at the boundary of the property.

P5 Council may require the submission of an Acoustic Report to ensure compliance with P1 above.

P6 Plant and machinery should incorporate noise reduction measures to minimise their impacts.

P7 Developments should be designed and / or incorporate features that reduce noise transmission.

P8 Where practical, development should incorporate adequate measures for tonal, low frequency, impulsive, or intermittent noise.

P9 Materials with low noise penetration properties should be used where practical.

P10 Mechanical equipment, such as pumps, lifts or air conditioners should not be located adjacent to bedrooms or living rooms of any dwellings on adjoining properties.

P11 Developments must comply with *EPA Noise Policy for Industry 2017* in particular the modification required for acceptable noise level (ANL).

~~7.2 CHILD CARE FACILITIES~~

~~Objectives~~

~~O1 To ensure that the operation of the child care facility does not adversely impact on the acoustic amenity of adjoining properties.~~

~~Provisions~~

~~P1 All applications for a child care facility must be accompanied by an Acoustic Report prepared by a suitably qualified acoustic consultant.~~

~~P2 Noise levels (measured at any point on the boundary of the site between the proposed child care facility and adjoining property) do not exceed 5dB(A) above the L_{90} background level during the hours of operation. Council may consider a variation to this requirement, but only if the applicant can adequately demonstrate that an alternative method of controlling the impact as outlined in the Association of Australian Acoustic Consultants' *Technical Guidelines – Child Care Centre Noise Assessment.*~~

~~P3 Where practical, locate noisy areas such as outdoor play areas, vehicle access and pathways away from habitable windows of adjoining dwellings.~~

~~P4 Consideration is given to using appropriate noise reduction measures, such as:~~

~~(a) Appropriate location of areas of high noise generation;~~

~~(b) Double glazing on windows;~~

~~(c) Acoustic fences; and~~

~~(d) Construction materials incorporating sound insulation properties.~~

~~7.3~~7.2 LATE NIGHT TRADING PREMISES

The following objectives and provisions apply to all development to which Part D: Section 9 - *Late Night Trading Premises* of the DCP applies.

~~7.3.1~~7.2.1 Acoustic Emission Limits

Objectives

O1 To ensure the use of premises do not result in any unreasonable acoustic impacts on surrounding residential properties.

Provisions

P1 The premises must comply with the following relevant noise criteria:

(a) the noise emission limits set out in P1 to Section 7.1 to this Part B of the DCP for development located in the:

(i) *E1 Local Centre* zone;

(ii) *E2 Commercial Centre zone*; and

(iii) *MU1 Mixed Use* zone.

(b) the noise emission limits set out in P2 to Section 7.1 to this Part B of the DCP for development located in all other zones.

(c) All relevant noise criteria required by the NSW Office of Liquor and Gaming for licensed premises.

P2 An Acoustic Report prepared by an appropriately qualified Acoustic Consultant which predicts the likely level of compliance with the criteria outlined in P1 as relevant must be submitted with a development application for any of the following late night trading premises or activities:

(a) pubs,

(b) small bars,

(c) outdoor dining,

(d) smoking areas, and

(e) any use proposed to operate beyond the maximum trading hours.

P3 Where relevant, an Acoustic Report should take into account any mechanical plant associated with the use of the site.

P4 The recommendations of any Acoustic Report must form part of the Plan of Management where relevant and shall be adhered to at all times.

P5 The applicant may be required to undertake on-going acoustic monitoring and this will be required as part of a condition of consent.

Note: *It is at Council's discretion to request the submittal of an Acoustic Report for any development application if it considered the proposal may impact adversely on the amenity of the area.*

~~7.3.2~~7.2.2 External doors, windows and openings

Objectives

O1 To minimise noise impacts on surrounding residential properties.

O2 To protect adjacent residential properties located within close proximity to late night premises.

Provisions

P1 Where a premises is located within close proximity of a residential property or other sensitive noise receiver and is likely to result in adverse acoustic impacts, all doors and windows on a building's elevation fronting a residential receiver, must be kept closed no later than the hours specified in the following table, other than to allow entry or egress.

TABLE B-7.3– Doors and windows to be kept closed		
Zone		**Doors and windows to be kept closed by:**
E2 Commercial Centre		11pm
MU1 Mixed Use		10pm
E1 Local Centre	Properties in Kirribilli Village identified in Figure E-7.1	10pm
	1) Properties within Kirribilli Village, other than those identified in Figure E-7.1 2) Properties with a frontage to Miller St, Cammeray 3) Blues Point Road, McMahons Point	9pm
	All other locations	8pm
All other zones		8pm

P2 Notwithstanding P1, doors and windows must be closed in accordance with the recommendations of any applicable Acoustic Report, where the recommendation is more restrictive than the hours specified in P1.

P3 Where a site has two frontages, entry or exit after 10pm should occur only from the primary frontage or road and not onto a secondary road or laneway.

P4 The applicant must demonstrate that the premises can be adequately ventilated to accommodate the closure of these doors and windows and that the premises can comply with relevant BCA provisions including egress and fire safety.

~~7.4~~7.3 Sex Services and Restricted Premises

Objectives

O1 To minimise noise at the boundary of the premises.

Provisions

P1 Applications for sex services premises or restricted premises (other than for retail sales only) must be accompanied by a *noise management plan* and an *acoustic impact report* prepared by a suitably qualified acoustic consultant.

P2 Windows and doors should incorporate noise reduction measures.

P3 Premises should incorporate building materials and arrange room layouts to minimise noise transmission.

SECTION 8 LIGHT SPILL AND REFLECTIVITY

8.1 REFLECTIVITY

Objectives

O1 To minimise the impacts by reflected light and solar reflectivity from buildings on pedestrians and motorists.

Provisions

P1 Buildings should provide a greater proportion of solid to void on all facades and use non-reflective materials.

P2 Buildings should use non-reflective glass and / or recess glass behind balconies.

P3 Sun shields, such as awnings, canopies and pergolas should be provided to glazed areas.

P4 Council may require the submission of a Reflectivity Study prepared by a suitably qualified consultant.

8.2 ARTIFICIAL ILLUMINATION

Objectives

O1 To minimise the impact of artificial illumination on the amenity of residents and pedestrians.

O2 To provide a safe urban environment without adverse effects on surrounding development or the public domain.

O3 To minimise the impact of artificial illumination in contributing to sky glow.

Provisions

P1 External facades of buildings should not be floodlit.

P2 Where external artificial illumination is proposed:

(a) it should be designed and sited to minimise glare.

(b) It must comply with the standards set out in Australian Standard *AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.

P3 Illumination of roof top and/or podium level facilities is not to exceed the curfew outlined in Table B-8.1.

TABLE B-8.1 – Illumination curfews

Zone	Curfew Time
E2 Commercial Centre	1.00am
E1 Local Centre E3 Productivity Support MU1 Mixed Use	11.00pm
Any other zone	10.00pm

P4 Entrances must be well lit and do not produce shadows or adverse glare.

P5 Staff entrances in commercial buildings which are separated from the main building entrance must be well lit and opportunities for casual surveillance is maximised.

P6 Timers and sensors should be used in commercial buildings in residential zones to minimise sky glow.

P7 Council may require the submission of a Lighting Report for a development prepared by an appropriately qualified person.

8.2.1 Illumination in the employment and mixed use zones

The following provisions apply to non-residential development on land within the *E1 Local Centre*, *E2 Commercial Centre*, *E3 Productivity Support*, and *MU1 Mixed Use* zones.

Objectives

O1 To ensure the safety of pedestrians in the public domain after dusk.

Provisions

General

P1 The following areas must be illuminated in accordance with *AS 1158.3.1 - Pedestrian (P)*:

(a) public footpaths;

(b) laneways; and

(c) areas under publicly accessible awnings over public or private property.

P2 Accent lighting should be used to highlight solid sections of buildings which adjoin public footpaths.

P3 Level of lighting provided, and fittings used, should be consistent with that of nearby properties.

P4 Lighting is to be provided in accordance with *AS/NZS 1158.3.1:1999 Pedestrian (P) – "pedestrian area performance and installation requirements"* except in the following instances:

(a) Within the North Sydney CBD Locality Area:

(i) Illuminance values in the range of 150% to 400% of the Lighting Category P6 illuminances.

(ii) Maintained horizontal average illuminance – 30 lux.

(iii) Minimum maintained horizontal average illuminance – 10 lux.

(iv) Maintained illuminance uniformity – 10.

(v) Maintained vertical illuminance – 10 lux.

(b) Within all other employment and mixed use zones:

(i) Illuminance values in the range of 100% to 300% of the Lighting Category P6 illuminances.

(ii) Maintained horizontal average illuminance – 20 lux.

(iii) Minimum maintained horizontal average illuminance – 7 lux.

(iv) Maintained illuminance uniformity – 10.

(v) Maintained vertical illuminance – 7 lux.

P5 As a minimum requirement, all external lighting should operate, from dusk until dawn on Thursday, Friday and Saturday nights, and from dusk until midnight on all other nights. Extended illumination may be considered in the *E2 Commercial Centre* zone only.

P6 Control is initiated by a suitably adjusted/calibrated photo-electric switch should be incorporated to turn on at dusk and that the lights will be at full output when the

daylight illuminance in the subject areas falls to the required illuminances stipulated above.

P7 Luminaires must be suitable for the installation conditions (non-corroding, sealed against ingress of water, dust and insects) and utilize lamps with a luminous efficacy not less than 70 lumens per watt.

P8 Luminaires should be aesthetically compatible with the design of the awnings and building façade to which they are attached.

P9 Bare lamp fluorescent luminaires are not permitted.

P10 The use of recessed downlights (with suitable broad lighting distribution) is encouraged wherever practical.

P11 Where the design of the awning or building façade precludes the installation of recessed downlights, use surface mounted luminaires compatible with the design of the awning/façade.

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SECTION 9 WIND AND AIR QUALITY

9.1 WIND SPEED

Objectives

O1 To ensure pedestrian comfort is not adversely affected by wind when walking along public streets or sitting down in public spaces.

Provisions

P1 Buildings should be designed to reduce wind velocity at footpaths and publicly accessible outdoor spaces.

P2 Where a proposal results in a building exceeding 33m in height:

(a) it should not result in the wind speed exceeding 13m/s at footpaths and publicly accessible outdoor spaces, and

(b) a Wind Impact Assessment, prepared by an appropriately qualified person, must be submitted with the application demonstrating the proposal's acceptability.

9.2 CLEAN AIR

Objectives

O1 To ensure that development does not adversely affect air quality.

Provisions

P1 Operating plant, building materials and finishes should be incorporated that are non-toxic and reduce toxic emissions.

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SECTION 10 ENVIRONMENTAL SUSTAINABILITY

10.1 INTRODUCTION

Residential

Nearly half the energy consumption in buildings is through heating, cooling, ventilation and lighting. By incorporating passive solar design and technologies that reduce energy consumption it is possible to reduce costs to the resident (e.g. lower energy bills) and to the environment (e.g. a reduction in greenhouse gases and use of non-renewable resources), both of which contribute to sustainable development.

Commercial development

The commercial and retail sectors are significant users of electricity and are major contributors to greenhouse emissions in Australia. Improving energy efficiency is one of the most cost effective ways of reducing greenhouse gas emissions. The pursuit of energy efficiency can bring economic, social and environmental benefits. Another reason to encourage energy efficiency is the reduction in maintenance costs and improved leasability and saleability of the building.

Nearly half of energy consumption in buildings is due to heating, cooling, ventilation, office equipment and lighting. Most commercial buildings or premises could reduce their energy consumption by at least 20% by investing in the latest energy efficient equipment. Such investment invariably offers a highly profitable rate of return, resulting in cost-effective energy savings with the positive result of reducing emissions.

The main sources of energy use in commercial buildings include heating and cooling (air-conditioning), lighting and the use of office equipment. A typical energy bill is 25% of a building's total operating costs. By incorporating passive solar design strategies and using building techniques that minimise energy use, it is possible to reduce energy associated costs by up to 60%. The way the occupants operate and maintain a building is crucial to its energy efficiency so just having a smart design does not guarantee an efficient building. Controls in this section of the DCP seek to acknowledge these facts by addressing both building design and maintenance.

10.2 ENERGY EFFICIENCY

Objectives

O1 To ensure that developments minimise their use of non-renewable energy resources.

O2 To ensure that buildings are designed such that the air conditioning plant meets performance requirements, while minimising energy usage.

O3 To encourage the use of energy efficient lighting.

Provisions

P1 Consider the following issues when assessing the energy rating of buildings and whether any of these issues prevent the achievement of the energy ratings:

(a) orientation or shape of the block;

(b) existing overshadowing due to either the surrounding terrain or existing development;

(c) topography, geology or geo-technical constraints preclude energy saving design such as slab-on-ground construction; and

(d) conflict with requirements or guidelines in relation to privacy, area character, building design, bulk and scale or heritage considerations set out in the LEP or the DCP.

P2 Ensure that the development does not reduce the energy efficiency of buildings in the vicinity.

P3 Improve the control of mechanical space heating and cooling by designing heating/cooling systems to target only those spaces which require heating and cooling, not the whole building.

P4 Where the proposed development involves the installation of any of the following:

(a) hotwater systems;

(b) clothes drier;

(c) dishwasher;

(d) fixed air conditioning systems (including reverse cycle systems);

(e) fixed heating systems;

they must have a minimum energy star rating of 4.5 stars.

P5 Lighting for streets, parks and any other public domain spaces provided as part of a development should be energy efficient LED lighting.

P6 Car parking areas should be designed and constructed so that electric vehicle charging points can be installed at a later time.

P7 Where appropriate and possible, the development of the public domain should include electric vehicle charging points or the capacity for electric vehicle charging points to be installed at a later time.

P8 Improve the efficiency of hot water systems by insulating hot water systems.

P9 Wherever possible solar hot water systems should be provided.

P10 Incorporate on-site renewable energy sources to supplement energy needs during daily peak energy use.

P11 In considering proposals for renewable energy, consideration should be given to the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.

P12 Timers and movement sensors should be used to minimise energy consumption, particularly for lighting and mechanical ventilation in public areas.

P13 Energy efficient lighting and technology should be used to reduce energy consumption. Consider the use of solar powered illumination.

P14 Use solar powered lighting for external areas.

P15 The use, location and placement of photovoltaic solar panels take into account the potential permissible building form on adjoining properties.

Non-residential development

P16 In multi-floor or multi-tenant or strata-subdivided developments, electricity sub-metering is to be provided for light, air-conditioning and power within each floor and/ or tenancy and/or strata unit. Locations are to be identified on the development plans. Electricity sub-metering should be provided for significant end uses that will consume more than 10,000 kWh/a.

P17 Reduce reliance on artificial lighting by designing lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building.

P18 Locate appliances and equipment that generate waste heat, (such as copiers) in areas separated from the spaces requiring cooling.

10.3 PASSIVE SOLAR DESIGN

Objectives

O1 To ensure that site layout and building orientation allows for maximum solar access ~~to dwellings~~, especially to living areas of dwellings, and are adapted to local climatic conditions and prevailing site characteristics.

Provisions

P1 To achieve maximum solar access orient the building within 20° west of north to 30° east of north.

P2 Adapt site layout and building orientation to local climatic conditions and prevailing site characteristics, such as existing overshadowing, planting and slope.

P3 Orient the long axis or length of the building to the northerly aspect.

P4 East and west facing glazing on building elevations should be minimised and incorporate shading in summer.

P5 Provide shading devices on north facing walls to completely shade glazing from October to late February. To calculate the extent of shading device, draw a section and extend a line from the base of the window at 70°. The outer edge of the eaves or shading device should reach this line.

P6 Optimise natural light access to reduce the amount of energy used to run artificial lighting (limiting the internal depth of the building allows efficient use of natural light).

P7 If landscaping is proposed as part of the development, a documented landscape design concept demonstrates how the landscaping contributes to energy efficiency by providing substantial shade in summer, especially to west facing windows and open car parking areas, and enabling winter sunlight to penetrate outdoor and indoor living and working areas.

P8 Buildings are designed, wherever possible, to include a north facing roof where a solar hot water system or collector can be installed.

Residential

P9 Locate the main daytime living areas (e.g. family, dining and meal rooms) on the northern side of dwellings.

P10 Ensure windows of living areas that face north will receive at least three hours of sunlight between 9am and 3pm over a portion of their surface during the winter solstice.

P11 Where main living areas are oriented northwards, aim to achieve a glazed area of 30% of the dwelling's floor area in this direction.

P12 Provide adjustable awnings, shutters and external louvres on east and west facing windows.

P13 Consideration should be given to using north facing pergolas to shade walls and windows (deciduous vines can be trained over the pergola to provide effective cooling in warm weather).

P14 Where a north facing pergola contains fixed louvres, space and orient the louvres so that a line between the top of one blade and the bottom of the next makes an angle of 70°.

P15 Angle louvres to correspond to the lowest altitude angle the sun reaches at noon in winter (31° in Sydney).

P16 South facing glazing should be kept to a minimum to reduce winter heat losses.

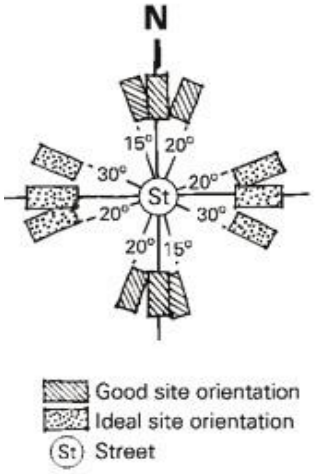

Figure B-10.1:

Good passive solar performance can be achieved at minimal cost if the development is appropriately oriented.

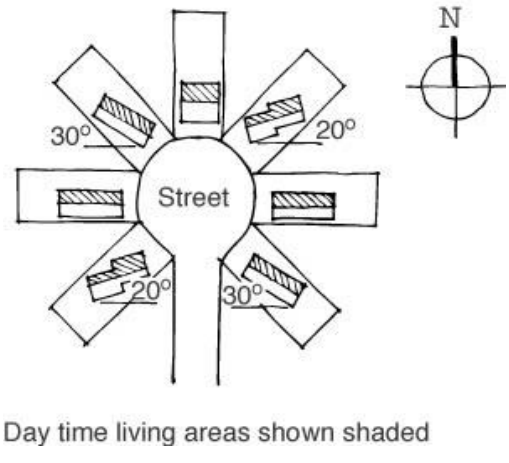

Figure B-10.2:

Where possible, orient the development such that daytime living areas and outdoor spaces are north-facing.

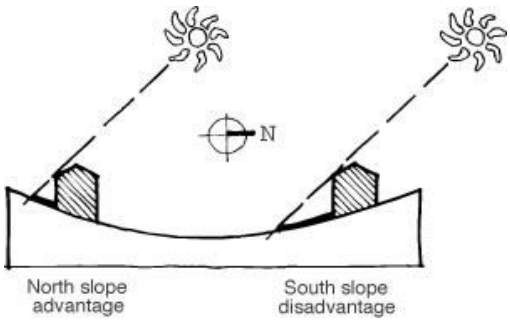

Figure B-10.3:

A north facing slope increases the potential for access to northern sun and is ideal for higher housing densities. A south facing slope increases the potential for overshadowing

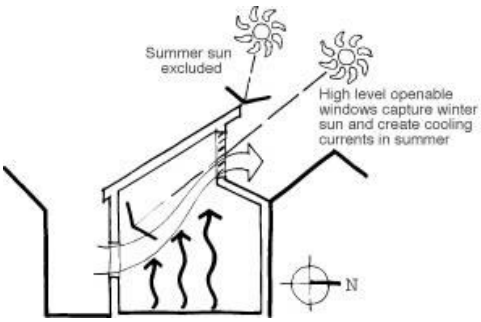

Figure B-10.4:

Poor orientation can exclude winter sun, and cause overheating in summer by allowing low angle east or west sun to strike glass surfaces

10.4 THERMAL MASS AND INSULATION

Thermal mass is the ability of a material to absorb heat energy. Materials like concrete, bricks and tiles are deemed to have a high thermal mass, as they require a lot of heat energy to change their temperature. Lightweight materials such as timber have low thermal mass. More thermal mass results in more even range in inside air temperature. Appropriate use of thermal mass throughout your home can make a big difference to comfort and heating and cooling bills.

Thermal mass is not a substitute for insulation. Thermal mass stores and re-radiates heat whereas insulation stops heat flowing into or out of the building. A high thermal mass material is not generally a good thermal insulator.

Insulation acts as a barrier to heat flow and is essential to keep your home warm in winter and cool in summer. A well insulated and well designed home will provide year-round comfort, cutting cooling and heating bills by up to half. This, in turn, will reduce greenhouse gas emissions.

Objectives

O1 To achieve more even, year-round average temperature, making the dwelling more comfortable to live in and resulting in less demand for artificial heating or cooling.

Provisions

P1 To maximise natural heating, provide flooring that will absorb heat from the winter sun (i.e. A concrete slab floor on the ground offers the best thermal massing properties, whilst timber floors have minimal performance in terms of thermal mass. Dark coloured tiles laid over a concrete slab is the most desirable covering in terms of maximising the performance of thermal mass in a dwelling).

P2 To maximise natural cooling, protect thermal mass from summer sun with shading and insulation. Allow cool night breezes and air currents to pass over the thermal mass, drawing out all the stored energy.

P3 Incorporate masonry walls and insulated walls and ceilings to contribute to the effectiveness of thermal mass.

P4 Thermal insulation is used in the roof, walls and floor.

P5 Ceiling/roof insulation must have at least an R3.0 rating or equivalent and wall insulation must have at least an R1.5 or equivalent rating. Insulation of cavity brick walls is not required. These ratings are based on AS 2627: Part 1-1993.

P6 Use bulk or reflective insulation, or a combination of both, to achieve the required insulation value.

P7 Heat loss/gain is minimised though the use of awnings, shutters or high performance glazing (e.g. double glazing).

10.5 NATURAL VENTILATION

Ventilation is essential for good health and prevention of condensation. However, the lack of natural ventilation can cause discomfort for occupants and waste energy if artificial ventilation is installed.

Objectives

O1 To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.

O2 To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.

O3 To ensure that workers in commercial development are provided with direct access to fresh air and to assist in promoting thermal comfort for occupants.

Provisions

P1 Locate windows and openings in line with each other on opposing walls and with prevailing breezes.

P2 Provide ceiling fans for use in summer (fans produce a cooling air movement that is preferable to letting in the hot daytime air).

10.6 COLOURS AND MATERIALS

Colours and materials can be used to absorb or reflect heat from the sun. Dark colours tend to absorb the sun's rays whereas light colours are more reflective. There is little advantage in using dark external colours to absorb heat in winter. However, the use of lighter colours, particularly on the roof area and on east and west facing walls, are particularly advantageous during summer to reflect the sun's heat. Glare effects and streetscape issues need to be considered when choosing external colours.

Objectives

O1 To maximise the energy efficiency of ~~dwellings~~buildings.

O2 To encourage the use of materials which have a low environmental impact during their life cycle.

~~O1~~O3 To encourage the use of toxin free material to minimise the health impact of materials used indoors.

Provisions

P1 Buildings should use lighter coloured materials and finishes on main external parts of the building.

P2 Products with the least life cycle impact should be favoured.

P3 The use of the following types of building materials are to be maximised wherever possible:

(a) materials which are sourced from renewable and abundant resources;

(b) materials which are durable;

(c) locally manufactured and produced materials;

(d) materials with a low embodied energy content;

(e) salvaged and/or recycled materials;

(f) timber obtained from certified sustainable sources;

(g) materials with a high recycled content (>50%);

(h) low volatile organic compound (VOC) emitting materials;

(i) mechanical fixings instead of adhesives and glues, wherever possible;

(j) when using Medium Density Fibreboard, ensure that it has a low formaldehyde content;

(k) toxin-free floor finishes.

P4 Avoid the use of the following:

(a) copper, chrome, cadmium, lead, mercury, cyanide, and formaldehyde;

(b) materials, sealants and adhesives containing PVC;

(c) wood treated with CCA;

(d) solvents.

~~P1~~P5 Use physical termite barriers (made of granite or stainless steel) instead of chemicals where possible.

10.7 Hot Water Systems in Residential Accommodation

Objectives

O1 To ensure the most efficient water heating methods are used to assist in the reduction of greenhouse gas emissions and use of non-renewable resources.

Provisions

P1 New hot water systems installed in dwellings must not solely rely on electrical mains power to heat the water (n.b. sole electrical hot water systems are not permitted in new dwellings).

P2 Install solar powered water heaters on any residential development. Solar powered water heaters may be either gas or electrically boosted, but boosting should be limited

to a maximum of 50% of total heating requirement with the remainder of heating requirements achieved through solar gain.

P3 Where it can be demonstrated that insufficient solar access is available for a solar powered system install a heat pump or natural gas system.

P4 Locate solar cells, heat pumps or any associated structures so as to as avoid impact on the aesthetics of a building, the streetscape, or heritage significance of a building or conservation area.

P5 Centralise solar or heat pump hot water systems in larger scale residential flat buildings or attached dwelling developments, to achieve economies of scale.

P6 Where it can be demonstrated that the installation of a low greenhouse gas emission water heating system would require additional expenditure which is not cost-effective over a five year period other systems may be considered.

10.8 Adaptive Reuse of Buildings

Objectives

O1 To encourage the adaption and reuse of buildings.

Provisions

P1 Where feasible, existing buildings are to be reused in preference to demolition.

P2 Buildings should be designed to encourage adaptable office floorspace to accommodate changing occupier requirements.

~~10.9 Building Materials~~

~~**Objectives**~~

~~O2 To encourage the use of materials which have a low environmental impact during their life cycle.~~

~~O2 To encourage the use of toxin free material to minimise the health impact of materials used indoors.~~

~~O3 To maximise the energy efficiency of buildings.~~

~~**Provisions**~~

~~P2 Products with the least life cycle impact should be favoured.~~

~~P3 The use of the following types of building materials are to be maximised wherever possible:~~

~~(a) materials which are sourced from renewable and abundant resources;~~

~~(b) materials which are durable;~~

~~(c) locally manufactured and produced materials;~~

~~(d) materials with a low embodied energy content;~~

~~(e) salvaged and/or recycled materials;~~

~~(f) timber obtained from certified sustainable sources;~~

~~(g) materials with a high recycled content (>50%);~~

~~(h) low volatile organic compound (VOC) emitting materials;~~

~~(i) mechanical fixings instead of adhesives and glues, wherever possible;~~

~~(j) when using Medium Density Fibreboard, ensure that it has a low formaldehyde content;~~

~~(k) use toxin-free floor finishes.~~

~~P4 Avoid the use of the following:~~

~~(a) copper, chrome, cadmium, lead, mercury, cyanide, and formaldehyde;~~

~~(b) materials, sealants and adhesives containing PVC;~~

~~(c) wood treated with CCA;~~

~~(d) solvents.~~

~~P5 Use physical termite barriers (made of granite or stainless steel) instead of chemicals where possible.~~

~~P6 Buildings should use lighter coloured materials and finishes on main external parts of the building.~~

~~10.10~~10.9 GREEN ROOFS

A green roof can comprise a roof system that is designed to promote the growth of various forms of vegetation, renewable energy production and/or water collection technology on the tops of buildings. Although a green roof is only one element of a building, it is extremely important when considering the long term sustainability of buildings and their impacts on the environment.

Green roofs can not only assist in minimising impacts on the environment but can also help to reduce a building's running costs.

Applicants are requested to consult the *North Sydney Council Green Roof and Wall Resource Manual* for technical guidance on the design, construction and maintenance of green roofs.

Objectives

O1 To provide accessible roof space providing increased amenity for the occupants and visitors of the building.

O2 To improve the aesthetics and amenity of the urban environment (this particularly relates to the appearance of the roof when viewed from surrounding buildings).

O3 To provide space to accommodate renewable energy production.

O4 To improve stormwater management by controlling both the quality and flow of stormwater.

O5 To increase biodiversity by the use of plant material, and in particular to promote food production where appropriate.

O6 To protect the building structure by increasing its thermal protection which will also help to reduce internal heating and cooling requirements.

Provisions

P1 Development applications for all new buildings or alterations and additions to an existing building that involves the creation of new roof spaces must submit a roof plan demonstrating how the new available roof space[1] contributes to the achievement of at least three of the above objectives.

P2 In satisfying provision P1 above, the roof plan must illustrate those parts of the available roof space to be used as a green roof immediately after construction of the proposed works and/or areas capable of being retrofitted for a green roof at a later date. Applicants are encouraged to accommodate green roofs immediately after construction.

[1] *"Available roof space" excludes plant rooms, lift overruns and other equipment such as building maintenance units. Available roof space includes the roof tops of any podiums.*

~~10.11~~10.10 WIND TURBINES

Objectives

O1 To manage the impacts of wind turbines.

Provisions

P1 Wind turbines are:

(a) not to involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent;

(b) to be clear from power lines in accordance with the requirements of the relevant electricity authority;

(c) not to affect the structural integrity of the building;

(d) should not detract from the significance of a heritage item or a heritage conservation area;

(e) not to be located along a bat or bird flyway; and

(f) to be installed in accordance with manufacturer's specifications.

P2 Wind turbines are not to cause the following LAeq levels to be exceeded in any nearby residential development (with windows closed):

(a) in any bedroom in the building—35 dB(A) at any time between 10pm and 7am; and

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

~~10.12~~10.11 SUSTAINABILITY REPORTING

~~10.12.1~~10.11.1 Residential Accommodation

Objectives

O1 To ensure that development for residential accommodation minimises their use of non-renewable energy resources.

Provisions

P1 A BASIX Certificate is required to be submitted with all developments incorporating residential development types nominated under *SEPP (Sustainable Buildings) 2022*.

Note: *BASIX assessments and certificates can be obtained on-line via the NSW Planning Portal at* www.planningportal.nsw.gov.au

~~10.12.2~~10.11.2 Non-Residential Development

The commercial and retail sectors are significant users of electricity and are major contributors to greenhouse emissions in Australia. Improving energy efficiency is one of the most cost effective ways of reducing greenhouse gas emissions. The pursuit of energy efficiency can bring economic, social and environmental benefits. Another reason to encourage energy efficiency is the reduction in maintenance costs and improved leasability and saleability of the building.

Reducing waste has environmental, social and economic benefits. There are many opportunities in the development process to reduce the amount of waste and to maximise the amount of material that is recycled and reused, rather than going to landfill.

The amount of stormwater runoff in an area relates directly to intensity of development in that area. The more impervious to stormwater an urban area is, the larger the runoff quantities are and thereafter the impact on the environment.

National Australian Built Environment Rating Scheme (NABERS)

North Sydney Council encourages developers to obtain a NABERS rating for commercial and commercial components of buildings. The rating assesses a building's performance in terms of its Greenhouse gas emissions during its operation.

The Rating Scheme, which is managed by the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), allows owners and occupiers of commercial and commercial components of buildings to benchmark the greenhouse performance of their premises on scale of one to five. One represents the most polluting and five, the least polluting, with three representing best market practice. New commercial buildings, refurbishments, tenancies and fitouts will have to demonstrate compliance with this DCP by signing DCCEEW's NABERS – Energy Commitment Agreement and achieving a minimum 4.5 star rating for the base building, whole building for tenancies (as appropriate).

Green Star

North Sydney Council encourages developers to obtain a Green Star rating for developments involving the provision of substantial commercial floor space. The Green Star rating system, which is managed by the Green Building Council of Australia, is a comprehensive, national, voluntary environmental rating system that evaluates the environmental design and construction of buildings. Approximately, 11 per cent of Australia's CBD[2] commercial office buildings are Green Star certified, reinforcing that building "green" is now a business imperative.

The following Green Star Certified Ratings are available:

- **4 Star Green Star Certified Rating** (score 45-59) signifies 'Best Practice' in environmentally sustainable design and/or construction
- **5 Star Green Star Certified Rating** (score 60-74) signifies 'Australian Excellence' in environmentally sustainable design and/or construction
- **6 Star Green Star Certified Rating** (score 75-100) signifies 'World Leadership' in environmentally sustainable design and/or construction

Although Green Star certification requires a formal process, any project can freely download and use the Green Star tools as guides to track and improve their environmental attributes. Refer to *www.gbca.org.au*.

Objectives

O1 To ensure that developments minimise their use of non-renewable energy resources.

Provisions

P1 Applications are to demonstrate compliance with the requirements for non-residential development types nominated under *SEPP (Sustainable Buildings) 2022*. Where there is an inconsistency between the targets set under *SEPP (Sustainable Buildings) 2022* and this DCP, those under the SEPP will prevail.

~~P1~~P2 Development must comply with the submission requirements and performance targets set out in Table B-10.1 in order to demonstrate the proposed development will achieve an efficient use of resources.

[2] *Figures obtained from the Green Building Council of Australia, circa October 2010.*

TABLE B-10.1 Non-residential thresholds, submission requirements and performance targets		
Threshold/size	**Submission requirement**	**Performance target**
Alterations affecting less than half the original building or tenancy (measured over the roof and the outer walls)	An *Efficient Use of Resources Commitment Table* (to be completed by the applicant).	Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP.
Alterations affecting more than half the original building or tenancy (measured over the roof and the outer walls)	The development must comply with the relevant submission requirements as if it were a new development.	The development must comply with the relevant performance targets as if it were a new development.
Less than 2000m² GFA	*An Efficient Use of Resources Commitment Table* (to be completed by the applicant).	Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP.
2000m²-5000m² GFA	*An Efficient Use of Resources Commitment Table* (to be completed by the applicant); AND	Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP.
	A NABERS Energy Commitment Agreement and associated documentation (see s.10.12.2 (P2) below); OR If a NABERS Energy rating tool is not available for the particular type of non-residential development proposed, an Energy Efficiency Report from a suitably qualified consultant that sets out proposed energy efficiency measures; AND	The Commitment Agreement must be for a 4.5 star NABERS rating for the base building, whole building, or tenancies as appropriate; OR If an Energy Efficiency Report is required it must demonstrate that a high level of energy efficiency will be achieved.
	A WSUD report from a suitably qualified consultant.	Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP, particularly regarding on-site detention, discharge rates and quality of discharge; and demonstration that WSUD has been incorporated to the maximum extent practicable.
>5000m² GFA	A NABERS Energy Commitment Agreement and associated documentation (see s.2.6.1(P3) below); OR If a NABERS Energy rating tool is not available for the particular type of non-residential development proposed, an Energy Efficiency Report from a suitably qualified consultant that sets out proposed energy efficiency measures; AND	The Commitment Agreement must be for a 4.5 star NABERS rating for the base building, whole building, or tenancies as appropriate; OR If an Energy Efficiency Report is required it must demonstrate that a high level of energy efficiency will be achieved.

TABLE B-10.1 Non-residential thresholds, submission requirements and performance targets		
Threshold/size	**Submission requirement**	**Performance target**
	A WSUD report from a suitably qualified consultant; AND	Compliance with / consideration of (as relevant) DCP provisions within this section of the DCP, particularly regarding on-site detention, discharge rates and quality of discharge; and demonstration that WSUD has been incorporated to the maximum extent practicable.
	Evidence that the building design has been awarded a Green Star rating; OR If evidence of a Green Star rating being awarded is not available at DA stage or if a Green Star rating tool is not available for the particular type of non-residential development proposed, a Sustainability Report including an *Efficient Use of Resources Commitment Table* (to be completed by suitably qualified consultants) must be submitted.	The base building, or the whole building where there is to be one tenant to occupy the whole building, must achieve a 5 star Green Star rating; OR If a Sustainability Report which includes an *Efficient Use of Resources Commitment Table* is required it must demonstrate compliance with / consideration of (as relevant) DCP provisions within this section of the DCP and demonstrate that the development will achieve a very high degree of environmental sustainability.

~~P2~~P3 Buildings, or the non-residential components of mixed use buildings, that have a gross floor area 2000m^2 or greater and less than 5000m^2 must be capable of achieving a minimum 4.5 star rating under DCCEEW's NABERS Energy. In this regard, the following information is required to be lodged with the relevant certifying authority (Council or an accredited certifier) prior to the issue of a Construction Certificate:

(a) Evidence that a Commitment Agreement has been entered into with DCCEEW, to deliver this Star rating for the base building (i.e. services traditionally supplied as 'common' to tenants, such as air conditioning, lifts and common area lighting) or for the whole building where the applicant is to occupy the entire building.

(b) An independent energy assessment report that follows the guidelines in DCCEEW's *NABERS Energy and Water for Offices Rules for collecting and using data*. This document can be obtained from *www.nabers.gov.au/*;

(c) A computer building simulation in accordance with DCCEEW's *NABERS Energy Guide to Building Energy Estimation*. This document can be obtained from *www.nabers.gov.au/*. The computer building simulation is required to demonstrate to the satisfaction of Council, or the private certifier if Council is not the certifying authority, that the building can reasonably be expected to achieve the proposed rating under realistic operating conditions.

~~P3~~P4 Developments involving the provision of 5,000m^2 or more of non-residential floor space must demonstrate that the development can achieve a minimum 5 star rating under the Green Building Council of Australia's Green Star – Office rating tool. The rating tool can be obtained from the Green Building Council of Australia's website - *www.gbca.org.au*.

~~P4~~P5 Where alterations affect more than half the total volume of the original building (measured over the roof and the external walls), achieve the targets in this subsection for the whole of the building.

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SECTION 11 CONTAMINATION AND HAZARDOUS BUILDING MATERIALS

11.1 INTRODUCTION

This Section forms the basis for the management of land contamination and hazardous building materials within the LGA. In addition, it comprises Council's policy for dealing with land contamination under the Department of Planning's (DoP) *Managing Land Contamination: Planning Guidelines* and Chapter 4 – *Remediation of Land* to *SEPP (Resilience and Hazards) 2021*).

11.1.1 General objectives

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

O1 Provide a framework for the integration of land contamination management into the planning and development process with the specific aim to:

(a) provide for the appropriate investigation and remediation of contaminated land;

(b) ensure that changes of land use will not increase the risk to health or the environment;

(c) avoid inappropriate restrictions on land use; and

(d) provide information to support decision making and to inform the community about land contamination.

O2 Provide a framework for the investigation, reporting and removal of hazardous building materials from a site to ensure that risk to the health of the community or environment is not adversely affected.

11.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications involving land which is known or has potential to be contaminated or affects buildings or works constructed and or improved with hazardous building materials.

11.1.3 Relationship to other Documents

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

(a) *Environmental Planning and Assessment Act 1979* (EP&A Act 1979);

(b) *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation 2021);

(c) *Contaminated Land Management Act 1997* (CLM Act 1997);

(d) *Contaminated Land Management Regulation 2022*;

(e) Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021*;

(f) DoP's *Managing Land Contamination - Planning Guidelines* (to be used in association with Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021*);

(g) DoP's Draft Contaminated Land Planning Guidelines; and

(h) NSW EPA's *Guidelines for the Assessment and Management of Sites Impacted by Hazardous Ground Gases*.

This package of legislation and guidelines is cross-referenced and the documents work in conjunction with each other. If, when using the DCP, clarification of any matter is required, refer to the above primary legislative documentation.

11.2 CONTAMINATED LAND

11.2.1 Decision Making Process

In determining all Planning Proposals and development applications, Council will consider the possibility of land contamination and the implications it has for any proposed or permissible future uses of the land. A precautionary approach will be adopted to ensure that any land contamination or hazardous materials issues are identified and dealt with early in the planning process.

Council is required to assess and determine all Planning Proposals in accordance with Ministerial Direction 4.4 – Remediation of land under s.9.1 of the EP&A Act and development applications in accordance with the relevant provisions contained within *SEPP (Resilience and Hazards) 2021*.

Initial Evaluation

As part of every Planning Proposal and development application, Council will conduct an initial evaluation to determine whether contamination is an issue, and whether sufficient information is available for Council to appropriately carry out its planning functions. The initial evaluation checklist is to be addressed on the basis of readily available information held by the Council or provided by the applicant (Also refer to section 3.2.1 of *Managing Land Contamination: Planning Guidelines*).

Initial Evaluation checklist –

(a) Is the Council aware of any previous investigations about contamination on the land? What were the results, including any previous initial evaluations?

(b) Do existing Council records show that an activity listed in the Managing Land Contamination Planning Guidelines has ever been approved on the land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)

(c) Was the subject land at any time zoned for industrial, agricultural, or defence purposes?

(d) Is the land currently used for an activity listed in the Managing Land Contamination Planning Guidelines?

(e) To the Council's knowledge, has the land ever been regulated through licensing or other mechanisms in relation to any activity listed in the Managing Land Contamination Planning Guidelines?

(f) Are there any land use restrictions on the land relating to possible contamination, such as notices issued by the NSW Environment Protection Authority or other regulatory authority?

(g) Does a site inspection conducted by the Council (optional) suggest that the site may have been associated with any activities listed in the Managing Land Contamination Planning Guidelines?

(h) Is the Council aware of information concerning contamination impacts on land immediately adjacent to the subject land which could affect the subject land?

If none of the answers suggest that the land might be contaminated or that further enquiry is warranted, the planning process should proceed in the normal way. Further reference to this Section of the DCP will only be necessary if contamination is identified on site during development.

If the initial evaluation indicates that contamination is or may be present, or the Council has insufficient information on which to make a planning decision, then the applicant will be required to engage a suitably qualified consultant to undertake further investigations, as indicated below. The appropriate level of investigation will depend on the circumstances and may involve one or more of the following stages:

Stage 1 - Preliminary Investigation

Stage 2 - Detailed Investigation

Stage 3 - Remedial Action Plan

Stage 4 - Validation and Monitoring

These four stages are described in further detail in the following subsection of the DCP.

Procedures for Planning Proposals

Council must consider contamination issues in accordance with Ministerial Direction 4.4 – Remediation of land under s.9.1 of the EP&A Act when determining a Planning Proposal.

In addition to these requirements, if Council has reasonable grounds to suspect that the land may be contaminated because of the land's history, condition or other information known to Council, Council will require the submission of:

(a) a *Preliminary Investigation*; or

(b) a combined *Preliminary Investigation* and *Detailed Investigation* for a site specific Planning Proposal.

Where a Planning Proposal involves the rezoning of land that covers a large area (e.g. precinct or LGA based) Council may include provisions in an LEP or DCP to ensure that the potential for contamination and the suitability of the land for any proposed use is further addressed prior to the redevelopment of the land.

Subsection 11.2.2 to this Part of the DCP outlines when and what information Council will require relating to site contamination issues to be submitted with a Planning Proposal.

Procedures for Development Applications

Council must consider contamination issues in accordance with cl.4.6 to *SEPP (Resilience and Hazards) 2021*when determining a development application.

Contamination issues may be addressed by refusing consent, or by issuing consent subject to conditions. In appropriate cases, deferred commencement consent might be issued, requiring remediation and validation to be undertaken prior to other work commencing. Modifications of development applications will be considered under this DCP in the same way as new development applications.

All land affected by a planning decision will be considered under this Section of the DCP. For example, where a development application proposes to dedicate land for open space, the suitability of that land for open space will be considered under this DCP. The Council may require a *Preliminary Investigation* or *Detailed Investigation* and a deed of indemnity in these cases.

Subsection 11.2.2 to this Part of the DCP outlines when and what information Council will require relating to site contamination issues to be submitted with a development application.

11.2.2 Contamination Investigation and Reporting

Due to the technical nature, specialised issues and potential risks to life from contamination, the investigation and reporting requirements set out in the following four stages must be undertaken by a suitably qualified consultant and all associated costs must be borne by the applicant. EPA accredited auditors will be accepted as being suitably qualified consultants.

Stage 1 - Preliminary Investigation

Stage 1 involves identifying past or present potentially contaminating activities. The purpose of the investigation is to determine whether further detailed investigation is warranted due to the likelihood or evidence of contamination.

Note: *Information sources that may be useful in understanding the history of a site include the following:*

- *Past aerial photographs*
- *Council records - town planning, scheme maps, development and building applications, complaints, pollution incident reports*

- *Local Historical Publications - documents particularly relevant to North Sydney are listed in a Council document "SEPP Research Documents" (1 June 1999.)*
- *Current and previous site owners and occupiers*
- *Current and previous site workers*
- *Long-term residents*
- *Past and Present Telephone Books*
- *Noxious Trades register formerly kept pursuant to the* Noxious Trades Act 1902 *(repealed 18 November 1991)*
- *Sands Sydney and New South Wales Directory 1858-1932/3*
- *NSW Environment Protection Authority Section 35 Notices, past and present scheduled premises.*
- *Sydney Water Corporation Trade Waste Agreements*
- *Work Cover Authority Dangerous Goods Branch*
- *Power sites containing present and past electrical substations*

The level of investigation must be appropriate to the potential risk from contamination. An investigation is not necessary at the rezoning stage if there is no reason to suspect contamination.

P1 A *Preliminary Investigation* is required to be submitted to Council in accordance with Ministerial Direction 4.4 – Remediation of land under s.9.1 of the EP&A Act, cl.4.6 to *SEPP (Resilience and Hazards) 2021*, and the DoP's *Managing Land Contamination: Planning Guidelines*.

P2 Council may also require a Preliminary Investigation to be submitted when:

(a) Council has reasonable grounds to believe the land is contaminated because of the land history, condition, or other information known to Council;

(b) The site has been investigated or remediated but there is insufficient information available about the nature and extent of contamination or remediation, or the circumstances have changed;

(c) There are restrictions on, or conditions attached to, the use of the site by a regulatory or planning authority that are, or may be, related to contamination, but there is insufficient information available about the nature and extent of contamination;

(d) Council records indicate that the site is or may be associated with pollution incidents or dumping of wastes;

(e) The site adjoins land that has been associated with activities that may cause contamination listed in DoP's *Managing Land Contamination: Planning Guidelines*.

(f) and it is possible that contamination may have migrated to the subject site;

(g) A spot rezoning is proposed to allow a specific development or land use. In these cases a preliminary and detailed investigation may be required to prove the land is suitable for the development or can and will be made suitable; or

(h) The site history is unclear and the site is proposed to be used for residential, educational, recreational, medical or child care uses.

P3 *Preliminary Investigations* and *Detailed Investigations* may be combined into a single report where land is known to contain or have contained a potentially contaminating activity.

If the results of the preliminary investigation conclusively demonstrate that there is no potential for, or existence of, contamination that makes the land unsuitable for the proposed use, then Council will not require any further investigations to be conducted.

Stage 2 – Detailed Investigation

The purpose of Stage 2 is to determine the nature, extent and degree of contamination existing on a site and to assess the risk posed by contaminants to human health and the environment. This information is then used to prepare a *Remedial Action Plan*, if necessary.

P1 A *Detailed Investigation* is required to be undertaken when the results of the *Preliminary Investigation* demonstrate the potential for or existence of contamination that may affect the proposed use of the land.

P2 The *Detailed Investigation* must be undertaken and reported in accordance with the DoP's *Managing Land Contamination: Planning Guidelines*.

P3 The Detailed Investigation must include a statement outlining whether the site is suitable for the proposed use in its current state, or if remediation is necessary to make the site suitable for the proposed use. If remediation is required, the report should also list the feasible remediation options available to remediate the site (refer to section 11.2.5 - Site Audit).

Stage 3 –Remedial Action Plan

The purpose of Stage 3 is to identify and establish remediation objectives, clean up criteria and a strategy for remediation. The *Remedial Action Plan* is also to identify any approvals that need to be obtained from regulatory authorities (refer to the provisions of Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021*).

Prior to determining a development application, Council must be satisfied that remedial measures have been, or will be, undertaken in accordance with the submitted *Remedial Action Plan*, to make the site suitable for the proposed use.

Remedial works may require separate development consent (refer to section 11.2.3 - Control of remediation work). If development consent is required for remediation of contaminated land, a *Remedial Action Plan* must be submitted with the development application for approval.

P1 A *Remedial Action Plan* must:

(a) be submitted to Council in accordance with the DoP's *Managing Land Contamination: Planning Guidelines* if the detailed investigation concludes that the land is not suitable for the proposed use in its present state;

(b) demonstrate how the applicant or their consultant proposes to reduce risks to acceptable levels and achieve the clean up objectives for the site;

(c) document remedial works to be undertaken at the site and address the matters covered in subsection 11.2.4.

P2 A *Remedial Action Plan* should include an *Environmental Management Plan*.

P3 Council may require site auditor comment on the proposed remediation objectives, and clean up criteria, prior to the *Remedial Action Plan* being finalised (refer to subsection 11.2.5 - Site Audit).

Depending upon the level of information available at the time of assessing a Development Application, the requirement for a *Remedial Action Plan* may be imposed as a condition of consent.

Stage 4 –Validation and Monitoring Report

The purpose of Stage 4 is to confirm that the objectives stated in the *Remedial Action Plan* have been achieved and that any relevant conditions of development consent have been complied with.

P1 A *Validation and Monitoring Report* is required to be submitted to Council in accordance with the DoP's *Managing Land Contamination: Planning Guidelines* after remediation works have been completed, and prior to the commencement of new building construction works approved in an associated development consent.

P2 Applicants are encouraged to use the same consultant who conducted the Preliminary Investigation, Detail Investigation and remediation works to prepare the Validation and Monitoring Report.

P3 Council will need to be satisfied that the site is suitable for the proposed use when considering any subsequent development applications for the subject site. Hence it is recommended that comprehensive records are maintained during the remediation and validation works for all sites (See subsection 11.2.5 - Site audit.).

Usually Council will place a condition on any development consent granted requiring the submission of a *Validation and Monitoring Report* prior to the issuing of a Construction Certificate. Alternatively, Council may issue a deferred commencement consent for the proposed use, requiring that remediation and validation is undertaken prior to other work commencing.

11.2.3 Control of Remediation Work

Remediation comprises work carried out for the purpose of removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land, or eliminating or reducing any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on the land).

Remediation work is regulated by Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021* (refer to clauses 4.7-4.15 of the SEPP) and the DoP's *Managing Land Contamination: Planning Guidelines*.

Remediation work typically falls into either Category 1 or Category 2 works. Development consent is required to undertake Category 1 remediation works, but not for Category 2 works. Broadly speaking, Category 2 remediation work is all remediation work that is not Category 1. The full definition of Category 1 remediation work is contained with clauses 4.8 and 4.10 to *SEPP (Resilience and Hazards) 2021*.

P1 Remediation work must be undertaken in accordance with the relevant provisions of Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021*and the DoP's *Managing Land Contamination: Planning Guidelines*.

P2 In addition to P1, Category 2 remediation must comply with the site management requirements set out in subsection 11.2.4 of this Part of the DCP. Category 2 remediation work that does not comply with Subsection 11.2.4 of this Part of the DCP will be classified as Category 1 remediation work and will require development consent.

P3 Comprehensive records should be maintained during the undertaking of remediation and validation works for all sites to demonstrate that the site will be suitable for the proposed use.

11.2.4 Site Management Requirements

All Category 2 remediation work must be carried out in accordance with the following site management requirements. These requirements apply to the whole of the North Sydney LGA and have been formulated to ensure that Category 2 remediation work does not adversely impact upon the environment and public amenity.

Category 2 remediation work that does not comply with these requirements will be classified as Category 1 remediation work and will require development consent.

Development applications lodged for Category 1 remediation work should identify any departures from these requirements and any alternative site management measures to be implemented.

Note: *Refer to parts 4.4-4.6 of the Managing Land Contamination: Planning Guidelines in regard to assessment of development applications.*

Remediation Work

P1 All remediation work must be carried out in accordance with:

(a) the *Managing Land Contamination: Planning Guidelines*; and

(b) the standards contained within the NSW Environment Protection Authority guidelines made under the *CLM Act 1997*.

Notification

P2 Notice of proposed work must be given to the Council in accordance with Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021*, clause 4.13.

Note: *Clause 4.13 SEPP (Resilience and Hazards) 2021 requires that the notice to Council must:*

(a) be in writing, and

(b) provide the name, address and telephone number of the person who has the duty of ensuring that the notice is given, and

(c) briefly describe the remediation work, and

(d) show why the person considers that the work is category 2 remediation work by reference to clauses 4.8, 4.11 and (if it applies) 4.12(1) to SEPP (Resilience and Hazards) 2021, and

(e) specify, by reference to its property description and street address (if any), the land on which the work is to be carried out, and

(f) provide a map of the location of the land, and

(g) provide estimates of the dates for the commencement and completion of the work.

At least 30 days notice is also required, except in the case of work required to be carried out immediately under the terms of a remediation order (in which case, at least 1 day's notice is required).

P3 The following additional information must be submitted with the notice to the Council:

(a) copies of any Preliminary Investigation, Detailed Investigation and Remedial Action Plan for the site, and

(b) contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements.

Hours of Operation

P4 All remediation work shall be conducted within the following hours (unless consent conditions provide otherwise):

Monday – Friday:	7am - 5pm
Saturday:	8am - 1pm
Sundays or Public Holidays:	No work is permitted

Health and safety

P5 The work must satisfy applicable occupational health and safety and construction safety regulations, including any Work Cover Authority requirements to prepare a health and safety plan. Site fencing must be installed to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and a contact telephone number provided for enquiries.

Noise

P6 Noise emissions must comply with relevant standards under the Protection of the Environment Operations Act 1997. Vibration from the works must not be felt on any adjoining property.

Air quality

P7 Materials must not be burnt on the site.

P8 Vehicles entering and leaving the site with soil or fill material must be covered.

P9 Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of NSW Department of Environment and Heritage's

Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out to avoid effects on adjoining properties.

Water quality

P10 Runoff must be drained to an adequately bunded central collection sump and treated, if necessary, to meet NSW Environment Protection Authority discharge criteria.

Erosion and sediment control

P11 Erosion and sediment control techniques are to be in accordance with North Sydney Council guidelines on Erosion and Sediment Control. All remediation works shall be conducted in accordance with an erosion and sediment control plan that follows the brochure *Preparing an Erosion and Sediment Control Plan* published by the Department of Conservation & Land Management. The plan must be kept on-site and made available to Council officers on request (See also Council's leaflet *Erosion and sediment control for urban development*).

P12 Erosion and sediment control measures must be established prior to commencement of work. All erosion and sediment measures must be maintained throughout the remediation works.

P13 Temporary stockpiles of contaminated materials must be kept in a secure area. Facilities must be installed for cleaning vehicles prior to leaving the site. Detailed designs for any pollution control system, including leachate collection and disposal, must be provided to the Council with notice of proposed work required pursuant to cl.4.13 to *SEPP (Resilience and Hazards) 2021*.

Waste

P14 Any removal of contaminated solids from the site must comply with relevant laws for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed of on land without:

(a) permission of the land owner; and

(b) development consent from the relevant local council (if required); and

(c) an environment protection licence from the NSW Environment Protection Authority.

Landscaping and rehabilitation

P15 Disturbed areas must be progressively stabilised and revegetated in accordance with a landscape plan.

Remedial Action Plan

P16 The remediation work must be carried out in accordance with a Remedial Action Plan prepared in accordance with Chapter 4 – Remediation of Land to *SEPP (Resilience and Hazards) 2021*, the DoP's *Managing Land Contamination: Planning Guidelines*, this DCP and any relevant guidelines issued under the *CLM Act 1997*.

Validation

P17 A validation and site monitoring report prepared in accordance with relevant guidelines issued under the *CLM Act 1997* must be submitted to the Council within one month from completion of the remediation work.

P18 All validation and site monitoring reports must be completed by a suitably qualified environmental consultant.

P19 A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council. The plan must identify the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

Community information

P20 Reasonable measures must be undertaken by the applicant to keep nearby residents informed about the proposed work, such as signs, leaflets, public meetings, and telephone contact numbers.

Compliance with legislation

P21 Compliance with relevant environmental legislation and planning guidelines is required in addition to the provisions in this section.

Post remediation works

P22 Following validation of the site, notice of completion must be submitted to Council in accordance with clauses 4.14 and 4.15 to *SEPP (Resilience and Hazards) 2021*and within 30 days of completion of the work.

P23 A copy of the validation report must also be submitted to Council with the notice of completion.

11.2.5 Site Audit

A site audit comprises an investigation to determine one or more of the following:

(a) the nature and extent of contamination of land

(b) the nature and extent of the investigation or remediation

(c) what investigation or remediation is necessary before land is suitable for any specified use or range of uses

Council may request a site audit to be undertaken at any or all stages in the site investigation or remediation process. In accordance with the *Managing Land Contamination Planning Guidelines*, Council will require a site audit prepared by an Environment Protection Authority accredited auditor for contaminated land if Council:

- believes on reasonable grounds that the information provided by the applicant is incorrect or incomplete;
- wishes to verify whether the information provided by the applicant has adhered to appropriate standards, procedures and guidelines; or
- does not have the internal resources to conduct its own technical review.

A site audit will be required in most cases, as the Council will usually want to verify whether the information provided by the applicant has followed appropriate standards, procedures and guidelines. The Council will not usually have the internal resources to conduct its own technical review. The applicant is responsible for engaging an accredited auditor to perform a site audit and to pay the costs involved.

When Council requests a site audit, it will also specify any issues to be included in the audit, as well as requiring a site audit to address any issues raised in s.53B of the CLM Act 1997.

Requirements

P1 The following are examples of issues that Council may request a NSW EPA accredited auditor for contaminated land to address when conducting a site audit:

(a) Has the contaminated land consultant complied with all appropriate standards, procedures and relevant NSW EPA guidelines?

(b) What further investigation or remediation is required before the land is suitable for any specified use or range of uses?

(c) Whether the auditor considers that the proposed remediation is adequate, and if undertaken, will render the site to be suitable for the proposed use?

(d) Whether it can be concluded that there is no unacceptable off-site migration of contaminants?

(e) Whether the contamination conditions at the site are suitable for in-ground absorption of stormwater?

P2 Either the applicant or the appointed auditor shall liaise with Council during the preparation of the site audit to ensure that the scope of the site audit addresses the concerns raised by Council.

P3 For sites that raise complex issues, the site auditor should be engaged during the investigation processes and planning of remedial action, liaising with the consultant and the Council to streamline these processes. The following steps (P4 to P6) may then be undertaken.

P4 The auditor may provide a statement to Council indicating that remediation of the site is feasible and environmentally justifiable, and that following remediation, the site is likely to be suitable for its intended use.

P5 The auditor can review the remedial action plan prepared by the consultant and be satisfied that issues relating to remediation policy, scheduled waste management and off site disposal consents are properly addressed.

P6 The auditor can review the validation report prepared by the consultant and decide if the site is suitable for its intended purpose and that issues such as groundwater contamination, and contaminant migration have been adequately addressed.

Site Audit Statements

The NSW Environment Protection Authority Guidelines for the NSW Site Auditor Scheme indicate the content and format of site audit statements (see also S.53B of the *CLM Act 1997*, and the *CLM Regulation 2022*).

Before issuing a site audit statement, the site auditor must prepare and finalise a summary site audit report. The EPA Guidelines for the NSW Site Auditor Scheme outlines what must be included in a site audit report.

11.2.6 Council records and community information

Council has an important role in supplying the community with information regarding land use history, land contamination and remediation. Council also has a statutory responsibility under s.59 of the *CLM Act 1997* to include information provided to Council by either the EPA or accredited auditors on Certificates issued under s.10.7 of the *EP&A Act 1979*.

The process of information collection about land contamination is an ongoing process. Information concerning contaminated land will be added to Council's property information system when development applications are processed or when information is provided to the consent authority via other sources.

Information Management

The Council does not hold comprehensive information about land contamination. In the past, little information was kept about contaminated land. The information that Council does have on record relating to contamination generally relates to only a very small number of sites. Council is aware of some land where potentially contaminating land uses have taken place. It is possible that some of these sites are contaminated and that others are not, but can not be determined until further detailed investigations have been undertaken. It is also possible that there are some parcels of land which are contaminated in the local government area that is not known to the Council.

Land contamination is dynamic and no information system can record the nature of all contamination within the local government area at any one time. Council records will change over time as information comes to light. Specifically, the following information will be added to the record for individual parcels of land from time to time:

- Information contained in development applications, indicating use for a potentially contaminating activity listed in the Managing Land Contamination Planning Guidelines.

- Reports submitted to Council, including preliminary investigation, detailed investigation, remedial action plans, validation and monitoring reports, and site audit statements.
- NSW Environment Protection Authority declarations and orders issued under the CLM Act 1997 (including voluntary investigation and remediation proposals agreed by the NSW Environment Protection Authority).
- Prior notification of Category 2 remediation works.
- Notification of completion of Category 1 and Category 2 remediation work.

Information about land contamination held within the Council's records will be supplied to the public by the following means (subject to payment of any prescribed fees):

- By issuing Planning Certificates (s.10.7 Certificates) on application to Council.
- By providing access to documents in accordance with the *Government Information (Public Access) Act 2009* and other legislation.

Information relating to land contamination or the likelihood of land contamination is gathered, kept and disseminated, so as to:

- Provide a basis for informed planning decisions that consider land use history
- Provide reliable information to the community
- Minimise risk to health and the environment
- Avoid unnecessary restrictions on development
- Acknowledge any limitations on information, such as its degree of uncertainty or accuracy, and the purpose and time it was collected

Planning Certificates

All Planning Certificates issued under s.10.7(2) of the *EP&A Act 1979* will state that Council has adopted this development control plan, as well as the information required under s.59(2) of the CLM Act 1997, where the land is:

- significantly contaminated land;
- subject to a management order;
- subject of an approved voluntary management proposal;
- subject to an ongoing maintenance order; or
- subject of a site audit statement.

In addition, a Planning Certificate issued under s.10.7(2) will indicate, pursuant to Clause 10 to Schedule 2 of the *EP&A Regulation 2021*, whether the land has been identified by Council as having the potential to be contaminated due to previous activities carried out on the site.

When a Planning Certificate is requested under s.10.7(5) of the *EP&A Act 1979*, Council will provide additional information known to Council about site contamination issues, including that the site may be contaminated because of past zonings or uses, the existence of reports on past site investigations, notifications of remediation, site audit statements, and the like.

11.3 HAZARDOUS BUILDING MATERIALS

There are some instances where buildings have been constructed with or fitted with hazardous building materials. These materials are often inert when left in situ, however can become hazardous to a person's health when disturbed. The following subsection sets out the investigations, reporting requirements and removal and disposal methods required to be provided or carried out.

11.3.1 Initial Investigation

Council will conduct an initial evaluation as part of every development assessment to determine whether hazardous building materials are an issue, and whether sufficient information is available for Council to appropriately carry out its planning functions. The initial evaluation checklist is to be addressed on the basis of readily available information held by the Council or provided by the applicant. In completing the checklist, the following questions are to be considered:

(a) Is the Council aware of any previous investigations about hazardous building materials on the land? What were the results, including any previous initial evaluations?

(b) Was the subject land at any time used for commercial premises, industrial premises, telecommunication facilities, transport facilities, electrical facilities, water supply facilities, sewerage facilities, agricultural purposes or defence purposes?

(c) Was the affected building(s) constructed prior to 1970?

If none of the answers suggest that the land might contain hazardous building materials or that further enquiry is warranted, the planning process should proceed in the normal way. However, if the initial evaluation indicates that hazardous building materials may be present, or the Council has insufficient information on which to make a planning decision, then the applicant will be required to undertake further investigations. In particular, the applicant will be required to submit a Hazardous Building Materials Survey Report.

11.3.2 Hazardous Building Materials Survey Report

P1 A Hazardous Building Material Survey Report is required to be submitted with the lodgement of all Development Applications involving demolition of the following:

(a) Commercial, industrial and retail buildings with a gross floor area of greater than 500m^2;

(b) Transport, telecommunications, electrical, water or sewerage facilities or structures; or

(c) Any building on a site, where it is proposed to be used for child care purposes.

Based on its initial assessment of a Development Application, Council may impose a condition on a development consent for other types of development requiring the submission of a Hazardous Building Material Survey Report to Council prior to the issue of a Construction Certificate.

P2 The associated investigations are required to be carried out in accordance with the requirements of the relevant NSW Environment Protection Authority guidelines.

P3 The associated investigations and report must be completed by a suitably qualified consultant to undertake the preliminary investigation and to pay all the costs involved (EPA accredited auditors will be accepted as being suitably qualified consultants).

P4 The investigations should involve at least a visual inspection of accessible and representative construction materials and the collection and analysis of materials suspected of containing hazardous materials.

P5 The inspection should identify the presence of any of the following materials:

(a) **Asbestos:** The assessment must be carried out in accordance with the guidelines documented in the Asbestos Code of Practice for the Management and control of Asbestos in Workplaces [NOHSC:2018 (2005)] and the *Protection of the Environment Operations (Waste) Regulation 2014*.

(b) **Synthetic Mineral Fibres (SMF):** Investigations should be made of electrical insulation, plumbing materials, heat insulation, acoustic insulation and fire insulation. The materials should be broken down into their main groupings consisting of:

(i) Continuous Glass Filaments;

(ii) Fibreglass, glass fibre or glasswool;

(iii) Rockwool; and

(iv) Ceramic Fibres

(c) **Polychlorinated Biphenyls (PCBs):** All light fittings should be inspected for the presence of PCB containing capacitors. The capacitors are to be cross referenced with the ANZECC Identification of PCB Containing capacitors database -1997.

(d) **Lead-containing Paint:** Representative painted surfaces are to be tested. Investigations should be focused on areas where lead based paint would have been traditionally used, such as exterior gloss paints, window and door architraves, skirting boards.

(e) **Ozone depleting substances:** Inspection of refrigerant gas labels on representative refrigeration and or air conditioning plants are to be noted and documented. Where there are no labels, assessment is to be based on the age and condition of the plant.

P6 The Report is also to provide general recommendations for the removal, of the hazardous materials, including the preparation of detailed document such as a Management Plan, Technical Scope of Works, SafeWork, Method Statements and Risk Assessments to appropriately address health and safety issues associated with the specific work and site conditions. The recommended conditions contained in any of the above reports may be included as conditions to a development consent.

11.3.3 Removal of Hazardous Building Materials

The removing, dispersing, destroying, reducing, mitigating or containing of hazardous building materials on any land, or eliminating or reducing any hazard arising from its removal must be undertaken in accordance with the following documents or legislation:

- *Work Health and Safety Act 2011*,
- *Work Health and Safety Regulation 2017*,
- The NSW WorkCover Code of Practice for the Safe Use of Synthetic Mineral Fibres,
- National Occupational Health and Safety Commission's National Code of Practice for the Safe Use of Synthetic Mineral Fibres,
- Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1988)].

Council may impose a condition on a development consent requiring the applicant to comply with these documents and legislation.

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PART C

HERITAGE CONSERVATION

PREFACE

North Sydney has a rich and diverse heritage. It comprises buildings, structures, places, aboriginal and archaeological sites, lookouts, streetscapes, urban patterns, parks and reserves, all of which contribute to the area's cultural life, sense of place and identity.

North Sydney's heritage is identified through the provisions of the LEP (heritage items and heritage conservation areas) and the DCP (contributory, neutral or uncharacteristic items). Each heritage item and heritage conservation area has special qualities. These qualities are intrinsic to their value and make them significant.

The need to accommodate more residents and workers within a constrained area is placing increased pressures on the ability to retain and protect the LGA's heritage. This section of the DCP seeks to provide a balance between these conflicting issues.

Part C of the DCP comprises the following sections:

Section 1:	Introduction
Section 2:	Aboriginal heritage
Section 3:	Archaeological (non-Aboriginal heritage)
Section 4:	Development in the Vicinity of Heritage Items
Section 5:	Heritage Items
Section 6:	Heritage Conservation Areas
Section 7:	Subdivision and Lot Amalgamation
Section 8:	Demolition
Section 9:	Specific Building Elements
Section 10:	Guidelines for residential building types
Section 11:	Guidelines for non-residential building types
Section 12:	Heritage in the Public Domain

Guiding Statement

North Sydney's heritage is a tangible link between the past and present. How it is managed today will determine whether it can still be a link for present and future generations in accordance with the principles of intergenerational equity. Council's commitment to protecting North Sydney's heritage resources is expressed in the Guiding Statement.

Heritage conservation does not preclude change. The challenge is to manage pressures for increased development and contemporary living standards in ways that allow the rich tapestry of the historic environment to be retained for present and future generations.

Council will work to protect North Sydney's heritage by:

(a) Ensuring Council decisions are consistent with policy as expressed in the LEP and the DCP;

(b) Acknowledging the importance Aboriginal occupation and protecting sites that are important to Aboriginal culture and history;

(c) Acknowledging and protecting North Sydney's archaeological remnants;

(d) Committing to responsible management of Council's own heritage resources and heritage in the public domain;

(e) Not supporting developments that remove or significantly reduce the heritage significance of any heritage item;

(f) Striving to achieve an appropriate balance between contemporary expectations, environmental sustainability and protecting the elements that make an item significant or important to a conservation area's character;

(g) Acknowledging and protecting the setting of heritage items; and

(h) Permitting flexible yet sensitive adaptation of heritage affected sites where appropriate. Council responds to guidance from and the planning principles of the NSW Land and Environment Court

Burra Charter

Council acknowledges the principles of and practices recommended by the Burra Charter in the conservation of items of cultural heritage and have informed the preparation of this section of the DCP. The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places). The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

When preparing a development application, the principles of the Burra Charter should be applied. It advocates a cautious approach to change: *do as much as necessary to care for the place and to make it useable but otherwise change it as little as possible so that cultural significance is retained*. In the event of any inconsistencies between the Burra Charter and the DCP, the DCP will prevail.

SECTION 1 INTRODUCTION

1.1 GENERAL OBJECTIVES

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

O1 establish a framework for detailed heritage and conservation planning in North Sydney;

O2 ensure that Aboriginal heritage and archaeology are taken into consideration;

O3 ensure that the assessment of applications for works on or in heritage items, heritage conservation areas and in the vicinity of heritage, are based on the identified heritage significance of the heritage item, conservation area, property, location or place;

O4 ensure that supporting documentation is appropriate to the scale of the proposed works and heritage significance of the heritage item, conservation area, property, location or place;

O5 facilitate opportunities to improve the understanding and/or appreciation of the heritage significance of any heritage item, conservation area, property, location or place; and

O6 encourage sustainable development practices through the reuse and recycling of the existing building stock as appropriate.

1.2 WHEN DOES THIS PART OF THE DCP APPLY?

This Part of the DCP applies to:

(a) properties that are individually listed as heritage items;

(b) properties that form part of a group heritage item listing;

(c) properties and structures within heritage conservation areas; and

(d) properties within the vicinity of heritage items and heritage conservation areas.

1.3 RELATIONSHIP TO OTHER PLANNING POLICIES AND REQUIREMENTS

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

- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Burra Charter); and

  Note: *The Burra Charter was first adopted in 1979 and is periodically updated to reflect developing understanding of the theory and practice of cultural heritage management.*

- *Design In Context: Guidelines for infill development in the historic environment*, 2005 (NSW Heritage Office).

In some instances, it may be difficult to reconcile all legislative requirements and heritage values. Council will exercise discretion where appropriate but reserves the right to refuse applications where the objectives or aims of this or other policies are not met.

Where a BASIX Certificate is required, applicants are encouraged to check compliance with BASIX well before the intended lodgement date of the development application as modifications can be required to achieve compliance.

A development application for land which contains an item listed on the State Heritage ~~Inventory~~ Register under the *Heritage Act 1977* is 'integrated development' under Part 4 Division 4.8 of the *EPA&A Act* requiring the general terms of approval from the Heritage Council of NSW before consent is able to be granted to the application.

1.4 WHEN IS DEVELOPMENT APPROVAL REQUIRED?

Not all maintenance works or development to a heritage item or property within a heritage conservation area requires the lodgement of a development application or the obtaining of development approval. Table C-1.1 provides a guide to the application and approval process for works to a heritage item or to development within a heritage conservation area.

TABLE C-1.1: Development Approval Requirements	
Category 1 Minor routine maintenance	No application required No development approval required
Category 2 Routine maintenance	Written request to Council required Council's authorisation required
Category 3 Exempt development	Written request to Council may be required Council's authorisation may be required
Category 4 Complying development	Complying development certificate required to Council or an accredited certifier Complying development certificate required
Category 5 All other works not identified	Development application to Council required Development consent required

Note: *If you are unsure about the notification requirements for a particular type of work or development, contact Council's Planning Advisors.*

Unless otherwise stated, Table C-1.2 applies to all heritage items, and to all properties and structures identified as contributory, neutral and uncharacteristic items within heritage conservation areas.

TABLE C-1.2: Approval requirements for various examples of development types	
Type of Work	**Typical Examples**
Category 1 – Minor routine maintenance	
Description: Work to protect and care for a building or work. Approval requirements: Development consent is not required for minor routine maintenance works. Such works are permitted as *exempt development* pursuant to satisfying the provisions of cl.3.1 and Schedule 2 to NSLEP 2013. In particular, refer to development type – "*Minor routine maintenance of buildings identified as a heritage item or within a conservation area*" within Schedule 2 of NSLEP 2013. Application requirements: No application required	• Replacement of screws and bolts to secure fixtures. • Re-hinging doors and gates. • Replacement of plumbing and wiring which does not involve the replacement of fixed floor, wall or ceiling linings. • Repairing (excluding the replacement of floorboards), sanding, polishing or oiling floorboards. • Removal or replacement of floor coverings (excluding the removal of floorboards attached to joists or concrete slabs). • Maintenance or upgrade of kitchens or bathrooms (excluding the removal of walls, widening of openings, demolition of chimney breast or fireplaces). • Removal or replacement of built in cupboards. • Removal or replacement of internal light fittings. • Repainting internal surfaces of a building. • Replacement of broken glass panes within windows and does not involve a change in the opacity or colour of the glass. • Replacement of broken roof tiles.

TABLE C-1.2: Approval requirements for various examples of development types	
Type of Work	**Typical Examples**
Category 2 – Routine maintenance	

Description:
Work to protect and care for a building or work.
Work that does not alter the structure of the building.
Approval requirements:
Written authorisation must be obtained from Council that states that the proposed works will not have an adverse impact on the heritage significance of an item or conservation area in accordance with cl.5.10(3)(a) of NSLEP 2013.
Application requirements:
The applicant must notify Council in writing and Council must confirm or advise in writing that it is satisfied that the proposed development will not adversely affect the heritage significance of the heritage item.
Refer to s.1.6 to Part C of the DCP for the information to be included in a letter to Council requesting approval to undertake routine maintenance.
If you are unsure about the notification requirement for a particular type of routine maintenance, contact Council's Planning Advisors.
	• Repair, replacement, restoration or reconstruction of:
	  ○ front fences
	  ○ paths
	  ○ roofing
	  ○ letter boxes
	  ○ decks
	  ○ damaged guttering
	  ○ damaged tuck pointing or roughcast rendering
	  ○ handrails
	  ○ steps
	  ○ timber windows, doors or joinery
	• Repair or repainting of:
	  ○ chimneys
	  ○ verandahs
	  ○ balcony balustrades
	  ○ valences
	• Repair of existing tiling to:
	  ○ balconies
	  ○ verandahs
	  ○ front steps
	  ○ pathways
	• Replacing or maintaining gardens with compatible plants, trees, shrubs and lawns.
	• Removal of unsympathetic and non-original features to the building.
	• Garden maintenance.
	• Any other minor maintenance or restoration works not listed above that Council considers are not likely to have an adverse impact on heritage significance.

Category 3 – Exempt development	
Description: Development that is considered minor and will have a minimal impact on the local environment. Approval requirements: Development consent is not required for exempt development provided the requirements outlined in cl.3.1 and Schedule 2 of NSLEP 2013 are satisfied or the relevant provisions of any applicable SEPPs. Application requirements: Depending on the type of exempt development, the applicant may be required to notify Council in writing and Council must confirm or advise in writing that it is satisfied that the proposed development would not adversely affect the heritage significance of the item. Refer to s.1.6 to Part C of the DCP for the information to be included in a letter to Council requesting approval to undertake exempt	Refer to Schedule 2 of NSLEP 2013 for a complete list of exempt development applicable to heritage items or properties within a heritage conservation area. In addition, refer to the relevant sections of the following State Environmental Planning Polices (SEPPs) that relate to exempt development: • *SEPP (Exempt and Complying Development Codes) 2008* • *SEPP (Transport and Infrastructure) 2021*

TABLE C-1.2: Approval requirements for various examples of development types	
Type of Work	**Typical Examples**
development. If you are unsure about the notification requirement for a particular type of exempt development, contact Council's Planning Advisors.	
Category 4 - Complying development	
Description: Low impact development types that can be addressed by predetermined development standards. *Complying development does not apply to heritage items listed in Schedule 5 of NSLEP 2013.* Complying development may apply to contributory, neutral and uncharacteristic items within a heritage conservation area. Approval requirements: Development consent is not required for complying development types permitted under applicable SEPPs. To carry out the development you must obtain a Complying Development Certificate from an accredited certifier, or Council. If your application is successful, accredited certifier or Council will issue a Complying Development Certificate, subject to conditions. Application requirements: A Complying Development Certificate must be lodged on the NSW Planning Portal with Council or an accredited certifier nominated as the certifying authority.	Refer to the relevant sections of the following State Environmental Planning Polices (SEPPs) that relate to complying development: • *SEPP (Exempt and Complying Development Codes) 2008* • *SEPP (Transport and Infrastructure) 2021*
Category 5 – Development consent	
Description: Development not identified in Categories 1 to 4 inclusive. Approval requirements: Development consent is required pursuant to Clause 5.10(2) of NSLEP 2013. Application requirements: Development application to be submitted to Council or other consent authority.	All other works not identified above.

1.5 UNDERSTANDING YOUR PROPERTY'S HISTORY

There are number of ways to determine the heritage significance of heritage items and conservation areas.

Heritage Inventory data sheets

The first source of information is to determine if there is a Heritage Inventory data sheet for the heritage item or conservation area. Heritage Inventory data sheets have been prepared for all heritage items and conservation areas listed in Schedule 5 to NSLEP 2013. The data sheets are available from NSW Heritage at: *https://www.environment.nsw.gov.au/topics/heritage/search-heritage-databases/state-heritage-inventory* ~~or from the Heritage Centre at Stanton Library, 234 Miller Street, North Sydney~~.

It should be noted that not all data sheets are comprehensive and limited details on the data sheet does not mean that the heritage item is not significant.

Researching property history

Where a Heritage Inventory data sheet for a particular heritage item does not have a detailed documented history, additional research is necessary.

The purpose of undertaking research into a property's history is to assist property owners and applicant to understand the significance of the item or place which in turn should help to inform future development options. It also assists Council in considering how a proposed development has taken into account the history and significant features of the item or place. Important or relevant information may include:

(a) ***Construction details:*** date, architect/builder, period of subdivision, names of any significant owner or people who have lived at the premises, significant previous uses or associations.

(b) ***Heritage significance:*** additional information to supplement details provided on heritage item or heritage conservation area listing sheets.

(c) ***Intactness:*** details of changes that have been made to the property over time and assessment of the intactness of the item or implications of layers of history.

Area Character Statements

Part F to this DCP ~~contains the~~ identifies the desired Area Character Outcomes ~~Statements~~ for each Planning Area and Locality Area in the Local Government Area. The Locality Areas are in part based on the extent of heritage conservation areas ~~as~~ identified in Schedule 5 and on the Heritage Map to NSLEP 2013. The Character Statements for each of the heritage conservation areas provide an explanation as to why each Area is significant and identifies those elements which positively contribute to the character of that area and those which do not.

North Sydney Heritage Centre

The North Sydney Heritage Centre in the Stanton Library has extensive information about the social and cultural heritage of the local area, with a particular focus on the built environment. The Heritage Centre collects primary and secondary material for a wide range of historical research, including family history, house histories and heritage reports. This is available for the community and is an excellent resource for applicants. Many of the Heritage Centre's resources may be accessed at:

https://www.northsydney.nsw.gov.au/heritage

1.6 HERITAGE APPLICATIONS

Additional submission requirements

Where a proposal seeks to undertake works to a heritage item, on land adjacent to or in the vicinity of a heritage item, or within a heritage conservation area, specific information relating to heritage is required to be submitted to Council for consideration as part of a development application or an authorisation application. The extent of information required depends on the heritage significance of the building, property or conservation area affected, its relative contribution to a heritage conservation area (if applicable), and the scope and nature of works proposed.

Authorisation Applications

Authorisation applications comprise Category 2 – Routine Maintenance or Category 3 – Exempt Development works (i.e. refer to Table C-1.2 to this DCP) and require at least the following information to be provided:

(a) Details of the site;

(b) A description of the proposed work including details of materials, finishes and colours noting changes from existing;

(c) Photographs; and

(d) Where relevant, a statement confirming that all relevant criteria for exempt development have been met.

Development Applications

Development applications comprising Category 5 – Development consent (i.e. refer to Table C-1.2 to this DCP) are required to provide all information listed in the general submission requirements as set out in Council's DA checklists. In addition to these requirements, heritage applications for Category 5 works may also be required to provide any of the following:

(a) For development applications for heritage items and buildings in heritage conservation areas may require:

  (i) A **Statement of Heritage Impact**;

  (ii) All sets of plans clearly indicating, in colour, existing walls to be removed and those to remain;

  (iii) Measured drawings of the existing building including elevations;

  (iv) Details of external materials and finishes (including colour schemes);

  (v) A **Conservation Management Plan**.

(b) For development applications proposing substantial redevelopment or alterations and additions to, or demolition of heritage items may require:

  (i) **Demolition Report**;

  (ii) **Structural Report** prepared by a structural engineer and is to verify that the proposed works will not detrimentally affect the structural stability of the building.

(c) For development applications for any site in the vicinity of a heritage item (Refer to the vicinity controls at Section 4 to this Part) that is likely to impact on the setting of the heritage item may require:

  (i) a **Statement of Heritage Impact**.

Note: *Items listed on the State Heritage Register are required to obtain separate approval from the NSW Heritage Council under Section 60 of the NSW Heritage Act 1977. Details for application details and exemptions under the Heritage Act 1977 are available at https://www.environment.nsw.gov.au/topics/heritage.*

Before preparing an Authorisation Application or Development Application, it is recommended to contact Council to determine the level of additional submission requirements.

Conservation Management Plans

Council requires a conservation management plan to be provided with applications that propose changes to a heritage item of state heritage significance. They may also be required with applications where substantial changes are proposed to large or complex heritage items of local significance, or where Council considers the significance of the heritage item and the extent of change proposed warrant more detailed and rigorous assessment.

Further details on preparing Conservation Management Plans are available at *https://www.environment.nsw.gov.au/topics/heritage*.

Statement of Heritage Impact

A Statement of Heritage Impact is to be submitted with applications for development affecting:

(a) Heritage items (other than where a Conservation Management Plan is required) including applications for fire upgrading; and

(b) Properties within heritage conservation areas.

A Statement of Heritage Impact should address at least the following:

(a) Historical development of the site;

(b) Description of the item and its setting (e.g. garden, fences, ancillary buildings, etc);

Note: *This aspect should also include existing plans/sections and elevations to appropriately document the evolving history of the site and to assist in making a clear comparison and assessment of the impact of the new work on the cultural significance of the place*

(c) Contribution to the streetscape: height, scale, mass, setback, fenestration, architectural style and period;

(d) Heritage significance (use Heritage NSW's *Assessing Heritage Significance* guidelines and heritage inventory data sheets);

(e) The proposal's anticipated impact on the heritage significance of the identified heritage item or place and its setting, any identified conservation area and/or nearby heritage items;

(f) Design options and rationale for the preferred option; and

(g) Relevant conservation principles in accordance with ICOMOS Burra Charter.

When preparing a Statement of Heritage Impact, the chronological layers of a property must be identified to establish the relative heritage significance and conservation value of various elements.

A Statement of Heritage Impact can be prepared by either a specialist heritage consultant or property owner. However, applicants should be advised that Council will only consider those Statements which adequately address the concerns arising from the proposed development. Guidance on preparing Statements of Heritage Impact is available at *https://www.environment.nsw.gov.au/topics/heritage*. You may also consult with Council prior to lodging your application.

Demolition and site redevelopment

Requests to demolish heritage items or contributory items within heritage conservation areas are not supported by Council. However, should an applicant insist in pursuing such a request, the onus is on the applicant to demonstrate why the building is not reasonably capable of retention.

Demolition of a heritage item is usually only considered where the structure is unsound. In its determination of any application to demolish a heritage item, Council will give consideration to the relevant Planning Principles established by the Land and Environment

Court. The Planning Principles can be viewed on the Land and Environment Court's website (*https://lec.nsw.gov.au/practice-and-procedure/principles/planning-principles.html*).

A Demolition Report is required to accompany any application for demolition of a **heritage item** or **contributory item in a heritage conservation area**. The report is to provide details of the heritage significance of the heritage item or contribution of the contributory item to the heritage conservation area, and is to address the matters at s.1.6 to this Part of the DCP.

Plans of the replacement development are to be submitted with any application for demolition. Submitting the documentation to seek approval to demolish a heritage item or contributory item does not imply that approval will be granted. Council may seek independent advice on aspects of any application for demolition.

1.7 USING THIS PART

Heritage development applications are to be consistent with the DCP aims, objectives and controls that apply to the proposal. Notes in the right-hand column of the DCP and supporting diagrams provide additional detail to assist interpretation of the controls and links to other documents are relevant. The Guiding Statement in the Preface to this Part of the DCP is an expression of Council's intent for the decision making process for heritage development applications.

The flowchart within Figure C-1.1 below illustrates the linear nature of this Part of the DCP and may assist in navigating through it when preparing a development application.

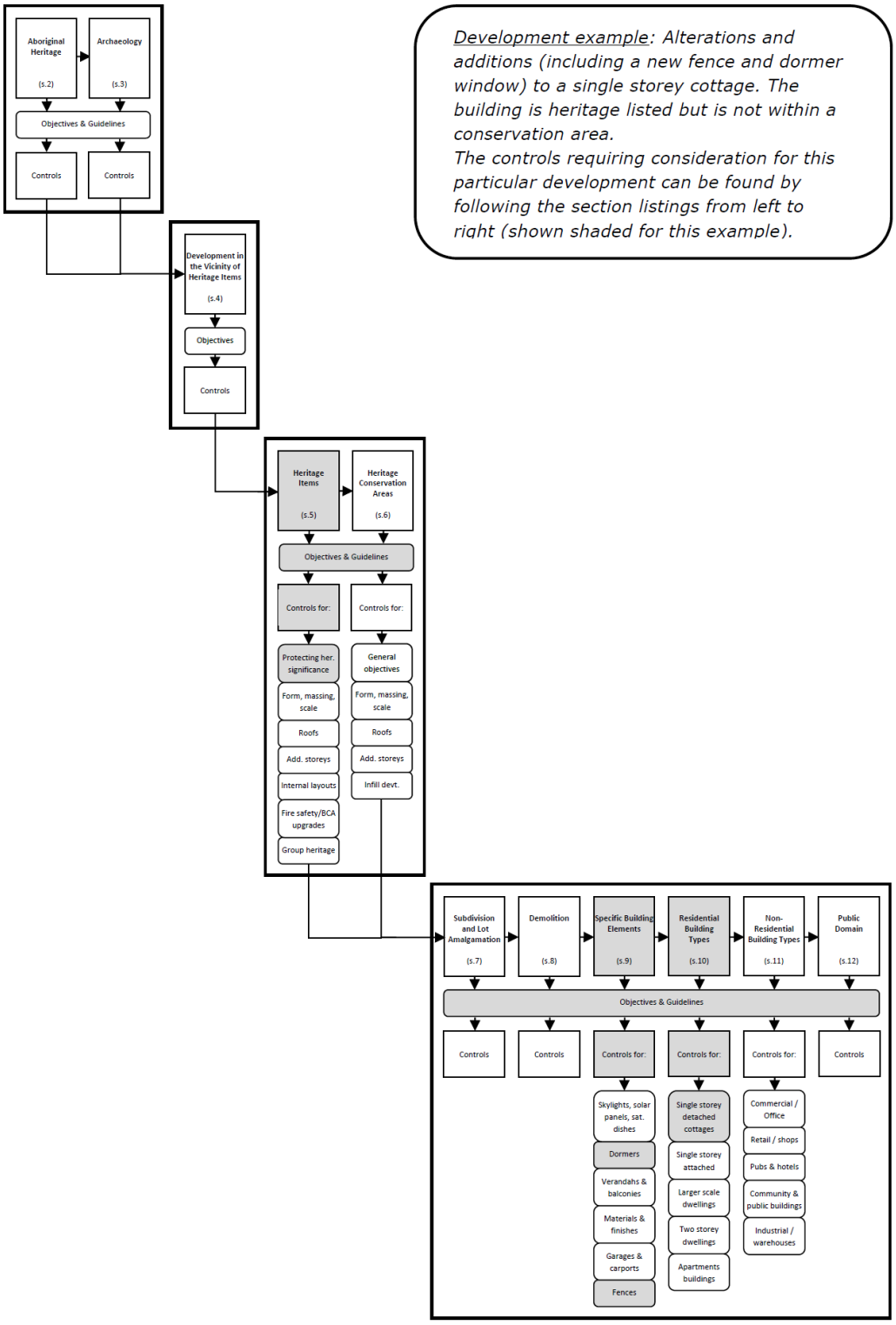

Figure C-1.1: Flowchart outlining process for using this Part of the DCP.

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SECTION 2 ABORIGINAL HERITAGE

There are a number of known Aboriginal places of heritage significance located within the North Sydney Local Government Area. The location of these known places are not readily available to the general public.

There is also potential for the existence of Aboriginal places of significance and Aboriginal objects on sites that are not currently known about. Such places generally occur:

- along the harbour foreshores and creeklines and streams; and
- on sites containing sandstone outcropping (including flat surfaces above cliffs and scarps, rock shelters on slopes below ridges cliffs and scarps and beneath or part of fallen boulders).

Sites will be more common where properties adjoin bushland and where sandstone cliffs contain overhangs and less common where the land has been heavily modified. Commercial areas where land disturbance has been most intensive will have the lowest frequency of sites.

Notes: *Refer to the National Parks and Wildlife Act 1974 for requirements to protect and preserve Aboriginal objects and places of significance.*
Applicants are encouraged to contact the Metropolitan Local Aboriginal Land Council officer, North Sydney Council Aboriginal Heritage Manager and/or the National Parks and Wildlife Service (which forms part of the NSW Office of Environment and Heritage) before lodging a development application.

Objectives

O1 Acknowledge the importance of Aboriginal heritage as part of North Sydney's heritage resources.

O2 Protect Aboriginal objects and Aboriginal places of heritage significance by minimising the likelihood of disturbance from development.

O3 Minimise potential for interference with archaeological objects as a result of development by encouraging relics to be preserved in-situ.

Provisions

P1 Obtain relevant approvals from the Aboriginal Heritage Office prior to commencing work where a site contains, or has potential for Aboriginal objects.

P2 Building and landscaping works, including paths and driveways are not to disturb any Aboriginal objects.

P3 Minimise disturbance and exposure of areas along the foreshore, including excavations for swimming pools, jetties and boat sheds.

P4 Site structures away from the foreshore where possible.

P5 Minimise disturbance to rock outcrops and overhangs.

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SECTION 3 ARCHAEOLOGY

This section of the DCP only deals with non-Aboriginal archaeology (i.e. European Heritage) and refers to sites, which are not addressed in Section 2 to this Part. It primarily relates to sites of known or potential cultural significance, both below and above ground which have the potential to increase our knowledge of earlier human occupation, activities and events.

Notes: *Archaeological resources are protected by the relics provisions of the NSW Heritage Act 1977.*
A lot of North Sydney's archaeology is related to maritime history. Old machinery and equipment can be an important link to the industrial and maritime heritage of the area.

Objectives

O1 Acknowledge the importance of archaeology as part of North Sydney's heritage resources.

O2 Minimise potential for interference with archaeological heritage as a result of development by encouraging relics to be preserved in-situ.

Provisions

P1 Minimise the depth and extent of any excavation and locate new work away from areas known to contain archaeological relics.

P2 Minimise disturbance along foreshore areas where there is a high likelihood of relics. This includes excavation and exposure of subsoil areas for swimming pools, jetties or boat sheds.

P3 Locate structures to minimise changes to the natural landform.

P4 Minimise disturbance to below ground and sub-floor areas by careful siting of new work to conserve potential archaeology.

P5 Ensure reversibility of changes (as relevant).

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SECTION 4 DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS

The setting of a heritage item often contributes to its heritage significance. With historic curtilage, the setting can extend beyond current property boundaries, and will be different for each heritage item.

Development near heritage items is required to consider the potential for new work to impact on the heritage item's setting. This requires an understanding the role of the site in the streetscape, and in relation to the heritage item.

If Council's heritage assessment staff confirm that the vicinity controls will apply to your property, then a **Statement of Heritage Impact may be required** with your development application.

Objectives

O1 Ensure that new work is designed and sited so as to not detrimentally impact upon the heritage significance of the heritage item and its setting.

Provisions

P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.

P2 Maintain significant public domain views to and from the heritage item.

P3 Ensure compatibility with the orientation and alignment of the heritage item.

P4 Provide an adequate area around the heritage item to allow for its interpretation.

P5 Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.

P6 Protect and allow interpretation of archaeological features (as appropriate and relevant).

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SECTION 5 HERITAGE ITEMS

Heritage items are listed in Schedule 5 of NSLEP 2013. Heritage items can comprise land, works, vegetation, structures, moveable objects, places, buildings, groups of buildings or combinations of some or all of these elements.

Council adopts a "whole property" approach for heritage items. This is because the heritage significance of any heritage item normally relates to more than the front or street façade of buildings.

Council will consider the analysis and weighting of significance to various elements of a property. It is important to discuss the analysis with Council's planning and heritage advisors, prior to the lodgement of any development application.

5.1 PROTECTING HERITAGE SIGNIFICANCE

Objectives

O1 Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item.

Note: *Council does not support demolition of heritage items as a matter of principle.*

O2 Allow change to occur to heritage items to meet amenity and contemporary safety, sustainability or technological standards, provided that those changes are sympathetic to and does not detrimentally affect the heritage significance of the heritage item.

Note: *Development to heritage items should be sympathetic, and achieve a reasonable balance between contemporary expectations, environmental sustainability and protecting heritage significance.*

O3 Ensure significant features of heritage items are retained and that development is sympathetic to these features with particular regard to bulk, form, style, character, scale, setbacks and materials.

O4 Acknowledge changes over time to heritage items, as subsequent layers may also be of significance.

O5 Encourage reinstatement of missing details and the removal of past unsympathetic changes, to improve overall outcomes to the heritage significance of the heritage item.

O6 Allow changes to the rear of heritage items where the new work does not impact the heritage significance of the heritage item.

O7 Ensure that new uses of heritage items are compatible with the fabric and heritage significance of the item.

O8 Encourage changes to be reversible where possible and appropriate.

Provisions

P1 Retain features (including natural and cultural landscape features) that contribute to the significance of the item.

P2 Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.

P3 New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.

P4 Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.

P5 Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new work to the rear.

P6 All works are to be consistent with an adopted Conservation Management Plan/s where applicable.

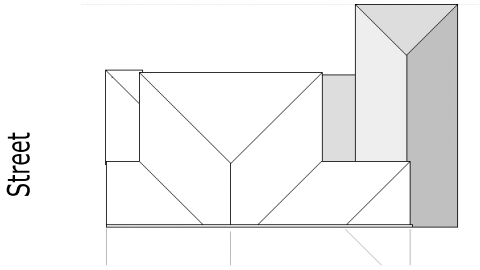

Figure C-5.1:
Locate change away from the primary intact areas of the heritage item – changes to the rear are often preferable.

5.2 FORM, MASSING, SCALE

Objectives

O1 To allow alterations and additions to heritage items, where the new work does not impact on the heritage significance of the heritage item.

O2 To maintain and promote the original built form of the heritage item as viewed from the public domain.

Provisions

P1 Locate alterations and additions away from principal elevations and primary forms, and behind and below the main ridge line.

Note: *Alterations and additions should occur to the rear of heritage items such that they are not visible from the public domain.*

P2 Ensure that alterations and additions are smaller in scale, height and massing than the existing building.

P3 Locate additions within characteristic setbacks.

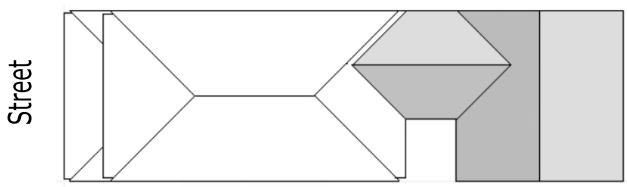

Figure C-5.2:
Additions should be smaller in scale and length than the existing building.

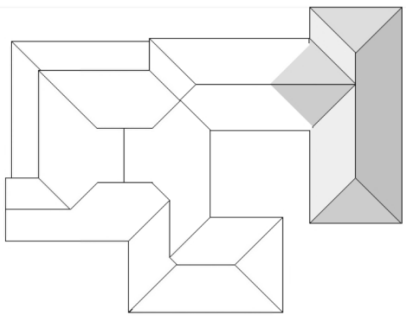

Figure C-5.3:
New work should maintain the integrity of the building form, allowing the original form to be discerned.

Integrity of building form

P4 Maintain the integrity of the building form (including the roof form and profile) so that the original building is retained and can be clearly discerned.

P5 Additions should be submissive in bulk and scale in comparison to the original building form (i.e. additions should generally be smaller in footprint and lessor in height than the original building form).

5.3 ADDITIONAL STOREYS

The suitability of adding additional levels to any heritage item will depend on the form, scale, architectural style and heritage significance of the heritage item. Additional storeys are not appropriate where the building is part of an intact group.

Objectives

O1 To minimise the visual dominance of any new work from public places.

Provisions

P1 Additional storeys must be confined to within the existing roof space or below the gutter line of the main roof. Whole floor additions will not be supported. Refer to Figure C-5.5.

P2 The consent authority may consider permitting additional levels at the rear of a building, but only where those levels are located below and behind the main ridge line.

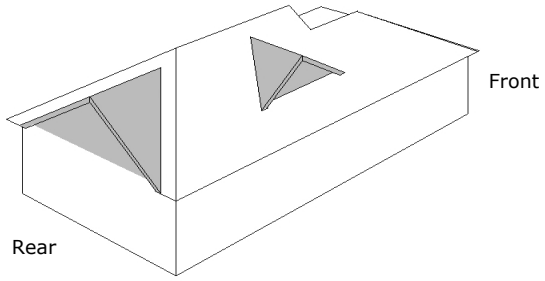

Figure C-5.4:
Consider use of existing roof space at the rear of a building rather than constructing an additional storey.

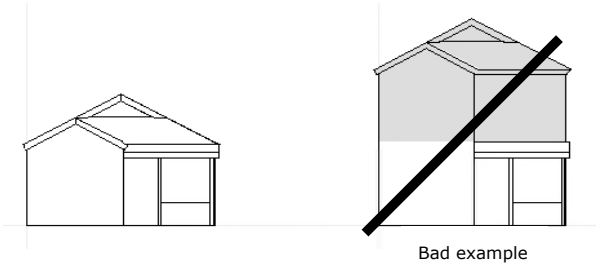

Figure C-5.5:
Whole floor additions are generally not supported. Consider use of existing roof space with dormer windows subject to the controls in Section 9.2. to this Part

5.4 ROOFS

Roofs are often prominent elements of heritage items in North Sydney, and combine in many heritage conservation areas to give a distinctive skyline pattern.

Objectives

O1 To ensure that original roofs, their hierarchy and materials are retained.

Provisions

P1 Retain hierarchy of roof forms, with dominant forms maintained on the primary facades.

P2 Retain original roofing materials, such as slate or terracotta tiles.

P3 Retain chimneys and other decorative roof elements.

P4 Where new roof form additions are proposed, they must be set lower than the existing primary roof ridge and be designed to positively respond to the roofs prevailing character.

P5 All new services/drains/etc to be internal and/or of suitable materials.

P6 Original roof forms are not to be modified to accommodate decks or balconies.

5.5 INTERIOR LAYOUTS

The floor plan of a heritage item is normally intrinsic to its built form. Retaining internal elements is often a good way to ensure structural security.

Council seeks the retention of significant interior elements, as a building that retains its traditional layout and features is more likely to retain its significance than a building that has been extensively changed inside.

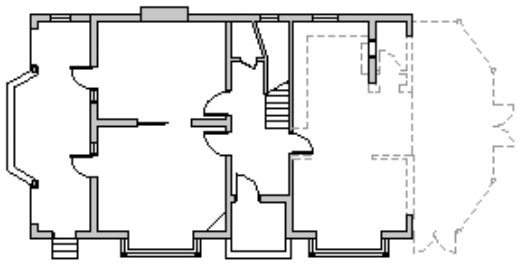

Figure C-5.6:
Demolition is concentrated to the rear and original rooms of significance are left intact.

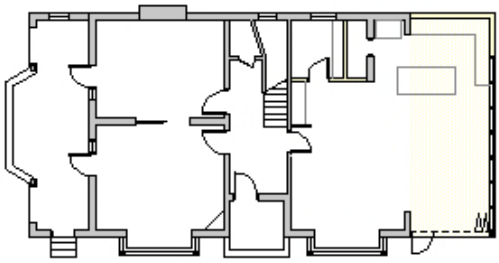

Figure C-5.7:
The rear section is replanned and is the focus of the new work.

Objectives

O1 To ensure that significant interior elements are retained and preserved.

Provisions

P1 Applications are to be accompanied by current photographs of interior features, including walls, floors, ceilings, windows and fireplaces etc.

P2 Minimise change to the original or significant internal room configuration/layout (as appropriate) so that the evolution of the building remains discernable. This can be achieved by retaining wall nibs, decorative ceilings, joinery and original features such as fire places.

P3 Kitchens or bathrooms must not be located within primary rooms of significance, unless all of the following are achieved:

(a) all of the original interior detailing is retained;

(b) the volume of the room can still be appreciated;

(c) the original use of the room is still interpretable;

(d) new services do not adversely impact on significant fabric; and

(e) the works can be fully reversed, such that the room may reverted to its original purpose.

P4 Retain access and relationship to original building entrances and associated hallways.

P5 Retain significant internal original features including joinery, door sets, fire places, flooring, cornices and ceilings.

P6 Locate alterations away from rooms that have intact or significant features.

P7 Ensure new openings have similar dimensions or are compatible with existing openings, such as width and height of double doors.

P8 Provide for reversibility of internal changes (where appropriate and reasonable).

5.6 Upgrading for Fire Safety, BCA and Other Matters

Older buildings do not always meet contemporary building regulations. This is particularly so with many heritage buildings. It is important that these older buildings are upgraded to ensure the safety of their occupants. Whilst some minor upgrades may constitute exempt or complying development, some will also require development consent.

Objectives

O1 To ensure that buildings are constructed to an appropriate standard to ensure the safety of its occupants, whilst retaining heritage significance.

Provisions

P1 Proposed fire upgrades to heritage buildings are to be accompanied by a heritage analysis carried out by a suitably qualified heritage consultant.

P2 Fire and other upgrades are to be consistent with the heritage significance applicable to the property. Upgrades and replacement of balconies, stairs, timber windows etc are to be sensitive to that significance.

P3 Fire and other upgrading works need to balance the fire safety and other compliance needs with protecting heritage significance. In order to achieve the most appropriate outcome, applicants may need to utilise alternate solutions to BCA compliance issues.

5.7 Group Heritage Items

There are many examples of semi-detached dwellings and attached dwellings which have common or shared features. Alterations and additions to one building within the group can affect the heritage significance of the group as a whole.

The controls in this subsection apply to heritage items that form part of a group as identified on the relevant heritage ~~data~~ inventory data sheet.

Where there is an inconsistency between this subsection and another subsection in this Section, this subsection will prevail.



Figure C-5.8:
Example of a group heritage item.

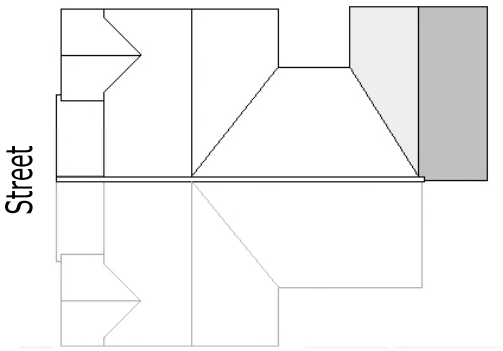

Figure C-5.9:
For group and pair items – locate new work away from the shared and/or significant elements of the group.

Objectives

O1 Retain the significant features or characteristics of the group but allow flexibility for change where significance will not be affected.

Provisions

P1 Retain significant features that are common to the group.

Note: *Council may require reinstatement of missing details on* ***group heritage items*** *where physical or documentary evidence is available*

P2 Locate new work away from the significant elements of the group.

P3 Retain significant historical boundaries.

SECTION 6 HERITAGE CONSERVATION AREAS

Heritage conservation areas are listed in Schedule 5 of NSLEP 2013 and are illustrated on the Heritage Maps to the LEP. Heritage conservation areas have a cohesive sense of place. Their significance is often a function of the subdivision and street pattern, combined with buildings that share common periods of development, historical associations, materials, form and scale.

Buildings that are not heritage items are identified as being contributory, neutral or uncharacteristic. The contribution of any building to the conservation area should guide the approach to development, as set out below.

Note: *This Section should be read in tandem with the relevant Planning Area Character Statement and Locality Area (refer to Part F of the DCP). Contributory and uncharacteristic items are listed in Tables App-~~A~~2.1 and App-~~A~~2.2 within Appendix 2 to this DCP. All other properties within a heritage conservation area that are not identified as a heritage item under NSLEP 2013, or listed as a contributory item or an uncharacteristic item is deemed to be a neutral item.*



Contributory items are part of the collective significance of the particular conservation area in which they are located. They are important for what they offer to the streetscape or character of the heritage conservation area. As a result, the focus for contributory items is how the building appears in the public domain, and especially from the street.

Council does not support the demolition of contributory items.



Neutral items are not defining, but do not detract from the overall character of a conservation area. They often represent the original era of development and may display the predominant architectural style.

The focus for neutral items is how the building appears in the street and public domain. The intention is to achieve a neutral or improved built outcome by removing previous unsympathetic alterations, or adding features that are characteristic of an area.



Uncharacteristic items are buildings and structures that are intrusive and detract from the character and significance of the heritage conservation area. They are not suitable benchmarks for new developments. Replacement buildings are to achieve a neutral or contributory status.

6.1 GENERAL OBJECTIVES

The objectives of this Section are to:

O1 Ensure that new development is designed to retain and complement the character and significance of the conservation area (refer to Part F of this DCP for a description of the significance of the heritage conservation area).

O2 Ensure that contributory items are retained and where practical improved, with a focus to locate new work to the rear or away from publicly visible elevations of building.

O3 Enable neutral items to be improved such that they contribute to the character of the heritage conservation area through the removal of unsympathetic and inappropriate elements, and reinstating missing details where appropriate.

O4 Encourage change that will remove uncharacteristic items or reduce the extent of their intrusion.

6.2 FORM, MASSING AND SCALE

Objectives

O1 To ensure new development has a compatible and complementary building form and scale to that which characterises the conservation area.

O2 To maintain and enhance streetscape character as identified within the Planning Area Character Statements and Locality Area provisions ~~Outcomes~~ in Part F of this DCP.

Provisions

P1 Development should reflect the bulk, mass, scale, orientation, curtilage and setbacks of surrounding heritage and contributory items.

P2 Development should recognise and complement the predominant architectural scale and form of the area.

P3 Do not obstruct existing views in the public domain, including slot views over and between buildings as these provide connection and contribute to the context of the area's location.

P4 Reinstate characteristic and decorative features to **contributory items** where alterations and additions are proposed. This could include reinstatement of verandahs and balconies, joinery, chimneys, fences or window detailing.

P5 Achieve a neutral outcome to **neutral items** or improved outcome to **neutral items** which were constructed in the core period of development by:

(a) respecting original or characteristic building patterns in terms of bulk, form, scale and height;

(b) minimising changes to original and characteristic features;

(c) removing unsympathetic and uncharacteristic changes and/or;

(d) reinstating characteristic details where there is physical or documentary evidence.

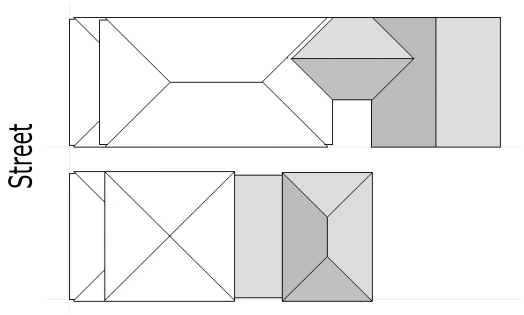

Figure C-6.1:
Minimise changes to the front elevations, consider pavilion extensions.

P6 Achieve an improved outcome to **uncharacteristic items** by removing the uncharacteristic or intrusive element or incorporating changes to improve the contextual design and visual impact of the site.

P7 Respond to characteristic building alignments by not building forward of the established or characteristic front setback.

P8 Repeat any consistent pattern of side and rear setbacks of heritage and contributory items in the vicinity of the site.

P9 New work may adopt a contemporary character, provided the development is not likely to have a detrimental impact on the characteristic built form of the area, particularly in terms of bulk, scale, height, form or materials.

6.3 ROOFS

Objectives

O1 To maintain the characteristic roof profiles and roofing materials within a heritage conservation area.

Provisions

P1 Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant Planning ~~a~~Area ~~c~~Character ~~outcomes~~Statement and Locality Area provisions (refer to Part F of the DCP).



Figure C-6.2:
Roofs can be unifying elements of conservation areas.



Figure C-6.3:
Buildings from the nineteenth and early twentieth centuries often have steep pitches and formal geometry that combines to give a distinctive skyline.

6.4 ADDITIONAL STOREYS AND LEVELS

Objectives

O1 To ensure that the scale of the streetscape and context of the heritage conservation area are respected.

Provisions

P1 Additional storeys or upper level additions are not supported in heritage conservation areas.

P2 Despite P1, the consent authority may permit an additional storey or upper level addition, but only if the applicant can demonstrate:

(a) that the resultant building will exhibit a similar scale to that in the vicinity of the site, and

(b) that the design respects the heritage characteristics of the area; and

(c) that the additional storey does not alter the form or scale of any heritage or contributory items.

Note: *Modest cottages need to retain a small form and height.*

P3 Typically, additions should be set back behind the main roof lines and should be located substantially within the existing roof.

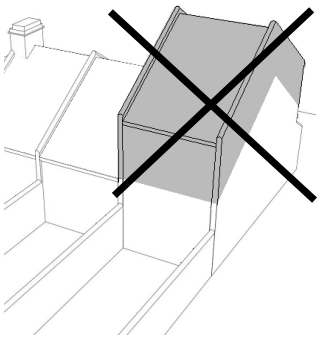

Figure C-6.4:
Additional storeys are usually not appropriate, particularly where the existing building is part of an intact group or streetscape.

6.5 INTERNAL LAYOUTS

While Council does not seek to control changes within contributory, neutral or uncharacteristic buildings in heritage conservation areas, the internal layout of a building can be indicative of its heritage significance. This significance normally only comes to light once a property owner seeks to undertake new works.

Retaining internal elements is often a good way to ensure structural soundness.

Objectives

O1 To ensure that significant interiors are retained.

Provisions

P1 Where interior layouts are determined to be significant, they should be retained.

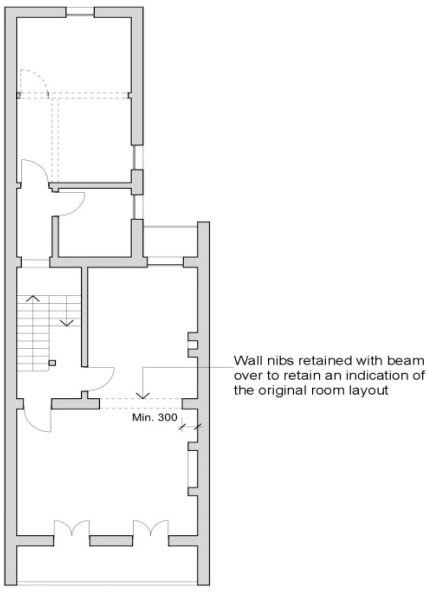

Figure C-6.5:
Retaining wall nibs gives an indication of the original layout.

6.6 INFILL DEVELOPMENT IN CONSERVATION AREAS

Infill development refers to any new building in a heritage conservation area. Heritage items are good reference points for indicating appropriate bulk, massing, scale, and material usage.

Objectives

O1 To ensure that new development is consistent in terms of materials, bulk, scale, character and setback with significant buildings in the heritage conservation area.

Provisions

P1 Infill developments in heritage conservation areas need to positively respond to the setting and special character of the area, as outlined in the relevant Planning ~~a~~Area ~~c~~Character ~~outcomes~~ Statement and Locality Area provisions (refer to Part F of the DCP).

P2 Consideration be given to the NSW Heritage Office's publication *Design In Context* provides guidance for infill development, copies of which are available from their website - *https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/design-in-context-guidelines-for-infill-development-historic-environment.pdf*.



Figure C-6.6:

Good infill development responds to the form, scale, setbacks and modulation of characteristic adjoining developments.



Figure C-6.7:

Poor infill development does not respond well to adjoining characteristic developments.

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SECTION 7 SUBDIVISION AND LOT AMALGAMATION

The subdivision pattern typically reflects the area's development history and underpins its significance. Unsympathetic developments often occur where there is a change to the characteristic subdivision pattern.

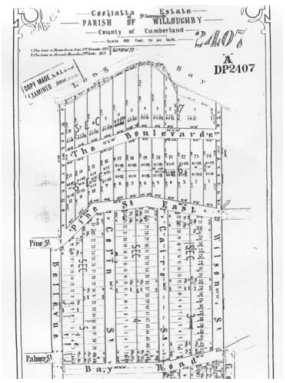

Figure C-7.1
Subdivision of the Carlotta Estate, Cammeray 1889.



Figure C-7.2
The subdivision created a large number of small lots that led to the construction of single storey Federation and Edwardian cottages that are distinctive of the area.

Part F of the DCP contains area character outcomes for each heritage conservation area, which include extracts from historic maps that illustrate the subdivision of each area over time.

Objectives

O1 To ensure that the character of heritage conservation areas are not adversely affected from inappropriate development.

O2 To ensure the significance of heritage items are not reduced through reduced curtilages.

Provisions

P1 Subdivision patterns should reflect that identified in the relevant area character outcomes (refer to Part F of the DCP).

P2 Changes to property boundaries will not be permitted where it will result in the reduction of a curtilage to a heritage item, where it results in an adverse impact upon the items significance.

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SECTION 8 DEMOLITION

These controls apply to development applications for demolition works to heritage items and sites within heritage conservation areas.

Objectives

O1 To ensure that heritage items and buildings which positively contribute to the significance and character of a heritage conservation area are retained.

O2 To outline the criteria which need to be considered by Council should applicant still seek to demolish the heritage item or building which positively contributes to a heritage conservation area.

Provisions

Demolition of heritage items

P1 Heritage items must not be demolished and demolition will not be supported by Council.

P2 Despite P1 above, Council may consider the demolition of a heritage item, but only where an applicant can satisfactorily demonstrate:

(a) why it is not reasonable to conserve the heritage item taking into consideration:

(i) The heritage significance of the property; and

(ii) the structural condition of the building; and

(iii) pest inspection reports; and

(iv) whether the building constitutes a danger to the public.

Note: *A report from a qualified quantity surveyor is required where the costs of retention are part of the justification for the proposed demolition.*

(b) that alternative options to demolition have been considered with reasons provided as to why the alternatives are not acceptable.

Note: *Plans of the replacement building are to be lodged concurrently so that the applications can be assessed concurrently.*

Demolition of contributory items

P3 Contributory items must not be demolished and demolition will not be supported by Council.

P4 Despite P3 above, Council may consider the demolition of a contributory item, but only where an applicant can satisfactorily demonstrate:

(a) that the building's contribution to the streetscape or character of the conservation area does not warrant its retention;

(b) that alternatives to demolition have been considered with reasons provided as to why the alternatives are not acceptable; and

(c) that any replacement building is compatible with the characteristic built elements of the heritage conservation area as identified in the relevant Area Character Outcomes (refer to Part F of the DCP).

Demolition of neutral items

P5 Neutral items should not be demolished and demolition will generally not be supported by Council.

P6 Despite P5 above, Council may consider the demolition of a neutral item, but only where the applicant can demonstrate:

(a) the existing building is not capable of adaptation or modification in a way that will reasonably meet contemporary amenity and living standards while also

improving the appearance and contribution of the building to the area's character;

(b) that any replacement building improves the contribution of the site to the area's character in terms of form, setbacks, bulk, scale, materials and style;

(c) that sustainability outcomes of the proposed replacement development reasonably justify the change; and

(d) that all reasonable alternatives to demolition have been considered.

Demolition of uncharacteristic items

P7 Council will only consider the demolition of uncharacteristic items if the applicant can satisfactorily demonstrate:

(a) that the replacement building will allow the site to be reclassified from at least "uncharacteristic" to "neutral"; and

(b) that sustainability outcomes of the proposed replacement development reasonably justify the change.

SECTION 9 SPECIFIC BUILDING ELEMENTS

These controls apply to development applications for works to heritage items and sites within heritage conservation areas.

Part F to this DCP contains the Area Character Outcomes for each Planning Area and Locality Area in the Local Government Area. These statements on Character Outcomes for each of the heritage conservation areas identify characteristic elements, built form elements which positively contribute to the character of that area. They also identify uncharacteristic elements, which detract from the character and heritage significance of a conservation area.

It is important to note that uncharacteristic elements, whilst potentially common within a conservation area, are in fact undesirable, detract from or are simply unsympathetic to the heritage significance of the area. These uncharacteristic elements should be removed wherever possible.

9.1 SKYLIGHTS, SOLAR PANELS AND SATELLITE DISHES

Structures placed on the roof of a heritage item or building within a heritage conservation area can be intrusive.

Objectives

O1 To ensure that skylights, solar panels and satellite dishes do not detrimentally impact upon the significance of heritage items and heritage conservation areas.

Provisions

P1 Locate skylights, solar panels and other roof mounted structures away from visually prominent roof planes and front elevations.



Figure C-9.1:

Skylights are an effective way to improve light and ventilation but need to be carefully located as they can be intrusive on front elevations.

9.2 DORMER WINDOWS

Dormers can be an effective way to make use of existing space within the home. Dormers should not appear "*tacked on*" and should not dominate or appear as a second storey. Design clues should be taken from the existing building.

Objectives

O1 To ensure that dormer windows do not detrimentally impact upon the significance of heritage items and heritage conservation areas.

Provisions

P1 Are to comply with the requirements for dormers in s.1.3.11 to Part E of the DCP.

P2 Dormers must not be placed on the street elevation of a building.

P3 Despite P2, Council may permit a dormer on the street elevation of a building, but only where it can be adequately demonstrated that:

(a) it will not result in any adverse impacts to significance of any heritage item or heritage conservation area;

(b) it will not result in any significant impacts on privacy to adjoining properties;

(c) it will not detract from the coherence of the streetscape; and

(d) surrounding properties have dormers visible from the street.

Note: *For the purpose of this subsection, surrounding properties are defined as those properties in the immediate vicinity which are visible when standing opposite the subject building.*

P4 New dormer windows are to be secondary in scale to the roof, and setback from the eaves and ridge line.

P5 Dormers must not have a roof pitch exceeding 36 degrees.

P6 Dormers on the street elevation of a building must not comprise more than $^1/_3$ of the width of the roof plane upon which they are placed.

P7 Dormers must not project above any part of the ridge of the roof plane to which the dormer is attached.

P8 The design of the dormer is to complement the style and detailing of the existing building and its roof. Figures C-9.2 and C-9.5 show examples of Victorian and Edwardian dormer windows.

P9 Dormers should be set in from any party walls.



Figure C-9.2:
Example of a Victorian dormer window



Figure C-9.3:
Example of a Victorian dormer window.

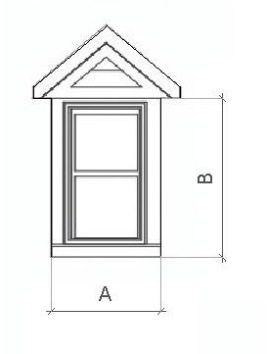

Figure C-9.4:
Suggested dimensions and proportions for a dormer window:

Victorian dormers:

Width (A)	= 900mm (max)
Width (A):Height (B)	= 0.5:1 to 0.7:1

Federation dormers:

Width (A)	= 1200mm (max)
Width (A):Height (B)	= 1:1 to 1.2:1



Figure C-9.5:

The simple roof form of Federation and Interwar houses can be sympathetically altered using dormers that form gablets.

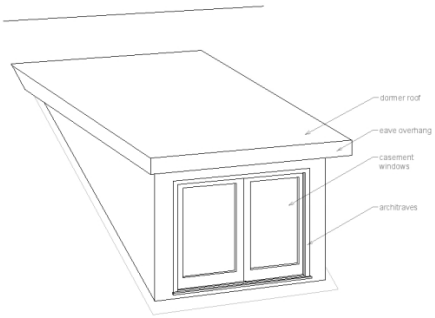

Figure C-9.6:

Suggested dimensions and proportions for an Edwardian Arts and Crafts eyelid dormer window:

Height = 1000mm (max)

Width:Height = 2:1 to 2.2:1

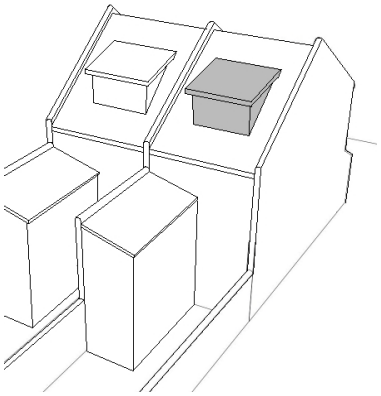

Figure C-9.7:

Rear dormers can be larger than front dormers as they have less effect on streetscape. This does not apply where rear or side elevations are visible from the public domain.

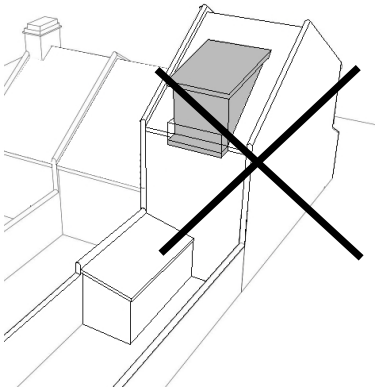

Figure C-9.8:

Balcony dormers are not supported.

P10 On larger houses with hipped roofs, rear dormers are to be inset from the hips to the rear.

P11 Balcony dormers are not supported. See Figure C-9.8.

P12 Where side and rear elevations are visible from the street, dormers are to be similar in scale to front dormers.

9.3 VERANDAHS AND BALCONIES

Verandahs and balconies are characteristic elements of many housing styles in Australia. Verandahs create patterns of light and shade, and give depth to the building envelope.

Verandahs are often distinctive architectural features of a building, and can be significant to the character of many street elevations, reinforcing links between buildings. Adjoining buildings can provide clues about missing verandah details, especially in the case of semi-detached or terrace groups.

Objectives

O1 To ensure that verandahs and balconies do not detrimentally impact upon the significance of heritage items and heritage conservation areas.

O2 To encourage the retention and reinstatement of original verandahs and balconies, especially where they are significant or contributory to an individual, row or group of buildings.

Provisions

P1 Retain existing significant or characteristic balconies.

P2 Reinstate missing verandahs, balconies, balustrades or detailing.

P3 Later and intrusive verandah and balcony enclosures should be removed.

P4 Enclosing front balconies and verandahs is not supported.

P5 The design, proportions and detailing of new balconies is to relate to the style, detail and period of the building, and any characteristic elements of the conservation area identified in the relevant area character outcomes identified in Part F of the DCP.

P6 Glass balustrades are not appropriate on pre-1970's buildings or where visible from the public domain.

9.4 MATERIALS, COLOURS AND FINISHES

External materials and finishes contribute to the significance of many heritage items and to the characteristic qualities of heritage conservation areas. The Area Character Outcomes within Part F of the DCP may contain details in relation to particular heritage conservation areas.

Objectives

O1 To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas.

Provisions

P1 Retain external face brick or stone walls where they are significant features of a heritage item or identified as part of the characteristic built elements of a heritage conservation area. Rendering of face brickwork will not be permitted unless it comprised a construction method used on the original building.

P2 Retain original rendering on walls and ensure that any new materials required for repairs are consistent with the original render texture.

P3 Where new materials are required, ensure that they are easily recognised as new, but are compatible with the key elements of the heritage item.

P4 Select materials and finishes to reflect their characteristic usage, such as stone at the building base.

P5 Details of proposed colour scheme are to be provided with the development application.

P6 Ensure materials, finishes and colours are compatible with the characteristic built elements of the heritage conservation area as described in the relevant Area Character Outcomes (refer to Part F of the DCP).

9.5 GARAGES AND CARPORTS

Many sites in North Sydney are unsuitable for on-site parking. Carports and garages can have a detrimental impact on heritage items and the streetscape of heritage conservation areas. The intention for these controls is to ensure that significant and contributory buildings, with their landscaped settings, remain the dominant element in the streetscape.

Garages, carports and large areas of paving located within the front setback of heritage items and buildings located within heritage conservation areas are generally considered to be uncharacteristic elements.

Notes: *All parking structures and spaces must comply with landscaped area and site coverage requirements.*



Figure C-9.9:
Parking spaces combined with high fencing alienates the streetscape and is intrusive.



Figure C-9.10:
Parking spaces located forward of the building line can be intrusive to the streetscape.

Objectives

O1 To ensure that vehicular accommodation does not detrimentally impact upon the significance of the heritage item or heritage conservation area.

O2 To ensure that off-street car parking does not dominate the streetscape.

Provisions

P1 Must comply with the provisions contained within s.4.8 and 4.9 to Part D of this DCP.

P2 Rooms/studios located above garages fronting a laneway or where increased floor to ceiling heights are sought to accommodate vertical car stackers within garages fronting a laneway will not be supported.

P3 Do not alter or demolish any part of a building for car parking, carports and garages.

P4 Roof form, detailing and materials are to complement the associated building.

P5 Retain original garages for heritage items and contributory items.

P6 Any off street parking located within the front setback area is to remain uncovered and be constructed using minimal paving and incorporate soft landscaping.

9.6 FENCES

Fences are important elements of the streetscape, defining the street line and typically complementing the setting of heritage buildings and contributing to the character of heritage conservation areas.

Fences were traditionally kept low in front of the building line to allow houses to be seen from the street. High fences are often intrusive in the streetscape as they interrupt views to houses.

Fencing styles

The following list of building types indicates what styles of fences are typically associated with that building type and includes where relevant typical heights.

Victorian buildings:

- Iron palisade or woven wire fences
- Timber picket fences in 'acorn' pattern pickets
- Vertical emphasis typically 1100 mm in height

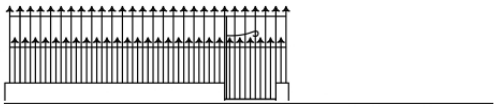

Figure C-9.11:
Victorian palisade

Federation/Edwardian buildings:

- Timber picket fences on a brick or sandstone base course
- Timber framed wire mesh fences
- Brick or sandstone and wrought iron fences with wrought iron infill panels (usually between 1m and 1.5m in height)
- Vertical emphasis typically 900-1200 mm in height, or up to 1500 mm for grand federation houses.

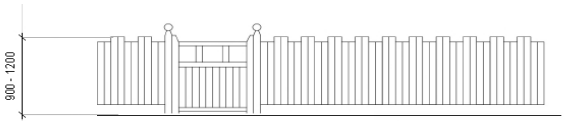

Figure C-9-12:
Federation timber picket on brick base course.

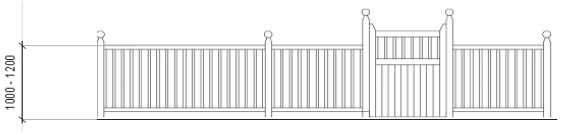

Figure C-9.13:
Edwardian timber fence.

California Bungalows:

- Low brick fences (usually 900mm to 1m in height) of either face brick or rendered to match the building
- Brickwork to match the house and some detailing such as curved bricks or corbelling
- 1930s/1940s/1950s housing
- Horizontal emphasis 450-900 mm in height

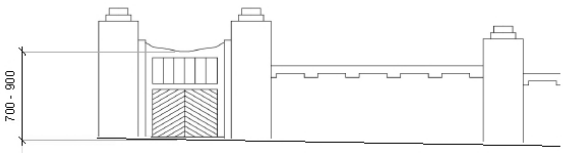

Figure C-9.14:
Inter-war brick fence.

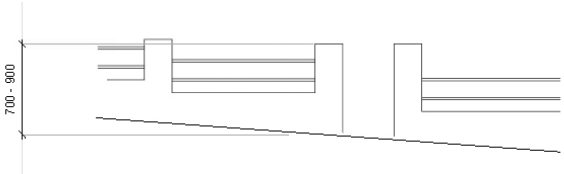

Figure C-9.15:
Inter-war, 1940s and 50's low brick fence.

Objectives

O1 To ensure that fences are consistent with the characteristic elements of the heritage item or heritage conservation area.

Provisions

P1 Retain original fences and gates where they are characteristic elements of a conservation area or add to the significance of the building or place.

P2 Front fences are to be of a design that is appropriate to the style and period of the building, or characteristic fences of the conservation area.

P3 Maintain continuous fence lines and heights on streets and laneways.

P4 The height of a new fence with a heritage conservation area is to be consistent with that identified within the relevant Area Character Outcome (refer to Part F of the DCP).

P5 Retain Depression era rusticated fences.

9.7 GARDENS

Older buildings usually had a landscaped setting of some kind -even if only the small pocket front garden of a Victorian terrace. It is important to finish the conservation of a property with appropriate treatment of the garden. Original or period plantings and hard landscaping (such as paths) should be identified, retained and restored.

Where no original elements survive in the garden, then a garden appropriate to the period of the building should be planned.

Victorian

Paths:	Brick or tessellated terracotta and/or marble tiling to match the front verandah tiling.
Garden edging:	Terracotta decorative garden edging tiles, or metal hoops are both appropriate and available.
Structures:	Fernery of lattice, lattice screens, rose pergola, potting shed.

Federation

Paths:	Usually tessellated tiled to match front verandah, brick in modest (eg. weatherboard) cottages.
Garden edging:	Brick, with shaped bricks such as curved bricks being popular.
Structures:	Fernery or bush house; pergolas.

Objectives

O1 To ensure that significant landscape features and trees are retained and reflected in new development.

Provisions

P1 Retain garden settings and any horticultural features which relate to the heritage significance of the heritage item or conservation area.

P2 Do not develop front garden areas for carparking or pave extensively.

P3 Terraced gardens are to retain strong visual relationship to topography.

P4 Retain significant trees.

P5 Retain original pathways which contribute to established garden settings.

P6 Maintain traditional driveway widths and settings.

P7 Do not fully pave side accessways.

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SECTION 10 GUIDELINES FOR RESIDENTIAL BUILDING TYPES

10.1 SINGLE STOREY DETACHED COTTAGES

Single storey detached cottages typically constructed in the Victorian and Federation periods on varying lot size.

Objectives

O1 To maintain the scale, form and integrity of the principal or main building.

O2 To retain original significant details.

Provisions

P1 In addition to the requirements in Sections 4 to 9 to ~~this~~ Part C of the DCP, the following characteristic features should be incorporated:

(a) Simple floor plans;

(b) Open verandahs to the front and skillion lean-to's at the rear;

(c) Walls - stone, brick, rendered masonry and weatherboard;

(d) Roofs - hipped in timber shingles, slate, terra cotta tile and corrugated metal;

(e) Timber joinery.

P2 New additions should generally comply with the examples illustrated in Figures C-10.1 to C-10.4.

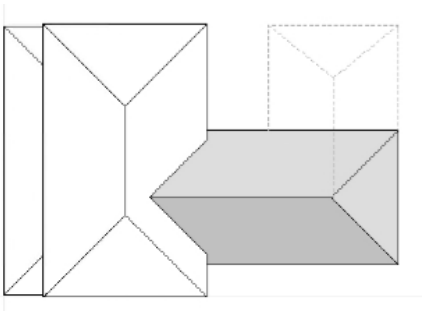

Figure C-10.1:
Simple rear extension replaces skillion, potential for L-shape return.
Inset side walls to clearly distinguish new work.

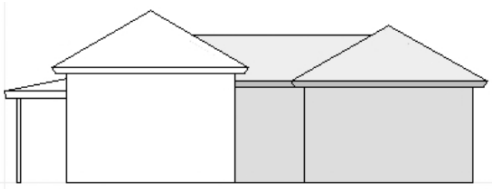

Figure C-10.2:
Ridge height of addition is lower than original cottage.

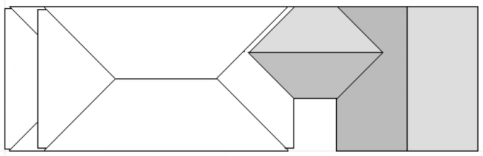

Figure C-10.3:
Pavilion addition linked to original cottage.

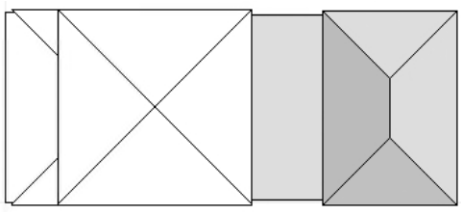

Figure C-10.4:
Pavilion addition linked to original cottage.

10.2 SINGLE STOREY ATTACHED DWELLINGS

Single storey attached dwellings typically constructed in the Victorian, Federation and Edwardian periods.

Objectives

O1 To maintain the scale, form and integrity of the original or main building.

O2 To retain the symmetry of the building pair.

Provisions

P1 In addition to the requirements in ~~sections~~ Sections 4 to 9 to ~~this~~ Part C of the DCP, the following characteristic features should be incorporated:

(a) Simple forms with open verandahs to the front and skillion lean-to's at the rear;

(b) Lot sizes may vary;

(c) Walls: stone, brick, rendered masonry and weatherboard;

(d) Roofs: hipped and gabled in slate, terra cotta tile and corrugated metal;

(e) Timber joinery;

(f) Cast iron lacework.

P2 New additions should generally comply with the examples illustrated in Figures C-10.5 to C-10.8.

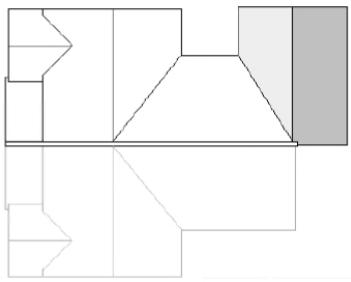

Figure: C-10.5:
Simple addition to the rear, repeats roof form.

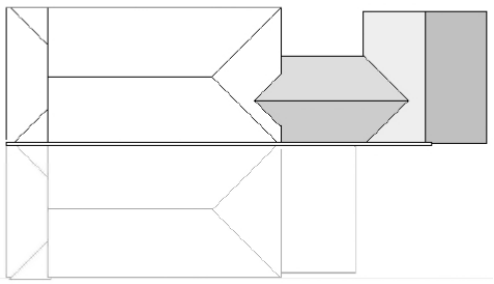

Figure C-10.6:
Pavilion extension retains integrity of the main building.

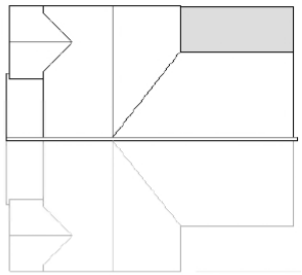

Figure C-10.7:
Small infill addition to the rear.

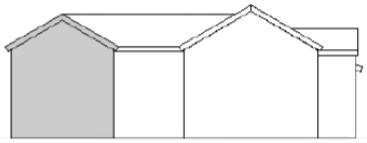

Figure C-10.8:
New work is subservient to the main building in terms of height, bulk and scale.

10.3 LARGER SCALE SINGLE DWELLINGS

Large scale single and multi storey detached dwellings with complex plan and roof forms typically constructed in the Federation and Edwardian periods.

Objectives

O1 Maintain the scale, form and integrity of the original or main building.

O2 Retain original significant details.

O3 Retain original outbuildings.

Provisions

P1 In addition to the requirements in Sections 4 to 9 to ~~this~~ Part C of the DCP, the following characteristic features should be incorporated:

(a) Complex forms with open verandahs to the street;

(b) Skillion and pitched roof wings at the rear, sometimes constructed as a service wing;

(c) Often originally sited on large lots;

(d) Walls: stone bases, brick, rendered masonry, timber shingles, fibro and battens;

(e) Roofs: hipped and gabled in slate, terra cotta tile and corrugated metal;

(f) Timber joinery.

P2 New additions should generally comply with the examples illustrated in Figures C-10.9 to C-10.12.

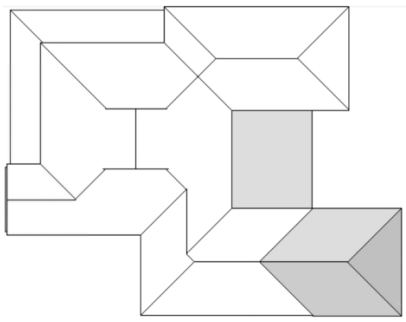

Figure C-10.9
New work extends existing roof with infill of rear section.

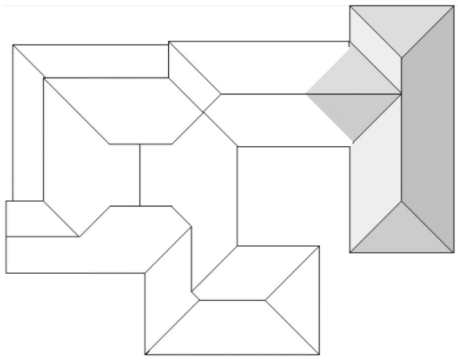

Figure C-10.10:
Wing addition retains integrity of principal building.

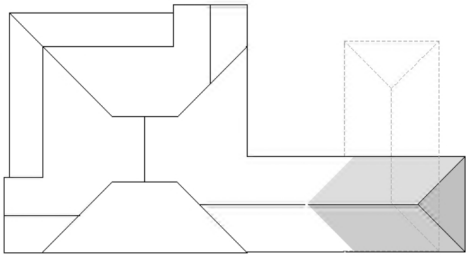

Figure C-10.11:
Simple rear addition extends existing roof line.

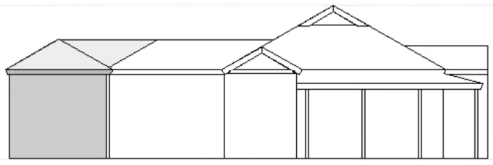

Figure C-10.12:
Height, bulk and scale of addition is smaller than the main building.

10.4 TWO STOREY DETACHED AND ATTACHED DWELLINGS

Detached and attached dwellings typically constructed in the Victorian, Federation and Edwardian periods.

Objectives

O1 To retain the integrity and form of the original building.

Provisions

P1 In addition to the requirements in Sections 4 to 9 to ~~this~~ Part C of the DCP, the following characteristic features should be incorporated:

(a) Simple forms with open verandahs to the front and skillion and pitched roof wings at the rear;

(b) Lot sizes may vary;

(c) Walls: stone bases, brick, rendered masonry and weatherboard;

(d) Roofs: hipped and gabled in slate, terra cotta tile and corrugated metal;

(e) Timber joinery;

(f) Cast iron lace work.

P2 New additions should generally comply with the examples illustrated in Figures C-10.13 to C-10.15.

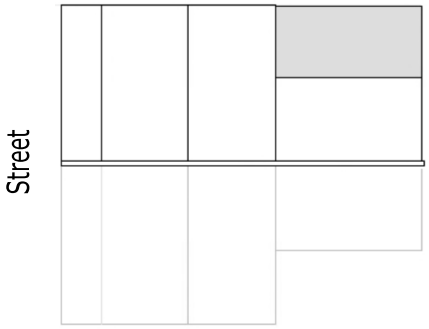

Figure C-10.13:
Locate changes at the rear.
Consider the impact on the attached pair, avoid changes that will affect common walls.



Figure C-10.14:
Side additions may also be suitable.

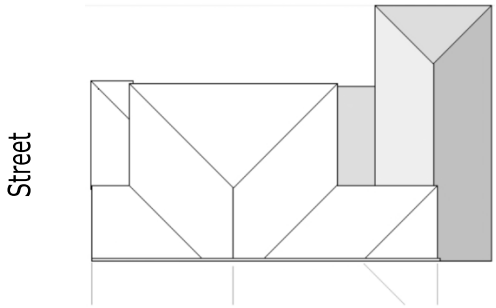

Figure C-10.15:
Changes to the rear reduce impacts to the shared front elevation.

10.5 APARTMENT BUILDINGS

North Sydney contains many examples of apartment buildings from the Federation, Edwardian, Inter War and Post War periods. Some are heritage items and many are within heritage conservation areas.

Also refer to Sections 5, 6 and 9 to Part C of the DCP for other applicable controls.



Figure C-10.16:
Apartment buildings often exceed current floor space and height controls.

Objectives

O1 Ensure that changes are sympathetic to significant fabric and building elements and do not have a detrimental impact on the heritage significance of the building.

O2 Conserve significant building elements and features including verandahs, fenestration patterns, internal lobbies and staircases.

Provisions

P1 Major changes to the scale and form of apartment buildings should not occur where the additional floor space would compromise the heritage significance of the existing building or surrounding area.

P2 Alterations and additions are to respond to the articulation and rhythm of the existing building through the repetition of significant features that occur at regular intervals.

P3 Retain original or significant window and opening patterns. New openings are to respect this pattern and not introduce new patterns of window or door openings.

P4 External awnings, hoods and other overhanging devices that will detract from the buildings form are not permitted.

P5 Incorporation of lifts should be designed to minimise impacts on significant spaces and fabric within the building.

P6 Upgrading for compliance with the BCA, fire egress, disable access or service installations or structural upgrade should comply with ~~s.~~Section 5.6 to ~~this~~ Part C of the DCP.

~~P7 Refer to Sections 5, 6 and 9 to this Part of the DCP for other applicable controls.~~

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SECTION 11 GUIDELINES FOR NON-RESIDENTIAL BUILDING TYPES

11.1 COMMERCIAL AND OFFICE BUILDINGS

North Sydney contains many examples of office buildings from the Inter War and Post War periods. Some are heritage items or may be located in heritage conservation areas. Some contemporary buildings are also listed.

Objectives

O1 Retain significant fabric and building elements and ensure new work does not compromise the building's significance.

O2 Conserve important building elements and features including significant facades, fenestration patterns, decorative details, external materials and internal lobbies.

O3 Ensure new work respects the original style of the building.

Provisions

P1 Major changes to the scale and form of commercial buildings should not occur where the additional floor space would have a detrimental impact on the heritage significance of the existing building or surrounding area.

P2 Additional storeys or roof additions which require the removal of significant roof forms should not occur.

P3 Where a roof addition is proposed the new work is to be recessive in colour and distinguishable as new.

P4 Alterations and additions are to complement the form of the existing building and be setback from the predominant building envelope (including front and rear building lines) to allow the form of the existing building to remain distinguishable.

P5 Alterations and additions are to respond to the articulation and rhythm of the existing building through the repetition of significant features that occur at regular intervals.

P6 Retain original, internal and external significant fabric, building elements and features.

P7 Original significant elements are not to be removed from a façade.

P8 Retain original or significant window and opening patterns. New openings are to reflect this pattern and not introduce new patterns of window or door openings.

P9 External awnings, hoods and other overhanging devices that will detract from the building form are not to be attached to the façade.

P10 Face brick and sandstone are not to be rendered, painted or coated.

P11 Original wall finishes and claddings that are integral to the original design of the building are not to be removed or over-clad.

P12 New colour schemes are to be appropriate to the period and style of the building and character of the area. Corporate colours should not be used.

P13 Retain original hard and soft landscaping, finishes and sculptures.

P14 Original open forecourts and landscaped areas that contribute to the setting of the building are not to be enclosed or covered over.

Note: *Commercial buildings sometimes incorporate forecourts, landscaping and sculptures that form part of the original design intent. These elements are part of the significance and setting of the place and should be conserved*

P15 Reinstating original hard and soft landscaping, finishes and sculptures is encouraged.

P16 Upgrading for compliance with the BCA, fire egress, disable access or service installations or structural upgrade should comply with ~~s.~~Section 5.6 to ~~this~~ Part C of the DCP.

11.2 RETAIL BUILDINGS AND SHOPS

Many of the North Sydney's commercial areas are characterised by their significant retail shopfronts and facades that can date from the Victorian period to post war development. As well as being important individually, such shopfronts often contribute to the streetscape. It is particularly important to understand the style and period of the shopfront, particularly where this forms part of a significant row or streetscape.

Materials and detailing should be appropriate to the predominant style and period, and avoid the use of materials that were unavailable during the significant period of development.

Objectives

O1 Retain significant and contributory shopfronts.

O2 Promote the reinstatement of original and characteristic shopfront elements.

O3 Encourage the design of shopfronts to adopt a contemporary interpretation of traditional forms when a part of infill development.

O4 Ensure that alterations and additions do not compromise the integrity and consistency of heritage conservation areas.

O5 Retain original interior decorative features.

Provisions

P1 Original shopfronts, and original building elements and materials of existing shopfronts are to be retained.

P2 Original shopfronts or significant characteristic elements are to be reinstated or reconstructed where there is evidence of the original style or detailing on the building or within the row or group.

P3 Solid non-transparent shutters are not supported. Where required, open lattice type security grilles may be installed behind the glazing.

P4 Shopfronts in new buildings may be contemporary in style, but are to be based on the characteristic elements of traditional and significant shopfronts of adjoining or nearby sites.

P5 Reinstating previously removed awnings is encouraged, and should be based on historical or physical evidence or typical styles from the period of the building.

P6 Where additional storeys are contextually appropriate, the new work is to respect the form, scale and detailing of the existing building and not interrupt the parapet line or other significant characteristics of the streetscape.

11.3 PUBS AND HOTELS

Pubs and hotels often date from several periods of construction. As a result, significant elements are often associated with different periods of a building's history. A number of pubs and hotels in North Sydney were designed by prominent architects in high quality, contemporary styles.

Objectives

O1 Retain significant fabric and building elements from all significant periods of construction, including interior features.

O2 Maintain the ongoing use as public houses and hotels.

Provisions

P1 Refer to Sections 5 and 9 to ~~this~~ Part C of the DCP for controls on heritage items and specific development types.



Figure C-11.1:
North Sydney has a number of hotels that are heritage items.
Refer to s.9.3 for controls relating to verandahs and balconies.

11.4 COMMUNITY AND PUBLIC BUILDINGS

Public and community buildings include churches, schools, hospitals and community halls. These buildings often provide a landmark within an area or streetscape, and may have social significance in addition to the significance of the built fabric.

A Conservation Management Plan is required for applications that propose substantial changes to large or complex heritage items, or substantial changes to internal layouts of heritage items.

Objectives

O1 Ensure changes are sympathetic to the significance of the building and do not compromise the heritage significance from all periods of construction.

O2 Allow for, and encourage, the ongoing use of community and public buildings for the purpose for which they were constructed.

O3 Retain significant fabric and building elements.

O4 Retain significant internal features, including internal open volumes such as large halls.

Provisions

P1 Refer to sections 5 and 9 to this Part of the DCP for controls on heritage items and specific development types.

11.5 WAREHOUSES AND INDUSTRIAL BUILDINGS

North Sydney has representative examples of industrial, maritime and workshop buildings. Some are heritage items or within heritage conservation areas. These controls relate to applications for adaptive reuse of changes to such buildings.

Note: *Retaining original and significant fenestration patterns, finishes and decorative details should be a primary aim of adaptive reuse projects.*

Objectives

O1 Ensure changes are sympathetic to significant fabric and building elements, and do not compromise heritage significance.

O2 Allow for the interpretation of the significant original form and use of industrial buildings and places.

O3 Conserve important built elements and equipment including catheads, loading bays, structural systems, flooring, hoists and machinery, piers and wharves.

Provisions

P1 Refer to Sections 5 and 9 to Part C of the DCP for controls on heritage items and specific development types.

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SECTION 12 HERITAGE IN THE PUBLIC DOMAIN

The roads, footpaths, verges and land owned or managed by Council include important elements of North Sydney's heritage. These are elements are identified within the relevant Planning ~~c~~Character ~~a~~Area ~~outcomes~~ Statements and Locality Area provisions (refer to Part F of the DCP).

Objectives

O1 To ensure development does not adversely impact upon the significance of heritage items and places in the public domain.

Provisions

P1 Proposed developments must give due consideration to the retention and enhancement of heritage items in the public domain.

P2 The following built form elements should be retained:

(a) Sewer vents;

(b) Street cobbles, stone kerbs and guttering;

(c) Depression era rusticated fencing and signage.



Figure C-12.1:
There are many heritage items in public areas around North Sydney.

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PART D

DEVELOPMENT ELEMENTS

PREFACE

Part D of the DCP contains objectives and development control provisions for elements of development that are common to different types of development.

The degree of relevance of each of these provisions varies between different types of development and different locations which needs to be taken into consideration.

Part D of the DCP comprises the following sections:

Section 1:	Subdivision
Section 2:	Landscaping
Section 3:	Accessibility
Section 4:	Car Parking and Transport
Section 5:	Waste Minimisation and Management
Section 6:	Safety and Security
Section 7:	Public Infrastructure
Section 8:	Construction Management
Section 9:	Late Night Trading Hours

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SECTION 1 SUBDIVISION

1.1 SUBDIVISION PATTERN

Objectives

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

Provisions

P1 Maintain lot sizes, shape and orientation identified in the relevant Planning Area Character Statement or Locality Area provisions (refer to Part F of the DCP), or if not identified in the relevant Planning or Locality Area ~~Character Statement~~, that are characteristic of the area.

1.2 SERVICING OF NEW LOTS

Objectives

O1 To ensure new lots are adequately serviced.

Provisions

P1 Applicant's must demonstrate how the site is to be serviced for gas, water, electricity, drainage, sewerage, telephone and storm water removal, including any easements that need to be created and practical access for long term maintenance.

P2 All new allotments must provide gravity drainage to the nearest street gutter or inter-allotment drainage system.

1.3 SITE CONSOLIDATION IN COMMERCIAL DEVELOPMENT

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).

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SECTION 2 LANDSCAPING

2.1 GENERAL PROVISIONS

Objectives

O1 Landscaping and planting satisfies minimum performance standards and is sustainable and appropriate to the site.

O2 Landscaping should not adversely impact upon the amenity and usability of adjoining properties.

O3 To encourage biodiversity conservation and ecological processes.

O4 To provide a buffer between bushland and development.

Provisions

P1 Development must provide the~~The~~ minimum landscaped area as ~~applying to development in residential zones is~~ specified within ~~in~~ Part E – *Development Types* of this DCP ~~(, and~~ in particular ~~in~~ Section~~s~~ 1.4.7~~8 for residential development~~ and ~~in Section~~ 3.3.5~~2 for non-residential development in Part E~~), or any alternative minimum landscaped area requirement specified within Part F – *Area Character Outcomes* of this DCP.

P2 Retain existing trees and mature vegetation wherever practical.

Note: ~~(~~*Refer to provisions for management of existing vegetation in Section 3 –* ~~*Vegetation*~~ *Biodiversity to Part B of this DCP*~~).~~

P3 Development on properties in proximity to bushland must be consistent with the requirements of Section 3.2 - *Bushland* to Part B of this DCP.

Note: *Refer to the Bushland Buffer Map in Section 3.2 of this DCP to determine if the subject property is located in proximity to bushland.*

P4 Where a development proposes to incorporate plant containers, they should have a minimum diameter of 110mm and a minimum depth of 135mm.

P5 Developments should incorporate locally occurring native species to reduce water and fertiliser requirements.

P6 Achievement of maximum density, pursuant to Council's controls, will be subject to retention of significant trees (as identified by Council) and other important topographic features.

P7 Minimise disturbance of natural ground levels, native vegetation and topography in the vicinity of identified significant trees.

P8 New hedges must not result in the unreasonable reduction of access to sunlight or views. A condition may be imposed on a development consent which may restrict the maximum height of a hedge.

P9 Trees should provide at least 50% canopy cover over landscaped areas at maturity.

P10 Plant the largest growing and longest lived tree species appropriate to the site conditions.

P11 Council encourages the incorporation of green walls into developments where appropriate.

Note~~s~~: *~~-~~Refer to the North Sydney Council Green Roof and Wall Resource Manual for technical guidance on the design, construction and maintenance of green walls.*

P12 Avoid creating landscaped areas that are broken into a series of small fragmented unusable areas.

P13 Establish a significant landscaped setting for pathways and paved areas.

P14 Use planting to create a buffer against cold winter winds (generally westerly), or to direct cooling breezes in summer (generally north easterly).

P15 Locate driveways and pathways at least 500mm from common boundaries.

P16 Provide screen planting, including trees, within the 1.5m setback from the common boundary.

P17 Identify what measures are to be implemented during construction to protect existing vegetation being retained (refer to Part B: Section 3.1.4 – *Protection of Trees During Construction* in the DCP).

P18 Avoid works which are to occur within the drip line of any tree that has a height greater than 6m, or a girth greater than 1m, measured 1m above the base of the tree.

P19 Vegetation and landscape elements should be selected and designed to avoid overshadowing existing solar panels or roof spaces which are capable of accommodating solar panels.

P20 Use pervious materials or stepping stones where pathways are incorporated within side setbacks.

2.2 FRONT GARDENS IN RESIDENTIAL ZONES

Objectives

O1 To maximise water infiltration on a site.

O2 To soften the built form.

Provisions

P1 The entire front setback must not be paved or concreted.

P2 Where car parking and driveways are located in the front yard, use the minimum amount of paving as practicable.

P3 Front gardens should merge with those on adjoining properties and support the landscape character of the area.

P4 Plant trees and shrubs that will hang over or through fences.

P5 Complement the existing landscape character of the street, including street planting undertaken through ~~Council's~~ the *North Sydney Street Tree Strategy*.

P6 Design front gardens that will soften and complement the view of buildings from the street and surrounding properties.

P7 Do not provide medium height, dense planting around building entries.

2.3 NEW TREE PLANTING

Objectives

O1 To ensure that the current level of canopy cover in North Sydney is maintained and enhanced over the long term.

O2 To ensure that sustained amenity is achieved by establishing a range of age classes within the urban tree population.

O3 To ensure a species diversity that maintains or enhances the current urban character of North Sydney.

O4 To enhance biodiversity through the strategic connectivity of canopy and habitat plantings between areas of bushland remnants (i.e. wildlife corridor creation).

Provisions

Species Selection

P1 Species should be chosen after carefully evaluating the site constraints and the desired function of the tree (e.g. habitat, shade, safety, privacy and aesthetics).

P2 When planting is to take place on public land, Council's arborists will advise the appropriate species in accordance with the *North Sydney Street Tree Strategy*.

P3 When planting is to take place in bushland or bushland habitat areas, Council's Bushland Management Staff will determine appropriate species in accordance with the *North Sydney Natural Area Survey 2010* and relevant Bushland Rehabilitation Plans.

P4 When planting on private property Council strongly recommends the use of a qualified arborist when selecting species.

P5 When selecting a species, the physical, ecological and horticultural characteristics should be considered.

(a) Physical characteristics include: mature dimensions (incl. height, spread and trunk diameter) foliage density, evergreen or deciduous and tree shape or form.

(b) Ecological characteristics include: climatic durability, water efficiency, fauna habitat and invasivity in bushland.

(c) Horticultural considerations include: fruit/flower/seed drop, suitability to the site growing conditions, poisonous or allergic qualities, weed potential, suckering, root vigour, structural soundness and longevity in the urban environment.

Planting Locations

P6 New trees should be located where there is adequate space for the chosen species to grow to its natural mature dimensions, survive in the long term and make a positive contribution to the amenity of an area.

P7 Any new street trees should be located in accordance with the *North Sydney ~~Council~~ Street Tree Strategy*.

P8 Any new trees on private property should be located in accordance with the objectives of the landscaping provisions throughout this DCP and the *North Sydney Urban Forest Strategy*.

Planting techniques

P9 All planting must be carried out in accordance with the detailed specifications appropriate to the site as set out in Council's *Infrastructure Specification Manual for Roadworks, Drainage & Miscellaneous Works*.

P10 Planting trees in footpaths adjacent to heavily trafficked streets may need:

(a) To be undertaken outside of peak hour traffic times.

(b) The approval of the Transport for NSW if it involves a state or arterial road.

(c) A Traffic Management Plan and/ traffic control depending on the road.

Plant Establishment and Maintenance

To ensure the long term survival of any new vegetation, a condition may be imposed on a Development Consent outlining a minimum landscape maintenance period. The length of the landscape maintenance period shall vary according to the specific works carried out and will be generally a minimum of 13 weeks.

It is the responsibility of the developer/applicant to comply with the terms of any Development Consent issued by the Council in respect of maintenance requirements of trees or vegetation within the time stated in the consent.

P11 Erosion and sedimentation controls may need to be provided subject to the scale of the planting work proposed and the potential of causing pollution. These devices must be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.

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SECTION 3 ACCESSIBILITY

3.1 INTRODUCTION

North Sydney Council is committed to the creation of a community focused upon endless opportunities, fundamental human rights and social justice. In this manner, the DCP aims to provide provisions for the promotion and acceptance of people as individuals and their access to a fair and equal opportunity to participate in community life. The Australian Government's *Disability Discrimination Act 1992* (DDA) prohibits discrimination against people with a disability or their associates in a range of areas including transport, education, employment, accommodation and premises to which the public is entitled to enter or use. The *DDA* states that failure to provide equal access is unlawful, unless to do so would impose an unjustifiable hardship.

The built environment should adequately reflect the diversity and needs of the community by allowing the free movement and function of individuals throughout the Council area independently and with dignity. North Sydney Council is seeking to promote an independent and safe lifestyle for the whole of its community through the provision of dignified access. Dignified access means a design or process:

(a) Enables independent access to premises, good and services, without assuming assistance is required;

(b) Is equitable and fair; it does not take longer or force people to travel further;

(c) Facilitates the participation and inclusion of people experiencing a disability; and

(d) Creates places where people feel at-ease, safe and connected.

Dignified access encompasses the ways in which people get to and from places, how people navigate a space or building, and how people access its facilities and services. Provisions for dignified access and mobility benefit not only people with disabilities, but the community at large.

North Sydney Council is committed to the broadening of opportunities for people who work, play and live in the Local Government Area (LGA). This section of the DCP aims to improve mobility, encourage universal design and provide safe, equitable and dignified access for all people regardless of disability.

3.1.1 General Objectives

The objectives of this Section of the DCP are to:

O1 To ensure that the public domain and design of new development provides permeability, legibility, flexibility, consistency, integration and clarity to allow for the access needs of all members of the community.

O2 To provide safe, equitable and dignified access and encourage universal design in new developments, upgrades to existing buildings, public buildings and public open space.

O3 To provide safe, equitable and dignified access within all new developments and ensure that substantial building work carried out on or intensified use of existing buildings provides upgraded levels of access and facilities for all people.

O4 To encourage opportunities for people with disabilities to participate in the design process to foster inclusive design outcomes.

O5 To increase community awareness of disability affecting certain sections of the community through continued investigation and design best practice and further encourage the educational and promotional awareness of access and mobility issues.

O6 To introduce standards for adaptable housing and universal design to recognise the more diverse accommodation needs of the community, particularly people with disabilities and older people and allow for flexibility in modification to cater for occupants with existing disabilities or progressive disabilities.

O7 To provide an adequate supply of car parking facilities for use by people with disabilities.

3.1.2 When does this section of the DCP apply?

This Section of the DCP applies to:

(a) all development applications for new development or alterations and additions to existing non-residential development under NSLEP 2013 (e.g. those buildings generally comprising Classes 3, 5, 6, 7, 8 and 9 buildings as classified under the Building Code of Australia (BCA));

(b) all development applications required to provide adaptable housing under Part E: Section 1 – *Residential Development* to this DCP (refer to subsection 1.2.2);

(c) All development applications for new or alterations and additions to a boarding house, co-living or a group home; and

(d) All development applications for new or alterations and additions to child care facilities~~centres~~.

However, this Section of the DCP does not apply to:

(e) Work that merely preserves the value or use of an existing asset (e.g. work maintaining, repairing and replacing - unless the maintenance involves works on an existing access barrier which can be easily modified to provide equitable access);

(f) Works to a component of a building that does not effect access (e.g. installation of a ventilation system);

(g) Development that does not require building work and is not a significant public use that involves a public authority, service or function such as a health service facility, public administration building, retail premises, place of public worship, restaurant or hotel (e.g. a small change of use with no associated construction works);

(h) Development that does not require a development application and which BCA approval is not required;

(i) Class 1 and Class 4 buildings classified under the BCA.

3.2 LEGISLATIVE FRAMEWORK

3.2.1 The Disability Discrimination Act 1992 (*DDA*)

The DDA aims to eliminate, as far as possible, discrimination against persons on the ground of disability in areas of:

(a) Work, accommodation, education, access to premises, clubs and sport;

(b) The provision of goods, facilities, services and land;

(c) Existing laws; and

(d) The administration of Commonwealth laws and programs.

Under the *DDA*, any area legally accessible to the public must also be accessible to people with a disability. The *DDA* covers both new and existing buildings as well as places under construction. Applicants proposing to undertake a development should be aware of the requirements of the *DDA* the *EP&A Act,* the Disability (Access to Premises – Buildings) Standards and the BCA.

More information on the *DDA* can be obtained from the Human Rights and Equal Opportunity Commission website: *www.humanrights.gov.au*

3.2.2 Disability (Access to Premises – Building) Standards

On 1 May 2011 the Disability (Access to Premises – Buildings) Standards (Premises Standards) commenced operation. The Premises Standards take a fresh approach to access to premises by harmonising the requirements of the *DDA* and those of the Building Code of Australia. The result is that access requirements will be applied consistently to new buildings and new building work throughout Australia, and will be enforced through existing and effective State and Territory building approval processes.

Copies of the Premises Standards, an explanatory statement and frequently asked questions can be viewed and downloaded from *www.ag.gov.au/premisesstandards*. In addition, the Australian Human Rights Commission has produced Guidelines on the application of the Premises Standards. These guidelines are helpful in interpreting the standards and can be viewed and downloaded from *www.hreoc.gov.au/disability_rights/standards/PSguide.html*.

3.2.3 Building Code of Australia (BCA)

The BCA and the Australian Standards are the basic tools used in respect of access.

Both prescribe the minimum standards that must be achieved in new development in order to provide equitable access for people with disabilities. However, where substantial alterations are proposed to an existing development, the consent authority has the discretion to enforce the provisions of the BCA on existing developments.

The BCA operates on a performance-based basis which allows for a broader range of solutions making it easier to deal with the specialised needs of particular buildings, such as heritage buildings. Within the BCA are "*deemed to satisfy*" provisions which provide one possible building solution that is considered to satisfy the performance based provisions. An alternative solution to the "*deemed to satisfy*" provisions of the BCA may be considered by the consent authority, but only if the applicant can adequately demonstrate that the alternative solution achieves the same outcome as a "*deemed to satisfy*" provision.

Amendments were made to the BCA in 2011 to ensure that it was consistent with the Access Code of the Premises Standards. While legally the two sets of requirements must remain separate documents, the intention is that compliance with the amended BCA and state and territory building laws and regulations will also ensure compliance with the Premises Standards.

3.2.4 Australian Standards

The BCA makes reference to some of the Australian Standards applicable to the design of equitable access. However, it is suggested that designers and planners consider the relevant and most up to date provisions of both the referenced Australian Standards and relevant non-referenced Australian Standards in respect to any development. The most up to date Australian Standards will be referenced during the assessment of any development proposal. At the time of the preparation of this DCP, the following standards apply:

- AS 1428 Design for Access and Mobility,
- AS 1428.1 (2009) General Requirements for Access - New Building Work,
- AS 1428.2 (1992) Enhanced and Additional Requirements - Buildings and Facilities,
- AS 1428.4.1 (2009) Means to assist the orientation of people with vision impairment – Tactile ground surface indicators,
- AS 1428.4.2 (2018) Means to assist the orientation of people with vision impairment – Wayfinding signs,
- AS 1428.5 (2010) Communication for people who are deaf or hard of hearing,
- AS 1735.12 (1999) Lifts, escalators and moving walks – Facilities for Persons with Disabilities,

- AS/NZS 2890.6 (2009) Parking facilities – Off-street parking for people with disabilities,
- AS 4586 (2013) Slip resistance classification of new pedestrian surface materials,
- AS 4663 (2013) Slip resistance measurement of existing pedestrian surfaces, and
- AS 4299 (1995) Adaptable Housing.

Copies of Australian Standards can be obtained from:

Standards Australia
Level 10, The Exchange Centre
20 Bridge Street
Sydney NSW 2000
Ph: 1800 035 822
www.standards.org.au

3.2.5 Livable Housing Design Guidelines

The *Livable Housing Design Guidelines* aim to ensure that future homes are able to meet the changing needs of a variety of occupants over the course of the home's lifetime. They were published in 2010 by Livable Housing Australia and are based on universal design principles. Although these guidelines are not statutory, they currently reflect best practice directions in this industry. Council has incorporated the Silver level performance requirements from the Livable Housing Design Guidelines into this DCP, which focuses on seven core design elements:

(a) Dwelling access;

(b) Dwelling entrance;

(c) Internal doors and corridors;

(d) Toilets;

(e) Showers;

(f) Reinforcement of bathroom walls; and

(g) Internal stairways.

The Guidelines and the details of the Silver, Gold and Platinum level performance requirements can be accessed at: *https://livablehousingaustralia.org.au/wp-content/uploads/2021/02/SLLHA_GuidelinesJuly2017FINAL4.pdf*

3.3 DEVELOPMENT ASSESSMENT

3.3.1 Variation of Access Provisions

If providing access is considered to cause unreasonable costs or difficulties and is proven unjustified, an exemption may be applied for. In some cases, compliance with access provisions may not be possible and an alternative solution may be considered more desirable by both the developer and Council. A partial or alternative solution will be preferred, opposed to total exemption from the policy.

Should it be the case that provision of access for people with a disability is not possible, a "*statement requesting variation*" must be submitted with the development application. The statement requesting variation should address at least the following:

(a) Technical limits;

(b) Topographic restrictions;

(c) The effect, both positive and negative, on other people of providing the required access, for example, people delivering goods, people with prams or trolleys and the staff;

(d) Safety, design options explored and construction issues;

(e) Heritage issues;

(f) The benefit for people with disabilities; and

(g) The costs involved in providing access.

Applicants should be aware that a variation accepted in one situation may not necessarily be accepted in another. It may also be the case that a partial solution may be preferred rather than a total exception. Access should be provided to the maximum level possible without causing unjustifiable hardship.

The consent authority will consider whether or not the case provided in the statement requesting variation is reasonable and whether or not it should be supported. Each case will be assessed on a merits basis and will consider the possibility of providing partial solutions as submitted in the statement requesting variation.

Applicants should note that the granting of consent by the consent authority to a development that is non-compliant with the BCA or this DCP due to reasons such as technical limits, topographical restriction or heritage significance does not protect the applicant against a complaint being made against them under the *DDA*.

3.3.2 Access to Heritage Items

North Sydney Council contains a large number of sites of historic, scientific, cultural, social, architectural, natural and/or aesthetic significance. Due to the nature of these locations and their local, regional, national and international importance, access should be available for all members of the community.

The provision of equitable access may involve the modification of significant fabric of the heritage item, which could be in direct conflict with heritage values for the site. Thus, development proposals involving heritage items will therefore be assessed on a merit basis. However, the proposal should follow these basic principles:

(a) The provision of access for people to and within heritage items should have minimal impact on the significant fabric of the item and, as far as possible, be reversible;

(b) Where such access is likely to have a major adverse impact on significant fabric, alternative solutions should be considered; and

(c) Alternative solutions may include a temporary ramp, access through a side entrance or the like. However, applicants should note that these solutions will only be acceptable as a 'last resort', and that every effort should be made to ensure that equitable access is provided through the principle entrance of the building.

The alteration or removal of a highly significant fabric in order to provide access to the heritage item could constitute an argument of unjustifiable hardship. However, in doing so, it must be clearly established that there are no other suitable alternative solutions to provide access to the building. Should development be proposed in a heritage item that is currently, or proposed to be, publicly accessible, Council will require the submission of a heritage impact statement or conservation management plan which addresses access issues. Where a heritage impact statement is submitted, a separate statement requesting variation is not required.

The heritage impact statement should be prepared by a suitably experienced and qualified heritage practitioner and identify the following points as a minimum:

(a) Assess the significance of the place;

(b) Identify and rank the significant elements;

(c) Determine the existing and required levels of accessibility (this will generally require the input of an access expert);

(d) Identify the potential impacts (both positive and negative) of providing access to the item;

(e) Identify and assess the possible design alternatives; and

(f) Assess the heritage impact of the preferred design solution.

3.3.3 Public Domain and Access

Generally, North Sydney Council does not permit private development which encroaches upon the public domain as it is perceived to be alienation of public space and not in the public's best interest.

However, in some exceptional cases it may be appropriate to allow for development to encroach upon or alter the public domain so that equitable access can be provided to a building. In proposing that access be provided via a ramp or other mechanical device on the public domain or alteration of the public domain the following must be demonstrated:

(a) Providing access by other means will result in a substantial loss of original fabric of a heritage item, thereby impacting on the significance of the place, and that the provision of equitable access is highly desirable, with no alternative access options available;

(b) The proposal involves a significant public building where equitable access is highly desirable and there are no alternative access options available; and

(c) The safety, accessibility, legibility and consistency of public domain will not be adversely affected.

Should an applicant propose to use the public domain to provide equitable access to a building, Council's consent as owner of the land must be obtained prior to lodgement of a development application. To obtain Council's consent the applicant must fully document all access options that have been pursued.

For further information regarding use of the public domain for equitable access, please contact the Engineering and Property Services Department.

3.4 DESIGN CRITERIA

3.4.1 Continuous Accessible Path of Travel

A continuous accessible path of travel means a clear, flat and unobstructed path of travel to or within a building providing access to all required facilities. For non-ambulatory people, this accessible path should not incorporate any step, stairway, turnstile, revolving door, escalator or other impediment which would prevent it from being safely negotiated by people with disabilities.

Objectives

O1 To ensure that all public spaces are accessible to people with disabilities via a continuous accessible path of travel.

O2 To ensure that the main path of access for people with disabilities is safe, equitable and dignified.

O3 To encourage new development to incorporate universal design principles.

Provisions

P1 Continuous accessible paths of travel are to:

(a) comply with the requirements under AS 1428.1 and 1428.2;

(b) be well lit and sheltered from the weather where possible;

(c) incorporate rest stations if the travel route is long;

(d) provide for the physical separation of pedestrian traffic from vehicular traffic;

(e) have the shallowest possible gradient for the distance available; and

(f) incorporate walkways, ramps, step ramps or lifts at changes of level along the path of travel.

P2 The access paths and travel paths should incorporate rest stations if the travel route is long.

P3 Signage and tactile markers should be provided to direct people with disabilities to accessible locations.

3.4.2 Parts of a building required to be accessible

Objectives

O1 To ensure that appropriate areas of a building are accessible and located along the accessible path of travel.

Provisions

P1 Access to buildings and their facilities should be provided in accordance with Table D3.1 of the BCA unless it can be shown that access to an area would be inappropriate because of the particular purpose for which the area is to be used.

P2 Premises providing fixed seats (e.g. entertainment facility, recreation facility), must provide a minimum of 1 wheelchair space per 100 seats or part thereof, with a minimum of 2 spaces. The positioning of spaces provides equal amenity and choice for all users.

3.4.3 Accessible Room Requirements

This subsection of the DCP applies to buildings containing temporary residential accommodation such as serviced apartments, hotel and motel accommodation.

Objectives

O1 To ensure that temporary residential accommodation caters for mobility impaired persons.

O2 To ensure that where than more than one bed or apartment is provided, that a range of amenity and cost of accessible accommodation is available.

Provisions

P1 Accessible rooms shall be provided in the ratios outlined in Table D3.1 of the BCA for Class 3 developments.

P2 Where accessible rooms or bedrooms are required pursuant to P1 above, they must:

(a) be distributed as equitably as possible amongst the different ranges of amenity provided; and

(b) fully comply with the requirements of AS 1428.1 and AS 1428.2.

3.4.4 Walkways, Ramps and Landings

Objectives

O1 To ensure that walkways, ramps and landings provide appropriate transitions between sections of different gradients allowing for safe, equitable and dignified access to public places for all members of the community.

O2 To ensure that landings are provided in appropriate places to function as both resting points and circulation spaces.

O3 To ensure that appropriate ancillary devices are provided with walkways, ramps and landings to maximise mobility for all people.

Provisions

P1 Walkways, paths, ramps and landings must be provided in accordance with AS1428.1.

P2 Handrails are to be provided to walkways, paths, ramps and landings in accordance with AS 1428.1.

P3 Walkways, paths and landings shall not protrude on the public way, unless prior agreement has been reached between the applicant and North Sydney Council.

P4 Where applicable, walkways, ramps and landings shall be 'filled in' underneath in order to avoid people with vision impairments walking into the underside.

P5 Gradients provided between lands should be constant and the angle of approach to changes in gradient should be at or near zero degrees.

P6 Consideration should be given to providing alterative means to providing access between levels (e.g. where appropriate, lifts should be incorporated).

P7 At the end of walkways, paths and ramps there should be contrasting surfaces.

P8 Walkways, paths and ramps should have a slip resistance surface, be well lit, and display tactile markers (refer to AS1428.4) and warnings to assist people with a vision impairment.

P9 The height of the kerb shall comply with the provisions of *Disability Standards for Accessible Public Transport 2002*.

P10 Kerb ramps are to be provided from the footpath to the road at all intersections and through traffic islands where practicable. The kerb ramps are flush with the footpaths and roadways and avoid ridges which create barriers for wheelchairs and child strollers. Tactile surfaces indicate a kerb ramp for people with impaired vision.

P11 Consideration should be given to providing alterative means to providing access between levels (i.e. where appropriate, lifts should be incorporated).

P12 Kerb ramps should be free of any threshold lip.

3.4.5 Doorways and Doors

Objectives

O1 To ensure doorways and doors are designed such that all members of the community can traverse the opening without hindrance.

Provisions

P1 Entrance doors must be provided in accordance with AS 1428.1.

P2 Where double leaf doors are used, at least one leaf must be in accordance with the minimum clear opening requirements of AS1428.1.

P3 Adequate circulation space should be provided on both sides of doorways as required by subsection 3.4.6 to this Section of the DCP.

3.4.6 Circulation Spaces

Objectives

O1 To ensure that adequate circulation spaces, which allow the easy manoeuvrability of wheelchairs, and rest spaces are provided and positioned so that they do not impact on the circulation space.

Provisions

P1 Circulation spaces must comply with AS 1428.2.

P2 All circulation areas and thoroughfares should be clear of any obstruction that will impede access by people using mobility aids or which may cause a hazard for people with a vision impairment (refer to AS1428.4).

3.4.7 Lifts

Objectives

O1 To ensure that accessible lifts are installed in public buildings which have more than one level, including parking levels, and are required to be accessible.

O2 To ensure that the accessible lift forms part of the continuous accessible path of travel.

Provisions

P1 Accessible lifts shall be installed in new commercial and residential buildings in accordance with AS 1735.12.

P2 In an existing development, where the installation of a lift complying with AS 1735.12 would cause unjustifiable hardship, a "stairway wheelchair platform lift" complying with AS 1735.7 may be considered.

P3 Lift lobbies shall be designed to permit the turning of wheelchairs for the purpose of entering and exiting lifts and to permit the easy passage of other persons and be provided with seating.

P4 Lifts should be equipped with audio announcements to indicate floor level and direction of travel.

P5 Lifts should be fire-rated to enable evacuation during emergencies.

3.4.8 Sanitary Facilities

Objectives

O1 To ensure that adequate sanitary facilities catering for people with disabilities are provided in accessible buildings.

O2 To require the provision of unisex toilets so that a person can be assisted by an attendant of the opposite sex.

Provisions

P1 Where equitable access is provided to a building, sanitary facilities for people with disabilities shall be provided in accordance with requirements of AS 1428.2 and Part F2.4 of the BCA.

3.4.9 Car Parking Facilities

Objectives

O1 To ensure car parking is accessible for people with disabilities.

Provisions

P1 Must comply with provisions for accessible parking facilities in Part D: Section 4 - *Car Parking and Transport* in this DCP.

3.4.10 Fire Safety

Objectives

O1 To ensure that consideration is given to additional needs of people with disabilities when designing egress routes and warning systems.

Provisions

P1 Prior to granting consent Council must give consideration to the following:

(a) accessible fire rated egress routes or waiting spaces for people with mobility impairments;

(b) warning systems have both audible and visual warnings; and

(c) Preparation of an emergency management plan which identifies strategies to facilitate emergency egress for people with a disability.

3.4.11 Temporary Structures and Events

Objectives

O1 To ensure that consideration is given to additional needs for people with disabilities when planning events and festivals and when designing temporary structures.

Provisions

P1 Where a temporary festival or event is proposed:

(a) if the event is to be held in an existing building, access shall be provided to the greatest extent possible;

(b) accessible sanitary facilities must be made available; and

(c) Where a fire egress is an issue, consideration should also be given to preparing an emergency evacuation plan for people with disabilities.

P2 Where a temporary structure is proposed:

(a) The structure should not reduce the existing level of accessibility;

(b) Where a fire egress is an issue, consideration should also be given to preparing an emergency evacuation plan for people with disabilities; and

(c) If applicable, an accessible path of travel should be incorporated to and within the temporary structure.

3.4.12 Signage and Audio Cues

Objectives

O1 To ensure that where information (both visual and audio) is required, the appropriate indicators are designed and provided to be understood by all users, including those with sensory disabilities (i.e. sight and sound).

Provisions

P1 Signage and hearing augmentation systems must be provided in accordance with AS1428.1 and AS 1428.2.

P2 Hearing augmentation must be provided for at least 15% of the seating capacity of an entertainment facility.

3.5 ADAPTABLE HOUSING

Objectives

O1 To ensure that accessible, continuous and safe paths of travel are provided from the property entry point to and through the entrance of adaptable dwellings.

O2 To ensure that all new dwellings incorporate universal design elements to accommodate the changing needs of occupants over their lifetimes.

Provisions

P1 Adaptable housing required to be provided in accordance with Part D: Section 1 - *Residential Development* to the DCP must be designed and constructed to a minimum Clase C under AS4299 – Adaptable Housing.

Note: *Class C Certification requires the provision of all "essential features" of AS 4299 to be incorporated within the development. The essential features criterion include:*

(a) Provision of plans showing the housing unit in its pre-adaptation and post-adaptation stages;

(b) A continuous accessible path of travel;

(c) Provision of accessible parking spaces;

(d) Manoeuvrability both internally and externally;

(e) Adjustable kitchen facilities;

(f) Adjustable bathroom facilities; and

(g) Adjustable laundry facilities.

P2 Where adaptable housing is required, access to and within all of the public areas (i.e. common areas/facilities such as entry lobbies, laundry, bbq areas, gardens and the like) must be provided in accordance with AS 1428.

P3 Issues to be considered in the assessment of adaptable housing include:

(a) ***Compliance with AS1428.1 and AS1428.2***:

Access to and within the adaptable housing dwellings complies with the requirements of the relevant provisions of the Australian Standards. This includes access to at least one type of each common facility or service provided in the development (e.g. BBQ areas, swimming pools, common laundry facilities etc).

(b) ***Location***:

Adaptable housing units should be provided in convenient locations that are close to facilities such as public transport, community facilities and public services.

Within the development they should be located along the accessible path of travel, preferably close to the main entrance of the building.

(c) ***Bathroom Facilities***:

Bathrooms should be large allowing for wheelchair access and manoeuvring. A bath need not be provided, but the shower should allow for chair access. The hand wash basin and any shelving should be provided at a height that is accessible at both a standing or seated position.

(d) ***Laundry Facilities***:

The laundry should also be large to allow for wheelchair access and circulation around the appliances. Washing machines and dryers should be front loading, a wall mounted dryer is also preferable.

(e) ***Circulation Spaces***:

Bedrooms and living areas should be an adequate size to allow for ease of movement around furniture. Doorways and entrances are wide enough to facilitate wheelchair access and circulation.

(f) ***Kitchen Facilities***:

The kitchen should be of a flexible design so that modifications can be made if required in the future. Cupboard and pantry shelf heights should be adjustable to make them easy to reach.

(g) ***Flooring***:

Tiles or timber flooring is preferable to carpet. However, if carpet is to be provided it should be low pile with no underlay. Non-slip tiling should be provided in wet areas.

(h) ***Walls***:

Walls located along main travel paths and in bedrooms and bathrooms should be reinforced to allow for installation of grab rails if necessary.

(i) ***Windows***:

Windows should be operatable with one hand (preferably sliding) and located no higher than 700mm from the floor.

(j) ***Landscaping***:

Outdoor areas should be designed to be low maintenance, with no lawns and a drip irrigation system. All paving should be even and be wheelchair accessible.

Note: *In order to grant development consent, Council will need to be satisfied that the proposal can comply with the design requirements of AS4299 without major structural or design changes. As part of the development consent, a condition will be imposed requiring the checklist of AS4299 to be completed and submitted with the subsequent construction certificate application. The principal certifying authority will then be required to check that the proposal complies with the technical components of AS4299.*

SECTION 4 CAR PARKING AND TRANSPORT

4.1 INTRODUCTION

Due to its geographical location within Metropolitan Sydney, North Sydney's transport infrastructure not only accommodates the travel demands of its residents and workers, it also caters to needs of a significant level of cross regional trips. Increased parking provision directly results in increases in traffic flow and congestion, which subsequently reduces levels of service for all modes of transport.

This increase in traffic generation can also lead to loss in residential, pedestrian and cyclist amenity, safety of all transport modes and further lead to increased use of private vehicles as alternative transport modes become less attractive.

The *North Sydney Transport Strategy* seeks to manage these issues by outlining Council's transport vision and priorities for the LGA. The vision focuses on issues of safety, transport security, social well being, active health, fair access to parking, environmental sustainability, local environments, transport affordability, congestion and business activity.

In particular, it seeks to prioritise the efficient movement of people and goods by walking, cycling, and public transport with lower levels of priority given to private vehicular transport.

4.1.1 General objectives

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

O1 the objectives, strategies, planning priorities and actions of the *Greater Sydney Region Plan – A Metropolis of Three Cities* and the *North District Plan* are implemented;

O2 the objectives, strategies, planning priorities and actions of the *North Sydney Local Strategic Planning Statement* are implemented;

O3 the vision and priorities of the *North Sydney Transport Strategy* are achieved;

O4 existing levels of traffic generation are contained and reduced;

O5 public transport, including walking and cycling, is the main form of travel mode;

O6 parking is adequate and managed in a way that maintains pedestrian safety and the quality of the public domain whilst minimising traffic generation;

O7 parking is accessible to all user groups;

O8 minimal impacts occur on the provision of on-street parking;

O9 ensure consideration is given to the provision of bicycle parking and facilities;

O10 a development's transport demand is effectively managed through its lifetime; and

O11 adaptable housing, where required, is allocated with an accessible parking space.

4.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications.

4.1.3 Relationship to other documents

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

(a) *North Sydney Local Strategic Planning Statement*;

(b) *North Sydney Transport Strategy*;

(c) *SEPP (Transport and Infrastructure) 2021*;

The Transport and Infrastructure SEPP lists the types of developments which are required to obtain Transport for NSW's concurrence prior to the issuing of development consent;

(d) Transport for NSW's *Guide to Traffic Impact Assessment* prepared by the former Road and Traffic Authority*;*

(e) *Cycling Aspects of Austroads Guides AP-G88-17 (2017)* prepared by NSW Department of Infrastructure, Planning and Natural Resources and the NSW Roads and Traffic Authority;

(f) ***Performance Guide***

The Guide will direct you to the references, which have been adopted by Council for designing traffic facilities associated with the development of private property; and

(g) *North Sydney Council Resident Parking Permit Policy*.

4.2 PARKING PROVISION

4.2.1 Quantity Requirements

Objectives

O1 To facilitate an increase in the use of public and alternative transport modes including walking and cycling.

O2 To minimise the reliance on private car usage.

O3 To ensure that an appropriate level of on-site car parking is provided to cater for the users of the development, with regard to a site's proximity and access to other sustainable transport modes.

Provisions

Residential Development

P1 Provide on-site car parking, not exceeding the maximum rates stated in Table D-4.1.

Note: *To remove any doubt, where the parking calculation for each component of the development results in a fraction of a parking space, the maximum rate is to be rounded down to the nearest whole number.*

TABLE D-4.1 – Residential Parking Rates				
Development Type	**Zone**	**Location**	**Maximum Parking Rate**	
• dual occupancies • dwelling houses • semi-detached dwellings	All	All	1-2 bedrooms	1 space / dw*
			3 or more bedrooms	2 spaces /dw
• attached dwellings • multi-dwelling housing	All	All	Studio, 1-2 bedrooms	1 space / dw
			3 or more bedrooms	1.5 spaces / dw
			Visitor	0.25 space / dw (min of 1 space)
• residential flat buildings • shop top housing	E2 Commercial Centre MU1 Mixed Use	High Accessibility Area**	Studio	0.3 space / dw
			1 bedroom	0.4 space / dw
			2 bedroom	0.7 space / dw
			3 + bedrooms	1 space / dw
			Motorcycle parking	1 space / 10 car spaces
		All locations other than High Accessibility Area**	Studio, 1 bedroom	0.5 space / dw
			2 + bedrooms	1 space / dw
			Motorcycle parking	1 space / 10 car spaces
	All zones other than: E2 Commercial Centre MU1 Mixed Use	High Accessibility Area**	Studio	0.3 space / dw
			1 bedroom	0.4 space / dw
			2 bedroom	0.7 space / dw
			3 + bedrooms	1 space / dw
			Motorcycle parking	1 space / 10 car spaces
		All locations other than High Accessibility Area**	Studio, 1-2 bedrooms	1 space / dw
			3 + bedrooms	1.5 spaces / dw
			Visitor	0.25 space / dw (min of 1 space)
• boarding houses	All	All	1 / 12 beds	
• seniors housing	All	All	1 / 5 dw	

* *dw = Dwelling*

** *The extent of the High Accessibility Area is identified in Figures D-4.1 to D-4.3.*

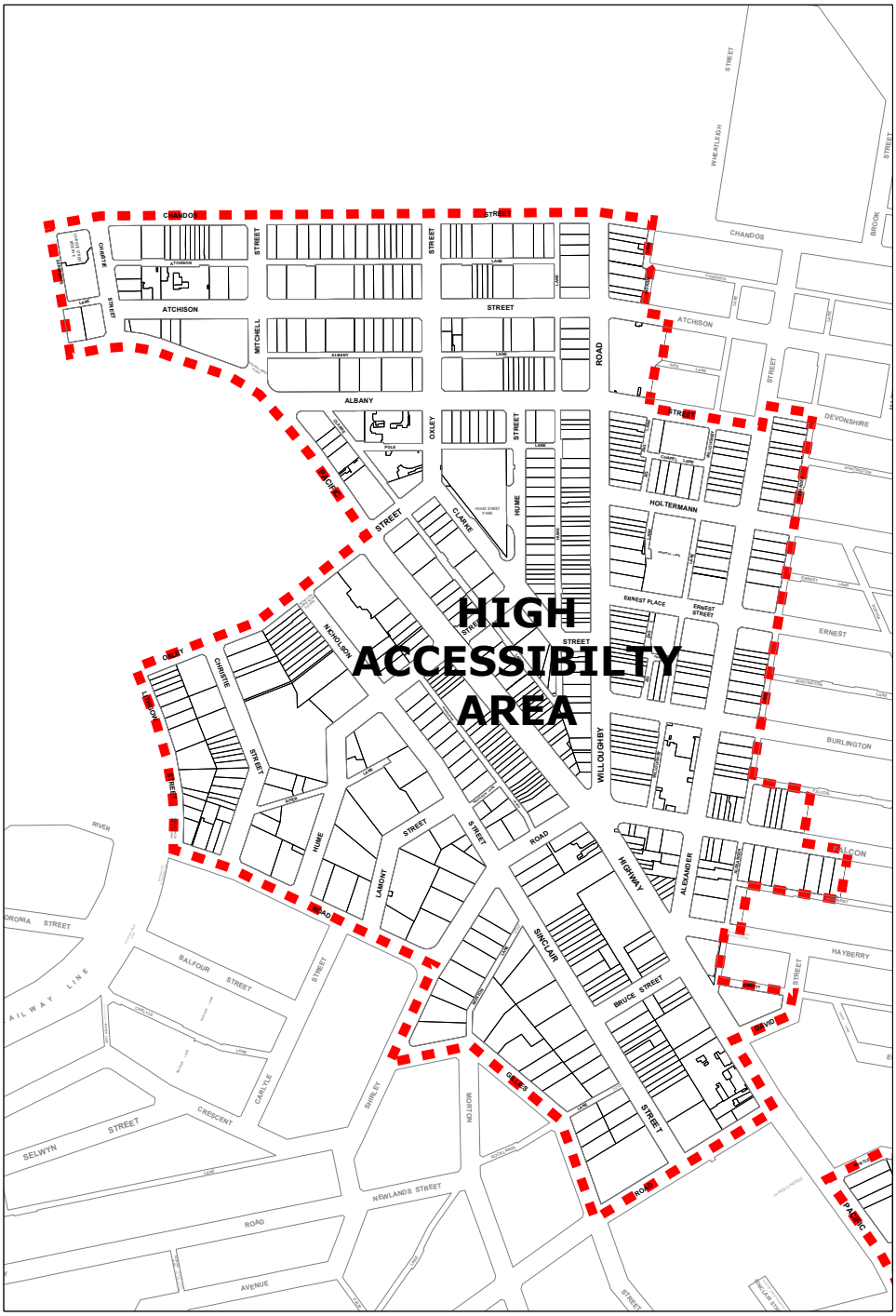
HIGH
ACCESSIBILTY
AREA
CHANDOS
STREET
ATCHISON
MITCHELL
ALBANY
OXLEY
HUME
CLARKE
HOLTERMANN
ERNEST PLACE
ERNEST STREET
ERNEST
BURLINGTON
WILLOUGHBY
ROAD
HIGHWAY
ALEXANDER
SINCLAIR
BRUCE STREET
DAVID
GILES
PACIFIC
NICHOLSON
CHRISTIE
LAMONT
BALFOUR STREET
CARLYLE
SHIRLEY
MORTON
NEWLANDS STREET
SELWYN STREET
CRESCENT
AVENUE
RIVER
WHEATLEIGH
BROOK
DEVONSHIRE
HAYBERRY

Figure D-4.1

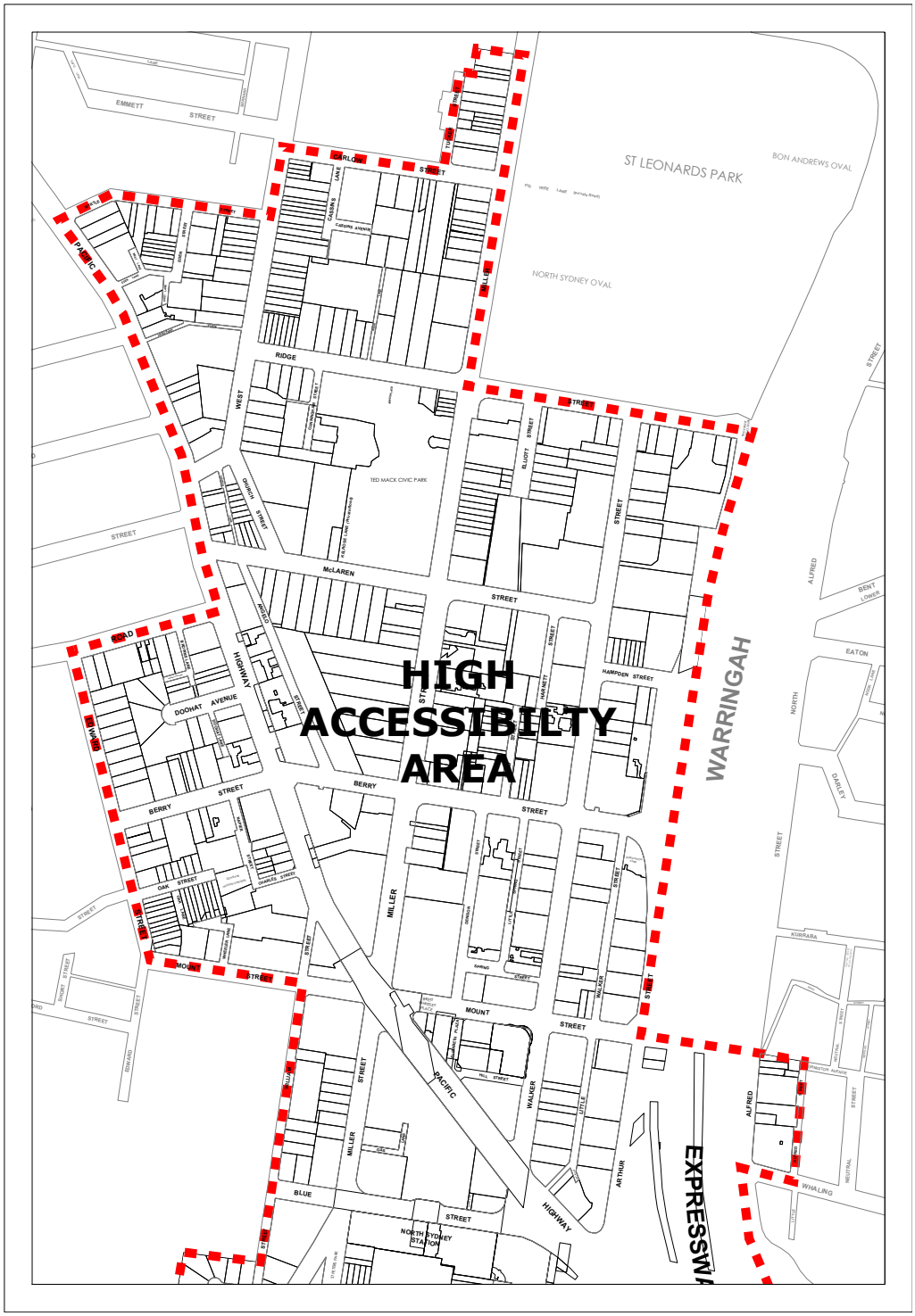
HIGH ACCESSIBILITY AREA
ST LEONARDS PARK
BON ANDREWS OVAL
NORTH SYDNEY OVAL
TED MACK CIVIC PARK
WARRINGAH
EXPRESSWAY
EMMETT STREET
CARLOW STREET
RIDGE STREET
WEST STREET
McLAREN STREET
BERRY STREET
MOUNT STREET
BLUE STREET
MILLER STREET
PACIFIC HIGHWAY
WALKER STREET
ARTHUR STREET
ALFRED STREET
HAMPDEN STREET
DOOHAT AVENUE
NORTH SYDNEY STATION

Figure D-4.2

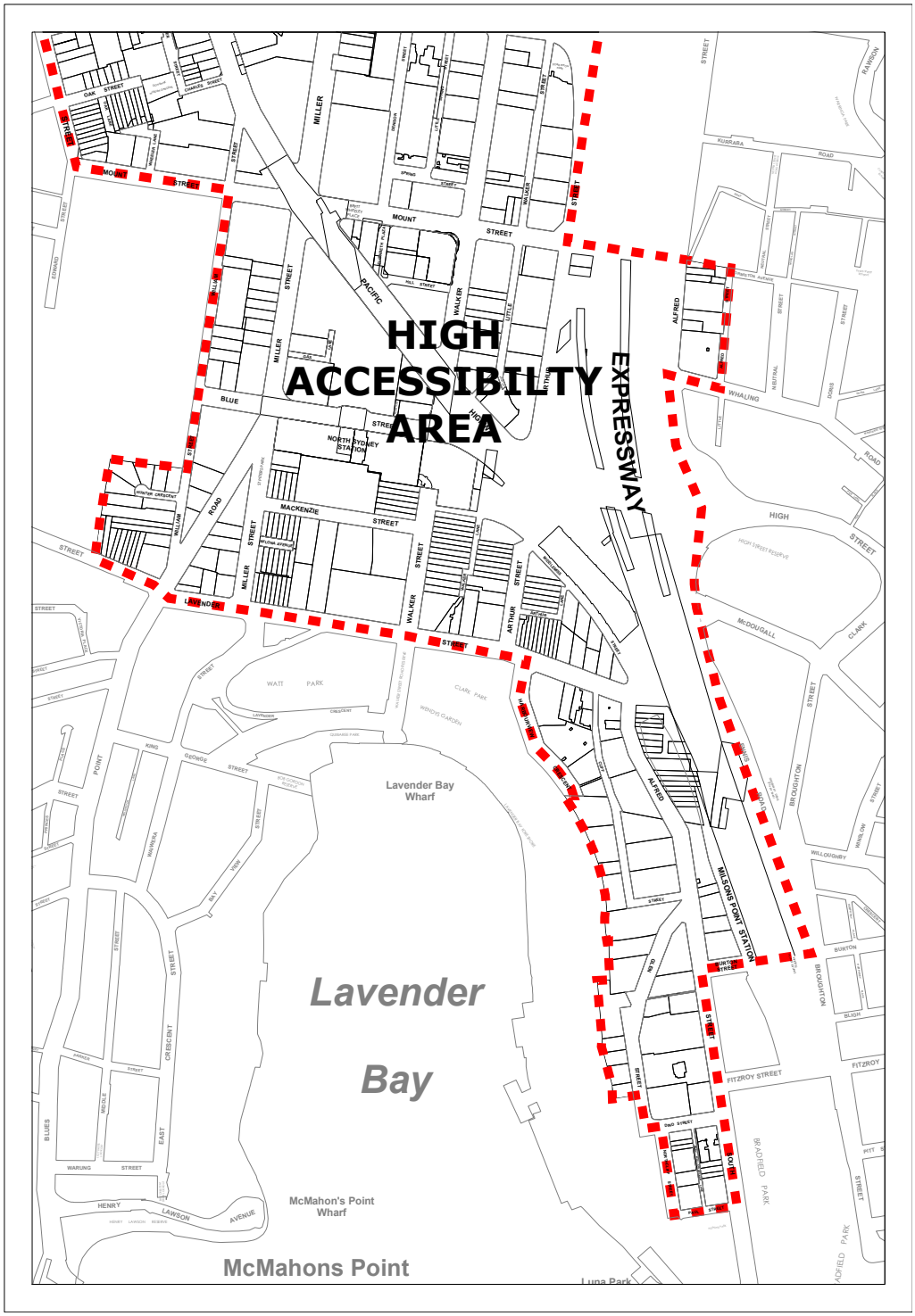
HIGH
ACCESSIBILTY
AREA
EXPRESSWAY
Lavender Bay
Lavender Bay Wharf
McMahon's Point Wharf
McMahons Point
MILLER
MOUNT
STREET
WALKER
ARTHUR
MACKENZIE
BLUE
LAVENDER
ALFRED
MILSONS POINT STATION
FITZROY STREET
BRADFIELD PARK
HIGH
WHALING
McDOUGALL
BROUGHTON
WATT PARK
CLARK PARK
Luna Park

Figure D-4.3

P2 For residential flat buildings, shop-top housing and attached dwellings, on-site car parking provision below maximum rates specified in Table D-4.1 is encouraged where the proposed development has good access to public transport.

P3 For residential developments containing 4 or more dwellings, a car wash bay is to be provided within the visitor parking area. The car wash bay may comprise a visitor car space. The wash bay is to be adequately drained and connected to the sewer line.

P4 The use of car spaces is restricted to the occupiers(s) of a development.

P5 Designate visitor car parking spaces as common property.

P6 All adaptable housing required to be provided in accordance with Part E: Section 1 – *Residential Development* of the DCP must ~~be~~ allocate~~d~~ at least one accessible parking space to each adaptable dwelling.

Non-Residential Development

P7 Provide on-site car parking not exceeding the maximum rates specified in Table D-4.2.

Note: *To remove any doubt, where the parking calculation for each component of the development results in a fraction of a parking space, the maximum rate is to be rounded down to the nearest whole number.*

TABLE D-4.2: Non-residential Parking Rates in Specific Locations

Zone	Location	Development Type	Maximum Parking Rate
E1 Local Centre	High Accessibility Area **	All	1 space / 400m^2 non-residential GFA
	All locations other than High Accessibility Area **	All uses listed in Table D-4.3 - Specific Uses	As per Table D-4.3
		All uses not listed in Table D-4.3 - Specific Uses	1 space / 100m^2 non-residential GFA
E2 Commercial Centre	All	All	1 space / 400m^2 non-residential GFA*
MU1 Mixed Use	High Accessibility Area **	All	1 space / 400m^2 non-residential GFA*
	All locations other than High Accessibility Area **	All uses listed in Table D-4.3 - Specific Uses	As per Table D-4.3
		All uses not listed in Table D-4.3 - Specific Uses	1 space / 60m^2 non-residential GFA
E3 Productivity Support W4 Working Waterfront	All	All uses listed in Table D-4.3 - Specific Uses	As per Table D-4.3
		All uses not listed in Table D-4.3 - Specific Uses	1 space / 100m^2 non-residential GFA

* *GFA = gross floor area*

** *The extent of the High Accessibility Area is identified in Figures D-4.1 to D-4.3.*

P8 For specific non-residential uses, provide on-site car parking not exceeding the maximum rates specified in Table D-4.3. The parking requirements within Table D-4.2 take precedence over the rates within Table D-4.3.

Note: *To remove any doubt, where the parking calculation for each component of the development results in a fraction of a parking space, the maximum rate is to be rounded down to the nearest whole number.*

TABLE D-4.3 – Parking rates for specific non-residential uses

Development Type	Maximum Parking Rate	
Boat repair facilities	• 1 space / 200m^2 of GFA* • Appropriate loading facilities	
~~Child care centres~~ Centre-based child care School-based child care)	• Staff	1 space / 2 employees with a max. of 3 spaces
	• Parents	< 24 places - 2 spaces ≥ 24 places - 3 spaces
Educational establishments	• 1 space / 6 staff	
Entertainment facilities	• 1 space / 100m^2 of GFA	
Food and drink premises (excluding Pubs)	• 1 space / 50m^2 of GFA	
Funeral chapels Funeral homes	• 1 space/ 5 seats	
Hospitals	• 1 space / 6 beds • + 1 space / 4 staff	
Hotel and motel accommodation Pubs Registered clubs (excluding residential)	• 1 space / 100m^2 (licensed floor area), • 1 space / 5 bedrooms	
Light industries	• 1 space / 200m^2 of GFA • Appropriate loading facilities	
Medical centres	• 4 spaces / 100m^2 of GFA	
	• Proposals for medical centres must include traffic report accurately predicting traffic generation based on similar sized medical centres	
Places of public worship	• 1 space / 100m^2 of GFA	
Recreational facilities	• 1 space / 100m^2 of GFA	
Restricted premises Sex service premises	• 1 space / 205m^2 of GFA	
Serviced apartments	• 1 space / 5 apartments	
Service stations Vehicular repair stations	• 2 spaces / workshop bay	
Supermarkets	• 4 spaces / 100m^2 of GFA	
Vehicular sales or hire establishment	• 1 space / 100m^2 of GFA	

* *GFA = gross floor area*

** *The extent of the High Accessibility Area is identified in Figures D-4.1 to D-4.3.*

P9 On-site car parking provision below maximum rates specified in Tables D-4.2 and D-4.3 is encouraged where the proposed development has good access to public transport.

P10 Council must not grant consent for car parking spaces for entertainment facilities unless the location and availability of existing public car parking in the vicinity of the proposed entertainment facility has been considered. Any car parking allowed

specifically for the entertainment facility may, with consent, also be available only for short-stay parking during the hours of 9.30am to 6pm, but for no other purpose.

P11 In addition to P8 above, a ~~child care centre~~ centre-based child care or school-based child care facility must provide one designated disabled access and one designated emergency vehicle space on site in the *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential*, *SP2 Infrastructure (Educational Establishment)* and *C4 Environmental Living* zones, and within close proximity in the *E1 Local Centre*, *E2 Commercial Centre*, *MU1 Mixed Use* and *E3 Productivity Support* zones (e.g. on-street directly adjacent to the ~~centre~~facility).

P12 In addition to P7 and P8 above, parking for motorcycles must be provided at the minimum rate of 1 space per 10 cars or part thereof.

4.2.2 Accessible Car Parking Facilities

Objectives

O1 To ensure car parking is accessible for people with disabilities.

Provisions

P1 Designated accessible car parking facilities must be provided at the rates specified in Table D3.5 to the BCA.

4.2.3 Car Share Schemes

Car share schemes support sustainable transport modes, such as walking, cycling and public transport by filling a "mobility gap" – that is providing access to a vehicle on an "as needs" basis, without the high cost of ownership or private parking space provision.

Objectives

O1 To minimise the negative impacts of vehicular traffic associated with new development on the safety and efficiency of existing roads and the amenity of the North Sydney community.

Provisions

P1 Council supports the provision of car share parking in residential, mixed use and commercial developments. Where a car share scheme is to be provided:

(a) The number of car share parking spaces provided does not replace more than 25% of the maximum off-street parking requirement if those car share spaces had not been provided, excluding any residential visitor parking spaces; and

(b) Each car share space does not replace less than 3 or more than 4 of the maximum residential and/or non-residential parking space requirements.

P2 Where car share spaces are to be provided on private land, they must be:

(a) Publicly accessible 24 hours a day, 7 days a week;

(b) Located as close as practical to site's entry to the public road;

(c) Where more than one space is to be provided, located adjacent to one another;

(d) Clearly marked for use by car share scheme vehicles only; and

(e) Identified as common property on any registered title of land and not sold or leased to an individual.

4.3 DESIGN AND LAYOUT

4.3.1 Parking Spaces

Objectives

O1 To provide adequate on-site car parking for occupants.

O2 To ensure that parking areas are adequately designed to enable the manoeuvring and accommodation of the types of vehicles likely to use the site.

O3 To ensure that parking areas are adequately designed for mobility impaired persons.

Provisions

P1 The size and design of all parking spaces, loading facilities and any associated manoeuvring areas must be in accordance with AS2890.

P2 Motorcycle parking must have a minimum dimension of 1.2m x 3m.

P3 A minimum of 1-2% of all non-residential parking spaces are to be designated for use by the disabled.

P4 Car parking spaces for people with disabilities or their associates are provided adjacent or close to the principal public entrance in accordance with AS 1428.2.

P5 The use of car spaces within a development is restricted to the occupiers of that development.

P6 Visitor car parking spaces must be designated as common property.

4.3.2 Location

Objectives

O1 To minimise adverse visual impacts on the appearance of the street or building.

O2 To maintain garden settings in residential zones.

~~O2~~O3 To ensure the safe and efficient transfer of children to and from centre based child care facilities.

Provisions

P1 Parking for all residential accommodation, except multi-dwelling housing, residential flat buildings and shoptop housing, must not be provided underground, unless it can be adequately demonstrated that the site conditions dictate that this is the only or most appropriate solution for parking provision.

P2 All parking associated with multi dwelling housing, residential flat buildings and shoptop housing must be provided underground (i.e. within a basement).

P3 All parking for non-residential development in the *E1 Local Centre*, *E2 Commercial Centre* or *MU1 Mixed use* zone must be provided underground.

Development in Residential Zones

P4 Garages, carports or other like parking structures must not be located between the primary street frontage and the primary street façade of the building.

P5 A single car parking space (i.e. not within a garage, carport or other structure) may be located between the primary street frontage and the primary street façade of the building, but only if:

(a) no other on-site parking exists or is possible;

(b) no rear laneway exists to provide vehicle access from the laneway rather than from the street;

(c) no demolition or partial demolition of the property is required to cater for the space;

(d) any excavation required is minimal in comparison to the area of the parking space;

(e) on-street parking is constrained by commuter parking and/or clearways;

(f) the parking space is uncovered;

(g) porous materials are used for the parking space's surface;

(h) landscaped area complies with the minimum requirements under Section 1.4.8 to Part E of the DCP, or if it is already less than the minimum requirement, the landscaped area is not further reduced;

(i) adequate space to fit vehicles within the property boundary exists to avoid overhang onto the footpath;

(j) it complies with AS 2890.1.

Centre based child care facilities

P6 Parking spaces for the set down and pick up of children are to be provided no more than 50m from the child care facility.

P7 The provision of associated car parking does not substantially modify the streetscape.

P8 Spaces are clearly marked to reflect that they are for the exclusive use of the child care users between the peak am and pm hours of the facility (i.e. 7.30am-9.30am and 4.30pm-6.30pm).

P9 Where the parking is provided underground, that parking is located within 20 metres of a lift which has access to the child care facility.

~~P6~~P10 Secure, undercover pram storage should be provided at 1 space for every 2 children under two years of age.

4.3.3 Access & Manoeuvring

Objectives

O1 To ensure adequate access for all vehicles.

O2 To maximise pedestrian and driver safety.

O3 To minimise the disruption to the streetscape from vehicle crossovers.

Provisions

P1 Provide vehicular access directly from a public road, including to any new allotments to be created by subdivision.

P2 Do not compromise streetscape, building form and landscaped area, or heritage significance through the provision of vehicle access.

P3 Where there is currently no parking on a site, and on-site parking is not characteristic, do not introduce vehicle access from the street.

P4 Where a site has frontages to both a street and a rear laneway, vehicular access should be provided from the laneway rather than the street.

P5 Parking areas must be designed to enable cars to enter and leave the site in a forward direction.

P6 Council does not support the use of turntables for vehicular manoeuvring unless there is no feasible alternative.

P7 Design accessways, driveways and parking areas to:

(a) enable vehicles to enter the parking space or garage in a single turning movement;

(b) enable vehicles to leave the parking space in no more than two turning movements;

(c) enable vehicles to avoid queuing on public roads;

(d) comply with AS 1428.2 Design for Access and Mobility; and

(e) comply with the requirements of vehicular crossings and driveways as set out in Part D: Section 7.4 of this DCP.

P8 Driveway and pedestrian access must be separated.

P9 Where access to parking spaces or parking areas is to be restricted via the use of security gates, doors and the like:

(a) Provide a minimum of 5.5m between the street boundary and the gates or doors to parking spaces and areas to allow a car to stand within the property boundary while the gates or doors are opening; and

(b) Provide an intercom system to facilitate visitor/service access.

P10 Where resident parking and non-resident parking is to be provided within the same development, vehicular access to the private residential areas of the parking area is to be restricted through appropriate security measures.

P11 Set back any development, including fences, at least 1.2m from a boundary with a laneway to provide adequate turning space.

Residential Development

P12 Limit the width of vehicle access to 2.5m and locate to one side of the property, or to side or rear of the building if possible.

Mixed Use and Non-Residential Development

P1 Vehicular access points should be limited to a maximum of one access point per building.

P2 Service vehicle access should be combined with parking access.

P3 Where possible, shared or amalgamated vehicle access points with an adjoining building should be provided.

P4 Vehicle entries, walls and ceilings should be finished with high quality materials, finishes and detailing, similar to the overall external facades of the building.

P5 Service ducts and pipes should be concealed when viewed from the public domain.

4.3.4 Stacking of parking spaces

Objective

O1 To minimise the impact on existing vegetation and landscape features and to prevent adverse safety impacts for drivers and pedestrians.

O2 To minimise inconvenience to all users of the parking spaces.

O3 To minimise impacts on the surrounding road system.

Provisions

P6 Council does not support the stacking of parking spaces in the non-residential component of developments. However, Council may permit the stacking of spaces, but only where:

(a) the number of stacked spaces does not exceed 25% of the total number of non-residential spaces; or

(b) where the parking spaces are in the same ownership or strata lot.

Note: *The "stacking of parking spaces" as referred to in P1 means multiple parking spaces arranged end to end on the same ground plane, and where one parking space prevents independent access to another parking space (also known as tandem parking).*

P7 Council does not support the use of mechanical car stacker systems for the provision of car parking. However, Council may consent to the use of a mechanical car stacker, but only where it can be demonstrated:

(a) That the use of the mechanical stacker will enable a reduced level of excavation to preserve existing significant tree(s) and or natural landscape features on the site;

(b) That the site's shape is physically constrained, such that conventional parking arrangements would not enable compliance with the parking provision requirements of this DCP;

(c) Where a single mechanical car stacker system accommodates more than 10 vehicles within a multi-dwelling housing development, a residential flat building, a mixed use or commercial premises, that a car waiting space is provided entirely on the site and adjacent to the mechanical stacker to enable a vehicle to wait while the stacker is in use. The waiting area must be located such that it does not interfere with the ability for a vehicle to enter and leave the stacker, while a car is occupying the waiting area.

Note: *A mechanical car stacker system referred to in P2 refers to a system which uses a lift and/or horizontal moving platforms.*

4.3.5 Accessible Car Parking Facilities

Objectives

O1 To ensure in providing access for people with disabilities, parking spaces designated for people with disabilities are located as near as possible to the main accessible entrance of the building, and are linked by an accessible path of travel.

Provisions

P1 Designated accessible car parking facilities must be:

(a) located at the closest point to each accessible public entrance;

(b) linked to an accessible entrance to the building or to a wheelchair accessible lift by a continuous accessible path of travel, and preferably under cover;

(c) designed in accordance with AS 1428.1, 1428.2 and 2890.1 and 2890.6; and

(d) clearly signposted in accordance with AS 1428.2 (including both the designated parking space and the continuous accessible path of travel to that space).

Set Down Areas

P2 Where set down areas (e.g. for taxis) are provided, they should be adjacent to a safe continuous path of travel to the facility to be accessed.

P3 Set down areas should be level with a gradient less than 1:40, have adequate circulation space and be located away from traffic flow.

P4 Kerb ramps should be provided to allow access to footpaths.

P5 Off street set down areas should have directional signage from street entry and appropriately signed with both pavement and pillar signage.

4.4 LOADING AND SERVICING FACILITIES

Objectives

O1 To ensure that adequate off-street loading, delivery and servicing facilities are provided.

O2 To minimise the impacts of loading, deliveries and servicing operations on the safety and efficiency of the surrounding road system.

Provisions

P1 Off-street loading and unloading facilities should be provided for all commercial and industrial premises as required by Council. The requirement for, number and size of loading bays will be determined by Council having regard to the:

(a) Intended use of the premises;

(b) Frequency of deliveries / collections;

(c) Size and bulk of goods to be delivered / collected;

(d) Size of vehicles to be used;

(e) Practicality of accommodating delivery and service vehicles on site; and

(f) Likely impacts on traffic safety and efficiency on adjoining roads.

P2 Developments containing more than 30 dwellings but less than 60 must provide at least 1 service delivery space, capable of accommodating at least 1 Medium Rigid Vehicle. Development containing less than 30 dwellings must provide at least one delivery/service/trade standard parking space.

P3 Developments containing more than 60 dwellings must provide at least 1 service delivery space, capable of accommodating at least:

(a) 1 Heavy Rigid Vehicle; or

(b) 2 Medium Rigid Vehicles.

Note: *For the purposes of P2 and P3 above, Medium Rigid Vehicles and Heavy Rigid Vehicles are deemed to be same as that described in Section 2 of Australian Standard AS 2890.2 - Parking facilities - Part 2: Off-street commercial vehicle facilities.*

P4 Provide loading spaces and courier parking spaces near vehicle entry points to a site and lifts.

P5 Height clearances, including access routes to the required loading spaces must comply with Australian Standard AS 2890.2.

4.5 Bicycle Parking and Associated Facilities

Objective

O1 To encourage the use of bicycles as an environmentally beneficial form of transport and an alternative to the use of private motor vehicles.

Provisions

Number

P1 All new development is to provide on-site, secure bicycle parking spaces and storage for residential accommodation in accordance with the minimum rates specified in Table D-4.4 with the following exceptions:

(a) where an apartment in a residential building has a basement storage area on title that is large enough to accommodate a bike and being no smaller than a Security Level A bike locker, then additional bike parking for that apartment is not required; and

(b) where a proposed use is not included below, bicycle parking and storage rates will be considered on merit taking into consideration rates for similar uses in Table D-4.4 as well as those contained in the *Cycling Aspects of Austroads Guides AP-G88-17 (2017).*

Note *To remove any doubt:*
(a) the minimum number of bicycle parking spaces is to be rounded up to the nearest whole number if it is not a whole number; and
(b) bicycle parking facilities are in addition to other parking requirements under this DCP.

TABLE D-4.4: Minimum Bicycle Parking Rates		
Development Type	**Rate**	
	Occupants	**Visitor / Customer**
Residential		
Residential accommodation	1 / 1 dwelling	1 / 10 dwellings
Tourist and Visitor Accommodation		
Serviced apartments, Hotels and motels	1 / 4 staff	1 / 20 rooms
Backpackers accommodation	1 / 4 staff	1 / 10 beds
Commercial Premises		
Office premises, Business premises	1 / 150m² GFA	1 / 400m² GFA
Bulky goods premises	1 / 600m² GFA	1 / 1000m² GFA
Shop, Restaurant or cafe	1 / 250m² GFA	2 + 1 / 100m² over 100m² GFA
Shopping centre	1 / 200m² GFA	1 / 300m² sales GFA
Pub	1 / 100m² GFA	1 / 100m² GFA
Entertainment facility	-	Greater of 1 / 15 seats or 1 / 40m² GFA
Place of public worship	-	Greater of 1 / 15 seats or 1 / 40m² GFA
Industry		
Industry, Warehouse or Distribution centre	1 / 10 staff	-
Community		
~~Child care centre~~ Centre-based child care facility School-based child care facility	1 / 10 staff	2 / ~~centre~~facility
Medical centre, Health consulting rooms	1 / 5 practitioners	1 / 200m² GFA
Tertiary educational institution	1 / 10 staff	1 / 10 students
Swimming pool	1 / 10 staff	2 / 20m² of pool area
Library	1 / 10 staff	2 + 1 / 200m² GFA
Art gallery or museum	1 / 1000m² GFA	1 / 200m² GFA
Other		
	On merit. Council will give consideration to the rates contained within the *Planning guidelines for walking and cycling 2004.*	

~~P2 Bicycle parking facilities are to be additional to other parking requirements.~~

~~P3 The minimum number of bicycle parking spaces is to be rounded up to the nearest whole number if it is not a whole number.~~

Type

~~P4~~P2 Secure bicycle parking facilities are to be provided in accordance with the following:

(a) Security Level A or B facilities for occupants of residential dwellings (Security Level A is preferred);

(b) Security Level B facilities for staff/employees of any land use; and

(c) Security Level C facilities for visitors of any land use.

Note: *The security level of facilities are described in detail within AS 2890.3.*

Design

~~P5~~P3 Design bicycle parking and storage facilities in accordance with the relevant Australian Standards that apply at the time.

Location

~~P6~~P4 Locate private bicycle storage facilities within basement parking levels of the building where provided.

~~P7~~P5 If private storage facilities are located in a basement, they are to be located:

(a) on the uppermost level of the basement; and

(b) as close to the primary entry point as possible; and

(c) subject to security camera surveillance where such security systems exist.

Access

~~P8~~P6 A safe path of travel from Security Class A and B facilities to entry/exit points is to be clearly marked.

~~P9~~P7 Access to Security Class A and B facilities areas are to be:

(a) a minimum of 1.8m wide to allow passage of a pedestrians and bikes to pass each other (access ways can be shared with vehicles within buildings and at entries to buildings);

(b) accessible via a ramp;

(c) clearly identified by signage; and

(d) accessible via appropriate security/intercom systems.

~~P10~~P8 Locate Security Level 3 facilities in an accessible at-grade location near a major public entrance to the development, preferably undercover, is able to be passively surveyed from the public domain and/or the proposed or adjoining developments, is well lit to enable adequate night time use and is to be signposted.

Changing / shower facilities

~~P11~~P9 For non-residential uses, the following facilities for bike parking are to be provided at the following rates:

(a) 1 personal locker for each bike parking space;

(b) 1 shower and change cubicle for up to 10 bike parking spaces;

(c) 2 shower and change cubicles for 11 to 20 or more bike parking spaces are provided;

(d) 2 additional shower and change cubicles for each additional 20 bike parking spaces or part thereof;

(e) Showers and change facilities may be provided in the form of shower and change cubicles in a unisex area or in both female and male change rooms; and

(f) Locker, change room and shower facilities are to be located close to the bicycle parking area, entry/exit points, and within an area of security camera surveillance where there are such building security systems.

4.6 TRAVEL PLANS

Travel Plans identify typical travel demand and mode share for a proposed development based on empirical analysis of similar developments, then identify what actions will be delivered to increase walking, cycling, public transport and ride sharing mode share, thereby reducing the negative impacts of the traffic generated by the development on the North Sydney community. Travel Plans encourages people to consider alternate means to accessing a site rather than by private motor vehicle and may also be known as:

(a) Workplace Travel Plan (e.g. for commercial premises and industry and the like);

(b) Education Travel Plans (e.g. educational establishments);

(c) Residential Travel Plans (e.g. residential accommodation); and

(d) Visitor and Leisure Travel Plans plus others (e.g. Tourist and visitor accommodation and recreational facilities)

Objectives

O1 To encourage employees, residents and visitors to make greater use of public transport, cycling, walking and car sharing for commuting, visiting and work related journeys.

Provisions

P1 A Travel Plan must be submitted with all development applications that involve:

(a) New, or redevelopment of, educational establishments which result in the total number of students exceeding 100 persons.

(b) New, or redevelopment of, non-residential developments which result in the total floor space of the development exceeding 2,000m^2 (approximately 100 employees in an office development).

(c) The provision of 50 or more dwellings.

P2 Components of a Travel Plan should include:

(a) empirical analysis of typical travel demand and mode share outcomes for walking, cycling, public transport and private vehicular use for similar developments (base case scenario);

(b) a vision and objectives for the Travel Plan that are consistent with the community's vision for transport as detailed in the North Sydney Transport Strategy;

(c) specific, measurable, ambitious and realistic targets, including time-frames for achieving them;

(d) an action plan, with links to identified targets, that demonstrates how these actions will deliver the Travel Plan vision, reduce travel demand and/or increase walking, cycling, public transport and ride sharing for trips to and from the site. This could include:

(i) Identification and promotion of public transport options to access the site (for example, on a website and /or business cards);

(ii) Preparation of a Transport Access Guide (TAG) for the site.

Note: *Transport Access Guides (TAGs) provide information to staff and clients on how to reach places via public transport, walking or cycling.*

(iii) Implementation of a car pool system for employees;

(iv) Introduce staff car sharing scheme for fleet vehicles;

(v) Use taxis or public transport for work related journeys;

(vi) Provide priority parking for staff who car pool with more than 2 passengers;

(vii) Encouragement of cycling and walking to the site through generous provision of bicycle parking, showers and lockers;

(viii) Incentive schemes to encourage employees to commute using sustainable transport modes (such as the provisions of public transport vouchers/subsidised public transport tickets);

(ix) Allocation of designated parking spaces for a car sharing scheme;

(x) Prominent display of a large map of cycling routes (i.e. in the foyer of a residential, educational or business complex);

(xi) Provide staff with cycling allowances, loans and insurance together with bicycle storage and showering and changing facilities; and

(xii) Provision of a bus to pick up and drop off staff to the nearest railway station.

Note: *The strategies listed in P2 above do not comprise an exhaustive list and Council will consider alternative strategies that reduce the reliance on the use of private motor vehicles.*

(e) undertakings to regularly evaluate and review the Travel Plan, including a submission to Council, to ensure that proposed travel demand management and walking, cycling, public transport, ride share and private vehicle mode share outcomes for the development are achieved.

P3 The maximum parking requirements for on-site car parking may be reduced on the basis of a written agreement between Council and the owner/occupiers for the implementation of a Travel Plan.

P4 The undertakings made in a Travel Plan submitted with a development application may be included as conditions to any development consent.

4.7 Traffic & Parking Impact Assessment

4.7.1 Objectives

O1 To ensure that a proposed development's impact on the surrounding arterial and local road network, identification of transport infrastructure requirements and cost implications are adequately considered prior to issuing of development consent.

4.7.2 Provisions

P1 A Traffic & Parking Impact Assessment must be submitted with all development applications that are also required to be referred to Transport for NSW under cl.2.122 and Schedule 3 of the *SEPP (Transport and Infrastructure) 2021*, and for all applications which are classified as designated development pursuant to s.4.10 of the *EP&A Act 1979*.

P2 Council may require a Traffic & Parking Impact Assessment to be submitted with a development application for one or more of the following types of new developments, regardless of whether they are captured by cl.2.122 and Schedule 3 to the *SEPP (Transport and Infrastructure) 2021*:

(a) ~~Child care centres~~Centre-based child care facilities

(b) Drive-in take-away food outlets

(c) Education facilities

(d) Entertainment facilities

(e) Health care facilities

(f) Hotel and motel accommodation

(g) Industrial premises

(h) Public car parks

(i) Places of public worship

(j) Pubs

(k) Recreation and tourist facilities

(l) Registered clubs

(m) Retail premises comprising supermarkets and/or shopping centres

(n) Service stations

(o) Other developments. Generally, if there is a significant expansion or modification to an existing development type, as outlined in the list above, then a Traffic & Parking Impact Assessment must be submitted with the development application. Seek Council Officer advice for further information.

~~P3~~P1 The following issues are to be considered when preparing a Traffic & Parking Impact Assessment for Council to adequately assess the traffic impacts of a proposed development:

(a) Existing traffic generation

(b) Proposed traffic generation

(c) Capacity of road network

(d) Environmental capacity of the road network

(e) Traffic safety

(f) Traffic amelioration

(g) Off-street parking

(h) On-street parking

(i) On-street metered parking

(j) Vehicle access

(k) Public & active transport

(l) Street lighting

(m) Construction Management Plan

(n) Work zones

(o) Partial road closure (temporary)

(p) Full road closure (temporary)

(q) Cyclists and cycle paths

Note. *Refer to the Performance Guide for more details.*

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SECTION 5 WASTE MINIMISATION & MANAGEMENT

5.1 INTRODUCTION

Waste and sustainable resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill disposal capacity become scarce and the environmental and economic costs of waste generation and disposal rise.

North Sydney Council has traditionally adopted a sustainability approach to the way waste is managed and diverted from landfill. Council has been at the forefront of waste processing and has consistently been rated highly in striving to meet the NSW EPA's landfill diversion targets (currently, ~~70~~80% diversion by ~~2021/22~~2030). In order to maximise landfill diversion, Council has successfully implemented education programs and strategic collection and disposal contracts. Whilst a large proportion of waste is currently being redirected for recycling purposes, the amount of average waste generated per person is also increasing.

There are a number of problems associated with waste generation, including:

- environmental management problems associated with the use of landfills and other disposal methods;
- sustainability of using land fill sites for disposal;
- increasing difficulty in finding new landfill sites in highly urbanised areas;
- loss of resources that could be reused or recycled.

As levels of waste in a community increase the amenity (or liveability) of that community declines. Waste therefore needs to be disposed of in ways which minimise its negative impacts. In addition to waste generated by residents and businesses, which often result in their own localised problems, significant volumes of waste are also generated in the course of demolition and construction of buildings. This section of the DCP provides mechanisms to encourage the minimisation of waste being sent to landfill sites and ensuring that sufficient on-site facilities are provided.

In 2021, the NSW Government set a target to divert at least 50% of organic waste from landfill by 2030. To support this target, legislation was made in 2024 requiring all food organics and garden organics (FOGO) from residential development to be separated from general waste collection by 2030, with separate targets for non-residential development. Council is currently developing appropriate planning controls to ensure that the organic waste diversion target can be met. In the interim, applicants are requested to demonstrate how the future need for separate FOGO waste storage and collection may be met when designing new developments.

5.1.1 General Objectives

The objectives of this Section of the DCP are to:

O1 Reduce the demand for waste disposal.

O2 Maximise reuse and recycling of building and construction materials, as well as household, industrial and commercial waste.

O3 Assist in achieving Federal and State Government waste minimisation targets.

O4 To meet the waste management needs of the residential and wider community.

O5 Minimise the overall environmental impacts of waste.

O6 Require source separation, design and location standards which complement waste collection and management services offered by Council and private providers.

O7 Encourage building design and construction techniques which will minimise future waste generation.

5.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications.

Where a Waste Management Plan is required to be submitted with a development application, a standardised form can be found on Council's *website*.

5.2 DEMOLITION WASTE

Objectives

O1 To ensure that the reuse and recycling of demolition materials is maximised.

Provisions

P1 A Waste Management Plan must accompany all development applications involving demolition. The Waste Management Plan must provide details of all on-site sorting areas, storage areas and vehicular access.

P2 Section 2 of the Waste Management Plan must be completed providing the following details:

(a) the volume and type of waste to be generated, including excavation materials, green waste, brick, concrete, timber, plasterboard, and metals;

(b) how waste is to be stored and treated on site;

(c) how residual waste is to be disposed of.

Table D-5.1 gives examples of uses for recyclable demolition materials.

TABLE D-5.1: Examples of recyclable materials

Materials On-site	Reuse and Recycling
Concrete/fill material	Filling, levelling materials, road base.
Bricks	Cleaned and/or rendered over for reuse on-site and off-site.
Roof-tile	Crushed, as landscaping, and driveways for reuse on-site or off-site.
Hardwood beams	Floorboards, fencing, furniture for reuse on-site or off-site.
Other timber	Form work, bridging, blocking and propping.
Doors, windows, fittings	Second hand building material.
Glass	Aggregate for concrete production.
Synthetic and recycled (e.g. under carpets)	Used for safety barriers, speed humps, rubber.
Substantial trees, planting	Relocated on-site or sold for use off-site.
Green waste	Mulching, composting, for reuse as landscaping/fertiliser

5.3 CONSTRUCTION WASTE

Objectives

O1 Waste generation is minimised and reuse and recycling of construction materials is maximised in construction projects.

Provisions

P1 A Waste Management Plan must accompany all development applications involving construction. The Waste Management Plan must provide details of all on-site sorting areas, storage areas and vehicular access.

P2 Section 3 of the Waste Management Plan must be completed providing the following details:

(a) the volume and type of waste to be generated, including excavation materials, green waste, brick, concrete, timber, plasterboard, and metals;

(b) how waste is to be stored and treated on site; and

(c) how residual waste is to be disposed of.

Table D-5.1 gives examples of uses for recyclable construction materials.

P3 To ensure that construction waste is minimised consideration should be given to the following matters:

(a) Order the right quantities of materials;

(b) Prefabricate materials where possible;

(c) Reuse formwork;

(d) Use modular construction and basic designs to reduce the need for off-cuts;

(e) Separate off-cuts to facilitate reuse, resale or efficient recycling;

(f) Minimise site disturbance, limit unnecessary excavation;

(g) Reuse or recycle materials from demolished buildings;

(h) Choose landscaping which reduces green waste; and

(i) Coordinate and sequence trades people to minimise waste.

5.4 WASTE FACILITIES

This sub-section is informed by Council's Waste Management Guide, which contains essential information for architects, developers and builders relating to the design and construction of waste handling facilities in new developments. The Guide ensures that all waste facilities in new or existing developments comply with Council's collection services and waste minimisation policies. This Guide should be considered in the preparation of all development applications.

5.4.1 General Provisions

Objectives

O1 To ensure sufficient space is provided onsite for waste storage.

O2 To ensure garbage areas are screened from the public domain

O3 To ensure convenient and safe access for collection.

Provisions

P1 Provide an appropriate level of space on each property that is capable of accommodating the temporary storage of recyclables, garbage, general household clean up bulky waste and green waste likely to be generated by the proposed development.

P2 Ensure space is easily accessible from each part of the building and from the collection point.

P3 Source separation must be provided within the garbage storage area to maximise recycling and reduction of waste sent to land fill.

P4 Include adequate access and manoeuvring space, at least an area equivalent to the combined footprint of the bins.

P5 Provide administrative arrangements for ongoing waste management, including signs.

P6 Locate and design waste storage and recycling areas to complement the streetscape.

P7 Garbage storage areas must be screened from streets and laneways to discourage the illegal dumping of rubbish and unsightly mess visible to pedestrians.

P8 Garbage storage areas must be located and managed to avoid causing a nuisance from smells, insects or animals.

P9 Sufficient space must be provided to accommodate any on-site treatment facilities (e.g. compaction) proposed to be incorporated.

P10 Garbage storage areas should be adequately protected from inclement weather. Where appropriate, the area should be enclosed or undercover.

P11 Storage areas must be well ventilated and drained to a lawfully approved sewerage system.

P12 Access to waste storage and waste holding areas are not to include stairs or ramps which exceed a fall of 1:8.

P13 Waste storage and waste holding areas must not be located behind lockable security grilles / roller doors, doors or gates, unless waste contractors are provided with suitable access.

P14 Within a mixed use development, separate waste facilities must be provided for the residential and non-residential components.

P15 All developments containing a lift must provide:

(a) a garbage chute leading to a central garbage storage room that has a waste compaction unit attached with a minimum compaction ratio of at least 2:1; and

(b) an interim recycling room with a minimum dimension of 1.5m square on each level of the building with at least one point of access to the garbage chute, with the space to accommodate at least 1 x 240 litre recycling bin for the separate collection of recyclable materials.

(c) a separate storage area for bulk items associated with household cleanups.

(d) separate residential and non-residential garbage chutes within a mixed use development.

P16 Fully enclosed waste facilities must be ventilated by natural or artificial means complying with AS 1668.

P17 Waste facilities must be provided with hose cocks or access to hose cocks to allow for the wash down of the garbage store areas and also for the disinfection of containers on site. Wash down water from either the floor or containers must be disposed of in the sewer.

P18 Waste storage areas and/or holding bays must be adequately signposted, with a description of storage facilities within the area.

P19 Lighting within waste facility rooms should be in accordance with AS 1680.

5.4.2 Residential Accommodation

Objectives

O1 To minimise any adverse effects on residents and the wider community by ensuring that adequate garbage storage and holding areas are provided which are conveniently accessible for residents and garbage contractors.

O2 To ensure developments are designed to maximise resource recovery through waste avoidance, source separation and recycling.

Provisions

Waste Receptacles

P1 Each dwelling must be provided with a waste storage cupboard within the kitchen, capable of accommodating at least 2 days of waste and to enable the source separation of garbage, recyclables and compost within separate containers.

P2 On-site garbage storage areas must be provided which are capable of accommodating at least the number of garbage and recycling bins indicated in Table D-5.2.

TABLE D-5.2: Waste bin requirements

No. of dwellings	No. of garbage bins required	No. of recycling bins required
1-3 dwellings	1 x 80L bin / dw*	1 x 140L commingled mobile bin / dw
4-12 dwellings	1 x 80L bin / dw or 1 x 240L bin / 3 dws or part thereof	2 x 240L comingled mobile recycling bin each colour coded and dedicated specifically for paper and co-mingled glass/plastic bottles and cans
13 or more	1 x 240L bin / 3 dws 660L bins permitted	2 x 240L mobile bins / 15 dws or part thereof 660L bins permitted colour coded and dedicated specifically for paper and co-mingled glass/plastic bottles and cans

** dw = dwelling*

P3 Notwithstanding the rates to P2, Council may permit a reduction in the number of bins required, but only if a garbage compactor is required or proposed to be incorporated within the development.

Location

P4 A garbage storage area should be located within 2m of the street boundary.

P5 Notwithstanding P4 above, a garbage storage area may be located anywhere on a site, but only if a temporary holding collection area, capable of accommodating all of the required bins for the entire development, is located within 2m of the street boundary.

P6 If the garbage storage area is to be the collection point, provide clear and unimpeded access that is no more than 2m from the street boundary entrance to the site.

P7 Ensure that the garbage storage area is easily accessible from all parts of the building and from the collection area.

P8 Locate and design garbage storage areas to complement the streetscape.

P9 Ensure garbage/recycling bins/green waste bins/general household bulky waste clean-up materials will not be visible from the street in the garbage storage area.

P10 Where possible integrate garbage storage areas with the building.

P11 Do not place structures for garbage storage areas that are more than 1m high on the boundary or within the front building line.

5.4.3 Non-Residential Development

Objectives

O1 To ensure sufficient space is provided on site for waste storage.

O2 To ensure garbage storage areas are screened from the public domain.

O3 To ensure convenient access for collection.

Provisions

Waste Receptacles

P1 On-site garbage storage areas must be provided which are capable of accommodating the number of garbage and recycling bins as indicated in Table D-5.3. However, industry standards for waste generation rates may be used where these differ from the Council rates or if no Council rate is given.

TABLE D-5.3: Waste bin requirements

Type of Premises	Sub type of premises	Typical Volume of Waste generated to be stored	
		Waste	Recycling
Child care facilities	All types	20L / child /week	10L / child /week
Office buildings	General office use	10L / 100m^2 GFA / day	10L / 100m^2 GFA / day
Retail Trading	Shops < 100m^2	50L / 100m^2 GFA / day	25L / 100m^2 GFA / day
	Shops ≥ 100m^2	50L / 100m2 GFA / day	50L / 100m^2 GFA / day
	Supermarkets	660L / 100m^2 GFA / day	130L / 100m^2 GFA / day
	Showrooms	40L / 100m^2 GFA / day	10L / 100m^2 GFA / day
	Greengrocers	240L / 100m^2 GFA / day	410L / 100m^2 GFA/ day
	Florist / plant shop	900L / 100m^2 GFA / day (combined)	
	Butcher / Delicatessen	80L / 100m^2 GFA / day	Variable, but average 50L / 100m^2 GFA / day
	Bakery	295L / 100m^2 GFA / day	165L / 100m^2 GFA / day
	Fish	50L / 100m^2 GFA / day. Waste receptacles shall be refrigerated so as to ensure all wastes are kept at a temperature not exceeding 4°C	Variable
Food and drink premises	Take away food and drink premises	80L / 100m^2 GFA / day	240L / 100m^2 GFA / day
	Restaurants and cafes	10L / 1.5m^2 GFA / day	120L / 100m^2 GFA / day
	Registered clubs Pub Small bar	50L / 100m^2 bar area / day 80L / 100m^2 restaurant GFA / day	50L / 100m^2 bar area / day 50L / 100m^2 dining area / day
Assembly rooms	Social recreational or religious premises	50L / 100m^2 GFA / day	10L / 100m^2 GFA / day
	Entertainment facilities	1L / 4 seats / screening	0.5L / 4 seats / screening

TABLE D-5.3: Waste bin requirements			
Type of Premises	**Sub type of premises**	**Typical Volume of Waste generated to be stored**	
		Waste	**Recycling**
Tourist and visitor accommodation	Backpacker accommodation	40L / occupant space / week	20L / occupant space / week
	Hotel and motel accommodation	5L / bed space / day 50L / 100m^2 bar area / day 10L / 1.5m^2 dining area / day	5L / bed space / day 50L / 100m^2 bar area / day 50L / 100m^2 dining area / day
	Serviced apartments	120L / apartment / week	60L / apartment / week
Industrial	-	Dependant upon industry type	Dependant upon industry type

P2 Notwithstanding the rates to P1, Council may permit a reduction in the number of bins required, but only if a garbage compactor is required or proposed to be incorporated within the development.

P3 Food and drink premises and any other premises involved in the storing of perishable goods are required to:

(a) provide specialised containment for food scraps;

(b) Arrange regular/daily collection of food scraps; and

(c) Provide refrigerated garbage rooms where large volumes of perishables (such as seafood) and infrequent collection is proposed.

P4 Grease traps may be required in certain circumstances (refer to Sydney Water for any specific trade waste requirements).

P5 Special arrangements are required for the storage and disposal of any special waste material, such as medical or hazardous wastes. Applicants should contact Council and Environment Protection Authority for further information.

Location

P6 Communal on-site waste storage, recycling and collection points must be provided for each development site.

P7 Separate waste storage facilities must be provided where a development contains a mixture of both residential and commercial uses. Access to these separate storage areas is to be restricted to their respective users.

P8 A garbage storage area should be located within 2m of the street or laneway boundary.

P9 Notwithstanding P8 above, a garbage storage area may be located anywhere on a site, but only if a garbage collection area, capable of accommodating all of the required bins for the entire development is located within 2m of the street or laneway boundary.

P10 The area allocated must accommodate any privately arranged collection (e.g. daily or weekly, etc. collections).

P11 Garbage storage facilities should not be located in conjunction with the main pedestrian entrances to a building.

P12 Garbage bins stored in a collection facility should be located within 3m of the facility's entrance.

P13 Convenient access for on-site movement and collection should be provided.

P14 More than one communal on-site waste storage and recycling area should be provided on large or steep sites, or where there is more than one Council collection point.

Late Night Trading Premises

P15 The garbage/recycling area must be appropriately sited as far as possible from nearby residential properties.

P16 The transfer of waste, particularly glass bottles, into an outdoor garbage/recycling area must not occur after 10pm where this would likely be audible from surrounding residential properties.

5.5 WASTE MANAGEMENT

Objectives

O1 To encourage waste minimisation (source separation, reuse and recycling) and safe operation of waster related activities.

General Provisions

P1 All applications must be accompanied by a Waste Management Plan which illustrates the location and associated circulation to and from the following:

(a) a waste and recycling cupboard space per dwelling / or non-residential tenancy;

(b) any waste storage and recycling areas;

(c) any collection areas;

(d) access for collection vehicles;

(e) location and design of all communal facilities where relevant;

(f) management of e-waste where appropriate; and

(g) management of hazardous waste where appropriate.

P2 Sections 4 and 5 of the Waste Management Plan, must be completed for all developments incorporating one or more of the following uses:

(a) Attached dwellings;

(b) Multi unit housing;

(c) Residential flat buildings;

(d) Shop top housing;

(e) Commercial premises;

(f) Industrial premises; and

(g) Other non-residential premises.

P3 Section 4 of the Waste Management Plan must describe the type of waste to be generated at the premises, expected volume per week, proposed on-site storage and treatments facilities, and destination of waste materials.

P4 Section 5 of the Waste Management Plan must describe the proposed on-going management of waste and recycling.

SECTION 6 SAFETY & SECURITY

6.1 RESIDENTIAL DEVELOPMENT

Objectives

O1 To ensure a high level of personal safety for people who use or visit the building.

Provisions

P1 Maximise views of the street and dwelling entries and communal areas within the development (from dwelling entries, windows and balconies).

P2 Limit the number of dwellings sharing one entry or lobby to 10 dwellings.

P3 Maintain sight lines along pathways (i.e. avoid blind corners or hiding places).

P4 Use design, materials and features (such as street furniture, pavers, fencing and landscaping) to clearly distinguish public, communal and private domains.

P5 In public areas, use materials that discourage vandalism (i.e. non-porous surfaces such as glazed ceramics or treated masonry).

P6 Install locks on doors and windows, viewers to doors.

P7 Roller shutters should not be installed on windows or doors.

P8 Provide lighting to communal areas (laundries, garbage storage, pathways, lobbies, car parking areas and stairwells).

P9 Locate shared facilities in areas that will be well used.

6.2 NON-RESIDENTIAL DEVELOPMENT

6.2.1 General Provisions

Objectives

O1 To ensure that a high level of personal safety and security is provided within the development.

Provisions

P1 Design routes between building entrances to maximise personal safety. Routes from parking areas to lift lobbies are particularly important in this regard. Clear lines of sight and well lit routes are required.

P2 Where open space and pedestrian routes are provided, they must be clearly defined, and have clear and direct sightlines for the users.

P3 Adequate lighting must be provided to open spaces, entrances and pedestrian areas to avoid the creation of shadowed areas.

P4 Rear service areas and access lanes should either be well secured or easily visible.

P5 Land use activities which operate after normal business hours should be located along well-used pedestrian routes.

P6 Public toilets, telephones and other public facilities must be provided with direct access and good visibility from well-used public spaces.

P7 Robust and durable design features should be used where relevant to discourage vandalism.

P8 Consider the use of bollards or low walls and the careful design of shopfronts to decrease the likelihood of ram raids and provide higher levels of security for shop owners or tenants.

P9 The use of security grilles at the street frontage is discouraged. If security grilles are necessary then install on the inside of the shopfront and maintain clear visibility into the shop. Use toughened glass.

P10 Solid security rollers to shopfronts are not permitted.

P11 Fire escapes should not be recessed into the building form. If it is necessary locate them in recesses, then the recess must be shallow to provide for personal security of pedestrians.

P12 Buildings should be designed to allow for the overlooking and natural surveillance of rear lanes (e.g. from retail and other uses at all levels of the building).

P13 Rear lanes should be provided with safe and secure lighting.

P14 Clear sight lines should be maintained around all vehicle access points.

P15 Street numbering of buildings must be clearly visible from street at all times of the day such that they are easily identifiable.

P16 Maximise views of the street and building entries and communal areas within the development.

P17 Maintain sight lines along pathways (i.e. avoid blind corners or hiding places).

P18 Use design, materials and features (such as street furniture, pavers, fencing and landscaping) to clearly distinguish public, communal and private domains.

~~6.2.2 Child Care Facilities~~

~~Objectives~~

~~O1 To ensure all users are capable of entering and leaving the child care facility in a safe manner.~~

~~Provisions~~

~~P1 On site parking spaces and set-down and pick-up areas are well lit.~~

~~P2 Entry gates are located within sight of staff in the office.~~

~~P3 Bells, alarms or other suitable mechanisms are to be provided on the entry gate to alert staff as to when someone is entering or leaving the child care facility.~~

~~P4 An Emergency Evacuation Plan must be submitted to Council with any development application.~~

~~P5 Entry to a child care facility should be limited to one secure point, which is to be:~~

~~(a) appropriately located to allow ease of access;~~

~~(b) adequately signposted;~~

~~(c) well lit;~~

~~(d) accessible by pedestrians and motorists;~~

~~(e) safe from pedestrian and vehicle transition areas;~~

~~(f) visible from the street if located within a separate building, or building foyer if located in a multiple occupancy building;~~

~~(g) of sufficient size to prevent congestion, taking into consideration the capacity of the child care facility;~~

~~(h) monitored through either natural or camera surveillance; and~~

~~(i) incorporate a transitional space which is to be adequately fenced and separated from the entrance.~~

~~6.2.3~~6.2.2 Sex Services and Restricted Premises

Objectives

O1 To ensure personal safety of workers, clients and general public through the design of sex services and restricted premises.

Provisions

P1 Measures should be incorporated to safeguard workers, clients and the general public, including security doors, lighting of access ways and car parking areas.

P2 Provide illumination on routes to and in external areas of premises in isolated premises and commercial areas.

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SECTION 7 PUBLIC INFRASTRUCTURE

7.1 INTRODUCTION

The integration of engineering considerations with planning, architecture and landscaping is important for the purpose of servicing the future infrastructure needs of the North Sydney local government area.

This section provides information for property owners and developers about Council's objectives and provisions when required to create and/or rehabilitate the following types of infrastructure:

- Roads
- Vehicle crossings and driveways
- Footpaths
- Permitted encroachments
- Boundary alignment levels

Council may require developers to contribute to the renewal and or maintenance of public infrastructure by placing appropriate consent conditions on development applications. These consent conditions are for works on public property as a consequence of the impact of a development.

7.1.1 General Objectives

The general objectives of this Section of the DCP are:

O1 To ensure that an appropriate level of public infrastructure is provided to service the future growth expectations of Council and the North Sydney community.

O2 To ensure that public infrastructure achieves a high level of compliance with Council's design and construction standards.

O3 To ensure that existing public infrastructure, damaged by construction works is re-instated to an acceptable condition.

O4 To ensure minimal risk of injury to people and damage to private property and existing public infrastructure and utility services.

7.1.2 When does this section of the DCP apply?

This section of the DCP applies to all developments that have a direct impact upon the public domain.

7.1.3 How to use this section of the DCP

When submitting a development application or construction certificate, for the type of works outlined in this section of the DCP:

(a) Be aware of how to meet the objectives, controls, maintenance and monitoring requirements.

(b) Follow the prescribed procedures and refer to the additional information sources recommended.

(c) Use the *Matrix table* - The Matrix Table is located on the North Sydney Council website and provides summary information regarding the issues, processes, pre-requisites, statutory law and compliance requirements associated with lodging a development application or construction certificate.

(d) Refer to sub-section 20.2 for additional information on:

(i) Reference documents

(ii) Permits and approvals required

(iii) Deed and lease agreements

(iv) Bonds and securities

(v) Works in association

(vi) Defects liability period

(vii) Dilapidation reports

7.2 ADDITIONAL INFORMATION

7.2.1 Reference Documents

This section of the DCP is to be used in conjunction with ~~a range of other~~the following documents ~~including~~ as relevant to the following subsections:

(a) ***State Environmental Planning Policy (Transport and Infrastructure) 2021***

The Transport and Infrastructure SEPP provides the basic planning objectives and development controls for works in and adjacent to road reserves and states whether development consent is required for particular kinds of development.

(b) ***North Sydney Local Environmental Plan 2013***

NSLEP 2013 provides the basic planning objectives and development controls for new buildings and other developments and states whether development consent is required for particular kinds of development.

(c) ***North Sydney Council Performance Guide***

The Performance Guide is a separate infrastructure guideline providing more information about Council's performance expectations and other relevant information. The Performance Guide also provides a matrix of key relationships and typical drawing(s) where applicable. The Performance Guide is not intended to be a design and construction guide but directs the reader to other references to fulfil this objective. ~~Copies of the performance Guide are available over the counter at Council's Customer Service Centre and from the web via *www.northsydney.nsw.gov.au*.~~

(d) ***North Sydney Council Infrastructure Specification Manual for Roadworks, Drainage and Miscellaneous Works***

Contains detailed infrastructure specifications for the works described within this section of the DCP. ~~Copies are available over the counter at Council's Customer Service Centre and from the web via *www.northsydney.nsw.gov.au*.~~

(e) ***Transport for NSW's Technical Direction GTD 2020/001***

Contains detailed directions to consider where excavation is undertaken on land adjacent to a public road. A copy of the Technical Direction is available on the Transport for NSW's website via *https://standards.transport.nsw.gov.au/_entity/annotation/87baec59-b535-ed11-9db1-000d3ae011f9*

7.2.2 Permits and Approvals

To carry out works on public property the applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre.

Permits issued by Council relate to works associated with:

- Hoardings;
- Standing plant;

- Storing building materials;
- Containers for building waste (skips);
- Work zones;
- Working out-of-hours;
- Street Opening;
- Approvals under Section 138 of the *Roads Act 1993*;
- Approvals under Section 68 of the *Local Government Act 1993*;

Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

Permits are issued for a specific time period requested by the developer in the application. Fees and charges are levied based on the agreed time period of the permit. Permit times may be extended subject to Council approval and payment of additional fees and charges. Extension of time may not be possible in some cases.

Refer to the Council's *Performance Guide* and consult with Council for specific details regarding permits, fees and charges.

7.2.3 Deed of Agreement and Leases

Council may also require an applicant to enter into a *deed of agreement* or *lease* for temporary occupation of public property with the payment of rent and holding insurances to indemnify Council against all risks associated with the proposed Work.

7.2.4 Bonds and Security

Where a developer is required to construct works on public property as part of an overall development, Council may require bonds to be paid as a security against any damage caused to road infrastructure or the environment arising from construction. After completion of development, bond moneys may be returned subject to satisfactory completion of the work.

7.2.5 Works in Association

Works in association are Council funded construction works on public property that may be joined with Developer funded works for the purpose of integrating the streetscape. **Council may contribute money to the Developer** to build works in association with the developer's works subject to it being in the public interest.

Where two or more adjoining developments are under construction simultaneously, Council may offer to build infrastructure works for all developments in the interests of achieving an integrated and coordinated streetscape, subject to the **developer contributing money to Council** to build these works. This is seen as adding value to the community dollars spent. Proposals will be considered based on individual merit.

7.2.6 Defects Liability Period

The *defects liability period* refers to a period of generally 12 months after *practical completion* of the development whereby the repair of any defects arising from construction in public property is the responsibility of the developer/owner. Practical completion is the date when the works have reached the stage of being able to function in an operational manner.

A defects liability period is particularly relevant wherever any defects of construction are not easily detectible at the time that the construction work is practically completed. Typical work meeting these criteria is underground drainage construction and the structural stability of road pavements.

Where Council holds a bond or security for work that is subject to a defects liability period, the bond or security may be returned on completion of the defects liability period subject to all defects being repaired or evidence based on the dilapidation report confirming that no damage has been caused to public infrastructure.

7.2.7 Dilapidation Report

A dilapidation report is a written statement prepared by an appropriately qualified engineer giving an opinion of the pre-development condition of public infrastructure that may be at risk of damage as a consequence of works associated with a private development.

A dilapidation report may be required, as a condition of development consent, to be lodged with an application for a construction certificate. The applicant should seek Council's approval-in-principle regarding the adequacy of the dilapidation report prior to the applicant lodging it with the application for a construction certificate.

The findings of the report should be based on visual and structural condition of public infrastructure and supported by photographic and structural testing data. For example, the pre-development condition of stormwater drainage systems should be inspected by video, and the strength of road pavements may need to be confirmed by structural testing.

7.2.8 Engineering Assessment Process

Below is a useful guide of the development process to be followed when intending to undertake the type of works outlined in this section of the DCP.

For a Development Consent

- Conceptual engineering documentation is prepared (including designs).
- Applicant lodges a DA with conceptual documents and pays the fees.
- Development Engineer inspects site, prepares engineering conditions, determines amount of bonds and security payable.
- Council issues Development Consent.

For a Construction Certificate

- Applicant pays Council all fees, contributions, bonds or security owing, applies for any permits required for construction and obtains receipts.
- Applicant applies for a Construction Certificate from a Principal Certifier. A Construction Certificate must be obtained before starting Construction.
- Before issuing a Construction Certificate, the Principal Certifier must sight certified detailed design/construction drawings, copies of receipts for payments of contributions, bonds and permits and any other documents required by the DA.
- Principal Certifying Authority issues a Construction Certificate.

For an Occupation Certificate

- Construction work commences.
- On completion of construction, "as built drawings" are certified by an accredited engineer and referred to the Principal Certifier for an Occupation Certificate.
- Before issuing an Occupation Certificate, Principal Certifier seeks Council's approval for any works constructed on public property.
- Developer applies to Council for release of any bonds & security held.
- Council inspects the work and if satisfactory, returns bonds or security at the appropriate time. Any bond & security that is subject to a defects liability period is released after 12 months subject to relevant construction work being satisfactory to Council.

- If work is unsatisfactory, Council either requests work to be rectified or uses the bond money to rectify the work. On satisfactory completion of the work, Council advises the Principal Certifier & returns balance of outstanding bonds.
- Principal Certifying Authority issues the Occupation Certificate.

7.3 ROADS

North Sydney Council's role is to provide a level of road infrastructure capable of servicing the future growth expectations of a thriving commercial and diverse multi-cultural residential community.

Road infrastructure refers to kerb and gutter, road pavements for traffic lanes and car-parks, medians, retaining walls where supporting the road, easements for road stability, line-marking, street-signs, street-lighting and the like. For the purpose of sub-section 20.3, road infrastructure does not include road drainage, footpaths and vehicular crossings as these are covered elsewhere in Section 20 to this Part of the DCP.

Existing road infrastructure in most cases is old and the condition poor due to wear over time, from growth in vehicle and pedestrian traffic as a consequence of increased development. Existing infrastructure in some cases will not sustain future development, hence new road infrastructure may need to be provided with new development at no cost to the Council.

North Sydney has many areas of heritage and conservation significance. Construction of new road infrastructure should not cause damage to items of heritage and conservation significance. If such damage occurs, this must be reconstructed as near to original condition as possible

This sub-section of the DCP provides the objectives and provisions to be addressed when designing and constructing appropriate road infrastructure in front of developments. It also identifies matters that should be considered where excavation is undertaken on land adjacent to a public road. Refer to these when intending to prepare information for lodging a development application or construction certificate.

7.3.1 Objectives

O1 To ensure that an appropriate level of road infrastructure is provided to service the future growth expectations of Council and the North Sydney community.

O2 To improve and maintain road infrastructure by achieving a high level of compliance with Council's design and construction standards.

O3 To ensure that existing road infrastructure, damaged by the construction of buildings, is re-instated to an acceptable condition.

O4 To ensure minimal risk of injury to people and damage to vehicles, existing road infrastructure and public utility services resulting from new development.

7.3.2 Provisions

General

P1 New and reconstructed road/s should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council *Performance Guide* and *Infrastructure Specification Manual*.

P2 New road infrastructure should have a design service life of 25 years before requiring replacement and 8 years before first requiring maintenance.

P3 New road infrastructure should be safe for pedestrians, cyclists and vehicles. Council supports the concept of shared zones where appropriate (Special design criteria and RMS approval applies in these cases).

P4 Existing public utility services should be protected during construction of road infrastructure. The location of all public utility services is to be shown on design plans that are to be submitted with the application for the construction certificate.

P5 Kerb and gutter should be constructed with an absolute minimum longitudinal slope of 1% (1 vertical unit : 100 horizontal units).

P6 Road line markings should be visible at night by using reflective paint.

P7 Sandstone kerb and gutter with heritage significance is to be retained and not replaced with concrete.

Excavation adjoining active road reserves

P8 Where excavation is proposed on land with a frontage to an active road reserve, consideration must be given to the Directions contained within the Transport for NSW's Technical Direction GTD 2020/001.

7.3.3 Monitoring and Maintenance

P1 Construction work on private and public property is checked for compliance by an accredited engineer. Certifications are issued if all works meet Council requirements. If work is deficient, defects orders are issued accordingly.

P2 Construction work on public property that is to revert to Council's ownership must be checked by Council for compliance with its standards.

P3 Council is authorised to use bonds and security to rectify any defective work not undertaken in a reasonable time. The developer is responsible for work carried out on public property by a building contractor.

7.3.4 Procedures

P1 Prior to road construction the applicant should provide:

(a) Conceptual road design plans with the development application where applicable. Conceptual design plans must address the requirements of this DCP and Council's *Performance Guide* to enable satisfactory works to be constructed.

(b) A statement detailing the environmental impacts of the roadworks when lodging the development application.

(c) Detailed road design plans (where applicable) with the application for a construction certificate together with any certification by an accredited engineer.

(d) Final design plans for approval of construction certificate with sufficient specifications to ensure that the construction works can be built according to Council's requirements.

(e) Payment of bonds and securities where applicable.

On completion *As Built Drawings* of completed construction work should be lodged to verify that construction works have been built in accordance with the development consent. *As Built Drawings* should be certified by an accredited engineer. Council approval is required of all construction work completed on public property.

Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

Where developer funded roadworks require substantial adjustments of Council's road infrastructure, Council may consider carrying out *works in association* with works required by the developer.

Council may require a *dilapidation report* to identify any defects present prior to development commencing and may also impose a bond on road work as a security against damage occurring to Council infrastructure. Any breach of consent conditions may result in Council

revoking the consent and using the bond and security to restore the works and make the site safe.

7.3.5 Further information

For more information about design and construction of road infrastructure and associated details regarding permits, fees and charges consult with Council and refer to:

(a) *North Sydney Council Performance Guide*;

(b) *North Sydney Council Infrastructure Specification Manual.*

7.3.6 Road Infrastructure Matrix

Table D-7.1 comprises a Road Infrastructure Matrix which describes the process, pre-requisites and references relating to the provision of road infrastructure.

TABLE D-7.1: Road Infrastructure Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Road infrastructure works that are to revert to Council' s ownership	• Work required to construct a private development such as kerb and gutter, road pavement, car-parks, retaining walls, line marking, street signs, street lighting, and the like located on public property • Does not include road drainage, footpaths and vehicular crossings or heritage items	1. Lodge a Development Application	• Survey details • Concept stormwater • Statement of Impact of proposed works • Erosion Control Plan • Dilapidation Report	• This section of the DCP • Development Application Guides	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough information to allow Council to assess the merit of the proposal • The Statement of Environmental Impact must address the issues raised in the checklist within the EP&A Act
		2. Obtain development consent	• Council considers impact of road works from new development on capacity of existing infrastructure and adjoining property	• EP&A Act 1979		• In order to minimise delay the applicant should ensure that the information provided in the application is relevant, accurate and fit-for-purpose
		3. Lodge a Construction Certificate Application	• Detailed design of road infrastructure • Erosion Control Plan • Section 138 Permit • Pay all fess and bonds • Certifications as required	• This section of the DCP • Development consent • s.138 of Roads Act 1993 (if Applicable)	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough detailed design information to show that work can be built as per development consent conditions • No work is permitted on public property without a 138 Permit • Bonds are a security against damage to Council Infrastructure
		4. Obtain a Construction Certificate	• PCA ensures that all consent conditions are met before issuing Construction Certificate	• Development Consent		
		5. Start Construction	• Give Council Notice • Install erosion and sedimentation control measures	• This section of the DCP • Construction Certificate	• NSC Performance Guide • NSC Infrastructure Specification Manual	• A Construction Certificate must be obtained before construction may commence.
		6. Lodge an Occupation Certificate Application	• As built drawings • Certifications as required • Council approval of works on public property	• BCA • This section of the DCP • Construction Certificate		• Council must first approve any work on public property before certificate provided

7.4 VEHICULAR ACCESS

7.4.1 Introduction

Vehicular access consists of both the crossing (as known as the *layback*) and driveway. The Vehicular crossing is the section adjoining the driveway located on the kerb-line whilst the driveway is the section of access between the kerb-line and the property boundary. This section refers to the provision and maintenance of vehicle access from public roads into private property.

A *Vehicular Access Application* must be made prior to the provision of any crossing and driveway in association with a development approval, or prior to the replacement or improvement of an existing vehicular crossing. Similar application must be made prior to the opening of any road, footpath, grass verge or the like. Attached to the application are Council's *Vehicular Access Guidelines and Specifications*, which provide further information to applicants of requirements in connection with the provision of vehicular access.

It is the responsibility of the developer of property to establish suitable access facilities taking into account road levels, drainage requirements and current vehicle access requirements, at no cost to Council.

7.4.2 How this subsection is used

This sub-section of the DCP provides the objectives and provisions to be addressed when providing vehicular access to and from development. Use this sub-section in conjunction with Council's *Vehicular Access Guidelines and Specifications* when intending to prepare information for lodging a vehicular access application, development application or construction certificate.

7.4.3 Objectives

O1 To ensure that vehicular access to and from development is simple, safe, direct and enhances visual amenity.

O2 To ensure that vehicular access is designed and constructed in accordance with Council standards.

O3 To ensure minimal impact on existing street parking.

O4 To ensure minimal disturbance to existing road infrastructure, public utility services and adjoining property.

7.4.4 Provisions

P1 Vehicular access provision (design and construction) should conform to the requirements of Council's *Vehicular Access Guidelines and Specifications*.

P2 All existing gutter bridges are removed. Council may consider the retention of a gutter bridge, but only if the following criteria are met:

(a) The value of the proposed works does not exceed $200,000; or

(b) The proposed development does not result in any increase in vehicular traffic across the gutter bridge; or

(c) The proposed development involves the demolition of or alteration and addition to more than 50% of the existing building on the site.

P3 For the purpose of P2, an increase in vehicular traffic refers to any:

(a) increase to the number of parking spaces on the site,

(b) increase in the number of bedrooms within a residential dwelling by 2 or more bedrooms, but only where additional cars can be accommodate on the site under its current or proposed form, or

(c) any other development in the opinion of Council that may result in an increase in vehicular traffic crossing the gutter bridge.

7.4.5 Monitoring and Maintenance

P1 The applicant should give Council 24 hours notice to inspect the formwork before constructing the access.

P2 Erosion and sedimentation controls should be in place before starting any excavation works. These devices should be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.

P3 If a bond applies, Council inspects the completed work for any damage to Council's infrastructure before returning the bond.

P4 Roadworks should be completed as soon as possible after constructing the vehicle crossing and driveway to minimise disruption to traffic.

7.4.6 Procedures

P1 Prior to commencement of footpath construction applicant should:

(a) Apply to Council for boundary alignment levels.

(b) Lodge a *Vehicle Access Application* and refer to the accompanying *Vehicular Access Guidelines and Specifications* for further information.

(c) Obtain a *Street Opening Permit* before starting work if required.

(d) Pay a *bond* if applicable.

(e) Obtain a construction certificate before constructing the works if the footpath is part of an application for a larger development.

P2 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

P3 In special cases where the vehicular access requires substantial adjustments of Councils road infrastructure, Council may consider carrying out *works in association* with works required by the developer.

P4 Council may require a *dilapidation report* to identify any defects present prior to development commencing and may also impose a bond on drainage work as a security against damage occurring to Council infrastructure. Any breach of consent conditions may result in Council revoking the consent and using the bond and security to restore the works and make the site safe.

7.4.7 Further Information

For more information about design and construction of vehicular access and associated details regarding permits, fees and charges consult with Council and refer to:

(a) North Sydney Council *Vehicle Access Application* and accompanying *Vehicular Access Guidelines and Specifications*.

(b) *North Sydney Council Performance Guide*.

(c) *North Sydney Council Infrastructure Specification Manual*.

7.4.8 Vehicular Crossings Matrix

Table D-7.2 comprises a Vehicular Crossings Matrix which describes the process, pre-requisites and references relating to the provision of vehicular crossings.

TABLE B-7.2: Vehicular Crossings Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Vehicular Crossings and Driveways	• Vehicular access between the public road and private property • Also includes any adjustments to public infrastructure required to provide suitable access	1. Lodge a Vehicular Access Application	• Provide information as required by the application such as design information, indemnity, Certificate of Insurance Currency application fees • Approval to adjust existing infrastructure	• This Section of the DCP • NSC Performance Guide	• NSC Infrastructure Specification Manual	• The vehicular access application must relate to the provision of vehicular access to an approved car stand within private property • Adjustment of existing infrastructure must be approved by council before submitting design plans
		2. Obtain approval of Vehicular Access Application	• Council assesses application based on the reliability of the information provided	• s.138 of Roads Act 1993 (if applicable) • s.68 Local Government Act (if applicable)		
		3. Constructing the vehicular access	• Approval of Vehicular Access Application • Street Opening Permit • 48 hrs notice for inspecting formwork by Council	• Development consent (if applicable) • Plans approved by Council • NSC Performance Guide • NSC Infrastructure Specification Manual		• Any adjustment required to existing infrastructure such as footpaths, kerb and gutter or road levels must be approved by Council
		4. Return of the Bond	• Final approval of the completed vehicular crossing by Council			• Ensure that no damage has been caused to Council' s infrastructure

7.5 FOOTPATHS

7.5.1 Introduction

Footpath infrastructure includes surface materials, landscaping, drainage, and provisions for the disabled. This section applies to the provision and maintenance of footpaths throughout North Sydney. Footpaths separate pedestrians from vehicular traffic and provide suitable all weather surface, safe and convenient for public use. Like Council's road network, footpaths provide a slightly varying function depending upon the location, the abutting development, location of shops, schools, community and service areas, as well as having a relationship with vehicular traffic volume.

New development generally creates the need to upgrade the standard of the footpath. Although Council maintains footpaths that have reverted to Council's ownership, new developments are responsible for constructing the footpath according to Council's specifications and at no cost to Council. Council has adopted a policy specifying types of footpaths for selected areas of North Sydney. Maps are available at Council showing these details.

7.5.2 How is this section used

This sub-section of the DCP provides the objectives and provisions to be addressed when constructing or reconstructing footpaths. Use this sub-section in conjunction with Council's *Infrastructure Specification Manual* when lodging a development application or construction certificate.

7.5.3 Objectives

O1 To ensure that footpaths are designed and constructed in accordance with Council standards, compliments surrounding streetscape and reflects heritage and conservation values.

O2 Ensure that footpaths provide a safe walking environment for all pedestrians and enhance visual amenity.

O3 Provide equal access opportunity that does not discriminate against the disabled.

O4 Minimise disturbance to existing road infrastructure, public utility services and adjoining property from provision of footpath.

7.5.4 Provisions

P1 Where appropriate, new and reconstructed footpaths should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council *Infrastructure Specification Manual*.

P2 Footpath work adjoining areas of heritage and conservation significance should be designed and constructed to complement the heritage and conservation character. Damaged heritage elements should be reinstated as near as possible to original condition at no cost to Council.

P3 Footpath design should:

(a) Show suitable profiles between kerb and floor levels at all doorways to a development.

(b) Allow for the planting of street trees in accordance with the North *Sydney Street Tree Strategy* and Part B: Section 16 – *Tree and Vegetation Management* of the DCP.

(c) Cater for the disposal of roof water piped beneath the footpath to the kerb (particularly for paved footpaths).

(d) Not contain steps where these did not previously exist.

(e) Not have obviously visible dips and humps adjoining driveways or doorways.

P4 Disabled access is to be accommodated within private property where footpaths have longitudinal slope at doorways.

7.5.5 Monitoring and Maintenance

P1 The applicant should give Council 24 hours notice to inspect the prepared base of the footpath.

P2 Erosion and sedimentation controls must be in place before starting any excavation works. These devices must be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.

P3 If a bond applies, Council will inspect the completed work for damage to Council infrastructure before returning the bond.

7.5.6 Procedures

P1 Prior to commencement of footpath construction applicant should:

(a) Apply to Council for alignment levels (prior to undertaking design).

(b) Lodge footpath design for approval with an application for Construction Certificate.

(c) Lodge footpath design to the Principal Certifying Authority (PCA) for the issue of a Construction Certificate.

(d) Obtain approval of public utility authorities where relevant services affected.

(e) Obtain a *Street Opening Permit* from Council.

(f) Pay bond if applicable.

(g) Submit to Council a work *as executed plan*, prepared by a surveyor or civil engineer if required.

(h) Obtain a construction certificate before constructing the works if the footpath is part of an application for a larger development.

P2 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

P3 Where a development's footpath works require substantial adjustments of Councils infrastructure, Council may consider carrying out *works in association* with works required by the developer, subject to conditions.

P4 Council may require a *dilapidation report* to identify any defects present prior to development commencing and may also impose a bond on drainage work as a security against damage occurring to Council infrastructure. Any breach of consent conditions may result in Council revoking the consent and using the bond and security to restore the works and make the site safe.

7.5.7 Further Information

For more information about design and construction of vehicular access and associated details regarding permits, fees and charges consult with Council and refer to:

(a) *North Sydney Council Performance Guide*.

(b) *North Sydney Council Infrastructure Specification Manual*.

7.5.8 Matrix

Table D-7.3 comprises a Footpath Matrix which describes the process, pre-requisites and references relating to the provision of footpaths.

TABLE D-7.3: Footpaths Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Public Footpaths in commercial, mixed use and residential areas	• Pedestrian access between the kerb and the boundary • Applies also to footpaths in pedestrian malls built on public property and the like	1. Lodge a Development Application showing footpath details as part of the larger development proposal	• Prepare survey details • Refer to Council' s footpath standards regarding surface finish, planters etc • Prepare detailed design of footpath	• Development Consent • NSC Performance guide	• Guidelines for Vehicular Access Application • NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough concept design details to demonstrate that the footpath concept complies with Council' s standards and is fit-for-purpose.
		2. Obtain development consent	• Council assesses DA based on details of the footpath designs submitted	• EP&A Act 1979		
		3. Obtain Construction Certificate	• Lodge final designs of the footpath with the s.138 Permit and pay contributions, fees, bonds	• Street Opening Permit • Guide for applying for Construction Certificate		• Application is lodged with the Principal Certifying Authority who approves work for construction
		4. Construct footpath as part of the main project	• Obtain the Construction Certificate	• Development Consent • Council' s corporate standards • NSC Infrastructure Specification manual	• NSC Infrastructure Specification Manual • Plans approved in accordance with Construction Certificate	• Council is authorised to issue a stop work order, if the work is not in accordance with approvals or is considered unsafe.
		5. Apply for release of bond	• Demonstrate by " As built drawings" that all work has been built in accordance with Council' s requirements • Obtain Council approval of the works	• Development consent conditions		• Since the footpath work will revert to Council' s ownership, Council requires all works to be constructed to Council' s specifications.
		6. Obtain Occupation Certificate	• Satisfy all requirements for construction	• Development consent • Construction Certificate		• Bonds may be held until expiry of defects period.

7.6 PERMITTED ENCROACHMENTS

7.6.1 Introduction

Permitted encroachments refer to structures that are permitted to encroach from private property onto the public property such as, but not limited to;

- Awnings
- Balconies
- Sunblinds
- Building signs
- Decorative structures
- Private security lighting
- CCTV cameras
- Special drainage structures

Elements encroaching within the public road reserve from private property may present a potential risk of safety to the public and therefore a potential risk of legal claims to Council if left unmanaged. Council has a duty to manage the risk and this is done by ensuring that the applicant, proposing the encroachments, remains responsible for identifying the risks, assessing the extent of the risks and undertakes to carry out all measures necessary to mitigate the risk to an acceptable level as determined by a Risk Management Study.

7.6.2 How this sub-section is used

This sub-section of the DCP provides objectives and provisions to be applied when proposing to apply for approval to install encroachments within public property. Refer to these when intending to prepare information for lodging a development application or construction certificate.

7.6.3 Objectives

O1 The objectives of this sub-section are to ensure encroachments from private property onto the public property are safe for pedestrians and vehicular traffic, designed and constructed to Council's expectations and conserve the desirable characteristics of an area.

7.6.4 Provisions

P1 Encroachments from private property onto the public property should not:

(a) Intrude into the amenity of the area by blocking access (both pedestrian and vehicular).

(b) Visually intrude or pollute a public area.

(c) Be positioned dangerously.

(d) Negatively impact on accessibility for disabled and visually impaired persons.

(e) Compromise local character, conservation and heritage values of an area.

P2 Design, location and construction encroachments should be to Councils expectations.

7.6.5 Monitoring and Maintenance

P1 Council may monitor encroachments to ensure that the public interest is maintained.

P2 It is the responsibility of the private property owner to maintain the encroachments in a fit-for-purpose condition.

P3 The private property owner may be required to hold and maintain professional indemnity and public liability insurance noting Council's interest, for the service-life of objects encroaching on public property.

P4 Approvals for encroachments may be for a specific time period.

7.6.6 Procedures

Specific Requirements

P1 Approval to install encroachments on public property shall be by development consent. Circumstances regarding encroachment from private property onto the public property are site specific. Enquire with Council prior to making an application to determine specific requirements.

General Requirements

P1 Council may require a *dilapidation report* to identify any defects present prior to development commencing. Any defects found to exist on completion of development that have not been identified in the dilapidation report, will be deemed to have occurred as a consequence of development work and therefore, will be the liability of the developer to re-instate at no cost to Council.

P2 Any breach of consent conditions may result in Council revoking the consent and use any developer bond and security to restore the works and make the site safe.

P3 Private property owners should be aware of the possible need to enter a *Deed of Agreement* or *Lease* with Council including indemnifying Council against relevant risks.

P4 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under section 138 of the *Roads Act 1993* and section 68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

7.6.7 Further Information

Contact Council's Planning and Development Advisor for more information on 9936 8100.

7.6.8 Matrix

Table D-7.4 comprises a Permitted Encroachments Matrix which describes the process, pre-requisites and references relating to permitted encroachments.

TABLE D-7.4: Permitted Encroachments Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Permitted encroachments	• Awnings • Balconies • Sunblinds • Building signs • Decorative structures • Private security lighting • CCTV cameras • Special drainage structures • Installation of electrical fittings within private property walls for public use • Installation of electrical fittings within public walls for private property use	1. Lodge a Development Application	• Survey details • Concept Design • Statement of Impact of Stormwater	• This section of the DCP • Development Application Guides	• NSC Performance Guide • NSC Infrastructure Specification Manual • Industry Codes for design and construction	• Provide enough information to allow Council to assess the merit of the proposal • The Statement of Environmental Impact must address the issues raised in the checklist within the EP&A Act
		2. Obtain development consent	• Council assesses DA based on details of the encroachment submitted	• EP&A Act 1979 • Conditions of any Deed of Agreement		• In order to minimise delay the applicant should ensure that the Information provided in the application is relevant, accurate and fit-for-purpose and meets Council' s performance expectations
		3. Lodge a Construction Certificate application	• Detailed design • S.138 approval • Pay all fees and bonds • Certification as required	• This section of the DCP • Development consent • s.138 of Roads Act 1993 (if Applicable) • BCA	• NSC Performance Guide • NSC Infrastructure Specification Manual • Conditions of any Deed of Agreement	• In order to minimise delay, ensure that design information provided in the application complies with the development consent. • No work is permitted on public property without a s.138 Permit • Bonds are a security against damage to Council Infrastructure
		4. Obtain Construction Certificate	• PCA Ensures all conditions of consent are met	• Development Consent • BCA		
		5. Start construction	• Give Council Notice	• This section of the DCP • Construction Certificate	• NSC Performance Guide • NSC Infrastructure Specification Manual	• A Construction Certificate must be obtained before construction may commence.

7.7 BOUNDARY ALIGNMENT LEVELS

7.7.1 Introduction

Boundary alignment level (called alignment level) refers to the finished surface level at the frontage of private property to a public road. Council provides alignment levels and the applicant must include alignment levels with the information presented to Council in a Development Application.

Council sets alignment levels to assist the property owner (developer) to establish:

- Suitable vehicle access from a public road into private property.
- Appropriate floor levels for a garage, carport or car-stand area.
- Foundations for a front fence to development.
- Service installation requirements.
- Appropriate matching footpath levels.
- Suitable roof water disposal from private development.
- To suit access for the disabled and visually impaired.

Failing to comply with Council's alignment levels may result in:

- Unsatisfactory vehicle access to private property.
- Floor level of car-stand area in private property being unsatisfactory.
- Services to a development being laid at a level that may result in damage.
- Level of boundary fences not complying with Council's requirements.
- Difficulty in providing access for the disabled and visually impaired.
- Difficulty in draining roof water from a development.
- Stormwater from the street or footpath entering private property.
- Council issuing an order to rectify any unauthorised works, or in the case of emergency works, to carry out rectification works at no cost to Council.

Conditions of the development consent and the approved construction certificate plans establish the construction requirements of works associated with alignment levels. Non-compliance with the consent or the construction certificate may result in difficulty in obtaining an occupation certificate. Rectification works required to gain compliance may be expensive.

Where difficulty is experienced in providing vehicle access to private property, the designer should arrange a meeting with Council to discuss the preferred design strategy.

On roads having a steep longitudinal fall along the footpath, difficulty may be encountered in designing floor levels at doorways and entrances to car parks. This may particularly apply to disabled access. If unsure of how to interpret alignment levels to meet Council's objectives, consult with Council before proceeding with design.

Council is not responsible for any damage caused to utility services that may be damaged by the applicant or its workers in meeting Council's alignment levels objectives. The applicant should obtain approval from the relevant utility service authority before doing any work likely to damage the service.

Council may require a *Dilapidation Report* to identify any defects present prior to development commencing. Any defects found to exist on completion of development that have not been identified in the Dilapidation Report, will be deemed to have occurred as a consequence of development work and therefore, will be the liability of the developer to re-instate at no cost to Council.

7.7.2 How this sub-section is used

This sub-section of the DCP provides objectives and provisions to be applied when intending to use alignment levels for a proposed development. Refer to these when intending to prepare information for lodging a development application or construction certificate.

7.7.3 Objectives

O1 To provide safe and fit-for-purpose finished surface levels at any boundary of private development, which have a road with kerb and gutter, able to meet Council's objectives by specifying a consistent standard of design.

O2 To ensure minimal risk of injury to people and damage to property.

O3 To provide a uniform standard of construction for vehicular access to private property.

O4 To provide an awareness of alignment levels when determining appropriate floor levels for car-stand areas within private property.

O5 To protect public utility services by providing appropriate alignment levels.

O6 To protect property located on the low side of roads from the effects of stormwater run-off.

7.7.4 Provisions

P1 Alignment levels are based on Council's standard footpath gradients, vehicle access limitations and footpath levels at adjoining properties.

P2 Residential floor levels and car-stand floor levels within buildings and private property should be designed to alignment levels provided by Council.

P3 Alignment levels should:

(a) Determine footpath shape.

(b) Govern floor level at door entrances.

(c) Provide access for vehicles and pedestrians without the risk of damage to vehicles and property and injury to people.

(d) Provide suitable access for disabled and visually impaired pedestrians.

(e) Enable roof water from private property to be piped under the footpath to the street.

(f) Be uniform with front boundary levels of existing adjoining properties and with existing footpath levels in the public road (where applicable).

P4 Property located on the corner of two intersecting public roads may require alignment levels for both frontages of the property.

P5 Council is authorised to fix the levels of a public road or vary the existing levels of a public road (including at the alignment with the boundary of private property) subject to meeting particular requirements. Council is also authorised to regulate the levels within private property for the purpose of meeting the above described objectives.

7.7.5 Monitoring and Maintenance

P1 Applicant is required to give Council 48 hours notice prior to carrying out works that are impacted by alignment levels.

P2 If a bond applies, Council must inspect the completed work for compliance with the alignment levels before returning any bond.

P3 Construction work in private and public property is checked for compliance by an accredited engineer. Compliance is issued subject to all works meeting the conditions of consent and the construction certificate. Any defective work must be made good before for compliance is issued.

P4 Council or its agent is authorised under the provisions of the *Local Government Act 1993*, after giving reasonable notice (or without notice in the case of an emergency), to inspect the work for the purpose of compliance and rectify any work found to pose a risk of injury to persons(s) or damage to property.

P5 The owner of the subject property is responsible for any inconvenience or damage caused to any other property or injury to people resulting from a failure to observe the alignment level requirements.

7.7.6 Procedures

P1 Council issues alignment levels. An application for alignment levels can be made at Council's Customer Service Centre.

P2 Council issues a development consent subject to information contained in the application complying with the requirements of the alignment levels.

P3 The principal certifying authority (PCA) issues a construction certificate subject to the information contained in the application complying with the requirements of the development consent.

P4 Prior to issuing a construction certificate all fees, bonds, securities must be paid and a Street Opening Permit obtained (if applicable).

P5 On completion of construction, the applicant may apply for a refund of any outstanding bond (if applicable).

P6 An occupation certificate is issued after completion of construction subject to the applicant demonstrating by survey that all work relevant to alignment levels has been completed in accordance with the development consent. An "as built drawing" may be required to be supplied by the applicant to confirm the adequacy of relevant work.

P7 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

7.7.7 Further Information

For more information about design and construction of vehicular access and associated details regarding permits, fees and charges consult with Council and refer to:

(a) *North Sydney Council Performance Guide*.

(b) *North Sydney Council Infrastructure Specification Manual*.

7.7.8 Matrix

Table D-7.5 comprises a Boundary Alignment Levels Matrix which describes the process, pre-requisites and references relating to boundary alignment levels.

TABLE D-7.5: Boundary Alignment Levels Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Boundary alignment levels	Boundary alignment levels are used to establish: • Vehicular access • Floor level for a garage, carport, or car-stand area • Boundary fence • Footpath levels • Roof water disposal under footpath • Disabled access	1. Lodge a Development Application	• Application for alignment levels • Survey details • Consider boundary alignment levels when preparing the concept design	• This section of the DCP • Development Application Guides	• NSC Performance Guide • NSC Infrastructure Specification Manual • Industry Codes for design and construction	• Provide enough information to allow Council to assess the merit of the proposal • The Statement of Environmental Impact must address the issues raised in the checklist within the EP&A Act
		2. Obtain development consent	• Council assesses DA based on details of the alignment levels	• EP&A Act 1979		• In order to minimise delay the applicant should ensure that the information provided in the application is relevant, accurate and fit-for-purpose and meets Council' s DCP objectives and controls
		3. Lodge a Construction Certificate application	• Detailed design • S.138 approval • Pay all fees and bonds • Certification as required	• This section of the DCP • Development consent • s.138 of Roads Act 1993 • BCA	• NSC Performance Guide • NSC Infrastructure Specification Manual	• Provide enough detailed design information to show that work can be built as per development consent conditions • No work is permitted on public property without a 138 Permit • Bonds are a security against damage to Council Infrastructure
		4. Obtain Construction Certificate	• Submit information required by the development consent	• Development Consent • BCA		• PCA ensures that all consent conditions are met
		5. Start construction	• Give Council Notice	• This section of the DCP • Construction Certificate	• NSC Performance Guide • NSC Infrastructure Specification Manual	• A Construction Certificate must be obtained before construction may commence.

SECTION 8 CONSTRUCTION MANAGEMENT

8.1 INTRODUCTION

Construction activities, which includes demolition, earthworks, underpinning, construction or remediation activities have the ability to adversely affect the amenity of existing residents and workers of North Sydney through temporary increases in noise, vibration, airborne pollution and/or transport movements. These issues can sometimes be compounded when multiple sites in close proximity to one another are undergoing construction at the same time. Council is obliged to manage these temporary site issues for the benefit of the wider community.

In some instances, Council will require the preparation of a detailed Construction Management Plan (CMP). The need for a CMP depends upon the nature of work, likelihood of disruptions, impacts on local amenity, dangers or risks involved, traffic management or any other relevant issue that may cause adverse impacts on the wider community as a result of a development's construction.

The requirement for a CMP typically arises from the imposition of a specific condition/s on a development consent. Council recognises the high costs associated with the preparation of a detailed CMP and that contractors to construct a proposed development are typically not appointed until after a development consent has been issued and that the request for detailed CMP's may not be appropriate as part of the development application process. However, indicative CMP's maybe request depending on site circumstance. This Section of the DCP outlines the minimum requirements that need to be addressed in preparing a CMP. A development consent may also require additional matters over and above that contained within this Section of the DCP to be addressed.

8.1.1 General Objectives

The objectives of this Section of the DCP are to:

O1 Establish suitable time periods within which demolition, earthworks, construction or remediation activities can be undertaken;

O2 Establish a framework for the approval of out of hours permits for development works;

O3 Establish circumstances where a modification to the consent may be required to allow out of hours works;

O4 Establish the instances when a Construction Management Plan is required;

O5 Outline the matters for consideration in the preparation of Construction Management Plans.

8.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development that involve physical works to a site.

This Section also contains detailed heads of consideration for when a CMP is required to be prepared in accordance with a condition/s imposed on a development consent. A CMP may be required if a proposed development includes:

(a) Basement excavation;

(b) External works exceeding $1million;

(c) Demolition within 2m of a street alignment;

(d) Demolition of 2 or more storeys;

(e) Where traffic management measures are required for a period of two or more weeks; or

(f) Any other case where the consent authority considers that a CMP should be provided due to the nature of the work or locality or potential disruption to amenity, public safety, on street parking provision or traffic safety.

8.1.3 Relationship to Other Documents

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

(a) *Environmental Planning and Assessment Act 1979* (EP&A Act);

(b) *Environmental Planning and Assessment Regulation 2021* (EP&A Regulations);

(c) *Protection of the Environment Operations Act 1997* (PoEO Act);

(d) North Sydney Construction Works Management Strategy;

(e) North Sydney Enforcement and Compliance Policy.

8.2 Operating Hours, Noise and Vibration

8.2.1 Objectives

O1 To minimise the impact of noise and vibration on the immediate neighbourhood.

O2 To provide a framework to plan and cater for construction activities outside normal hours.

O3 To minimise the likelihood of damage to adjacent buildings and structures.

O4 To manage general community and developer expectations.

8.2.2 Provisions

Primary Construction Hours

P1 Building works must not occur outside the time periods outlined in Table D-8.1.

TABLE D-8.1 – Primary Construction Hours

Location	Day	Hours
E2 Commercial Centre MU1 Mixed Use	Monday – Friday	7.00am – 7.00pm
	Saturday	8.00am – 1.00pm
	Sunday Public holiday	No work permitted
All other zones	Monday – Friday	7.00am – 5.00pm
	Saturday	8.00am – 1.00pm
	Sunday Public holiday	No work permitted

P2 Despite P1 above, construction activities that only involve the internal fit out of a fully enclosed space may be permitted up to 9pm on a Monday – Friday inclusive in the *E2 Commercial Centre* and *MU1 Mixed Use* zones only and subject to the further provisions of this policy.

P3 Extended primary construction hours may be considered beyond the hours outlined P1 either as part of the principal development application or by way of a modification application made under s.4.55 of the *EP&A Act*. Such requests must provide the following information:

(a) a detailed management plan including the nature of the proposed works and how impacts will be mitigated:

(b) supporting noise and traffic reports which demonstrate that impacts on the community can be minimised;

(c) details of how the extended works will be of benefit to the community and the environment generally, and

(d) the acceptance that approval will only be granted subject to conditions that will see the withdrawal or modification of the privilege so given upon justified and unresolved complaint.

Works outside of Primary Construction Hours: Out-of-Hours Permits

P4 The time periods within Table D-8.1 may be extended for certain "one-off" events, but only after an Out-of-Hours Permit has first been approved and issued by Council.

P5 In determining whether Council will approve of an out of hours permit, Council will consider the following:

(a) Nature, location and extent of work to be undertaken to limit potential nuisance;

(b) Location of the site in relation to sensitive zones (e.g. residential zones);

(c) The urgency or emergency nature of the works;

(d) Safety requirements such as risk to public/workers;

(e) Sequential / timing issues;

(f) Traffic management considerations;

(g) Noise reduction measures;

(h) Measures to be taken to address any potential complaints;

(i) Proven track record of the site;

(j) Requirements of other authorities; and

(k) Public interest

P6 An out of hours Permit will not be approved:

(a) if the site is located either directly adjacent to or across the road from a site that have been issued an Out-of-Hours Permit within 3 days of the request for an Out-of-Hours Permit;

(b) for more than 3 consecutive nights, unless it can be adequately demonstrated that it is required for the purposes of protecting public safety;

(c) for concreting works, or other low impact construction works which can be carried out within the normal construction hours;

(d) where there is no demonstrated justification with regard to traffic or public safety or amenity impacts;

(e) where previous Permits have been issued and have resulted in justified complaint; and

(f) if the request is received less than 72 hours before the proposed date of out of hours works are to commence.

Noise and Vibration

P7 Large scale demolition and construction projects/sites will be required to incorporate a Noise and Vibration Management Plan (N&VMP) within the CMP to address construction noise which may cause nuisance or disturbance as a result of the close proximity of any noise sensitive premises and/or the particular scope of the development or the equipment being employed. A N&VMP will need to be provided for demolition work and for potentially noisy building construction activities such as piling, compacting and concrete pouring processes.

P8 The N&VMP is to consider the time and duration of proposed activities, the nature of the activities intended at the site and the ambient background noise level in the surrounding noise sensitive uses and the actual likely impact on those sensitive uses.

P9 To ensure that noise and nuisance complaints are managed on site in the first instance, signage specifying any security measures and key contact details must be erected on the perimeter of the site in accordance with the signage provisions under Section 8.3.2 to Part D of the DCP below.

8.3 PUBLIC SAFETY, AMENITY AND SITE SECURITY

8.3.1 Objectives

O1 To ensure that the general public is adequately protected from activities occurring on building sites.

O2 To manage the protection of public assets and infrastructure.

8.3.2 Provisions

Fencing

P1 The site should be secured by a fence, hoarding or other suitable barrier.

P2 Hoardings, perimeter fencing or other site barriers used must not be able to be climbed or allow unauthorised entry.

P3 Before and during building work, all excavations must be fenced so they do not pose a danger to life or property to the satisfaction of the relevant certifying authority and Council.

P4 Hoardings, barriers and other perimeter fencing must be suitably lined to limit public viewing to designated viewing areas. This will ensure pedestrian flow is not impeded and adequate site-public interaction is accommodated.

P5 At least one viewing point per site must be provided.

P6 All hoardings and other safety related structures must be maintained to SafeWork NSW standards.

P7 Footpaths and roadways generally will be maintained in a fit for purpose condition at the developer's expense.

Safety and Security

P8 Adequate lighting, safety signage and traffic controls are to be provided. Temporary lighting shall provide an even lighting level and must meet the requirement outlined in the AS/NZS 1558 Road Lighting series.

P9 For refurbishments, renovations and additions, occupants of existing buildings must be prevented from accessing these areas of the building where works are being carried out through adequate security measures to the satisfaction of the relevant certifying authority.

P10 Security measures must be in place at all times when building activities are not in operation. This may include perimeter barriers, locks (either mechanical or electronic), surveillance systems, security lighting and motion detectors.

P11 Where a building site cannot be fully secured, consideration must be given to the use of a security service to prevent unauthorised access.

P12 Security measures must be provided to prevent construction work or protective measures from facilitating unauthorised access to an adjoining building(s) and to safeguard site materials and equipment.

P13 All dangerous chemicals need to be properly stored in secure areas located away from emergency exits, safety measures or stormwater pits. Required quantities of chemicals

need to be nominated and procedures put in place for the location of storage facilities, secure access and spillage procedures. Refer to AS 1940-1993 Storage and Handling of Flammable and Combustible Liquids. Signage for dangerous goods must be in accordance with AS1216 – 1995 Class Labels For Dangerous Goods Hazardous materials must be stored in a manner approved by SafeWork NSW.

P14 Explosives shall not be used for demolition or excavation.

Signage

P15 Signage specifying any security measures and key contact details shall be erected on the perimeter of the building site (i.e. attached to the building, fence or hoarding), with one sign provided on each street frontage and plainly visible to the public domain.

P16 At a minimum, each sign shall contain at least the following information:

(a) The name and contact details (including phone) of the:

(i) Developer;

(ii) Chief Contractor;

(iii) Principal Certifying Authority;

(b) A 24 hour emergency contact name and phone number;

(c) Website address where the community may find details of the construction activities in accordance with Part D: Section 8.8 of the DCP.

P17 One sign per street frontage is permitted advertising the proposed development under construction on the land. Each sign should not exceed a display area of five (5) square metres or 10% of the relevant ground level fence or hoarding elevation whichever is the lessor. It must not be an animated or internally-illuminated and be removed in its entirety when the construction work is completed or the security fencing or hoarding is removed.

P18 Any sign, road markings, street furniture, parking meters, etc, affected by the works shall be relocated or protected and, or, kept in good repair. When installing hoardings, attention shall be paid to the effects that such items may have on pedestrian and cycle travel paths at intersections. This may mean installing temporary pedestrian ramps, tactiles, etc. Approval shall be sought from Council to install temporary indents or pedestrian ramps, etc.

Public Domain

P19 Any damage to the footpath, road, kerb and channel, stormwater drains and street furniture that results from excavation, demolition and building work is the responsibility of the builder or developer. Any damage which may impact on pedestrians, cyclists and motorists' safety shall be repaired immediately.

P20 Bicycle paths must be maintained where existing bicycle access is provided adjacent to a construction site.

P21 Developers and builders must ensure there are no tripping hazards from the hoarding or perimeter fencing on nearby footpaths. Hoardings must be maintained in such a state as to minimise the risk of damage to pedestrians, their clothing and their belongings. Electrical, plumbing and other services extending over footpaths must be covered over, and pedestrian and disability access facilitated by a ramp. Ramps must have a non-slip surface, a handrail, and a minimum gradient of 1:14 unless the existing topography of the street or road dictates some variation to this ratio.

P22 Determine whether the street or footpath or part thereof needs to be occupied by builders, above or below the public domain. The general public must be protected from construction activities including vehicle loading and off-loading within the public domain. Precautions must be fully specified and include the following measures:

(a) The use of spotters and traffic controllers;

(b) Restriction on the hours of operation of these activities (non peak hours);

(c) Restriction on the type of work being carried out (welding, etc.);

(d) Machinery to be used;

(e) Security mesh or barriers to separate the public from the work area.

P23 When using skips or rubbish bins, take the following steps to prevent disruption to public areas:

(a) Place skips or rubbish bins away from public thoroughfares, pedestrian and bicycle access areas;

(b) Specify times and methods for loading and unloading of bins or skips;

(c) Indicate location and height of chutes (if proposed);

(d) Protect pavements and streets and conduct dilapidation surveys before and after works have taken place.

P24 When using cranes or mobile lifting equipment, take the following steps to prevent disruption to public areas:

(a) Ensure equipment does not restrict public thoroughfares and pedestrian access or, where restricted access is unavoidable, use gantries or other overhead protection;

(b) Determine lifting zones for medium to long term use of the equipment;

(c) Protect pavements and streets and conduct dilapidation surveys before and after works have taken place;

(d) Implement procedures and lifting techniques to ensure safety on adjoining streets and footpaths;

(e) Use traffic management controls and signage.

P25 Unless otherwise permitted, an obstruction must not protrude from premises causing it to interfere with pedestrians or traffic in a public place.

P26 Unless otherwise permitted, all construction materials must be stored onsite and not in the street or public space.

P27 When a crossover is required for vehicular access to the site, consider:

(a) The type and size of trucks entering the site;

(b) The loading and potential for damage to the existing crossover and footpath;

(c) The nature of protection of crossover and pavements;

(d) The need for a dilapidation survey of the footpath before and after works have taken place.

P28 In the case of potential damage to assets in the public domain, a financial deposit for an amount determined by Council must be lodged in conjunction with the necessary local law permit application, along with a requirement to reinstate damaged assets at the completion of works.

P29 In the event that works may disrupt parks and gardens managed by Council, consultation and approvals including park protection measures, ongoing maintenance requirements and reinstatement methods will be required from Council's Open Space and Environmental Services Division to ensure there is no damage to flora, fauna and services. Grass verges and medians are also to be protected.

Street Space Occupation

P30 All necessary permits must be obtained from Council to occupy and use the space on the road, footpath or other public land.

P31 Adequate barriers must be installed to prevent the public from accessing the construction area. Any occupation or activity presenting a hazard to the public must be provided with suitable barriers.

P32 Pedestrian access areas must have a minimum width of 1.2m clear on the footpaths (1.5m preferable). Where possible, two way passing bays 1.8m wide should be provided at not more than 20m intervals.

P33 Any permit issued by Council will be time limited. If the permit is not renewed within twenty one (21) days of its expiry orders will be issued to require the removal of any temporary structure or to restrain the use of the benefit otherwise permitted by the permit.

Excavation

P34 Excavations adjacent to or in close proximity to a road or pathway must be designed to support the road or pathway.

P35 Excavations adjacent to existing adjoining buildings must be designed to support the adjoining buildings or structures.

P36 The location and extent of excavations on a site must be specified and the means of containing sediment, especially in wet weather, must be detailed. The area of land to be cleared must also be minimised and stripping and excavating the site should be avoided until building is about to start.

Prevent Unsightly Premises

P37 Raw materials stored on the site must be adequately secured to prevent unnecessary and unsightly dispersal of the materials around the site and public areas (streets and footpaths).

P38 Trucks leaving the site must be adequately cleaned to ensure soil, mud and other site debris is prevented from spilling onto adjoining roads and footpaths. Roads and footpaths should be cleaned on a regular basis with consideration to water efficiency.

P39 Graffiti and other posters or stickers on hoardings and fencing must be removed on at least a weekly basis, or immediately if it is offensive in nature.

General Management

P40 Existing trees and vegetation not proposed to be removed as part of any development consent must be protected in accordance with Section 3 to Part B of this DCP.

P41 If building works are for demolition only and the site is to be left vacant, it must be cleared of all unsightly debris, left in a clean state and fully fenced with solid hoarding. The owner is responsible for the site after it has been vacated by the demolisher, principal builder or contractor. Council may require a financial deposit to ensure the owner adequately accepts their responsibility.

P42 Pedestrian signs must not be damaged, defaced, removed or altered in any way. New pedestrian signs must not be installed without Council approval.

P43 Any precautions for public protection within the street/public domain must comply with Council's and WorkSafe requirements.

8.4 AIR AND DUST MANAGEMENT

8.4.1 Objectives

O1 To ensure that air quality (airborne dust and pollutants) in and around a construction site is maintained at acceptable levels throughout the construction period.

8.4.2 Provisions

P1 Provide details of any equipment and activities that may cause excessive dust or otherwise effect air quality. Dust suppression techniques/equipment may be required depending upon the following:

(a) Weather and wind conditions;

(b) Exposure/proximity to the public and surrounding buildings;

(c) Proximity to air intake vents on adjacent buildings. Intake from these vents must be prevented through the installation of adequate filters or other approved measures.

P2 Minimise dumping of loose materials on a site. If dumping of loose material is unavoidable, detail methods for preventing dust and other airborne matter impacting on the surrounding area. Ensure these measures are adequate when the site is unattended.

P3 Minimise airborne dust arising from trucks and other vehicles entering and leaving the site by providing details on the method and frequency of watering down driveways and trucks with consideration to water efficiency.

P4 Specify materials to be stored on site and their exposure to wind and the weather elements. Detail methods for preventing loose materials from becoming airborne.

P5 Perimeter fencing must be designed to minimise the impact of dust on the public and adjacent areas.

P6 Equipment powered by internal combustion engines must be properly maintained and regularly serviced to prevent the discharge of excessive pollutants, including smoke and/or toxic fumes or odours, and must meet acceptable noise levels.

P7 Exhausts and ductwork from equipment must be located away from air intakes, windows, enclosed areas and public areas.

P8 Materials can only be cut in designated areas set away from boundaries and public areas, with adequate dust (and noise) suppression. Where cutting needs to occur in situ, localised dust suppression measures must be utilised.

P9 The provisions of the *PoEO Act* and associated regulations also apply.

8.5 Erosion and Sediment Control

8.5.1 Objectives

O1 Prevent contamination of, or damage to, stormwater drains and waterways.

O2 Ensure sediment from the building site is retained on-site during construction work.

8.5.2 Provisions

P1 An Erosion and Sediment Control Plan is incorporated into the CMP and address the requirements within Section 4.2 – *Erosion and Sediment Control* to Part B of this DCP.

P2 The provisions of the *PoEO Act* and associated regulations also apply.

8.6 Waste Management

8.6.1 Objectives

O1 Maximise the re-use and/or recycling of construction and demolition waste.

O2 Waste material to be collected and stored on site until its removal.

8.6.2 Provisions

P1 A Waste Management Plan is incorporated into the CMP and address the relevant requirements within Section 5 – *Waste Minimisation and Management* to Part D of this DCP.

8.7 TRAFFIC MANAGEMENT

8.7.1 Objectives

O1 Minimise disruption to traffic (vehicles, pedestrians and cyclists) caused by construction activities to ensure the safety of all road users.

8.7.2 Provisions

P1 A Traffic Management Plan is incorporated into a CMP, where the proposed development will have an impact upon vehicle, waste collection, cyclist and/or pedestrian flows.

P2 The following issues must be considered in a Traffic Management Plan:

(a) The proposed method of access to and egress from the site for construction vehicles.

(b) Disruption to vehicular, pedestrian and cyclist traffic flows.

(c) Preferred construction access.

(d) Vehicles leaving the construction site in a forward direction.

(e) Through traffic is to be maintained at all times.

(f) Maintaining access to all neighbouring properties at all times.

(g) Proposed method of traffic control; controllers must be qualified.

(h) Proposed method of pedestrian management.

(i) Access routes through the Council area.

(j) Method of loading and unloading materials and equipment.

(k) Location of any cranes.

(l) Location of any Work Zones (approval of the construction management plan does not imply that the proposed Work Zone will be approved, that is still subject to Traffic Committee approval).

(m) Temporary, full or partial road closures.

(n) Information to local residents and advertising as required.

(o) Method of demolition and construction.

(p) Areas used for storage of demolition materials, construction materials and waste containers.

(q) Method/device to remove loose material from all vehicles and/or machinery.

(r) Method of support to any adjoining properties

(s) Protection for Council and adjoining properties.

(t) Other site-specific considerations (as applicable).

(u) Safe Work Method Statement.

P3 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the *Roads Act 1993* and s.68 of the *Local Government Act 1993*. These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

Monitoring and maintenance

P4 All traffic control work identified in a Traffic Management Plan, must be carried out in strict accordance with that Plan. Council is authorised to undertake any work for the

purpose of making the site safe in event of an emergency and all cost incurred will be borne by the developer.

P5 If a bond applies, Council must inspect the completed work for any damage to Council's infrastructure before returning the bond.

P6 Traffic works must be completed as soon as possible to minimise disruption to vehicular and pedestrian traffic.

Erosion and sedimentation controls must be in place before starting any excavation works. These devices must be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.

8.8 COMMUNITY INFORMATION

8.8.1 Objectives

O1 To keep the community informed as to the types and extent of construction activities occurring on construction sites, so that they may better plan their days around intrusive activities.

8.8.2 Provisions

P1 A website is to be established which outlines the staging of the proposed construction activities, types of noises to be anticipated and the length of time that such activities are to be undertake during the day and during each stage.

P2 Details of the website is to be provided on any security notice attached to the boundary of the site.

P3 At a minimum, the website is to be updated on a weekly basis if required to take into account any potential variations to the initial timeframes for works being undertaken.

SECTION 9 LATE NIGHT TRADING HOURS

9.1 INTRODUCTION

Late night trading premises can positively contribute to the character of an area through increased vitality and vibrancy of the urban environment outside of normal business hours. Conversely, the operation of such premises and associated actions of patrons also has the potential to adversely impact upon the amenity of nearby residential or other sensitive land uses.

This section of the DCP aims to assist in the management of impacts from the operation of late night trading premises on the sites and neighbourhoods in which they are located and in particular, to protect the amenity of local residents. This is to be primarily achieved through restricting trading hours dependant upon a premises location and promoting ongoing good management practices.

The provisions of this Section do not set out to curb or increase potential trading hours in a blanket fashion, but to allow opportunities for late night trading hours to occur in appropriate locations and with appropriate management actions.

It is particularly important for proponents of late night trading premises to demonstrate responsible management over time. This commitment should be demonstrated both at the development application stage and throughout the history of the operation of a premises.

Late night trading hours are considered by Council to be a privilege and not a right.

9.1.1 General Objectives

The objectives of this Section of the DCP are to:

O1 identify appropriate locations and trading hours for late night trading premises;

O2 ensure that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses;

O3 ensure that operators of late night trading premises commit to good management practices through the implementation of robust plans of management;

O4 encourage late night trading premises that contribute to vibrancy and vitality, as appropriate to the status of the zone within which it is located;

O5 encourage a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work, live and visit North Sydney;

O6 encourage a diversity of night-time activity in defined areas;

O7 prevent the proliferation of poorly managed late night trading premises;

O8 ensure that new late night trading premises do not reduce the diversity of retail services in an area;

O9 ensure that development applications are accompanied by sufficient information so that proposals for night trading premises can be fully and appropriately assessed;

O10 ensure that appropriate hours are permitted for outdoor trading; and

O11 ensure a consistent approach to the assessment of applications for premises seeking night trading hours.

9.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications for non-residential uses seeking to operate wholly or in part for trading hours between 8pm and 7am that involve:

(a) a change of use of a premises;

(b) new or extended trading hours to existing premises;

(c) refurbishment, additions or extensions that will result in an intensification of an existing use; or

(d) formalisation of trading hours following a trial period as prescribed in this Section of the DCP; or outdoor trading beyond 8pm.

For the purposes of (c) above, an intensification of use means any increase in the capacity of the premises to accommodate additional patrons, determined by:

(a) an increase in the amount of licensed floor area (via a liquor licence);

(b) an increase in the amount of floor space accessible to the public (excluding toilets, lifts, stairways, ramps, escalators, corridors, hallways, lobbies and the like);

(c) an increase in patron capacity; or

(d) an increase in the amount of footpath seating areas.

The application of this Section of the DCP is not retrospective nor does it derogate from existing consents.

This section of the DCP does not apply to development for new or alterations and additions to an existing brothel, home occupation (sex services), restricted premise, or sex service premise.

9.2 MATTERS FOR CONSIDERATION

Objectives

O1 To ensure that relevant matters are considered when determining what operating hours are considered to be acceptable.

Provisions

P1 Appropriate trading hours will be determined by taking into account a number of primary issues which include (but are not limited to):

(a) the location and context of the premises, including proximity to residential and other sensitive land uses and other late trading premises;

(b) the specific nature of the premises (e.g. pub, nightclub, restaurant etc) and the proposed hours of operation;

(c) the existing hours of operation of surrounding businesses;

(d) the size and patron capacity of the premises;

(e) the availability of amenities provided to premises;

(f) the impact of the premises on the mix, diversity and possible concentration, of late night uses in the locality;

(g) the likely operation of the proposal during day time hours;

(h) submission of a Plan of Management that demonstrates a strong commitment to good management of the operation of the business, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain;

(i) the diversity of retail services within an area and the impact of a late night proposal on this diversity;

(j) measures to be used for ensuring adequate safety, security and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding, the premises;

(k) the accessibility and frequency of public transport during late night trading hours.

P2 Consideration of all of these factors provides the basis for a consistent approach to the determination of appropriate trading hours and creates greater certainty both for the community and proponents of late night trading premises.

P3 Once these factors are taken into consideration late night trading hours may be permitted in appropriate circumstances, particularly in areas of North Sydney that already exhibit or have an emerging vibrant night-time character, as opposed to parts of the LGA that are predominantly residential in character where amenity impacts can be the greatest and most difficult to manage.

9.3 TRADING HOURS

9.3.1 Trading Hours

Maximum allowable trading hours have been established that are considered to represent the desired late night trading character for each zone. A development application for late night trading will only be granted the maximum trading hours where an application can demonstrate the use of the premises during these hours will satisfy all provisions within this DCP Section and result in acceptable impacts upon the surrounding locality.

Many of these late night trading areas directly adjoin residential zones. The impacts of late night premises within these interface areas must be carefully considered. In addition, many late night premises are located within mixed use buildings where residences are located directly above. Where these impacts cannot be reasonably addressed, these sites may be granted trading hours less than the maximum hours set out within the table.

Council will consider the extension of trading hours within the North Sydney CBD up to 24 hour trading but only where the uses are suitable for the locality. These uses will be subject to on-going trial periods with the maximum 5 year trial period permitted. This will enable monitoring of premises within the CBD to ensure these uses do not detract from the character of the area.

Objectives

O1 To ensure that trading hours are consistent with the desired character of each zone.

O2 To minimise adverse amenity impacts on nearby residents.

O3 To encourage a vibrant late night economy within North Sydney.

O4 To ensure a reasonable balance is achieved between late night uses and residential amenity.

O5 To ensure that residential zones located within the interface to late night trading areas are reasonably protected.

O6 To minimise amenity impacts resulting from parking and traffic caused by late night uses.

Provisions

P1 The **maximum** trading hours that will be granted for a premises within each zone are outlined within Table D~~-10.1~~9.1 below. These hours will be granted only where an application satisfies the matters for consideration in Section 9.2 ~~above~~ to ~~this~~ Part D and all other relevant sections outlined within this Section of the DCP.

TABLE D-~~10.1~~9.1 Maximum Trading Hours			
Zone		**Trading Hours**	
		Indoor	**Outdoor**
E2 Commercial Centre *Refer to P2 & P3		6am to Midnight	7am to 11pm
MU1 Mixed Use		7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm
E1 Local Centre	Properties within Kirribilli Village ~~where small bars are permitted and~~ as identified in Figure ~~E 7.1~~D-9.1	7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat) 7am to 10pm (Sun)	7am to 10pm
	1) Properties within Kirribilli Village, other than those identified in Figure ~~E 7.1~~D-9.1. 2) Properties with a frontage to Miller St, Cammeray 3) Blues Point Road, McMahons Point	7am to 10pm (Sun-Wed) 7am – 11pm (Thurs – Sat)	7am to 9pm
	All other locations	7am to 10pm	8am to 8pm
All other zones		7am to 10pm	8am to 8pm

Note: *1. All service of food, alcohol or relevant services shall cease immediately at the time specified above with all patrons being required to leave within 30 minutes of the closing time.*

2. Outdoor furniture shall be set up and removed within 30 minutes of approved outdoor seating trading hours.

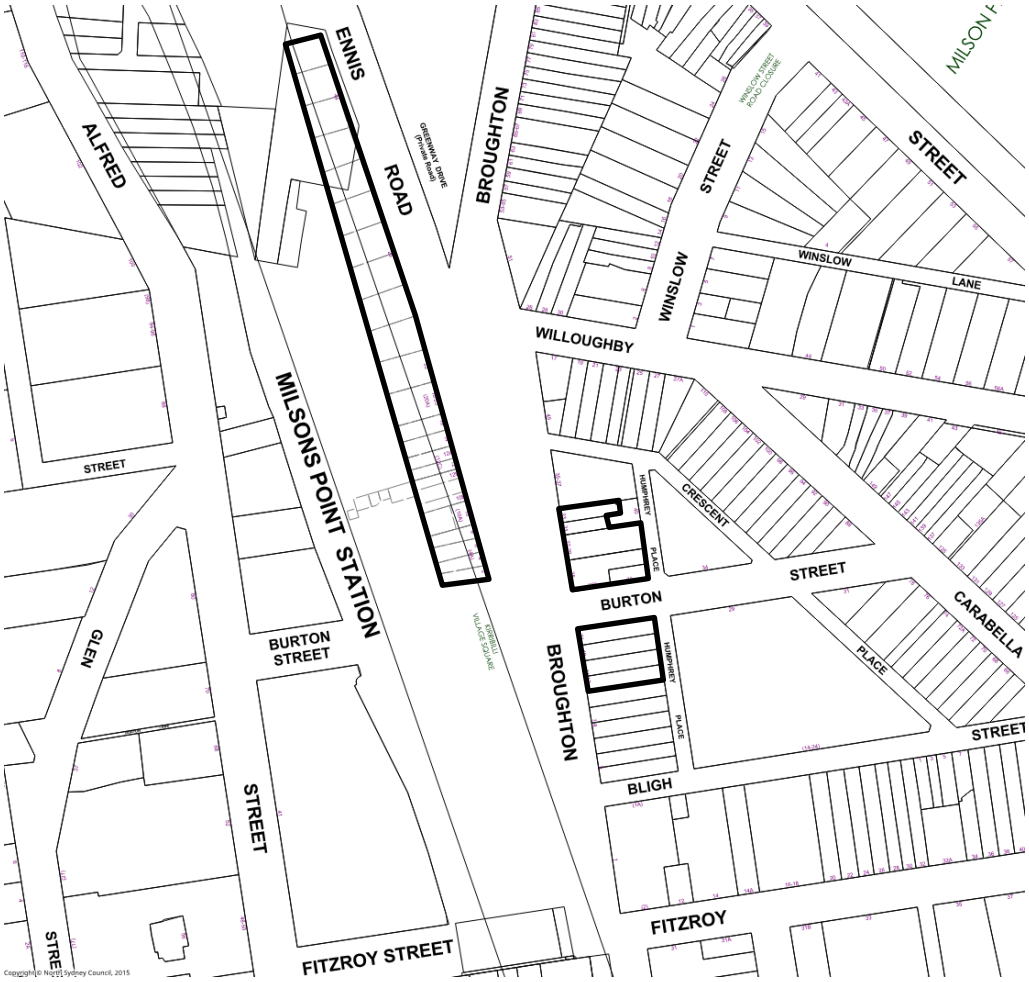

Figure D-~~10.1~~9.1:

Areas within Kirribilli Village where ~~small bars are permitted~~additional operating hours are permitted. For clarity purposes, it affects 11-33 Broughton Street, Kirribilli; 32 Burton Street, Kirribilli and 2-44 Ennis Road, Kirribilli.

E2 Commercial Centre zone – North Sydney Centre

P2 In addition to the hours stipulated in Table D-~~10.1~~9.1, where an application satisfies the matters for consideration in Section 9.2 to Part D and all other relevant provisions of the DCP, an extension of trading hours up to 24 hour trading will be considered for premises located within the *E2 Commercial Centre* zone in the North Sydney Centre only.

P3 Any extension beyond 12 midnight would be subject to an on-going trial period with the maximum trial period granted of up to 5 years.

Existing Premises

P4 Existing premises which have approval to trade outside maximum trading hours may apply for these existing hours in new and refurbished areas within the premises and these will be considered provided it can be demonstrated that:

(a) The existing premises' operation has an acceptable impact upon the surrounding locality; and

(b) The impacts of the proposed trading hours are satisfactory having regard to the matters for consideration outlined in Section 9.2 to Part D and all other relevant DCP provisions.

Luna Park

P5 No extension to existing approved trading hours for Luna Park will be granted.

Extended Trading Hours – Non-licensed premises

P6 In addition to the hours stipulated in Table D-~~10.1~~9.1, where an application satisfies the matters for consideration in Section 9.2 to Part D and all other relevant provisions of the DCP, extended trading hours may be considered for non-licensed premises such as shops, service stations, health service facilities, recreational facilities, information and education facilities and the like. Any extension beyond the trading hours set out within the DCP may be subject to a trial period.

9.3.2 Trial Periods

Objectives

O1 To enable Council to monitor and assess the management performance of a premises and its impact on neighbourhood amenity.

Provisions

P1 Prior to granting consent for the maximum or extended trading hours, Council may impose a one year trial period for a premises that, in the opinion of Council, may have the potential to generate adverse impacts on the amenity of the surrounding area.

P2 A Section 4.55 application must be lodged prior to the expiration of a trial period should the applicant seek to apply to formalise these hours. In most instances, a condition of consent will clarify that the extended trading hours will stand in place until such time as the modification application is determined.

P3 Following the trial period, the trial hours will be granted on a permanent basis only if Council is satisfied that the premises has demonstrated good management performance and compliance with a Plan of Management (if applicable), other than for premises within the North Sydney CBD as set out within P4.

P4 Trial periods within the North Sydney Centre shall be on-going and a maximum trial period of up to 5 years shall be granted. A Section 4.55 application must be lodged every 5 years should the applicant seek to renew these trading hours.

9.3.3 Acoustic Impacts

Objectives

O1 To ensure the use of premises do not result in any unreasonable acoustic impacts on surrounding residential properties.

Provisions

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

9.3.4 Waste Management

Objectives

O1 To ensure the appropriate siting of waste facilities to minimise noise impacts to surrounding residential properties.

Provisions

P1 Must comply with the requirements of Part D: Section 5 - *Waste Minimisation and Management* to this DCP.

9.3.5 Use of Smoking Areas

Objectives

O1 To ensure that the impacts of the use of areas on the site for smoking are properly considered.

O2 To minimise the impacts of the use of smoking areas on surrounding residential amenity.

Provisions

P1 Operating hours for smoking areas may equal those for indoor areas as shown in Table D-~~10.1~~9.1 if Council is satisfied that the requirements of this section can be met.

P2 Council must be satisfied that the operation of late night smoking areas will not result in any additional impact on the surrounding area. Where a smoking area may impact upon the amenity of surrounding residential receivers, the following will need to be confirmed with any application for late night smoking areas for licensed premises:

(a) the purpose of the smoking area is to establish a short stop or short term 'breakout area' for smokers;

(i) there must be no music, entertainment or gaming machines in the area;

(ii) appropriate ashtrays will be installed;

(iii) smokers will be discouraged from remaining in the area longer than necessary than to have a cigarette.

(iv) The Plan of Management must nominate the maximum capacity for this area at any one time.

(b) Other than those required by emergency systems, PA or audio systems are not to be installed in outdoor smoking areas.

(c) Where necessary, the outdoor smoking area must incorporate the added feature of an air lock to minimise the potential for noise spill from the interior of the premises. Doors to air locks are to be fitted with appropriate door closing hardware to ensure that they are not 'held open' which could negate the acoustic benefits.

(d) The smoker's area is not to be used as an additional place for drinking and dining. No tables, chairs or service are to be provided. Service to patrons is to be restricted to internal areas. Staff should not serve patrons in the smoking area in the aim of discouraging patrons from remaining in the smoking area and encourage them to return to the primary facilities inside the premises.

(e) If a smoking area also doubles as an outdoor dining/drinking area, then any associated tables, chairs and the service of food, drinks and the like can be provided for the period of the approved outdoor trading hours only. Once the maximum approved outdoor trading hours have been reached, patrons cannot be given access to the chairs, tables, or the service of food and drink in these locations. The service of patrons is to be restricted to internal areas of the premises only. Staff should not serve patrons in the smoking area in the aim of discouraging patrons from remaining in the smoking area and encourage them to return to the primary facilities inside the premises.

(f) In instances where there is uncertainty over the appropriateness of the smokers' area, consent for its use as a smokers area will only be granted for a limited time (e.g. 12 months). After 12 months from the release of an Occupation Certificate, an applicant may seek the removal of the restrictive condition, via the lodgement of a Section 4.55 application. Any such application must be accompanied by an Acoustic Report providing details of acoustic testing carried out and the results of such tests demonstrating compliance with all relevant Acoustic Criteria within Part B: Section 7 – *Operational Noise* of this DCP.

9.4 PREMISES MANAGEMENT CHECKLISTS AND PLANS OF MANAGEMENT

All development applications for late night trading premises must be accompanied by a **Premises Management Checklist** as a minimum. This will provide Council with relevant information required to assess any late night trading Development Application.

Development Applications which have the potential to impact adversely on residential amenity and neighbourhood safety such as pubs and small bars are required to prepare a **Plan of Management** that includes verifiable data and actions. Plans of Management are to include information about the operational and contextual aspects of a premises (e.g. locality description, security numbers, noise emission, trading hours etc.) as well as details about what actions will be taken to ensure that premises will be responsibly managed (e.g. crowd control procedures, noise minimisation, waste management etc).

This ensures that proponents of late night trading premises have considered and addressed any potential impacts that may arise from the premise's operation during late night hours, as well as enabling the Council to effectively assess the impacts of a proposal. It is the responsibility of the licensee to facilitate a well run and managed premises and display sensitivity about the impact of the premises on the liveability of neighbourhoods.

Objectives

O1 To ensure that potential impacts from the operation of the premises are considered and addressed during the assessment of an application; and

O2 To enable Council to review Plans of Management to ensure that management practices are being appropriately applied to late night trading premises.

Provisions

Premises Management Checklist

P1 A Premises Management Checklist addressing all criteria set out in Section 9.4.1 of this Section of the DCP, must be submitted for any for development application proposing to operate between 8pm and 7am unless a Plan of Management is required.

Plan of Management

P2 A Plan of Management addressing all criteria set out in Section 9.4.2 of this Section of the DCP, must be submitted with a development application for any of the following late night trading premises proposing to operate between 8pm and 7am:

(a) pub,

(b) small bar,

(c) any use proposed to operate beyond the maximum trading hours.

P3 Plans of Management must be reviewed following any trial period and make revisions necessary to maintain a level of amenity and safety in the vicinity of the premises which is at an acceptable community standard.

P4 The Plan of Management shall form part of any development consent granted by Council.

***Notes**: It is at Council's discretion to request further information regarding the management of any late night premises if it is considered that the proposal may impact adversely on the amenity of the area.*

This additional information may be either in the form of a formal Plan of Management, or (where requested by Council) a letter that addresses a specific matter (or matters) of concern particular to the proposal (e.g. security provision, noise, waste management, staffing etc.)

9.4.1 Premises Management Checklists

Where relevant, at a minimum, management checklists must:

(a) Describe measures that will be taken to minimise internal and external noise impacts on adjoining properties and how such measures will be implemented;

(b) Outline the procedures for minimising and managing waste that is generated on site and how and when waste will be collected (e.g. disposal of bottles, waste removal etc.);

(c) Provide details of the type and number of staff that will be employed on the premises at any one time;

(d) Describe any arrangements that have been made for on-site security (if relevant). This is to include specific information on the number of licensed security staff, including details of any electronic surveillance systems within the premises;

(e) Describe any steps that will be taken to manage patron behaviour when leaving the premises late at night;

(f) Describe any methods for controlling and managing crowds within and outside the premises;

(g) Describe measures will be taken to manage large groups of people during peak trading periods;

(h) Provide a copy of a house policy that describes the measures to minimise harm associated with alcohol consumption to ensure the responsible service of alcohol;

(i) State the maximum capacity of the premises and the maximum number of patrons that will be standing and/or sitting at any one time;

(j) State the operating and/or trading hours of the premises;

(k) Describe any measures to increase patron awareness of public transport availability in the locality; and

(l) Describe when and how the site will be cleaned and generally serviced.

9.4.2 Plans of Management Criteria

Plans of Management should include the following information where relevant:

Site and Locality Details

(a) A description of the primary use of the premises as well as any secondary/ancillary uses (e.g. retail liquor sales, entertainment, outside trading areas, gaming areas etc). This may be in the form of a floor and/or site plan that indicates the use of all areas within the building or site.

(b) Identification of any 'active areas' adjacent to the boundaries of the site used in association with the use of premises (e.g. Outdoor seating, footway dining, patron queuing areas, parking etc).

(c) A floor plan that indicates the proximity of external doors, windows and other openings to residential and other sensitive land uses.

(d) Details of the maximum capacity of the premises and the maximum number of patrons that will be standing and/or sitting at any one time.

(e) The location of waste storage areas.

(f) Location of air conditioning, exhaust fan systems and security alarms.

(g) A site context plan that provides empirical details of on-site and off-site car parking within 100 metres radius of the site, including a description of the availability of public transport in the locality during the proposed trading hours. This should also include routes to taxi ranks or possible taxi pick-up and drop-off areas.

(h) Identification of the most commonly used pedestrian routes to and from the premises.

Operational Details

(a) ***Organisational Overview***

An overview of the organisation in the form of a brief statement that provides details about the company/licensee/proprietor that includes information regarding:

(i) the number and type of staff (including security);

(ii) other similar premises within the company's portfolio (if relevant);

(iii) any Liquor Licenses for the premises;

(iv) a description of any actions that the proprietor/licensee has taken to co-operate with NSW Police, the local community and incorporated resident groups regarding the management of the premises;

(v) membership of a Licensing Accord within the North Sydney LGA; and

(vi) actions taken to liaise with the local community about premises management and activities (e.g. meetings, letter drops).

(b) ***Hours of Operation***

(i) A schedule of the proposed operating hours for each day of the week for all areas of the premises (e.g. courtyards, rooftop, balcony, footway, gaming room etc.) showing the range of hours proposed for each day in the format above.

(c) ***Noise***

(i) The identification of all likely noise and vibration sources associated with the operation of the premises. This may include such sources as:

- entertainment, including amplified music from a band or disc jockey;
- external (outside) areas such as courtyards, rooftops, balconies etc;
- patrons leaving and entering the premises;
- the operation of mechanical plant and equipment; and
- waste disposal, sorting and collection of bottles etc.

(ii) A description of the existing acoustic environment during hours proposed beyond midnight (e.g. from vehicular traffic, noise from surrounding premises, pedestrian noise etc.).

(iii) The identification of all noise sensitive areas of different occupancy in close proximity to the proposed use (e.g. residential dwellings; boarding houses, backpacker accommodation, hostels etc.).

(d) ***Safety and Security***

(i) A description of any arrangements that will be made for the provision of security staff. This is to include (but is not limited to) the following:

- any recommendations from Local Licensing Police regarding appropriate security provision and a statement outlining the extent of compliance with police recommendations;
- the number of security personnel that will be patrolling inside and outside the premises including the frequency of security patrols;
- identification of the physical extent of any patrolled areas outside the premises;
- hours that security personnel will be on duty (including the period after closing time); and
- staff security training, weapons detection, and other security response methods.

(ii) Details of CCTV surveillance camera installation that identifies both indoor and outdoor areas monitored by cameras and camera technical specifications (e.g. recording capacity, frames per second etc.).

(iii) Details of signage that is to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises.

(iv) Written confirmation that the NSW Police Service raises no objection to trading hours beyond midnight (if trading hours beyond midnight are sought) and there is no record of significant crimes generated by the premises or records showing an increase in crime associated with the premises.

(v) Details of any complaints associated with the operation of the premises must be recorded in a Complaints Register which includes:

- Complaint date and time;
- Name, contact and address details of person(s) making the complaint;
- Nature of complaint;
- Name of staff on duty; and
- Action taken by premises to resolve the complaint.

Management Measures

(a) ***General Amenity***

(i) Details of all measures that will be taken to ensure that amenity impacts that may result from the operation of the premises are minimised. This should identify (where relevant) any measures taken to ensure that the operation of the premises will not materially affect the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

(ii) Details of all actions that will been taken to respond to complaints made about the operation of the premises (e.g. consultations with residents, discussions with Council Officers, liaison with Police, public access to Plans of Management, review of existing Plan of Management etc.).

(iii) A waste management plan that outlines the procedures for minimising and managing waste that is generated by the premises. This should address such matters as disposal of bottles, how and when waste will be removed, details of waste management facilities, waste collection and storage areas etc.

(iv) Details of when (frequency) and how the premises will be cleaned and serviced.

(v) If the premises has gaming machines, details of where gaming areas will be located in order to not be viewable from the street (e.g. away from the street frontage, not at ground level if multiple floors, appropriate screening); and how these areas will be patrolled.

(vi) A statement that addresses how the premises/use will impact/ contribute on the mix of uses in the area/locality during both day and night trading hours.

(vii) Details of methods that will increase patron awareness of public transport availability (e.g. signage, availability of timetables) as well as a description of any other measures that will assist patrons in using public transport (e.g. provision of a shuttle service, taxi assistance etc.).

(viii) Details of methods that will increase patron awareness of responsible disposal of cigarette butts.

(ix) Any other measures that will be undertaken to ensure that amenity impacts that may arise from the operation of the premises are addressed.

(b) ***Noise***

(i) Details of all on-site and off-site noise and vibration attenuation measures.

(ii) A statement outlining the premises' compliance with all relevant noise and vibration standards, guidelines and legislation (e.g. Australian Standards, *Protection of the Environment Operations Act 1997*, EPA Industrial Noise Guidelines, etc.).

(iii) Details of all actions that will be taken to ensure that the operation of the premises will not give rise to any "offensive noise" as defined under the *Protection of the Environment Operations Act 1997*.

(iv) Details of how management will address complaints relating to noise, and any noise control strategies that will be implemented to minimise the potential for complaints (e.g. liaison with neighbours and local police, maintaining a complaint register etc).

(v) Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies etc.

(vi) Details of any noise limiting devices to be installed.

(c) ***Security and Safety***

(i) Measures that will be taken by security personnel to ensure that the behaviour of staff and patrons when entering and leaving the premises will minimise disturbance to the neighbourhood.

(ii) Any provisions that will be made to increase security in times where higher than average patronage is expected (e.g. During live entertainment, peak periods on weekends, New Years Eve, following large sporting events in the locality, during special events and functions etc.).

(iii) Liaison that will be undertaken with other licensees or operators of late trading premises in the locality/area to improve security at night.

(iv) Details of measures that will be implemented to ensure that neighbourhood amenity and safety is protected. At a minimum this should include:

- emergency procedures;
- crowd control;
- search procedures;
- maintenance of an incident register;
- monitoring of patron behaviour;
- monitoring of numbers of patrons within the premises;
- recording of complaints and reporting of incidents to Police;
- where relevant, membership of the proprietor/licensee to a Licensing Accord (please refer to the Liquor and Gaming NSW website for details of Licensing Accords operating within the North Sydney LGA) and a demonstrated commitment to the strategies and principles of the Accord;
- dress codes;
- staff security training;
- distinctive security attire;
- availability of cloak rooms;
- internal and external security patrols;
- the location, design and type of footpath and external lighting that will be installed;
- measures to prevent glass drinking receptacles being carried from the premises by patrons;

- measures to ensure safe capacities (e.g. electronic counting of patrons, occupancy limits, signage);
- provision of pre-booking services for taxis; and
- availability of courtesy bus services.

(v) If queuing outside the premises is to occur, a description of any measures that will be taken to ensure that queuing is controlled in a manner that will not aversely impact the amenity of the neighbourhood and that the footpath will not be unreasonably impeded. This description may address such matters as:

- the use of temporary ropes and bollards;
- maximum queue numbers;
- actions taken to minimise loitering; and
- actions ensuring the fast and efficient movement of a queue.

(vi) Methods employed to implement harm minimisation and the responsible service of alcohol (RSA) requirements of the Casino, Liquor and Gaming Authority such as:

- employee training and awareness regarding RSA and harm minimisation;
- approaches that will be used to manage intoxicated and/or disorderly persons;
- promotion of non-alcoholic beverages;
- display of the premises' house policy;
- assisting patrons in accessing safe transportation from the premises (e.g. arranging taxis, public transport timetable information);
- encouraging responsible drinking; and
- actions taken to discourage drug use and to manage drug related incidents.

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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:~~	~~Child Care Facilities~~
Section ~~6~~5:	Sex Services and Restricted Premises
Section ~~7~~6:	Advertising and Signage
Section ~~8~~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 Aarea Ccharacter Sstatements 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.

TABLE E-1.1: Dwelling Mix

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.

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 housing[2].

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.

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[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.

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 ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP), or if not identified ~~in~~ for the relevant Planning or Locality ~~a~~Area, ~~character statement sited to relate~~ 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

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 45^0 (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 45^0 (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	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 45^0 (refer to Figure E-1.1).
		On land with a height limit greater than 12m	1st to 3rd storey (up to 10m) 4.5m
			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 - ~~*Non residential*~~ *Development in ~~the~~ Employment and Mixed Use zones* and Part F – *Area Character Outcomes* 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

TABLE E-1.2 - Side Setback Requirements		
Zone	**Development Types**	**Minimum Setback Requirement**
MU1 Mixed Use	Residential flat buildings; Shop top housing	Refer to Part E: Section 2 - *Non-residential Development in the Employment and Mixed Use zones* and Part F – *Area Character Outcomes* to this DCP.

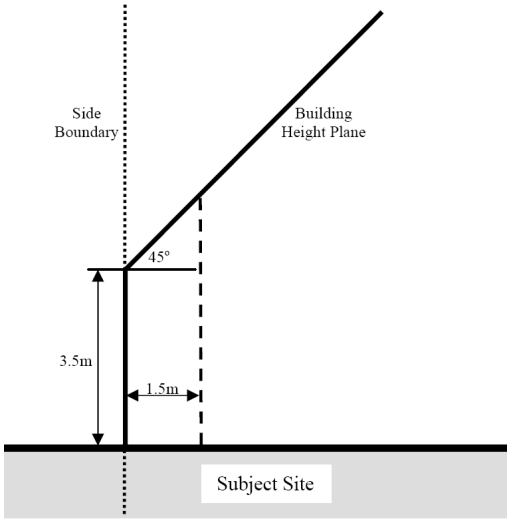

Figure E-1.1:
Setback and building height plane controls for the *R4 High Density Residential* zone, where the height limit is equal to 12m or less.

Note: *The actual setback of the building may need to be increased to satisfy building separation requirements within Section 6 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 Aarea Ccharacter Sstatement 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 Aarea Ccharacter Sstatement 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 1.4.4 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 Aarea Ccharacter Sstatement 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

(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 ~~an~~ the relevant Planning A~~a~~rea C~~c~~haracter S~~s~~tatement or Locality Area provision (refer to Part F of the DCP) ~~for the neighbourhood~~, 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 A~~a~~rea C~~c~~haracter S~~s~~tatement or Locality Area provisions (refer to Part F of the DCP), or if not identified ~~in the~~for that relevant Planning and Locality Area~~area character statement~~, that it is compatible with the prevailing roof forms on~~positively relates to~~ 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.

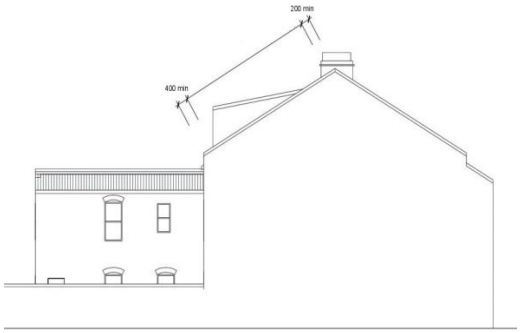

Figure E-1.2
Dormers are to be set below the main ridge line.

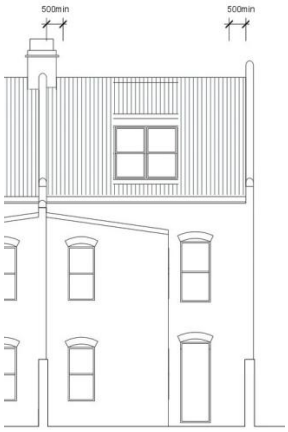

Figure E-1.3
Dormers should be inset from party walls.

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 $^1/_3$ 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 Aarea Ccharacter Sstatement 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.

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 Aarea ~~c~~Character ~~s~~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 areas[3]:

(a) Studio 35m^2

(b) 1 bedroom 50m^2

(c) 2 bedrooms 70m^2

(d) 3+ bedrooms 90m^2

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.*

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.

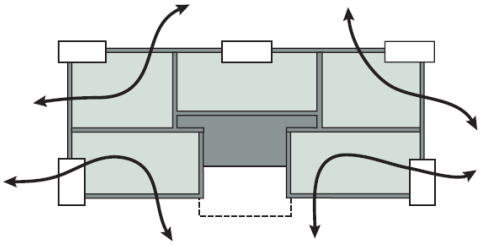

Figure E-1.4:
Corner apartments can achieve effective natural cross ventilation

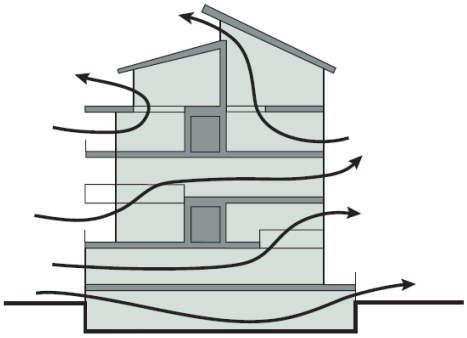

Figure E-1.5:
Good cross ventilation can be achieved with cross over apartments, maisonette apartments and semi-basement carparks

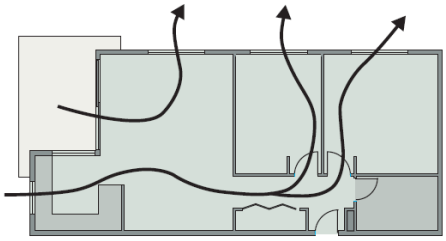

Figure B-1.6:
Natural ventilation in this corner apartment is drawn through windows having different orientation. This layout works well in upper floor apartments

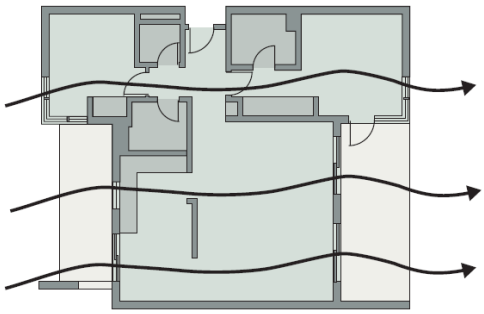

Figure B-1.7:
This optimal layout allows air flow directly from one side of the apartment to the other

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~~in~~ residential flat buildings and shop top housing should meet the requirements of the Apartment Design Guide which includes:

(a) ~~Living rooms and private open spaces for~~ 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

~~(i)~~(ii) those south facing dwellings ~~they~~are provided with adequate access to natural light (e.g. by providing enlarged windows, skylights and the like). ~~No more than 15% of all dwellings in the development must not receive no direct sunlight between 9am and 3pm at mid-winter~~.

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.

TABLE E-1.4: Internal acoustic insulation criteria	
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 ≥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 ≥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 1.4.5 to Part E 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.

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-1.6.

TABLE E-1.6: 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	All	45%
	Within zones E1, E2, MU1	All	N/A
	Within zone SP2	All	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 balconies[4], 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-1.7.

[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.*

TABLE E-1.7: Minimum Landscaped Area and Un-built Upon Area Requirements				
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	40%	15%
	Within zones E1, E2, MU1	All	N/A	N/A
	Within zone SP2	All	As per the most restrictive adjacent zone	

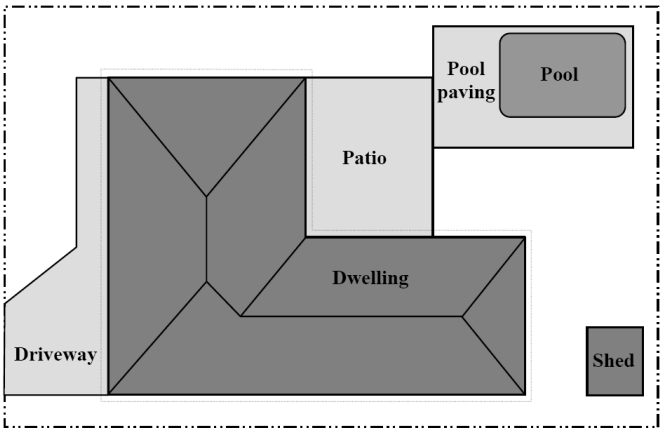

Figure E-1.8:
Areas of "landscaped area", "site coverage" and "ancillary hard surface area".

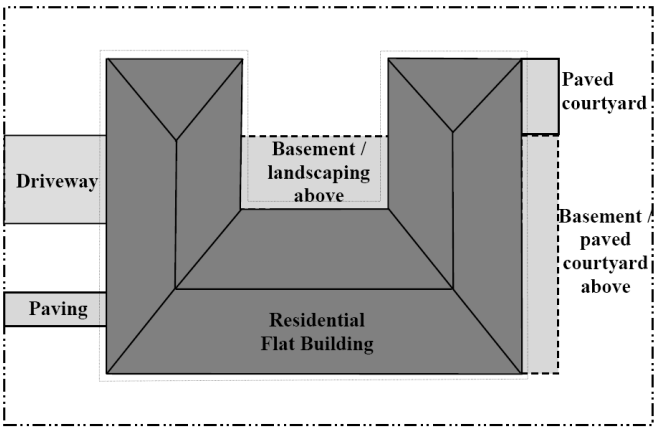

Figure E-1.9:
Areas of "landscaped area", "site coverage" and "ancillary hard surface area".

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 area[5];

(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 balconies[6], 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-1.8.

TABLE E-1.8: 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

[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.*

TABLE E-1.8: 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)**	
			3 + -Bed	$12m^2$

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 $20m^2$ or $1m^2$ 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 50m^2 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-1.9.

TABLE E-1.9: 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.

P4 Provide ancillary storage facilities within residential flat buildings and shop top housing at the rates outlined in Table E-1.10 and linked to each dwelling through provisions of the relevant Strata Plan (at least 50% within the apartment).

TABLE E-1.10: 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

(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 Part E Section 2 applies to the non-residential component. The residential accommodation component of mixed use development is required to comply with the relevant requirements under Section 1 to Part E 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.

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.

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 ~~a~~Area ~~c~~Character ~~s~~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 waning 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 ~~a~~Area ~~c~~Character ~~s~~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 ~~a~~Area ~~c~~Character ~~s~~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 ~~in the~~ relevant Planning ~~a~~Area ~~c~~Character ~~s~~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 ~~a~~Area ~~c~~Character ~~s~~Statement or Locality Area provisions (refer to Part F of the DCP).

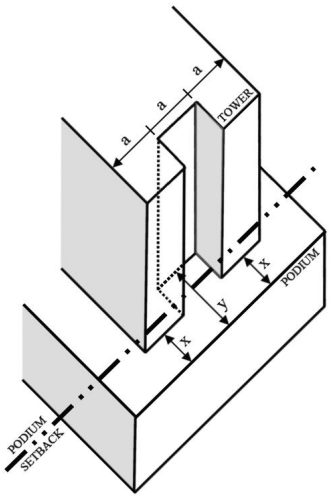

Figure E-2.1:
Weighted average is the average of projections and recesses from setback above podium (i.e. x +x+ y / 3 = podium setback)

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 ~~a~~Area Character ~~s~~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 Residentia*l, *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*.

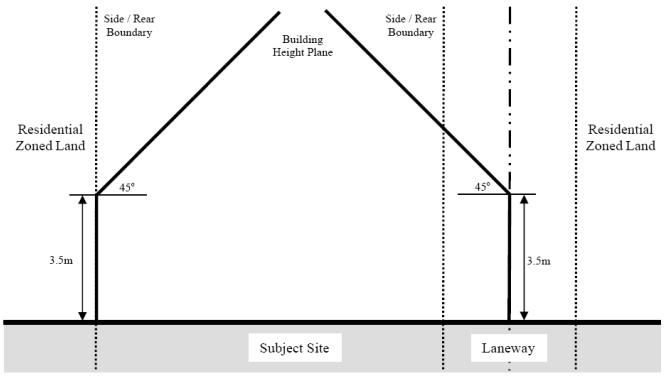

Figure E-2.2:
Building height plane requirements

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 ~~a~~Area ~~c~~Character ~~s~~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.

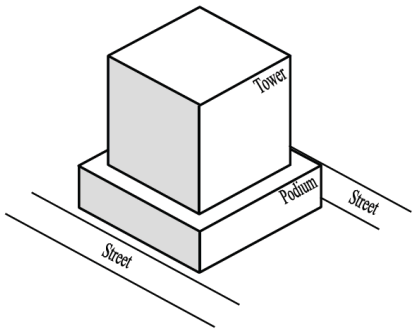

Figure E-2.3:
Podium/tower form of development

2.4.4 Building design

Objectives

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

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 ~~in the~~ relevant Planning ~~a~~Area ~~c~~Character ~~s~~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 ~~a~~Area ~~c~~Character ~~s~~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.

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 ~~a~~Area ~~c~~Character ~~s~~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.

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 ~~a~~Area ~~c~~Character ~~s~~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.

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;

(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

~~O1~~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.

~~O2~~O4 To ensure that buildings interact with and contribute positively to their surroundings at street level.

~~O3~~O5 To ensure that buildings contribute to diversity, vitality, social engagement and "a sense of place".

~~O4~~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.

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 ~~a~~Area Character ~~S~~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.

(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.

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 ~~a~~Area ~~c~~Character ~~s~~Statement or locality Area provisions (refer to Part F of the DCP), or if not identified ~~in~~ for the relevant Planning or Locality Area~~area character statement~~, 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.

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	1st storey (up to 4m)	900mm	
	2nd storey (up to 7m)	1.5m	
	3rd 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	1st to 3rd storey (up to 10m)	4.5m
		Above 3rd storey (more than 10m)	6.0m

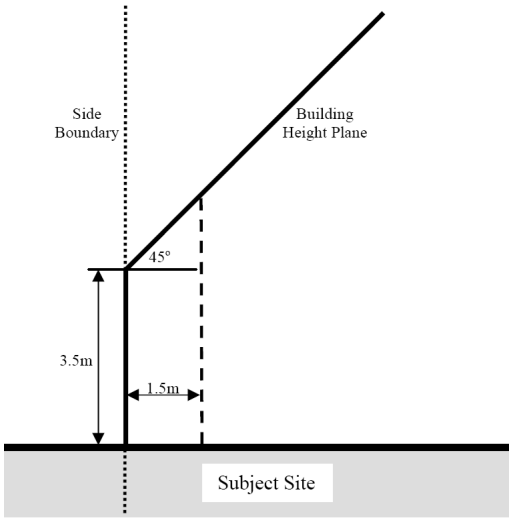

Figure E-3.1:
Setback and building height plane controls for the *R4 High Density Residentia*l zone, where the height limit is equal to 12m or less.

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

Planning ~~a~~Area ~~c~~Character ~~s~~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 ~~a~~Area ~~c~~Character ~~s~~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 ~~a~~Area ~~c~~Character S~~s~~tatement 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

(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.

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 ~~a~~Area ~~c~~Character ~~s~~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 ~~a~~Area ~~c~~Character ~~s~~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:

(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.

~~3.3.2~~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.

~~3.3.3~~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 (m^2)	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;

(h) unenclosed balconies[1], 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.

~~3.3.4~~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.

TABLE E-3.3: Minimum Landscaped Area and Un-built upon Area Requirements

Zone	Lot Size (m^2)	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%
	All	30%	20%
R4 High Density Residential	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.*

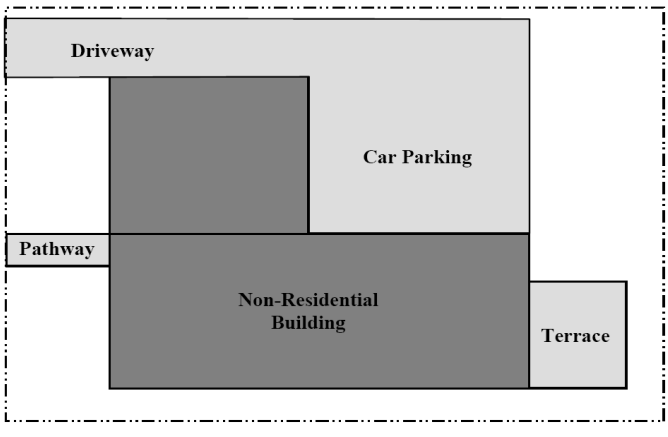

Figure E-3.2:
Areas of "landscaped area", "site coverage" and "unbuilt upon area".

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 area[2];

(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 balconies[3], 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 - 15m^2, with an additional 1m^2 per resident over 6 lodgers; and

(b) Bathroom(s) - 5m^2. 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.

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 $8m^2$ 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.

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 7 - *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 6 ADVERTISING AND SIGNAGE

6.1 INTRODUCTION

Advertising and signage is a prominent feature of the skyline and streetscape in North Sydney. It is an integral part of the streetscape in commercial centres, shopping villages and mixed uses areas, providing information to people on business locations, products and services. However, there is also a need to ensure that signage does not dominate or detract from the character of an area.

This Section has been formulated having regard to *Outdoor Advertising - An Urban Design-Based Approach* produced by the NSW Department of Planning and the Victorian Department of Planning and Housing. In particular, the Section aims to maintain the characteristics of buildings, streetscapes, vistas and the significance of Sydney Harbour and to encourage well designed and carefully positioned signs that contribute to the vitality and character of North Sydney, while having regard to the amenity of residents, pedestrians and the safety of motorists.

6.1.1 General Objectives

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

O1 is designed, sized and positioned in a consistent manner;

O2 does not detract from significant views, vistas and sensitive streetscapes;

O3 adds character to the streetscape and complements the architectural style and use of buildings;

O4 minimises visual clutter or environmental degradation through proliferation;

O5 minimises the potential for adverse impacts on sky glow from the illumination of signs;

O6 conveys the advertiser's messages or images without causing an adverse social impact upon the community; and

O7 Minimises impacts upon the safety of drivers and pedestrians.

6.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications incorporating signage that can be seen from a public place such as a street, waterway or public reserve. Some types of signage are also permitted without development consent (refer to Part 2 of *SEPP (Exempt and Complying Development Codes) 2008*).

6.1.3 Relationship to other documents and planning policies

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

(a) ***Chapter 3 – Advertising and Signage to SEPP (Industry and Employment) 2021***

The SEPP contains specific provisions relating to all forms of signage. Applications for all forms of signage, must give consideration to Parts 3.1, 3.2 and Divisions 1 and 2 to Part 3.3 and Schedule 5 of the SEPP. Applications for signage, other than building or business identification signs or signage which is exempt development, are also required consider the provisions of Division 3 to Part 3.3 and Part 3.4 of the SEPP.

(b) ***Transport Corridor Outdoor Advertising and Signage Guidelines***

This Guideline is required to be considered where signage is proposed to be located on Transport Corridor land as identified under *SEPP (Industry and Employment) 2021*.

(c) ***Building Code of Australia*** (BCA)

Part B of the BCA contains provisions dealing with dead and live loads, load combinations and wind loads which may have an impact the way a proposed sign is designed and affixed to a building or site.

(d) ***Australian Standard AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting***

This Standard contains relevant guidelines for external illumination devices providing recommended limits for the relevant lighting parameters to contain obtrusive illumination effects within tolerable levels.

6.2 ADVERTISING DESIGN ANALYSIS

The following advertising design analysis aims to provide guidance on desirable forms of advertising in North Sydney for different zones and areas. Advertising design should reinforce the character of advertising described in this analysis.

6.2.1 E1 Local Centre Zone

(a) Waverton, Cammeray, Kirribilli, Blues Point Road

These areas consist mainly of one and two storey buildings with shops at ground floor level that serve the local needs of the community and some shop top housing above. Existing signage is predominantly limited to small scale business identification signs ~~such as~~mostly consisting of fascia, under awning (some illuminated), top hamper and window signs. There are no large scale advertisements given the limited scale of the built form. The existing character of these villages should be retained by limiting signage to small scale business identification signs in the forms previously described.

6.2.2 MU1 Mixed Use Zone

(a) Milson's Point

Milsons Point has a diverse range of land uses including residential, commercial and retail that are mostly located in multi storey buildings that have a prominent location on the foreshores of Sydney Harbour. Signage in Milsons Point predominantly comprises a mixture of small business identification signs (mostly consisting of fascia, under awning, wall~~,~~ and projecting wall signs). There are some limited larger wall and roof signs on building elevations that are quite visible from Sydney Harbour. To enhance the views of North Sydney from Sydney Harbour and the Bradfield Highway, future signage should be limited to small scale business and/or building identification signs at lower levels where commercial development is permitted under NSLEP 2013.

(b) Crows Nest

Crows Nest is a lively, interesting main street shopping village that is predominately two storey in scale to Willoughby Road and increasing in scale as it approaches the Pacific Highway, with mostly retail shops and cafes at ground level. Current signage is predominantly limited to small scale business identification signs (mostly consisting of under awning ~~signs~~, fascia ~~signs~~, projecting wall ~~signs~~ and window signs). There are, however, three large roof signs at the major intersection of Falcon Street, Shirley Road and the Pacific Highway that have an adverse impact upon the streetscape. For this reason, further large and/or roof signs are discouraged in the Crows Nest area. Signage in the Crows Nest Village should remain small scale especially along Willoughby Road where there is a small scale village atmosphere and along Pacific Highway where the traditional two storey parapet shopfront is a dominate feature. Above awning signs on traditional shop frontages should be avoided to enhance the character of the Crows Nest Village Centre.

(c) St Leonards

St Leonards has been rezoned from a former commercial and industrial area to mixed use and commercial. There are a number of large existing roof and wall signs that currently dominate the skyline, so any additional signage of this type should be avoided. Signage in

this area should be limited to small scale business identification advertisements at the ground level (mostly consisting of under awning, fascia and~~,~~ top hamper signs) and no new larger illuminated wall and roof signs at upper levels.

(d) Cremorne and Neutral Bay

The built form in the Cremorne and Neutral Bay villages is generally two~~–~~-five storeys with small shops located at ground level. Signage is predominantly limited to small scale business identification signs (mostly consisting of under awning, fascia, top hamper~~ sign~~, window~~,~~ and projecting wall signs). There are two undesirable forms of signage that have an adverse impact on the streetscape including a bridge sign located on the pedestrian link to SCEGS Redlands and a large wall sign on Military Road near Wycombe Road. Future signage should, therefore, be limited to small scale business identification signs at the ground floor level to promote commercial activity in the area.

6.2.3 E3 Productivity Support Zone

(a) McMahons Point

This area is a mixture of modern two or three storey commercial buildings amidst one or two storey historic terrace houses and timber or stone cottages. Most of the non-residential uses in McMahons Point provide support services for businesses located in the North Sydney Centre such as advertising agencies, printers, graphic designers~~,~~ and publishers. Existing signage is mostly small business or building identification signs ~~including~~mostly consisting of fascia and illuminated under awning signage. There is ~~are~~ no large scale ~~signs~~signage within the Productivity Support zone~~,~~ with signage limited in number and scale and subdued to preserve the partially residential character of the area. Small scale business identification signage is the desired level of advertising for this area.

6.2.4 North Sydney Centre

North Sydney Centre is a vibrant, prosperous commercial centre consisting mainly of multi storey commercial buildings. The area is well serviced with community facilities such as North Sydney Oval, the Stanton Library and the Civic Centre Park and the Don Bank Museum. Within the North Sydney Centre are two conservation areas (McLaren Street and Walker Street) that contain significant landmarks such as St Thomas Church and the Council Chambers.

Signage within the North Sydney Centre is diverse with a number of large illuminated wall and roof business identification signs that dominate the skyline. In addition to larger advertisements, there are numerous small scale business identification signs at the street level (mostly consisting of ~~including~~ under awning~~,~~ ~~and~~ window~~ signs~~, top hamper~~ signs~~, free standing~~ signs~~, fascia~~ signs~~ and projecting wall signs).

The visual impact of the larger illuminated roof and wall~~s~~ signs in the North Sydney Centre is significant given their prominent location on the shores of Sydney Harbour and their close proximity to Bradfield Highway. To enhance views from Sydney Harbour, large business identification wall signs on multi storey buildings above first floor level should be limited to no more than two per building and must be~~that are~~ incorporated into the overall design of the building. Generally, additional signage should be limited to small scale business identification signs at the ground floor level to convey messages to potential customers in preference to large scale roof and/or sky signs.

6.3 Façade Grid Analysis

This is a simple technique that can be used to:

(a) comprehensively identify sign opportunities for inclusion by the council in any more detailed development control plan for specific precincts;

(b) identify appropriate sign opportunities for developers and occupants; and

(c) assess specific development applications for signs.

While the technique relates specifically to traditional building facades (such as those commonly found in strip- shopping centres), the principles can be applied to all building forms.

Signage does not necessarily have to be placed on a building's front facade. For example, they can be placed on side-walls provided they do not interfere with the adjoining development. In these circumstances the principles of the technique still apply.

The technique is set out in the four steps below.

STEP 1:

To identify sign opportunities, subdivide the building's facade along its main design lines to form a series of panels. Many traditional building designs can be easily broken into a grid based on the alignments of the parapet (skyline), cornice, verandah, window and door. An example of this procedure is shown in Figure E-7.1.

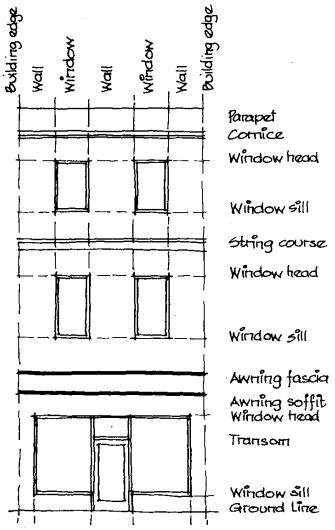

Figure E-7.1:
Establishing a façade-grid

STEP 2:

To identify possible signage locations, the rectangles of the grid may be used separately or be joined together to form horizontal or vertical panels (refer to Figure E-7.2).

The scale of advertising signs should be compatible with the buildings they are on, as well as with nearby buildings, street widths and other existing signs. In most cases appropriate dimensions are achieved by restricting signs to grid locations or panels. This ensures that the original architectural character (set by the lines of awnings, window and door openings, parapet lines and setbacks) remains dominant.

On buildings with decorative facades, signs should not be placed on the decorative forms or mouldings. Instead, they should appear on the undecorated wall surfaces, unless architecturally-designed sign panels are provided.

Figure 2 also shows that a building may be given a horizontal or vertical appearance simply by the way in which the sign panels are arranged across or down a building.

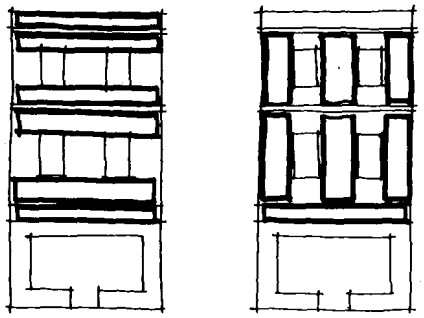

Figure E-7.2:
Horizontal or vertical panels

STEP 3:

Applying the technique to a series of buildings also illustrates the possible panels for the streetscape and provides the basis for developing patterns and themes for a group of buildings and or tenancies.



Figure E-7.3:
Developing patterns and themes



Figure E-7.4:
Improving discontinuities in streetscapes

Figure E-7.3 shows how the technique produces a uniform and clean series of sign possibilities instead of a haphazard array. It also shows that sign panels do not have to be

rectilinear in design or contained in a perimeter margin unless these impose an architectural formality or introduce a continuity with the surrounding area which is presently lacking in the building.

Figure E-7.4 shows how a variation of the technique can be used to help correct discontinuities in streetscape. The lines of adjacent buildings may be projected across the facade of the building, thereby defining horizontal panels in which signs may be located. This will achieve visual continuity with neighbouring buildings.

STEP 4:

Not every panel identified using this technique should be used to display a sign. The number and size of signs proposed is determined by provisions contained in the remaining parts of this Section of the DCP. In deciding which of the panels is the appropriate space for advertising, the following matters should also be considered:

(a) the number and location of existing signs;

(b) the quality of the streetscape; and

(c) the objectives and provisions of this Section of the DCP.

6.4 General Controls - Design, Scale and Size

Objectives

O1 To ensure that signage does not detract from the architecture of existing buildings, streetscapes and vistas.

Provisions

P1 Signage attached to buildings is to be designed, scaled and sized having regard to a façade grid analysis.

P2 Where practical signage not attached to buildings must be designed to have regard to the size, height and scale of nearby buildings and their elements.

P3 Signage should be visually interesting and integrated with the architecture of the building.

P4 Lettering, materials and colours should be used that complement the existing building or place.

P5 Signage must not dominate the building or site to which it is attached.

P6 Do not locate signage where it will obstruct views, vistas or cause significant overshadowing.

P7 Signage must not dominate the skyline or protrude above any parapet or eaves.

P8 Signage must not cover any window, other opening or significant architectural features of the building.

P9 The proposed means of fixture to the building or any support structure for freestanding signs must be consistent with the relevant character statement in Section 7.2.

P10 Avoid freestanding signs that dominate the skyline when viewed from the ground within one kilometre.

6.5 Location

Objectives

O1 To establish a consistent approach to the positioning of signage and to enhance the streetscape.

Provisions

P1 Where relevant, signage should be located to take account a façade-grid analysis.

P2 The preferred location for signage is identified in the relevant character statement in Section 7.2.

P3 Signage should be located such that they do not unreasonably obstruct accessible paths of travel for pedestrians.

P4 Signage should be located such that they do not obscure a driver's or pedestrian's sightlines, especially in the vicinity of intersections, traffic control devices or driveways.

P5 Provide signs that respect the viewing rights of other advertisers.

6.6 RESTRICTIONS

Objectives

O1 To avoid visual clutter and the proliferation of signs.

O2 To ensure that advertisements relate to the use of the land on which they are located.

O3 To preserve residential character, streetscapes and vistas.

O4 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 The following forms of advertising structures are not considered appropriate:

(a) Above awning signs,

(b) Flag pole signs,

(c) Inflatable signs,

(d) Moving and flashing signs,

(e) Sandwich boards,

(f) Video or variable message signs,

(g) Animated signs,

(h) Roof or sky signs, and

(i) Large signs (>20m^2 or higher than 8m), including billboards.

P2 Must not provide more than one large building and/or business identification sign per building, allocated to a major tenant of that building.

P3 Avoid advertising products that are not sold on the premises.

P4 Maximum of one directory board per multiple-occupancy buildings.

P5 Where provided, the name or logo of the person who owns or leases an advertisement must be integrated into the advertising display area and not exceed 0.25m^2 in area.

P6 Confine advertising signs for sex services and restricted premises to one business identification sign that identifies the street or suite number, telephone number and name of the person who conducts the business or the registered name of the business, and locate the sign at ground floor level outside the entrance to the premises with a maximum size of 0.5m x 0.5m.

P7 For advertising in outdoor dining areas and goods display on footpaths:

(a) Limited advertising may be displayed on furniture and equipment, with a maximum of one advertisement per item, limited in size so that it is a minor element only.

(b) Where logos are proposed, these are to comply with Schedule 6 of the ***North Sydney Outdoor Dining & Goods Display Policy***.

(c) Do not display any general advertising.

(d) Do not place sandwich boards on the footpath.

P8 Any consent granted by Council for advertising signs (i.e. not building identification or business identification signs) is valid for a maximum of three (3) years.

6.7 CONTENT

Objectives

O1 To minimise the social impact of advertising in the public interest.

Provisions

P1 All advertising must comply with the requirements of the Australian Association of National Advertisers' *Code of Ethics* and Outdoor Media Association's *Code of Ethics*. In particular, advertisements must:

(a) comply with any Commonwealth or State laws (i.e. the Tobacco Advertising Prohibition Act 1992);

(b) not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

(c) not depict material contrary to Prevailing Community Standards on health and safety.

P2 The advertising of alcohol products is not permitted, unless those products are sold on the subject premises.

P3 Changes in content or message of any Council approved sign does not require development consent, provided the proposal meets the exempt development provisions of Part 2 of SEPP (Exempt and Complying Development Codes) 2008 and relevant provisions of Chapter 2 - Infrastructure to *SEPP (Transport and Infrastructure) 2021*.

6.8 PEDESTRIAN AND ROAD SAFETY

Objectives

O1 To ensure that signage does not adversely affect driver and pedestrian safety.

Provisions

P1 Signage should be designed in accordance with the provisions contained within the *Transport Corridor Outdoor Advertising and Signage Guidelines* (2017).

P2 Messages and signage structures must be designed such that they do not result in a pedestrian or driver being confused with messages contained within road traffic signs, signals or other traffic information device.

P3 The proposed sign does not obscure a road hazard, traffic warning or directional sign or signal, oncoming vehicles or pedestrians.

P4 Avoid advertising messages, designs, or bright lighting that may distract motorists or pedestrians.

P5 Signs must not be located where drivers and pedestrians require a higher level of concentration (e.g. major intersections).

6.9 SIGNS ON HERITAGE ITEMS AND IN CONSERVATION AREAS

Objectives

O1 To ensure signage does not impact on the ability to conserve the significance of heritage items and/or conservation areas.

Provisions

P1 Maximum of one sign per property, which is a minor element and restrained in design.

P2 Despite P1, Council may consider permitting a maximum of 1 sign per non-residential tenancy, where the building contains multiple occupancies.

P3 Original signs are retained and conserved at the site where possible.

P4 Avoid new signs on side walls of buildings.

P5 Provide a high standard of materials and graphics.

P6 Where practical, use traditional designs, signage types, locations, colours, lettering and construction methods.

P7 Illuminated signs on heritage items are generally not permitted.

P8 Despite P7, Council may permit illuminated signage on a heritage item, but only if:

(a) The heritage significance of the item will not be unreasonably affected by the proposed illumination devices, and

(b) The form of illumination (i.e. externally or internally illuminated) generally reflects the period and style of the heritage item to which it is attached, and

(c) The illumination is required for operational purposes after dark.

6.10 ILLUMINATION

Objectives

O1 To ensure that the local amenity is preserved with appropriate levels of illumination.

O2 To minimise increases in sky glow that can impact on astronomical observations.

Provisions

P1 Signs must not be illuminated between 1.00am and 7.00am.

P2 All illuminated signs are to be fitted with automated timing devices to ensure compliance with operating hours to P1.

P3 Provide levels of illumination that do not cause light spillage for nearby properties.

P4 Avoid positioning illuminated signs on properties fronting laneways between residential and commercial areas.

P5 Must comply with the relevant requirements of *AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.

6.11 CONTROLS FOR SPECIFIC SIGN TYPES

Objectives

O1 To minimise the visual impacts on the quality of vistas, streetscapes and skylines.

O2 To permit building wrap advertisements in limited circumstances to improve the LGA's visual appearance during the construction of new building works and to permit limited third party advertising to assist in the cost of providing such advertisements.

O3 To provide limited opportunities to permit large scale temporary advertisements that relate to regional, state or national events of social, historical, cultural or sporting interest that are to occur within the Sydney Metropolitan Region.

Provisions

Roof or sky signs

P1 Roof or sky signs are generally not permitted. However, Council may consider new roof or sky signage, but only where:

(a) the new signs replace one or more existing roof or sky signs and improve the visual amenity of the locality; or

(b) the new signs improve the finish and appearance of the building and the streetscape.

P2 Roof or sky signs will only be permitted if they are associated with a non-residential use in the *E2 Commercial Centre* or *MU1 Mixed Use* zones.

P3 Roof or sky signs must not be positioned higher than the highest point of any part of the building, including lift overruns or air conditioning plants but excluding flag poles, aerials, masts and the like.

P4 Roof or sky signs must not be wider than any part of the building and also in accordance with the relevant desired character statement in Section 7.2.

Wall signs

P5 Only one wall sign per building elevation.

P6 Integrate wall signs into the overall design of the building.

P7 Avoid signs that have an area greater than:

(a) 10% of the area of the wall if the elevation is > 200m^2

(b) 20m^2 if the elevation is greater than 100m^2 but < 200m^2

(c) 20% for elevations of <100m^2

P8 Wall signs should not protrude more than 300mm from the wall to which it is attached.

P9 Avoid locating a wall sign on a building elevation if there is an existing building or business identification sign.

Under awning signs

P10 Under awning signs must be located 2.6m above natural ground level, not exceed 2.5m in length or 500mm in height.

Bus shelters

P11 Third party advertising is permissible on bus shelters, but only if it meets a public benefit test to ensure that the advertising will result in a positive gain or benefit for the community.

Multi-function poles

P12 The message of the advertisement must be limited to cultural and civic events.

Note: *A civic event comprises any event that is endorsed by Council.*
A cultural event comprises an event relating to sport, theatre, art, cinema, religious events, community festivals and the like.

P13 Advertisements are not to comprise more than 1 message per multi-function pole and not comprise more than 4 different messages for all multi-function poles within a particular commercial or village centre.

Free standing advertising panels

P14 Limited to land within the North Sydney Centre as identified ~~by~~ under NSLEP 2013.

P15 Minimum setback of 600mm from the kerb line of any road or laneway.

P16 Must maintain a minimum unobstructed width of 2m across any footpath along the Pacific Highway and Miller Street and 1.5m on any other street or laneway.

P17 Not located:

(a) on kerb blisters;

(b) Within 10m of an unsignalised intersection, of the departure side of a marked pedestrian crossing or pedestrian refuge; and

(c) Within 20m of a signalised intersection, the approach to a marked pedestrian crossing or pedestrian refuge, a bus zone, the entrance of a railway station, reported pedestrian accident.

P18 A minimum clearance of 900mm is maintained between any freestanding advertising structure and trees and garden plots, public seating, rubbish bins, bicycle hoops, parking signs, parking meters and power poles.

P19 Freestanding advertising structures are not to be located in front of any ground floor business premises tenancy capable of being used for a food and drink establishment with any associated outdoor dining area.

P20 Freestanding advertising structures are not permitted to be located directly on that part of a footpath located directly adjacent to a heritage item.

P21 Any advertising structures are located such that they are clearly visible, well lit and colour contrasted where appropriate to assist people with vision impairments.

P22 Discouragement of signs supported on poles, which may be problematic for users of sight-canes.

P23 Whether hazard warnings, such as tactile indicators, are needed to indicate possible dangers for people with vision impairments.

P24 Any such advertising on publicly owned land must meet a public benefit test to ensure that the advertising will result in a positive gain or benefit for the community.

P25 The display area of a message on a freestanding advertising panel is limited 1.2m wide x 2.0m in height.

P26 Freestanding advertising structures are not to exceed any overall height of 2.6m above existing ground level.

P27 Must not result in any cumulative impacts or visual clutter created by the proposed signage.

Building wrap advertisements on scaffolding / hoardings

P28 Building wrap advertisements which form part of scaffolding on development sites will only be permitted in the following zones under NSLEP 2013:

(a) *E1 Local Centre*;

(b) *E2 Commercial Centre*;

(c) *MU1 Mixed Use*; and

(d) *E3 Productivity Support*.

P29 An advertisement will only be permitted where the scaffolding is in association with the construction of an approved new building or related work, and that such scaffolding must cover an entire elevation of that building subject to the approved works.

P30 Scaffolded elevations shall have the whole elevation covered by mesh to a good quality of workmanship and shall have any commercial element sitting within and framed by the mesh.

P31 The content of the advertisement or image is not permitted to change over the life of the scaffolding.

P32 The scaffold and any associated advertisement(s) must be removed as soon as the relevant building works have been completed. The consent will last no longer than the agreed building programme or one year, whichever is the shorter. Any application for renewal of consent will be considered by Council and consent for continued display in accordance with this policy may not be unreasonably withheld.

P33 Within sensitive areas such as heritage conservation areas or on or adjacent to a heritage listed building, the entire scaffolding mesh must be covered by a 1:1 scale image of the building being constructed / refurbished, or other similar appropriate image to the satisfaction of Council. Any commercial advertising must not occupy

more than 5% of the extent of the scaffolded elevation and is limited to the ground floor storey elevation only.

P34 A commercial advertisement element will only be permitted if a community message is provided and must not occupy more than 20% of the extent of the scaffolded elevation.

P35 The advertisements may be illuminated, but only by projecting lamps from above the sign.

P36 Council may consider the approval of a public artwork as the message to the advertisement.

Building wrap advertisements on completed buildings

P37 Building wrap advertisements which are to be attached to completed buildings will only be permitted in the following zones under NSLEP 2013:

(a) *E2 Commercial Centre*; and

(b) *MU1 Mixed Use*.

P38 Where applied to a mixed use building, the advertisement is to be limited to commercial component of a building only.

P39 Must not obscure any architectural features of the building.

P40 Must be mounted flush with the external façade of the building.

P41 Prior to the lodgement of any DA, discussions are to be made with Council's Public Art Officer.

P42 The advertisement must not cover more than two adjacent façade(s) of the building.

P43 The message of the advertisement must be limited to community and civic events.

P44 The advertisement must not be erected more than 1 month before the commencement of the event and must be removed within 2 weeks of the conclusion of the event.

P45 The consent will last no longer than the above period or one year, whichever is the lesser.

P46 Advertisements are not permitted on buildings which are located within a heritage conservation area or be located on land or adjacent to land containing an item of heritage significance as listed in Schedule 5 of NSLEP 2013.

P47 The advertisements must not be illuminated.

P48 No more than 1 building wrap advertisement may be permitted to be erected on a building at any one time.

P49 Council may choose to further limit the number, duration and timing of approvals to be granted under this subsection in the interest of maintaining the image of the LGA as one of high environmental quality.

6.12 SIGNAGE STRATEGIES

Objective

O1 To ensure that signage on new mixed use or non-residential developments or on a heritage item, is consistent and complementary in form, design and scale.

Control

P1 A signage strategy must be submitted with a development application involving signage for all new buildings for mixed use or non-residential purposes or for signage on a heritage item.

P2 The signage strategy must indicate the location, type, size, and number of signs and any associated type and form of illumination that is appropriate for the building or site.

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*, ~~and~~ *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.

PART F

AREA CHARACTER OUTCOMES

PREFACE

This Part of the DCP contains a suite of Character Statements and associated objectives and development control provisions applying to specific neighbourhood planning and locality areas within the Local Government Area.

The Character Statements seek to set the desired future character of areas based on a "place management" approach. This Part focuses on tailored controls aiming to achieve a particular character for each unique place, supplementing other provisions applying to particular zones or land uses.

The Local Government Area has been divided into 9 Planning Areas, which are further subdivided into 61 Locality Areas.

Part F of the DCP includes the following sections containing character statements, objectives and development control provisions which apply specifically to each respective Planning Area and Locality Area:

Section 1:	Planning and Locality Areas
Section 2:	North Sydney Planning Area
Section 3:	St Leonards / Crows Nest Planning Area
Section 4:	Cammeray Planning Area
Section 5:	North Cremorne Planning Area
Section 6:	South Cremorne Planning Area
Section 7:	Neutral Bay Planning Area
Section 8:	Kirribilli Planning Area
Section 9:	Lavender Bay Planning Area
Section 10:	Waverton / Wollstonecraft Planning Area

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SECTION 1 PLANNING AND LOCALITY AREAS

1.1 APPLICATION OF THIS PART

The Part applies to all development applications.

Where there is an inconsistency between this Part and Parts B-E ~~inclusive~~ of the DCP, the provisions within this Part of the DCP prevail.

Applicants need to refer to both the ~~Area~~ Character Statement~~s~~ for the Planning Area and the outcomes, objectives and provisions for the Locality Area relevant to their property, as matters covered ~~for a~~within a Planning Area Character Statement are not necessarily covered within the requirements for a Locality Area.

1.2 PLANNING AREAS

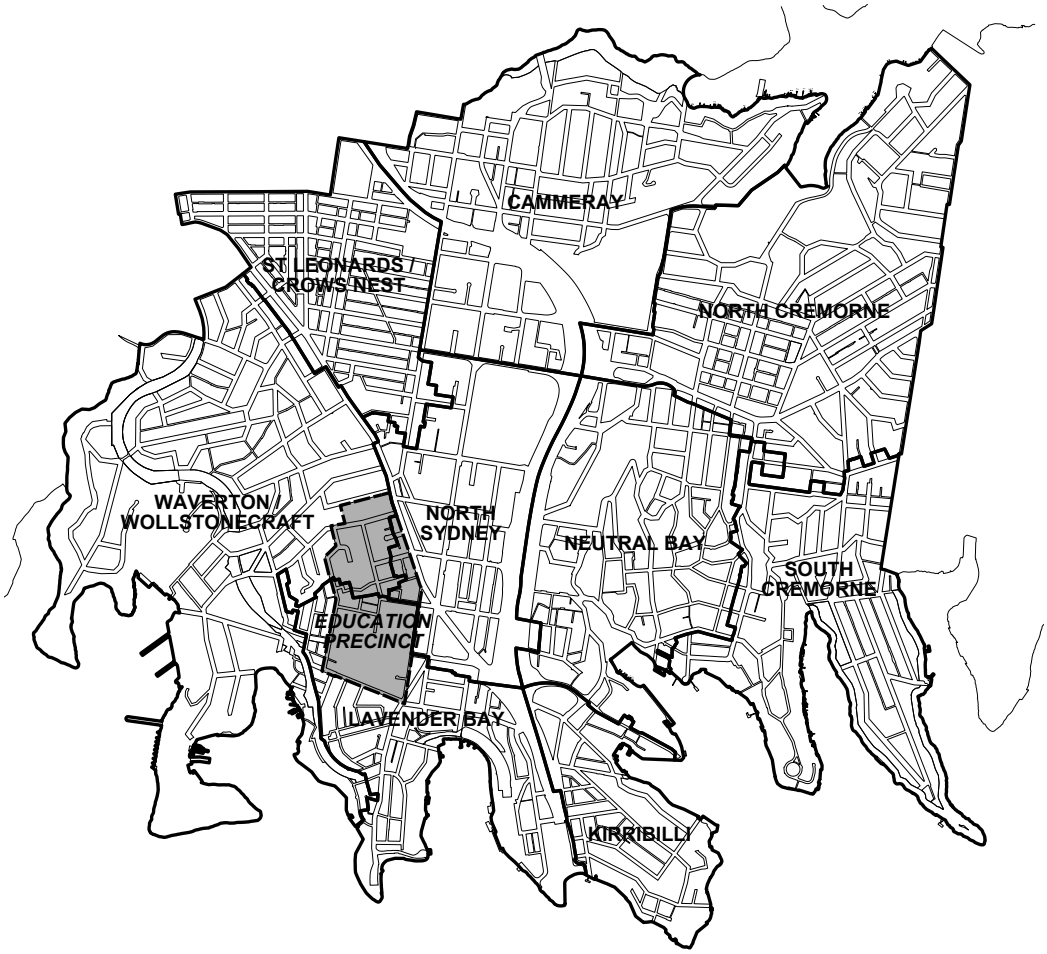


Figure F-1.1: Planning Areas

The Local Government Area is divided into 9 Planning Areas (refer to Figure F-1.1) and generally reflects the extent of each official suburb within the LGA. These Planning Areas are addressed in the following Sections of this Part of the DCP:

Section 2: North Sydney Planning Area

Section 3: St Leonards / Crows Nest Planning Area

Section 4: Cammeray Planning Area

Section 5: North Cremorne Planning Area

Section 6: South Cremorne Planning Area

Section 7: Neutral Bay Planning Area

Section 8: Kirribilli Planning Area

Section 9: Lavender Bay Planning Area

Section 10: Waverton / Wollstonecraft Planning Area

Figures F-2.1, F-3.1, F-4.1, F-5.1, F-6.1, F-7.1, F-8.1, F-9.1 and F-10.1 located in the opening sub-section to each of the above Planning Areas identifies the physical extent of each Locality Area in more detail.

1.3 LOCALITY AREAS

The nine (9) Planning Areas across the North Sydney LGA are further subdivided into a total of 62 Localities. Each Planning Area includes a number of Locality Areas which generally reflect the following hierarchy where applicable:

- Central Business District
- Town Centres
- Village Centres
- Neighbourhoods
- Conservation Areas

The extent of these areas generally reflects one of the following:

(b) a heritage conservation area,

(c) common land uses under the LEP, or

(d) an area exhibiting a generally consistent character.

Each Locality Area is subject to ~~area~~ a specific character statement~~s~~ and provisions outlining how the desired future outcomes can be met. The Locality provisions do not necessarily describe the existing character or existing features of any of those neighbourhoods unless those features are to be retained. ~~They also contain a suite of development controls to ensure that those outcomes can be met.~~

In some instances, site specific controls are identified within the Locality Area provisions. These additional controls have been incorporated to ensure that developments on specific sites have a minimal impact on the wider locality. These controls are contained within a sub-section to each Locality Area. Where there is an inconsistency between the site specific controls and those within the relevant Locality Area, the site specific controls will prevail.

The Locality Areas in this Part of the DCP are shown in Table F-1.1.

TABLE F-1.1: Identification of Locality Areas	
Planning Areas	**Locality Areas**
North Sydney	Central Business District
	Civic Neighbourhood
	Eden Neighbourhood
	Hampden Neighbourhood
	Walker/Ridge Street Conservation Area
	McLaren Street Conservation Area
St Leonards / Crows Nest	St Leonards Town Centre
	Crows Nest Town Centre
	Crows Nest Neighbourhood
	Holtermann Estate Conservation Area A
	Holtermann Estate Conservation Area B
	Holtermann Estate Conservation Area C
	Holtermann Estate Conservation Area D
Cammeray	Cammeray Village
	Cammeray Neighbourhood
	Anzac Neighbourhood
	Palmer Neighbourhood
	Plateau Conservation Area
	Cammeray Conservation Area
North Cremorne	Neutral Bay and Cremorne Town Centres
	Military Road Island Neighbourhood
	Waters Neighbourhood
	Benelong and Northern Foreshore Neighbourhood
	Murdoch Neighbourhood
	Montague Road Conservation Area
	Oaks Avenue Conservation Area
South Cremorne	Kurraba Point South Neighbourhood
	Kurraba Point Conservation Area
	Cremorne Conservation Area
	Cremorne Point Conservation Area
Neutral Bay	Forthsyth Neighbourhood
	Neutral Neighbourhood
	Whaling Road Conservation Area

TABLE F-1.1: Identification of Locality Areas	
Planning Areas	**Locality Areas**
Kirribilli	Kirribilli Village Centre
	Kirribilli Neighbourhood
	Careening Cove Conservation Area
	Kirribilli Conservation Area
	Jeffreys Street Conservation Area
Lavender Bay	Milsons Point Town Centre
	McMahons Point Business Precinct
	Luna Park Neighbourhood
	Graythwaite, Shore & St Joseph Neighbourhood
	Lavender Bay Neighbourhood
	McMahons Point Neighbourhood
	McMahons Point North Conservation Area
	McMahons Point South Conservation Area
	Lavender Bay Conservation Area
	Union, Bank, Thomas Street Conservation Area
Waverton / Wollstonecraft	Waverton Village Centre
	Upper Slopes Neighbourhood
	Wollstonecraft Peninsula Neighbourhood
	Gasworks Neighbourhood
	Waverton Village Neighbourhood
	Waverton Neighbourhood
	Waverton Peninsula Neighbourhood
	John Street Waterfront Neighbourhood
	Sawmillers Neighbourhood
	Wollstonecraft Conservation Area
	Crows Nest Road Conservation Area
	Edward Street Conservation Area
	Priory Road Conservation Area
	Bay Road Conservation Area

SECTION 2 NORTH SYDNEY PLANNING AREA

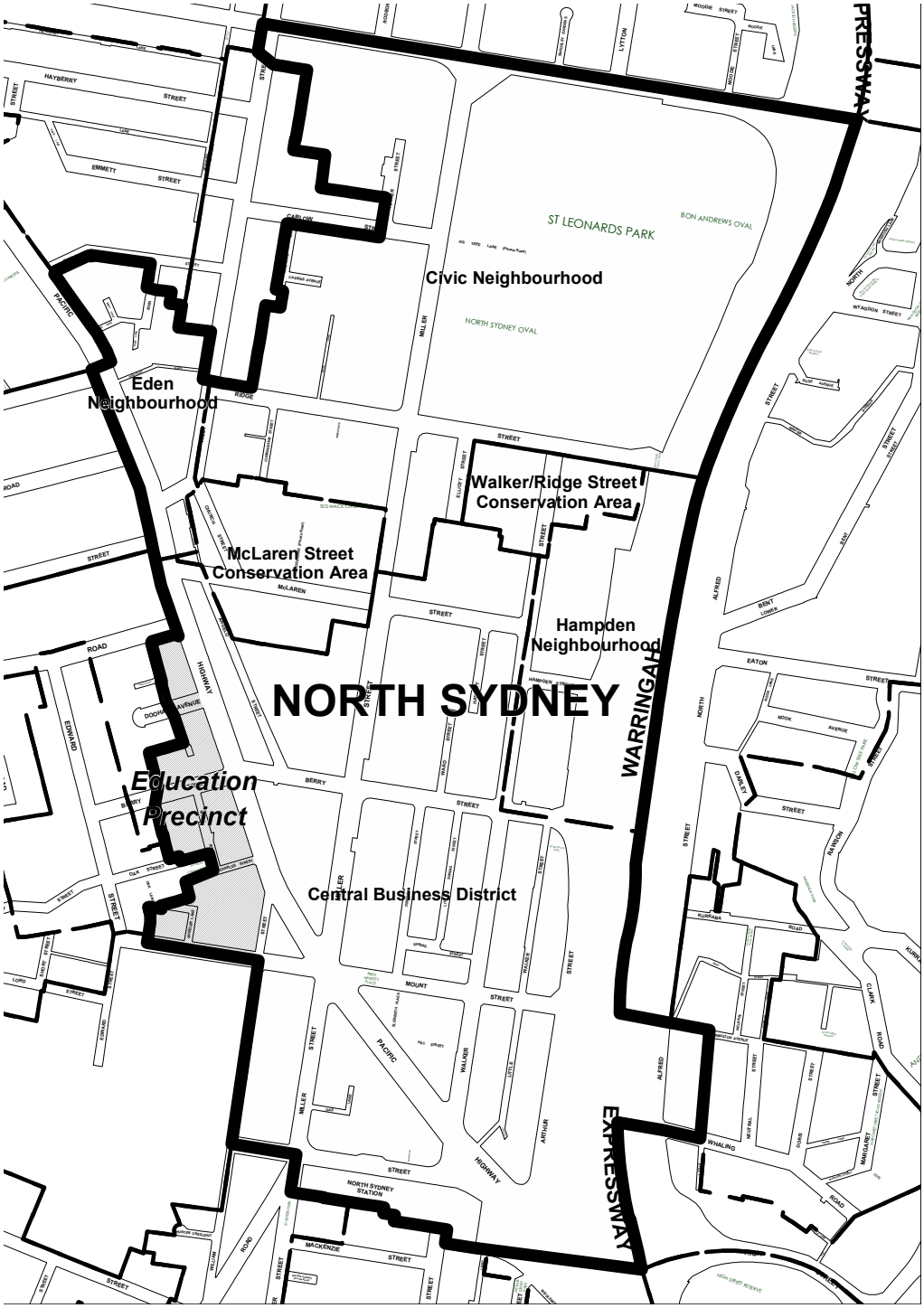
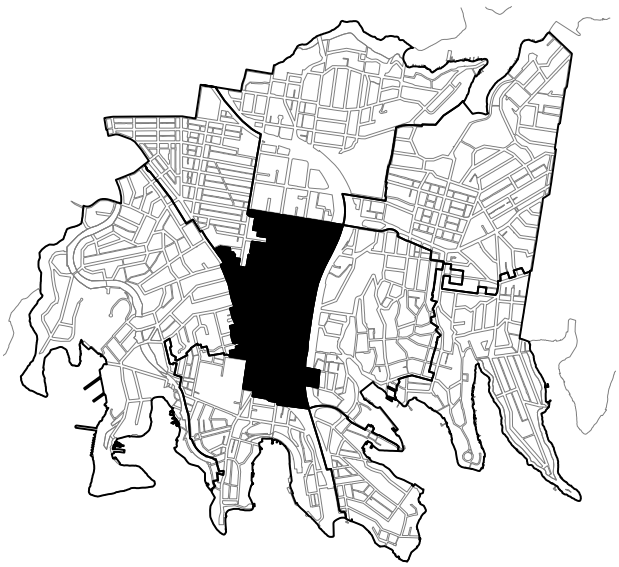


Figure F-2.1: North Sydney Planning Area and associated Locality Areas

2.0 NORTH SYDNEY PLANNING AREA CHARACTER STATEMENT



The North Sydney Planning Area is an iconic, attractive, and sustainable area, with the focus on the North Sydney CBD, which is identified under the Regional Strategy as a global commercial centre. A portion of the Education Precinct is located within the Planning Area on the western edge of the North Sydney CBD and the Ward Street Precinct is located within the northern portion of the Planning Area.

New development within the Planning Area should result in:

- a viable and attractive employment centre
- a diverse range of living, employment, recreation and social opportunities being provided that attract both local and regional populations which contribute to the vibrancy of the North Sydney CBD
- a vibrant and engaging Education Precinct with safe pedestrian networks and a range of formal and informal public spaces for students to study, socialise and engage with the local community
- the creation of a new vibrant public meeting place within the Ward Street Precinct for workers, residents and visitors which has high levels of amenity and is activated in the daytime, evenings and weekends
- a high level of amenity for residents, workers, students and visitors to enjoy
- a high quality built form
- a high level of public transport patronage which is easily accessible to residents, workers, students and visitors
- the area being linked to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus as well as by road and is a place of interchange between the various modes

and where:

Function

- The North Sydney CBD comprises one of Australia's largest commercial centres serving the local population and that of the Sydney region
- There is a mix of uses and activities to meet the demands of the residents, workforce, students and visitors
- There is a civic focus supported by community facilities such as North Sydney Oval, the Stanton Library and the Independent Theatre
- There is an education focus in the Education Precinct, supported by educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School
- Creation of a new pedestrian focal point centrally within the Ward Street Precinct, through the provision of new public squares which integrate with a highly permeable pedestrian network and is activated by commercial and community frontages
- Community facilities meet the needs of the CBD's working and resident population, students, visitors, and residents of nearby neighbourhoods, in terms of wellbeing, culture and recreation, and add to the diversity and activity of the CBD
- Various grades and sizes of commercial floorspace accommodate a mix of small and larger business, services and retail
- New residential development will not occur in the commercial core, with further high density housing to be concentrated in the areas zoned mixed-use
- There is housing choice in the mix of dwelling sizes and in the range of affordability
- There are active uses outside of standard business hours
- Parks and public spaces are well used and provide for a range of social and recreational activities

Environmental Criteria

- The extremes of sun, wind and rain are mitigated by good building design
- Buildings, public places and streets all receive good access to natural light
- Mechanical noise and other commercial noise is controlled, to protect residential amenity
- Use of local flora extends habitats for native birds and other fauna
- Solar access to special areas and open spaces is maintained and contributes to the enjoyment of those spaces for use by the public
- There is an opportunity to enjoy the views from and within the area towards the Sydney CBD, Sydney Harbour, heritage items and surrounding areas
- Additional public open space is provided for increased worker and residential populations

Built Form

- There is a pleasant, well designed and well-lit series of easily accessible and connected urban plazas and gardens
- The setback on the eastern edge of Miller Street between McLaren Street and Mount Street is maintained and incorporates landscaped areas and actively utilised open space

- Physical breaks are provided between tall commercial towers to afford occupants of commercial buildings reasonable levels amenity in terms of ventilation, daylight access, solar access and views
- Physical breaks are provided between tall commercial towers to afford users of the public domain reasonable levels of amenity in terms of daylight access, solar access, sky views and reduction in adverse wind impacts
- Avoiding continuous, uninterrupted walls of towers to reinforce a human scale when read from the public domain
- The significance of heritage items is retained, and promotes the rich development history and provides interest in the physical fabric of the area
- Heritage items are protected, and significant streetscape elements are conserved in the Walker and McLaren Street Conservation Areas
- Predominant early 20th Century character of the McLaren Street Conservation Area is maintained and protected
- Victorian and Federation character of streets in the Walker Street Conservation Area is maintained and protected
- Pedestrian connections provide alternate east/west and north/south routes through the CBD to promote pedestrian movement

Quality Urban Environment

- There are links to the Sydney CBD, other suburban centres and many parts of the Sydney region by ferry, rail, bus and road and the CBD is a place of interchange between the various transport modes
- Public transport, including walking and cycling, is the main form of access to the North Sydney CBD and the Education Precinct
- Traffic is managed so that pedestrians can move within the area freely and safely, and amenity is maintained
- Parking is managed in a way that maintains pedestrian safety and the quality of the public realm and minimises traffic generation
- The cumulative desired future built form outcome within the Ward Street Precinct does not result in a nett increase in traffic generation for the Precinct
- Rear lanes allow for the primary vehicular access to properties
- Limited increase to the capacity of private parking
- Pedestrians are assisted to safely cross barriers such as the Pacific Highway
- Educational establishments are oriented to the public domain to provide increased surveillance and activation
- Loading and delivery facilities should be located away from the street and where possible be located underground

Efficient Use of Resources

- Energy efficient design and life cycle assessment of buildings enables the conservation of natural resources and minimisation of use of non-renewable energy resources
- Stormwater runoff is minimised, and recycled on-site where possible

Public Domain

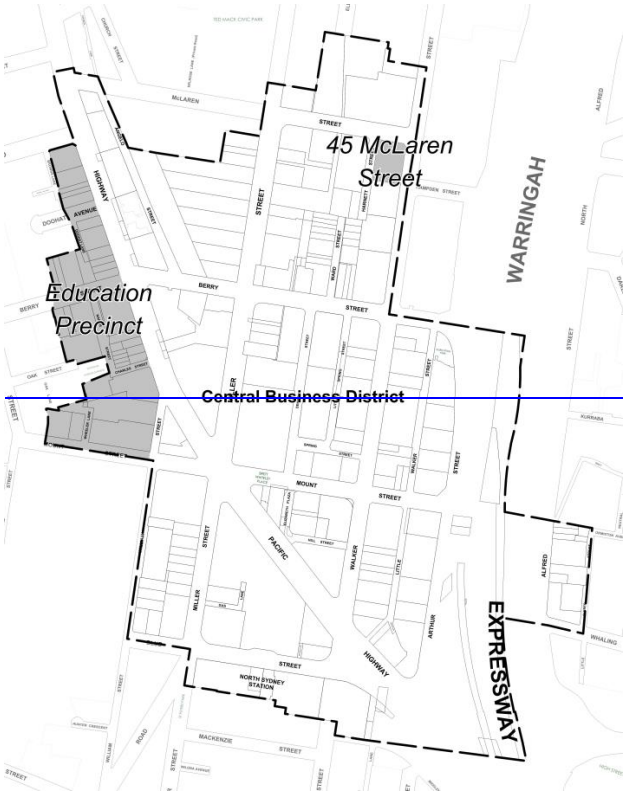
- Additional open space is provided to service the increased residential, working and student population of the North Sydney CBD and the Education Precinct
- A new public square/s be provided centrally within the Ward Street Precinct which is integrated with a highly permeable pedestrian network

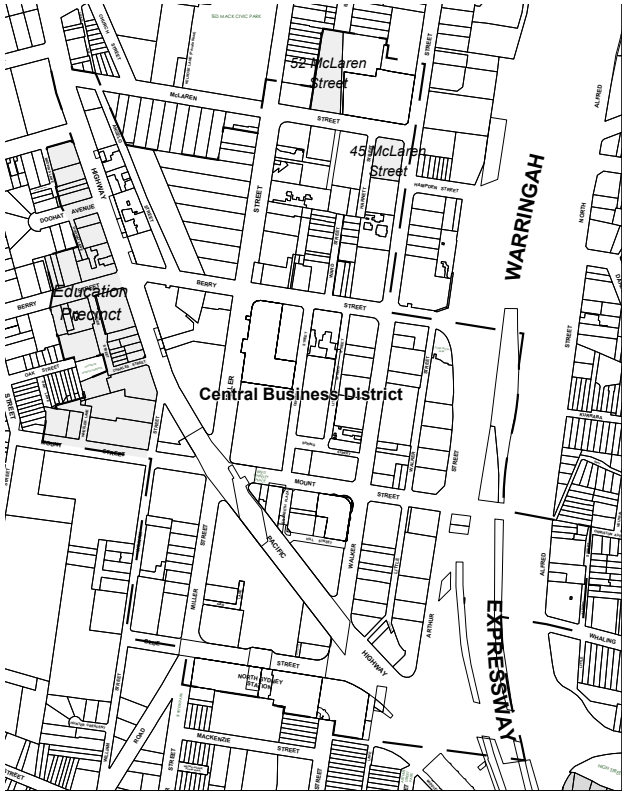
- Streetscape improvements occur in accordance with the *North Sydney Centre Public Domain Strategy, Education Precinct Public Domain Masterplan* and *Ward Street Precinct Masterplan*

The North Sydney Planning Area includes the following Locality Areas in which development is also subject to the provisions below:

Section 2.1:	Central Business District
	Section 2.1.4: 45 McLaren Street
	Section 2.1.5: 52 McLaren Street
Section 2.2:	Civic Neighbourhood
Section 2.3:	Eden Neighbourhood
Section 2.4:	Hampden Neighbourhood
	Section 2.4.4 East Walker Street Precinct
Section 2.5:	Walker/Ridge Street Conservation Area
Section 2.6:	McLaren Street Conservation Area

2.1 CENTRAL BUSINESS DISTRICT





2.1.1 Significant Elements

Land Use

P1 Predominantly high-rise commercial development.

P2 Medium to high rise mixed commercial and residential development at the fringes.

P3 Educational facilities.

P4 Regional rail and road infrastructure.

Topography

P5 Typically falling from the north to the south towards Sydney Harbour.

Natural Features

P6 Natural rock outcrops at 136 Walker Street.

Views

P7 The following views and vistas are to be preserved and where possible enhanced:

(a) From the plaza at No.5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge.

(b) From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district.

(c) Views along the Pacific Highway to the Post Office on Mount Street from the south-east.

(d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.

Identity / Icons

P8 Brett Whiteley Place.

P9 Greenwood.

P10 Post Office and Court House.

P11 MLC Building.

P12 Don Bank Museum.

Subdivision

P13 Predominantly large consolidated allotments within a rigid grid pattern.

P14 Smaller allotments generally along the Pacific Highway north of Berry Street.

Streetscape

P15 Wide fully paved footpaths, promoting heavy pedestrian use.

P16 Active street frontages provided with a variety of shops, cafes and other commercial uses.

P17 Buildings generally built to the boundary, with entry at street level.

P18 Continuous awnings provided on commercial buildings.

P19 Street trees.

Public transport

P20 Development is to take advantage of the accessibility provided by existing and planned public transport infrastructure.

2.1.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 High rise and medium density, commercial and mixed use developments.

P2 Provision of a variety of different sized office, retail, community and entertainment spaces.

P3 Provision of a variety of outdoor and indoor community spaces (e.g. urban plazas, gymnasium; gardens; outdoor and indoor dining areas and food courts).

P4 The commercial focus of the CBD is to be enhanced by preventing any further residential development from occurring in its core (i.e. the *E2 Commercial Centre* zone).

P5 Development above the Victoria Cross metro station will provide significant commercial floorspace, as well as retail, dining and community uses that will contribute to the overall amenity and vitality of the CBD.

P6 Council will pursue its vision for Miller Street as the civic heart of North Sydney. This will involve significant interventions and public domain improvements aimed at creating a vibrant place for people, with vehicle movements removed or minimised as much as practicable and both sides of Miller Street activated.

P7 Creation of a substantial new public space within the middle of the street block bound by McLaren, Walker, Berry and Miller Streets, activated by surrounding buildings and new community facilities consistent with the *Ward Street Precinct Masterplan*. This space is to be designed to be highly adaptable for events and prominent activities and form a spill over space for other community events associated with community facilities to be located in adjacent buildings.

P8 Brett Whiteley Place is a key public space for the North Sydney CBD which will incorporate an expanded Elizabeth Plaza, as well as portions of Denison Street and

Mount Street. This expanded plaza will provide dedicated space for outdoor dining, large and small events, and other activities.

P9 Consideration be given to expanding Berrys Square to the northern side of Berry Street.

P10 The Central Laneways Precinct will become a major focal point of pedestrian activity and amenity.

P11 Active frontages to the Metro site, 1 Denison Street and the MLC building will contribute to the activation of the public domain in the Central Laneways Precinct.

P12 A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.

P13 Alternatives to the current entry of the commercial car park entry at 100 Miller Street (Northpoint) will be pursued to reduce or remove traffic on Miller Street and improve pedestrian amenity.

P14 Provide roof top gardens and/or public facilities that allow the public and/or residents to access district views.

P15 Development should maximise opportunities to incorporate retail, restaurant, bar facilities and other non-residential floor space at ground level to promote street level activation, amenity, diversity and place making objectives.

P16 Provide a diverse mix of higher density, non-residential land uses in the *MU1 Mixed Use* zone of the Education Precinct, including education, shops, cafes, gyms, entertainment and small businesses.

P17 Provide continuous active uses such as shops and cafes at the ground level of all buildings along Pacific Highway, Berry Street and Napier Street, especially within the Education Precinct.

P18 Consideration should be given to the inclusion of educational or community-related purposes in the redevelopment of 110, 112, 116 and 120 Pacific Highway and 9 Napier Street.

P19 Community facilities that are of a type that support the creation of a cultural destination which is activated in the daytime, evenings and weekends are to be incorporated into the lower levels of the redevelopment of 56-66 Berry Street and the Ward Street Carpark site and these facilities are to front onto a new public square/s consistent with the *Ward Street Precinct Masterplan*.

Accessibility and permeability

P20 Victoria Cross metro station is designed to enhance the North Sydney CBD as a major commercial centre and further encourage the use of public transport. Pedestrians are prioritised throughout the CBD with a number of interconnected pedestrian routes that facilitates all direction movement and encourages fine grain retail and dining uses.

P21 Consideration be given to providing a direct vertical pedestrian connection between the new public open space located centrally within the Ward Street Precinct and the Victoria Cross Metro Station concourse.

P22 Barriers to pedestrian movement, particularly within the Ward Street Precinct, Miller Street, Berry Street and the Pacific Highway, will be reimagined such that their function and treatment favour pedestrian movement and amenity.

P23 New development focuses on the use of public transport, cycling and walking.

P24 Pick up and drop off points for public transport and taxi ranks are located as close as possible to public spaces and activities, and main building entries.

P25 Loading and delivery facilities should be located away from the street and where possible be located underground.

P26 The following through site links are to be provided, retained and enhanced:

(a) A north - south pedestrian link from McLaren Street to Elliot Street across 52 and 54 McLaren Street.

(b) A north - south pedestrian link from McLaren Street to Ward Street across the vehicle access of 221 Miller Street.

(c) An east-west pedestrian link of at least 3m in width is provided from Miller Street to the future public open space off Ward Street along the northern boundary of 201 Miller Street.

(d) An east-west pedestrian link of at least 6m in width is provided from Miller Street to the future public open space off Ward Street along the southern boundary of 213-219 Miller Street.

(e) An east - west pedestrian link from Miller Street to Ward Street across 221 Miller Street.

(f) A north - south pedestrian link from Charles Street to Wheeler Lane across 100 Pacific Highway and 16 Mount Street.

(g) An east - west pedestrian link from Harnett Street to Walker Street across 142 Walker Street.

(h) An east - west pedestrian link from Harnett Street to Walker Street across 144-150 Walker Street.

(i) An east-west pedestrian link from Harnett Street to Walker Street across 45 McLaren Street.

(j) An east - west pedestrian link from Walker Street to Little Walker Street across 81-83 Walker Street.

(k) An east - west pedestrian link from Little Walker Street to Arthur Street across 100 Arthur Street.

(l) An east - west pedestrian link from Napier Street to Oak Street across the southern side of 8-20 Napier Street.

(m) A north - south pedestrian link from the green space of 100 Pacific Highway to Wheeler Lane across the western side of 1 Wheeler Lane. The pedestrian link may be made through the building envelope or an alternative architectural treatment that gradually 'reveals' the establishments on either side.

(n) An east – west pedestrian link through the Victoria Cross metro station linking Miller Street and Denison Street.

(o) A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.

(p) A widened and improved pedestrian link from Little Spring Street and Walker Street across 102 Walker and 110 Walker Street.

P27 Consideration should be given to the provision of an east - west pedestrian link from the Pacific Highway to Napier Street across either the northern side of 120 Pacific Highway or the southern side of 33 Berry Street.

P28 Consideration should be given to the demolition of the single-storey structure at the northern end of 105 Miller Street (MLC Building) to improve accessibility and permeability to Miller Street and the Victoria Cross metro station.

2.1.3 Desired Built Form

Subdivision

P1 Development sites should be of a size which enable:

(a) the creation of large high quality floor plates which helps to reinforce the Centre's role as a Global City as identified within the Regional Strategy; and

(b) the incorporation of adequate setbacks and breaks between tall commercial towers above the podium level to maintain reasonable access to sky views and daylight to the public domain.

P2 Development on small sites should not detrimentally impact on the long-term ability of the amalgamation of sites for significant commercial development.

P3 Site amalgamation should occur generally in accordance with that identified within the Ward Street Precinct Masterplan to maximise the delivery of the desired outcomes of the Masterplan.

Form, massing and scale

P4 Buildings should be carefully designed to minimise the impact of their height and bulk on surrounding residential areas.

P5 Roof design contributes to building's appearance from a regional view catchment.

P6 Buildings on 116 and 120 Pacific Highway and 9 Napier Street should be designed such that their bulk steps down from the Pacific Highway to Napier Street to protect sunlight access to the Don Bank Museum and enhance pedestrian amenity to Napier Street.

P7 No part of a building located above the podium and which exceeds 45m in height may have a horizontal width of more than 60m.

P8 Development is to be designed to maximise year round solar access to the new public squares to be created centrally within the Ward Street Precinct.

P9 Despite any other provision in this DCP, development must not result in a nett increase in overshadowing to the main southern square to be created centrally within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

Setbacks

Note. *Additional setbacks may be required for any part of the building located above the podium level.*

P10 Buildings are to provide a zero metre setback to all street frontages and adjacent to heritage items, with the following exceptions:

(a) In accordance with cl.6.4 of the LEP for all properties on the eastern side of Miller Street, north of the Pacific Highway.

(b) 5m from the western side of Walker Street, north of 76 Berry Street.

(c) 5.4m from the southern side of Berry Street, between Pacific Highway and Miller Street.

(d) 14.5m from the western side of Miller Street, at No.60 Miller Street.

(e) 15m from the southern side of Mount Street, at No.60 Miller Street.

(f) Maintaining the setback of existing buildings to all properties comprising Monte St Angelo Convent and Girls School.

(g) Maintaining the setback of existing buildings to all properties on the northern side of McLaren Street.

(h) 1.5m whole of building setback from the eastern side of Napier Street, at No. 1-9 Napier Street and No.120 Pacific Highway.

(i) 2m setback to the ground level of buildings fronting Arthur Street.

P11 Buildings must be setback to conserve views to, and the setbacks and settings of, heritage items at 86 and 144 - 150 Walker Street, 94 Pacific Highway (Post Office), 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168 - 172 Pacific Highway and 1-7 Napier Street.

P12 The setback of new buildings or alterations and additions to existing buildings on land fronting McLaren Street between Miller and Walker Streets are to match that existing

to protect the existing fig trees. Encroachments will only be permitted where the development does not cover the drip line of any of the existing trees.

Podium Heights

P13 Podiums are to be provided in accordance with the Podium Heights Map (refer to Figure F-2.2).

P14 Despite P13, a podium of between 3 and 5 storeys above the finished level of the new public squares to be created centrally within the Ward Street Precinct, where buildings front onto those squares, maintaining a human scale to the squares.

P15 The entirety of a podium must be setback from any street frontage if required under Provisions P10 – P12 to s.2.1.3 to this Part of the DCP.

P16 Podiums are to be built to all side and rear boundaries that do not have a street frontage, except where the site directly adjoins residentially zoned land (i.e. *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential*) or requires a through site link as required under P23 to s.2.1.2 to this Part of the DCP.

P17 Podium heights should match or provide a transition in height between immediately adjacent buildings.

P18 Podium heights should match the height of adjacent heritage items.

P19 Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.

Above Podium Setbacks

P20 All parts of a building located above the podium are to be setback from the podium's frontage to a street or laneway in accordance with the Above Podium Setbacks Map (refer to Figure F-2.3). Setbacks are to be measured from the outer wall of the podium. Where a weighted setback is required, it applies to the width of the building's façade located above the podium.

P21 Despite P20, no part of any building may be located within 3m of the outer wall of the podium level fronting a street or laneway.

P22 Despite P20 and P21, for buildings fronting Ward Street and the new public squares to be created within the Ward Street Precinct, that part of the building located above the podium is to be setback a sufficient distance to ensure the minimising of potential wind impacts and maintaining a human scale to the squares.

P23 Where a building is to be erected on land zoned *E2 Commercial Centre* or on any other land and the building will not contain residential accommodation, all parts of the building located above the podium must be setback a minimum of 6m from any side boundary, unless:

(a) the area of the site is less than 1,000sqm; and

(b) the building does not exceed 45m in height.



Figure F-2.2: Podium Heights Map

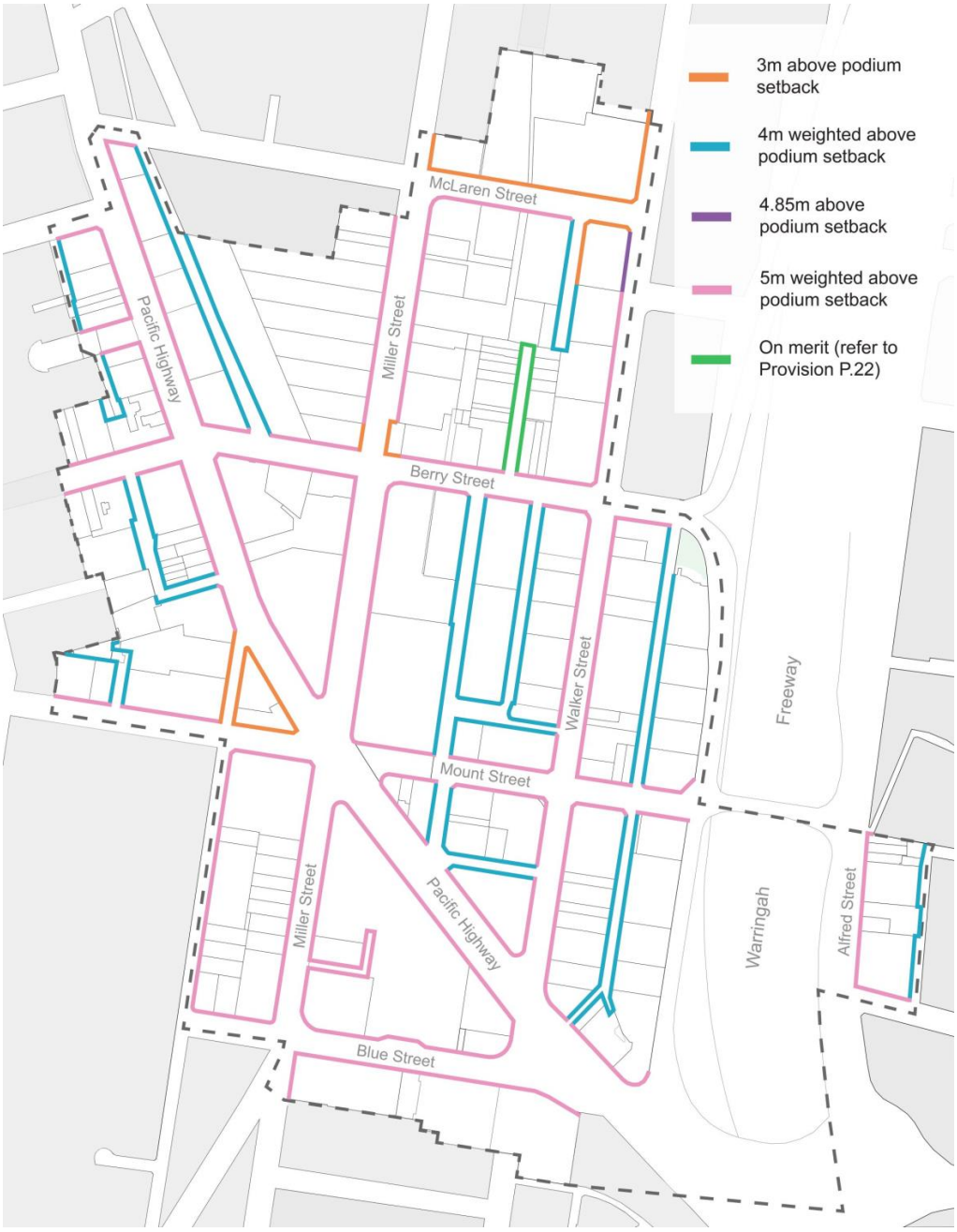


Figure F-2.3: Above Podium Setbacks Map

P24 Despite P23, no setback is required above the podium level to:

(a) the southern boundaries of 122 Arthur Street (SP 57439) or 100 Walker Street (Lots 1 and 2, DP 542915), if developed in isolation from sites to their north;

(b) the southern boundary of 90 Arthur Street (Lot 1, DP 738262), if developed in isolation from the site to the south;

(c) the northern boundary of 20 Berry Street (Lot 1, DP 550167) if developed in isolation from the site to the north;

(d) the eastern boundary of 80 Mount Street (Lot 1, DP 566189) if developed in isolation from the site to the east; and

(e) the southern boundary of 1 Wheeler Lane (Lot 101, DP 1076397) if developed in isolation from the site to the south.

P25 Where a building does not contain residential accommodation, all parts of the building located above the podium must be setback a minimum of 6m from any rear boundary that does not have a street or laneway frontage.

P26 Despite P25, no setback is required above the podium level to the western boundary of 65 Berry Street (Lot 2, DP 1230458) if developed in isolation from the site to the west.

P27 Where there is more than one tower located above the podium level on land zoned *E2 Commercial Centre* or on any other land and the building will not contain residential accommodation, the towers must maintain a minimum 12m separation from one another.

Building design

P28 Provide architectural detailing, high quality materials and ornamentation provide a rich visual texture and a symbolic/decorative reference to the history of the place, the building's use or occupant.

P29 Provide a visually rich intimate pedestrian environment with active street frontages at ground level.

P30 The natural rock outcrop at 136 Walker Street should be incorporated into the design of any redevelopment proposal for the site.

Awnings

P31 Continuous awnings must be provided to all commercial buildings, except on the eastern side of Miller Street between the Pacific Highway and McLaren Street.

P32 Consideration should be given to the provision of weather protection at the pedestrian entrances or over outdoor seating areas for buildings fronting Miller Street between the Pacific Highway and McLaren Street.

Streetscape

P33 A 'sense of arrival' is established at North Sydney Station with strong linkage to the north to connect with the pedestrian bridge over Pacific Highway and Denison Street.

P34 The Greenwood historic school building and large Moreton Bay Figs are retained and incorporated as the southern pedestrian gateway to the North Sydney CBD.

P35 The intersection of Miller Street and Pacific Highway forms an important focal point of the North Sydney Centre with a distinctive character reinforced by the Post Office and the MLC building.

P36 Improve amenity and safety by installing lighting, public art and/or landscape along the eastern facade of 12-14 Mount Street.

P37 Provide a consolidated green space over the Don Bank Museum and 100 Pacific Highway. Consideration should be given to extending this green space over the western side of 1 Wheeler Lane to allow for a more direct north – south pedestrian link from Charles/Napier Street to Wheeler Lane.

P38 33 Berry Street should be designed such that Napier Street is activated by non-residential tenancies such as commercial or educational facilities (At least 50% of its frontage should comprise of non-residential tenancies at the ground level).

Public Domain

P39 Have regard to Public Domain designed in accordance with the *North Sydney Centre Public Domain Strategy* and *North Sydney Council Infrastructure Manual.*

P40 A new multi-purpose public square with a minimum dimension of 52m by 40m is to be created in the centre of the Ward Street Precinct and integrated with a secondary public square of minimum dimension 35m by 33m consistent with the *Ward Street Precinct Masterplan*. The squares are to be designed to maximise the flexibility of uses.

P41 Consideration be given to activating the secondary northern square within the Ward Street Precinct with a café, public facilities or other active and community uses.

P42 Consideration be given to expanding Berry Square across to the northern side of Berry Street.

Landscaping

P43 Continued use of tree planting and use of native vegetation to enhance the urban environment and attract birdlife.

P44 Choice of trees and vegetation in accordance with *North Sydney Centre Public Domain Strategy, Street Tree Strategy* and *North Sydney Council Infrastructure Manual.*

Car accommodation

P45 Short stay parking spaces should be located within or as close as possible to meeting places.

P46 Reduce the amount of long stay commuter parking on site.

P47 Reduce the amount of non-residential parking on site.

Vehicle Servicing

P48 Consideration to be given to providing all vehicular access to 213-219 Miller Street, 56-66 Berry Street and the Ward Street Carpark site from Harnett Lane and underneath the proposed new public squares, to maximise pedestrian amenity within the Ward Street Precinct.

P49 Vehicular access to 76 Berry Street is to be provided from Walker Street.

2.1.4 45 McLaren Street



2.1.4.1 Desired Future Character, Design Objectives and Key Principles

P1 Development is to respond to the scale and character of existing development and desired future character of the surrounding area.

P2 Built form, scale and massing is to transition in scale across the site from north to south and east to west, whilst respecting the built form of adjacent and neighbouring heritage items.

P3 Deliver a mixed use development with active frontages to McLaren and Harnett Streets.

P4 Development is to maximise solar access to the proposed squares within the Ward Street Precinct.

P5 Maintaining a landscaped setback to Walker Street.

P6 An improved pedestrian through site link between Walker Street and Harnett Street.

2.1.4.2 Desired Built Form

Objectives

O1 To provide for increased opportunity for height and density in the North Sydney CBD, in close proximity to public transport and services.

O2 To allow an appropriate stepping down in built form between 168 and 150 Walker Street.

O3 To ensure that solar access to the proposed public spaces within the Ward Street Precinct is maximised.

O4 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.

O5 To positively relate to the heritage context surrounding the site.

Provisions

Building Height

P1 Development must not exceed 14 storeys above the crown of McLaren Street as it presents to McLaren Street.

P2 Development must not exceed 10 storeys above ground level existing fronting its southern boundary.

Side Setbacks

P3 Buildings must be setback a minimum 1.5m setback to the southern boundary.

Podium Height

P4 A podium must:

(a) comply with the requirements illustrated in Figure F-2.2 to this section of the DCP. and

(b) not exceed 3 storeys to the southern boundary.

Above Podium Setbacks

P5 The following minimum setbacks must be provided above the podium level:

(a) the minimum setback illustrated in Figure F-2.3 to this section of the DCP, and

(b) 4.5m from the site's southern boundary, and

P6 Despite Provision P5(a) above, the consent authority may permit a balcony to encroach into the setback area to McLaren street, but only if:

(a) The balcony is unenclosed on at least two sides, and

(b) The balcony maintains a minimum 1m setback to McLaren Street, and

(c) The cumulation of balconies on any one level does not exceed 50% of the façade's length to McLaren Street.

2.1.4.3 Landscaped Area

Objectives

O1 To ensure that landscaping is used to provide appropriate amenity for development and soften the appearance of buildings and their interface with the neighbouring dwellings and the public domain.

O2 To provide a quantum of landscaping reflecting the transition between the North Sydney CBD and adjoining residential areas.

O3 To incorporate appropriate materials conducive of its heritage context.

Provisions

P1 Any basement structure should be setback at least 5m to Walker Street, to ensure the provision of deep soil zones to accommodate trees and vegetation of a scale reflective with the scale of the proposed future development on the site.

P2 Despite P1, a basement may be permitted within the setback area to Walker Street, but only where it can be adequately demonstrated that the setback area is predominantly soft landscaped and is capable of accommodating trees and vegetation of a scale reflective of the proposed future development on the site.

P3 Consideration to be given to using sandstone or natural rock features in the landscaping or lower parts of buildings, reflective of the site's heritage context.

2.1.4.4 Through-Site Link

Objectives

O1 To enhance the existing through site link that runs across the northern boundary of 144-152 Walker Street between Walker Street and Harnett Street.

Provisions

P1 All buildings are to be setback a minimum of 1.5m from the southern boundary to enable the construction of a through site pedestrian link between Walker Street and Harnett Street which is integrated with the existing through site link across the northern boundary of 144-152 Walker Street.

P2 Consideration is to be given to the use of sandstone to line surface or any adjacent retaining walls or walls to the through-site link.

P3 Appropriate lighting be provided to ensure this link provides adequate safety for users.

2.1.4.5 Vehicular Access

Objectives

O1 To ensure vehicular and pedestrian conflicts are minimised.

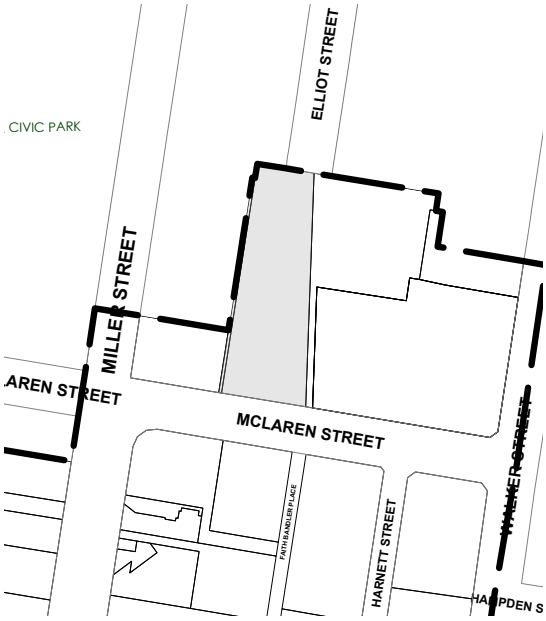
O2 To maximise activation of street frontages.

Provisions

P1 No vehicular access is to be provided from McLaren Street.

P2 Vehicular access should be provided from Walker Street, subject to ensuring that pedestrian safety is maximised.

2.1.5 52 McLaren Street



Note: *to remove any doubt, the following controls apply to land known as Lot 2, DP 218407; Lots 1 and 2, DP 1150156; and former drainage reserve in DP 979505.*

2.1.5.1 Desired Future Character, Design Objectives and Key Principles

P1 To allow a scale and form which reflects its proximity to the Northern Portal of the Victoria Cross Metro Station, whilst enabling a suitable transition in scale from the north to the south, and respecting the built form of adjacent development, including neighbouring heritage items.

P2 Development responds to the scale and character of existing development and desired future character of the surrounding area.

P3 To ensure development is integrated with and provides a safe and accessible connection with the Northern Portal of the Victoria Cross Metro Station.

P4 To deliver a mixture of retail, commercial, community and residential uses that positively contribute to the vitality and vibrancy of the North Sydney Centre.

P5 To provide active frontages at the ground plane to McLaren Street and the future through-site link such that it contributes to an active and safe public domain.

P6 Maximising solar access to the proposed squares within the Ward Street Precinct.

P7 Maintaining a landscaped setback to the northern side of McLaren Street.

P8 Deliver a safe and welcoming dedicated pedestrian through-site link between McLaren Street and Elliot Street.

P9 Minimise impacts on adjacent sensitive uses.

2.1.5.2 Desired Built Form

Objectives

O1 To provide for increased opportunity for height and density in the North Sydney CBD, in close proximity to public transport and services.

O2 To allow an appropriate stepping down in built form between the Ward Street Precinct to the south and mid-rise development to the north.

O3 To deliver a slender built form that minimises overshadowing impacts to existing buildings, whilst ensuring building depths and lengths provide adequate light, cross ventilation, and amenity for occupants, visitors and/or workers.

O4 To ensure that solar access to the proposed public spaces within the Ward Street Precinct is maximised.

O5 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.

O6 To maintain a consistent setback to the northern side of McLaren Street.

O7 To positively relate to the heritage context surrounding the site.

O8 To ensure appropriate articulation of building facades and 'fine grain' response to the public domain.

Provisions

Solar access

P1 Despite any other provision of this DCP, any development at 52 McLaren Street must not result in a nett increase in overshadowing to the main southern proposed square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

Building Height

P2 Development must not exceed 24 storeys as it presents to McLaren Street.

P3 Development must not exceed 8 storeys as it presents to its northern boundary at ground level.

Setbacks

P4 Buildings must be setback:

(a) A minimum of 10.5m to McLaren Street, consistent with the general alignment of 168 Walker Street as it presents to McLaren Street, and

(b) A minimum of 6m to the eastern boundary, and

(c) A minimum of 9.5m setback to the northern boundary, and

(d) A minimum of 6m to the western side boundary.

P5 Despite Provision P4(a) above, the consent authority may permit a setback of 9.5m at Levels 1 and 2 only, and those levels are used for non-residential purposes.

P6 Despite Provision P4(d) above, the consent authority may permit a setback of 5m at Levels 1 and 2 only, but only along that part of the site that directly adjoins the Victoria Cross Metro Northern Portal and those levels are used for non-residential purposes.

Podium Height

P7 A 3-storey podium must be provided.

Above Podium Setbacks

P8 The following minimum setbacks must be provided above the podium level:

(a) 10.5m from the McLaren Street frontage, and

(b) 6m from the eastern boundary, and

(c) 12.5m from the northern boundary, and

(d) 6m from the western boundary, and

P9 Despite P8(b) a 24m building separation must be provided to the building located at 168 Walker Street to the east.

Building Form

P10 The podium level is to have a different architectural expression to the tower elements above to reflect the different uses of the building.

P11 That part of the building located above the podium must present as two expressed forms to suitably break the scale and massing of the tower.

P12 Tower elements located above the podium level must not exceed 45m in horizontal width or length, unless punctuated with a significant visual break or articulation element.

P13 The building is to be designed to prevent the overlooking of sensitive areas of the adjacent school and proposed childcare centre within.

P14 Consideration is given to the incorporation of 1.8m high solid balustrades to any communal rooftop terraces to mitigate any potential adverse wind impacts upon the users of the terrace.

P15 The building is to incorporate façade articulation and fenestration to ensure an appropriate human scale is provided to the elevations.

P16 A continuous awning must be provided along the full length of the McLaren Street elevation and continue past all main pedestrian entries to the building.

Heritage interface

P17 Avoid providing blank walls directly facing heritage items or an abrupt imposing built form and presentation.

P18 Provide a deep soil zone along the western boundary adjacent to No.243 Miller Street, to enable tree planting that will help to soften the transition between development on the site and the adjacent heritage item.

Communal Open Space

P19 Communal open space may be provided on rooftop areas of any building on the site, but only where it can be adequately demonstrated that there are no resulting adverse visual privacy or acoustic impacts to the adjoining school and residential private open spaces and dwellings.

2.1.5.3 Child Care Centre

Objectives

O1 To locate the proposed child care centre adjacent to compatible uses.

O2 To provide sufficient screening of the child care centre from the public domain.

O3 To ensure a direct physical connection between the internal and external spaces is provided, which facilitates provision for a high degree of child supervision.

O4 To provide convenient and safe access to the child care centre.

Provisions

P1 A child care centre is to be located at the ground level of the building at its northern end such that can maximise its access to natural daylight and opportunities for providing a consolidated open space area.

P2 The child care centre must provide:

(a) a minimum 450sqm of indoor space; and

(b) a minimum 450sqm of outdoor space,

both at the same level, providing for a minimum of 900sqm in total area.

P3 The outdoor play area is to be:

(a) north facing, and

(b) predominantly open to the sky, whilst also providing for an outdoor covered area offering sun and rain protection as necessary, and

(c) a single consolidated space.

P4 A dedicated lift must be provided from the child care centre to the basement car parking area.

P5 The external facade of the child care facility shall incorporate full height screening, using louvres or other architectural treatments to restrict views into the child care centre, whilst also permitting daylight into the child care centre.

P6 The development shall provide a total of six (6) parking spaces within the basement of the development comprising:

(a) two (2) all-day designated car spaces for child care staff; and

(b) four (4) designated car spaces for child care drop-off and pick-up times.

These spaces may be utilised outside the child care centre's normal hours of operation for other parking purposes (e.g. residential visitor spaces).

2.1.5.4 Landscaping

Objectives

O1 To ensure that landscaping is used to provide appropriate amenity for the residents and tenants of the development, including weather protection.

O2 To soften the appearance of buildings and their interface with neighbouring uses, heritage items and the public domain.

O3 To maintain and protect existing street trees and canopy trees on-site.

O4 To reduce the heat island effect and create a user-friendly green space.

Provisions

P1 The existing fig trees adjacent to the McLaren Street frontage are to be retained.

P2 Any basement structure/s must be setback a minimum of 6m to McLaren Street, to maximise the extent of the root zone to the existing fig trees. A greater setback may be required if the level of impact on the root zone would adversely affect the health and safety of the trees.

P3 A landscaped area of at least 450sqm, must be provided along the western boundary, adjacent to No.243 Miller Street and the northern portal to the Victoria Cross Metro Station. The depth and horizontal dimensions of the landscaped area must be capable of accommodating trees and vegetation of a scale reflective of the scale of the proposed future development on the site.

P4 Podium/terrace areas shall incorporate landscaped elements, including planter boxes or the like, with appropriate dimensions to facilitate mature vegetation to soften the appearance of the development and greening of the through-site link. Podium landscaping shall also wrap around the development and provide for a curtain effect to the car park entry.

2.1.5.5 Through-Site Link

Objectives

O1 To provide a safe and accessible dedicated pedestrian through-site link connecting McLaren and Elliot Streets contributing to the overall desired pedestrian outcomes under the North Sydney Public Domain Strategy.

O2 To ensure that development facilitates cross and through movements, enhancing precinct permeability and access to the transport interchange functions of the locality.

O3 To provide opportunities for increased permeability through the site to adjoining properties.

O4 To provide for areas within the through-site link that encourage people to rest, meet and socialise.

Provisions

P1 A continuous and unobstructed 3m wide pedestrian pathway is to be provided along the entirety of the eastern boundary connecting McLaren Street to Elliot Street.

P2 The ground level of all buildings facing the through-site link shall be designed to accommodate an active frontage.

P3 The though-site link shall be designed to comply with the requirements of the Disability Discrimination Act.

P4 The edges of the through-site link shall be softened using landscaped terracing up to the plaza level. Seating is to be provided at intervals along the length of the through-site link integrated into the various terraced levels.

P5 Consideration is to be given to the integration of a potential future pedestrian through-site link between 168 Walker Street and 54 McLaren Street enabling access through to Walker Street.

P6 The through-site link is to be appropriately lit to enable safe 24 hour use.

P7 The through-site link is to be designed to ensure that vehicles are prevented from using the pathway.

2.1.5.6 Vehicular Access & Parking Provision

Objectives

O1 To ensure vehicular and pedestrian conflicts are minimised.

O2 To maximise activation of street frontages.

O3 To minimise traffic congestion in close proximity to mass public transport.

O4 To protect and retain the existing canopy trees adjacent to the McLaren Street frontage.

Provisions

P1 Maximum of 1 vehicular access point, off McLaren Street.

P2 The width of any vehicular access point should be minimised to ensure that pedestrian safety is maximised.

P3 The location of the vehicular access point must be positioned to retain the existing trees to McLaren Street and delivery of a dedicated pedestrian through-site link along the site's eastern boundary.

P4 Any structures located between the vehicular access point and the new through-site link must be designed to maximise visibility between drivers and pedestrians, especially at the link's southernmost end.

2.2 CIVIC NEIGHBOURHOOD



2.2.1 Significant elements

Land Use

P1 Predominantly community based facilities such as educational establishments, places of public worship and public administration buildings.

P2 Mixed commercial and residential development.

P3 Passive and active recreational spaces.

Topography

P4 Generally flat forming the top of the ridgeline, with a fall from the north to the south along Miller Street south of McLaren Street.

Views

P5 The following views and vistas are to be preserved and where possible enhanced:

(a) To Kirribilli and Sydney Harbour from St Leonards Park.

Identity / Icons

P6 Stanton Library.

P7 St Leonards Park & North Sydney Oval.

P8 North Sydney Council Chambers.

P9 Independent Theatre.

P10 Civic Centre and Park.

P11 Warringah Freeway a major arterial thoroughfare.

P12 Miller and Falcon Streets a major sub-arterial thoroughfare.

Subdivision

P13 Regular grid pattern with rectangular lots of varying sizes.

Streetscape

P14 Wide fully paved footpaths.

P15 Buildings are aligned to the street.

P16 Awnings generally provided for shops, cafes and other commercial uses on Miller Street.

P17 A variety of street trees and shrubs.

Public transport

P18 Development is to take advantage of high accessibility to high frequency public bus services along Miller and Falcon Streets.

P19 Public transport, cycling and walking are the main forms of public transport.

P20 Traffic calming measures along Miller Street, Falcon Street, and Ridge Street.

2.2.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 A variety of specialty uses including education, public services, community facilities and recreational parks.

P2 Active street frontages from such activities as cafes and shops at ground level on both Miller and Ridge Streets.

P3 Limited residential development in the form of dwelling houses, semi-detached dwellings, multi dwelling housing and residential flat buildings according to zone.

P4 Open space used by local residents, students and the wider regional population for social and recreational purposes.

Accessibility and permeability

P5 Pedestrian connections are to be provided to Stanton Library from Ridge and Miller Streets.

P6 Pedestrian connections through Civic Park and St Leonards Park.

P7 Pedestrian routes are as direct as possible with direct through views from adjacent streets or public domain.

Public spaces and facilities

P8 Cohesiveness throughout the area is achieved through landscaping and tree planting.

P9 Safe pedestrian links with improved lighting and passive surveillance.

Junction and termination of streets

P10 Junction at Miller and Falcon Streets provides a gateway to North Sydney Centre.

2.2.3 Desired Built Form

Form, scale and massing

P1 Generally 1-3 storeys in height with a strong relationship with adjacent building heights.

P2 Development is to be designed to maximise solar access year round to the new public squares to be created within the Ward Street Precinct.

P3 Development must not result in a nett increase in overshadowing to the main southern square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

Setbacks

P4 Minimum front setback of 3m for residentially zoned land with landscaping, including trees and shrubs provided at street frontage.

Fences

P5 Front fences no higher than 800mm.

Gardens

P6 Substantial planting including trees in front gardens to complement street trees.

Car accommodation

P7 Short stay metered car parking for visitors on-street.

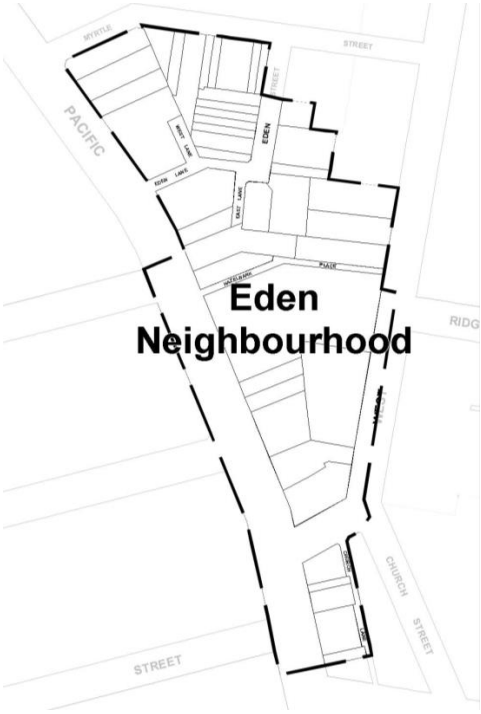
P8 Retention and enhancement of off-street public car parking at the Ridge Street car park.

Streetscape

P9 Avenue of trees to line roads provides attractive streetscape and provides borders to the road.

P10 Encourage open street frontages with low fences or no fences, landscaping to complement street planting.

2.3 EDEN NEIGHBOURHOOD



2.3.1 Significant elements

Land Use

P1 Predominantly commercial and mixed commercial and residential development.

Topography

P2 Slight falls to the south west from West and Myrtle Streets.

Views

P3 The following views and vistas are to be preserved and where possible enhanced:

(a) Views to the North Sydney CBD along the Pacific Highway.

Identity / Icons

P4 Union Hotel.

P5 Freemasons Hall (Wellbeing Centre).

P6 Pacific Highway, a major sub regional thoroughfare.

Subdivision

P7 Irregular grid pattern, due to the streets aligning with the topography.

Streetscape

P8 Wide fully paved footpaths.

P9 Buildings built to street along the Pacific Highway.

P10 Awnings provided along the Pacific Highway.

P11 Irregular planting of street trees and shrubs.

Public transport

P12 Development to take advantage of high levels of accessibility to high frequency bus services along the Pacific Highway.

2.3.2 Desired Future Character

Diversity

P1 Diverse range of activities including residential, public services (including the postal service and police) commercial and retail.

P2 A variety of different sized non-residential spaces (e.g. smaller showrooms, small offices).

P3 Pick up and drop off points for public transport and taxi ranks are located close to public spaces and activities, and main building entrances.

Accessibility and permeability

P4 The following through site links are to be provided, retained and enhanced:

(a) An east-west pedestrian link along Hazelbank Place from West Street to Pacific Highway, with good lighting and paving.

(b) New pedestrian links which encourage access along Eden Lane to Myrtle Street, West Street and Pacific Highway.

(c) New pedestrian links which encourage access to and from Pacific Highway, West Street and Ridge Street.

P5 Through site links are made safe through adequate lighting and passive surveillance.

2.3.3 Desired Built Form

Form, massing and scale

P1 A variety of building heights in the mixed use area with the average height being 4 storeys.

P2 Buildings adjacent to conservation areas transition in height to match building height in conservation areas.

Podiums

P3 A podium of 4 storeys to all streets, with a weighted setback of 3m above the podium with the following exceptions:

(a) A podium of 4 storeys to Eden Street, Eden Lane and Myrtle Street, with a setback of 1.5m above the podium.

(b) A podium of 3 storeys to Hazelbank Lane and Church Lane, with a setback of 1.5m above the podium.

Building Design

P4 Building form differs throughout the area, with an emphasis on quality mixed use design to complement heritage items.

P5 Form, scale and massing reflects surrounding development to provide visual interest through a range of detailing such as recesses, balconies and a variety of materials.

P6 Ground floor commercial/retail uses to provide activity and interest along Pacific Highway, Eden Street and Eden Lane.

P7 Active uses along Eden Street and Eden Lane such as outdoor dining to encourage activity outside standard business hours.

P8 Mixed use development complements lower scale residential development in adjoining conservation areas.

Noise

P9 Elevations of buildings fronting the Pacific Highway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

Awnings

P10 Consistent awnings along Pacific Highway to provide shelter from weather conditions.

Car accommodation

P11 Short stay metered on-street parking for visitors.

P12 Access to underground car parking should be provided through a single combined entry and exit.

Public Spaces and facilities

P13 Footpath paving along property frontages in accordance with Council's specifications.

P14 Roof top gardens and public facilities that allow public access to district views from higher floors.

P15 Encourage active uses outside standard business hours to encourage active streets and street surveillance.

P16 Locate any outdoor dining within clearly defined areas located away from main roads; provide weather protection providing equal and unobstructed pedestrian movement.

Streetscape

P17 Streetscape to provide consistency with surround areas with street tree planting and use of street furniture.

P18 Tree lined streets encourage birdlife and lessen impact to traffic noise.

2.4 HAMPDEN NEIGHBOURHOOD



2.4.1 Significant elements

Land Use

P1 Residential accommodation.

P2 Educational establishments.

Topography

P3 Moderate falls to the south from Ridge Street and steep falls to the east from Walker Street to the Warringah Expressway.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) Maintain views of Kirribilli and the Harbour from Walker Street.

(b) Strong vista along Walker Street to southern part of CBD.

Identity / Icons

P5 North Sydney Club.

P6 Warringah Expressway, a major arterial thoroughfare.

P7 Sandstone wall in the middle of Walker Street.

Streetscape

P8 Tree lined streets with grassed verges and concrete footpaths.

P9 Split level streets to Hampden Street.

P10 Landscaped medians on Hampden Street.

P11 Double rail timber fences on Hampden Street.

P12 Low front fences of brick or masonry on Walker Street.

P13 Residential flat buildings are setback from the boundary and aligned with the street frontage.

Public transport

P14 Development to take advantage of reasonable proximity to high levels of public bus and train services.

P15 Public transport, cycling and walking are the main forms of public transport.

2.4.2 Desired Future Character

Diversity

P1 A mixture of modern multi-level residential flat buildings with older low rise residential flat buildings.

P2 Retention of the 2-3 storey original attached dwelling houses on Hampden Street.

Accessibility and permeability

P3 Pedestrian walk along the western side of Warringah Expressway accessed from Hampden Street.

2.4.3 Desired Built Form

Form, scale and massing

P1 Early and original residential buildings complement the topography to maintain views and easy access.

P2 Ground floors may not relate to street level due to topography of the area, with high sandstone retaining walls at ground level.

P3 Generally a maximum of 2 storeys on Hampden Street.

P4 Development is to be designed to maximise solar access year round to the new public squares to be created within the Ward Street Precinct.

P5 Development must not result in a net increase in overshadowing to the main southern square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

Setbacks

P6 Maintain existing setbacks from property boundary along the eastern side of Walker Street and the northern side of Berry Street.

Fences

P7 Low fences (max 800mm).

P8 Small picket fences above sandstone bases.

Car parking

P9 Located off-street and below ground for all residential flat buildings and multi dwelling housing.

P10 Located on-street parking for all heritage listed attached dwellings.

P11 Short term on-street meter parking.

P12 Existing sandstone retaining walls on street frontages must not be breached to accommodate garages or car parking spaces.

Streetscape

P13 Heritage features such as Walker Street and Hampden Street sandstone walls.

P14 Substantial gardens within front setback area.

P15 Steps and pathways along Walker and Hampden Streets are maintained.

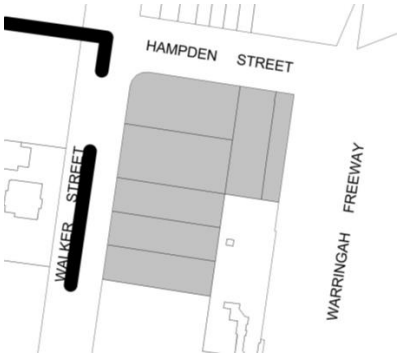
P16 Landscaping in front gardens/private open space.

P17 Tree lined streets and mature vegetation on median enhances area.

Noise

P18 Elevations of buildings fronting the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

2.4.4 East Walker Street Precinct



Where there is an inconsistency between the East Walker Street Precinct Controls and the Hampden Neighbourhood Controls, the East Walker Street Precinct Controls prevail.

Building Setbacks

Front setbacks

P1 2m landscaped setback to Walker Street.

P2 2m landscaped setback to Hampden Street.

Side setbacks

P3 Nil side setbacks to the eastern side property boundary of 17 Hampden Street.

Rear setbacks

P4 12m for Walker Street properties (173-179 Walker Street).

P5 12m for Hampden Street properties (15-17 Hampden Street).

Podium Height

P6 2 storeys to Walker Street.

P7 2–3 storeys to Hampden Street.

P8 The Hampden Street podium is to respond to the rhythm and grain of the adjacent heritage properties through the incorporation of vertical proportions.

Above Podium Setbacks

P9 3m above the podium level.

Building Separation

P10 12m separation distance above the podium, is to be provided between the two building forms.

P11 The building separation is to provide a view corridor through the site.

2.5 WALKER/RIDGE STREET CONSERVATION AREA



2.5.1 History

The Walker/Ridge Streets Conservation Area was subdivided as part of the Town Plan for North Sydney, known at the time as St Leonards, but remained largely undeveloped until the 1880s. Some of the first buildings were "Lamona", built by Dr Kelynack in 1883, "Park House" built by Francis Punch in 1886, followed by "St Helens" 1889.

Land on the western side of Walker Street was owned by Francis Lord as part of an estate surrounding his house "The Lodge". A smaller block was owned by William Tucker. Subdivision and development on the western side of Walker Street occurred in the late 19th century, mostly for private homes. The area was once comprised part of "the Macquarie Street of the north" due to the number of doctors surgeries and cottage hospitals. A portion of the area is now occupied by Wenona School.

The main building period is 1880-1900.

2.5.2 Description

The Walker/Ridge Streets Conservation Area includes the eastern end of Ridge Street and the sloping, northern portion of Walker Street. It is bounded St Leonards Park to the north, Elliot Street to the west and the Warringah Expressway to the east.

The landform falls to the south. Subdivision is determined by the grid pattern of the streets and lot sizes are irregular and many are developed for attached housing.

The area is characterised by intact groups of single and two storey detached and attached dwelling houses in a mix of Victorian Italianate and Federation styles with St. Helens being a remnant of the Victorian Georgian. The main buildings at the northern end of Walker Street are substantial residences in the Federation Arts and Crafts and Queen Anne styles. There is some modern residential infill and educational buildings associated with Wenona.

Street verges are 3.5 metres wide with concrete footpaths and lined with regularly spaced street trees.

The vista towards the War Memorial in St Leonards Park up Walker Street is a significant feature of the Conservation Area and there are views from the eastern edge to Sydney Harbour. Original fencing and retaining walls are important unifying elements in the streetscape.

Mature landscaping is a unifying and significant feature of the Conservation Area and the gardens to Walker Street contribute to this. There are street trees to Walker Street.

Uncharacteristic elements include contemporary multi-storey buildings; over-scaled, two storey additions; over-scaled and poorly detailed carports and garages; front and side

dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

2.5.3 Statement of Significance

The Walker/Ridge Streets Conservation Area is significant:

(a) For its late 19th and early 20th century character defined by the number of intact heritage items in the area.

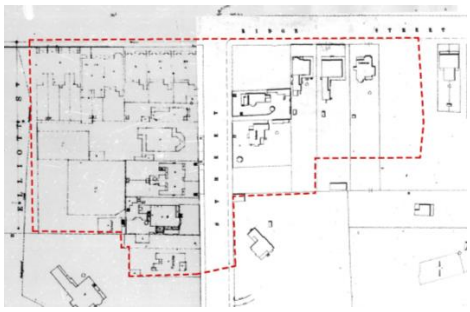


Figure F-2.5.1 (left):
Circa 1890

Figure F-2.5.2 (below left):
Circa 1943

Figure F-2.5.3 (below):
Circa 2008





2.5.4 Significant elements

Topography

P1 Steeply sloping to the south along Walker Street from Ridge Street.

Subdivision

P2 Lot sizes – 700m^2 to 1250m^2.

P3 Rectilinear with narrow boundary to street.

Streetscape

P4 Continuity of fences and landscaping.

Views

P5 Warringah Expressway Lookout at the end of Ridge Street. Towards St Leonards Park War Memorial along Walker Street.

2.5.5 Characteristic buildings

P1 Detached and attached Victorian Italianate dwelling houses.

P2 Detached Federation Queen Anne and Arts and Crafts style dwelling houses.

2.5.6 Characteristic built elements

Siting

P1 Dwellings are oriented to face the street, parallel to the street alignment.

P2 Dwellings are sited forward and middle of lot.

Form, massing and height

P3 Single-storey and two-storey dwelling houses with hipped and gabled roofs with skillion rear wings.

P4 Reduced height and scale to rear.

P5 Open verandahs to front.

P6 Projecting front gables beside recessed verandahs.

P7 Detached and semi-detached dwelling houses of identical design often have continuous front verandahs.

P8 Strong skyline of simple pitched roofs and chimneys visible from street and St Leonards Park.

P9 Front setbacks generally between 4-5m.

P10 Side setbacks of 1.5m.

Roofs

P11 Pitched between 30 and 45 degrees without dormers or openings that can be seen from the street.

P12 Hipped roofs with some gabled elements.

P13 Gabled ends for projecting bays to the street.

P14 Skillion roofs to rear extensions.

P15 Brick and rendered chimneys with terracotta chimney pots.

External Materials

P16 Face brick on Federation buildings with sandstone foundations.

P17 Original rendered walls on Victorian buildings.

P18 Slate, corrugated metal and terracotta tiled roofs.

P19 Timber windows, doors and joinery.

P20 Original front garden landscaping.

Windows, doors and joinery

P21 Consistent with building period and style. Timber.

Fences and kerbing

P22 Original front fences less than 800 mm height with views to the garden.

P23 Timber fences to rear and side.

P24 Sandstone plinths, sandstone piers, metal palisade and gates, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.

P25 Sandstone kerbing.

Car accommodation

P26 No garages or carports located in front of building line.

2.5.7 Desired built form

P1 Views to the war memorial in St Leonards Park should not be obstructed and opportunities oi improve the vistas to and from the park along Walker Street should be sought.

P2 Improve the interface of the Walker/Ridge Street conservation area boundary with ST Leonards Park.

2.5.8 Uncharacteristic elements

P3 Modern infill development, loss of original detailing and materials on elevations visible from the public domain, dormers and skylights on front or side elevations, modified roof planes, glazed roofing, new balconies and decks above street level, infilled verandas and balconies, roof cut-outs for decks and terraces, full width roof additions, glazed balustrades, metal wall cladding, extensive glazing, infill of breezeways, paved gardens, lack of landscape setting including trees, high solid walls and fences to the street, parking except at the rear, concrete kerbing.

2.6 McLAREN STREET CONSERVATION AREA



2.6.1 History

The McLaren Street Conservation Area was subdivided as part of the Town Plan for North Sydney, known at the time as St Leonards.

The land for St Thomas' Church was allocated in 1842 and the first church erected in 1843. Further land was purchased by the Church and a schoolhouse was erected in 1848. The original Church was replaced by a larger Church erected around it between 1877 and 1884 to a design by Edmund Blacket.

A rectory, designed by E. Jeaffreson Jackson, was built to the east of the Church in 1900, and a memorial hall was added to the site in 1922. The earliest recorded occupant of adjacent land was James Husband, and plans from 1892 show "St Thomas' Terrace" fronting Miller Street.

During the 1890's a large residence and doctor's surgery, designed by E. Jeaffreson Jackson, was erected for Dr Capper at the corner of Miller and McLaren Streets. The building was acquired in 1926 and remodelled as Council Chambers for North Sydney Council.

At the turn of the 20th century Miller Street was known as the "Macquarie Street of the North Shore" because of the concentration of doctors, dentists and hospitals.

2.6.2 Description

The McLaren Street Conservation Area is made up of two areas either side of McLaren Street and Church Street including the park to the north of the North Sydney Council Chambers.

The topography slopes down from Ridge Street towards McLaren Street with Church Street following the slope. The park is modelled with small rises and a terraced area towards Miller Street. The subdivision pattern relates only to McLaren Street and Church Street and the Victorian pattern has been lost in the Civic precinct.

The characteristic buildings in the area are typically Federation and Edwardian Queen Anne with pockets of Victorian dwelling houses along Church Street. The area contains several public buildings including St Thomas's Church and Hall and the North Sydney Council Chambers, a Federation building with modern extension. The buildings are typically:

(a) single and two-storey, freestanding buildings with materials relating to the age of construction,

(b) Victorian rendered dwelling houses with verandahs and slate and corrugated metal roofs, and

(c) Federation face brick dwelling houses with verandahs and terracotta tile roofs.

The church is a prominent, stone building with associated vestry building and halls.

There are street plantings along each of the streets and plantings in the park.

2.6.3 Statement of Significance

The McLaren Street Conservation Area is significant:

(a) As an area that is close to the centre of North Sydney that retains representative details from its development from the late 19th and early 20th centuries, including street formation, buildings, gardens and fencing.

(b) For its landmark qualities and associations with St Thomas' Church, North Sydney Council buildings, park and public court.



Figure F-2.6.1 (left):
Circa 1890

Figure F-2.6.2 (below left):
Circa 1943

Figure F-2.6.3 (below):
Circa 2008





2.6.4 Significant elements

Topography

P1 Sloping to the south from Ridge Street.

Subdivision

P2 Variety of lot sizes related to land use and building/dwelling type. Generally rectilinear with narrowest frontage to street for perimeter development.

Streetscape

P3 Buildings at street level or raised above it.

P4 Varying scale of housing facing the street in garden settings located forward on the lot.

P5 Public buildings in landscaped setting.

P6 Concrete and stone kerbs, sandstone walls, palisade fences, street gardens.

P7 Street trees and Stanton Park.

Views

P8 Views within area along Miller and McLaren Streets to St Thomas' Church and the Council buildings.

2.6.5 Characteristic buildings

P1 Victorian and Federation.

2.6.6 Characteristic elements

Siting

P1 Dwellings are oriented to face the street, parallel to the street alignment, forward on lots.

P2 Front setback 6-8m and side setbacks of 1.5-2m.

Form, massing and height

P3 Single and two-storey, detached dwelling houses.

P4 Simple forms articulated with verandahs to front.

P5 Reduced bulk and scale to the rear.

P6 Multi-storey public buildings.

P7 Mainly gabled and hipped roofs pitched between 30 and 45 degrees.

Materials

P8 ***Walls***: render, stone and face brick on sandstone foundations.

P9 ***Roofs***: slate, terracotta and corrugated metal on rear extensions.

P10 ***Windows and doors***: Timber.

P11 Tall chimneys with chimney pots, stucco and face brick.

P12 Tessellated tiles to verandahs.

Windows and doors

P13 Consistent with building period and style. Timber.

Fences

P14 Brick or sandstone piers and base with metal palisade and timber panels.

P15 Stone boundary wall to Church.

Car accommodation

P16 Locate garages and carports to rear of the property.

P17 No garages or carports located in front of building line.

P18 Single driveways.

2.6.7 Uncharacteristic elements

P1 Modern additions and buildings; painting and rendering of face brick; high fences to street; excessive paved areas for parking; buildings built to the front boundary.

P2 Modern shopfront to 5-7 McLaren Street.

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SECTION 3 ST LEONARDS / CROWS NEST PLANNING AREA

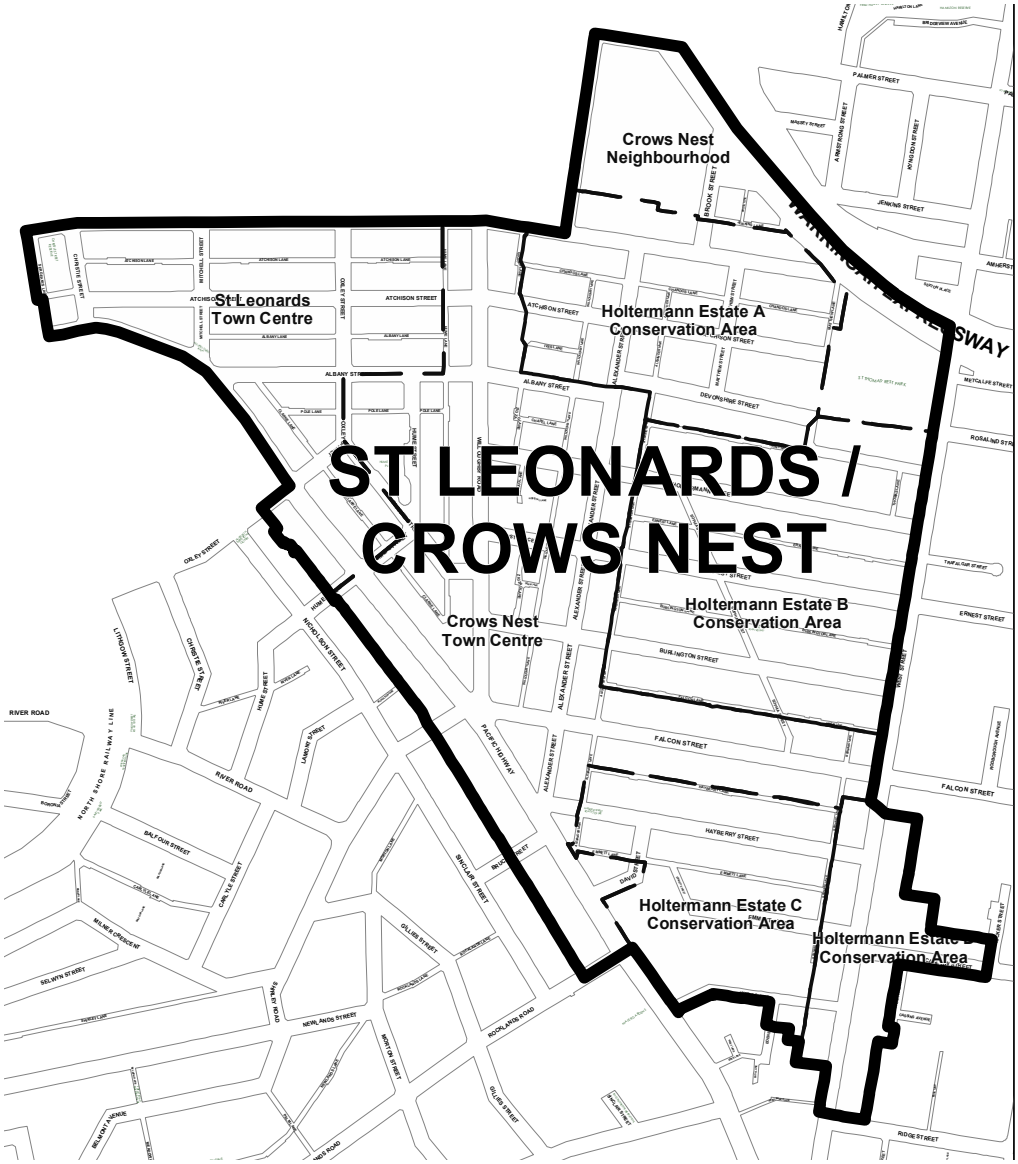
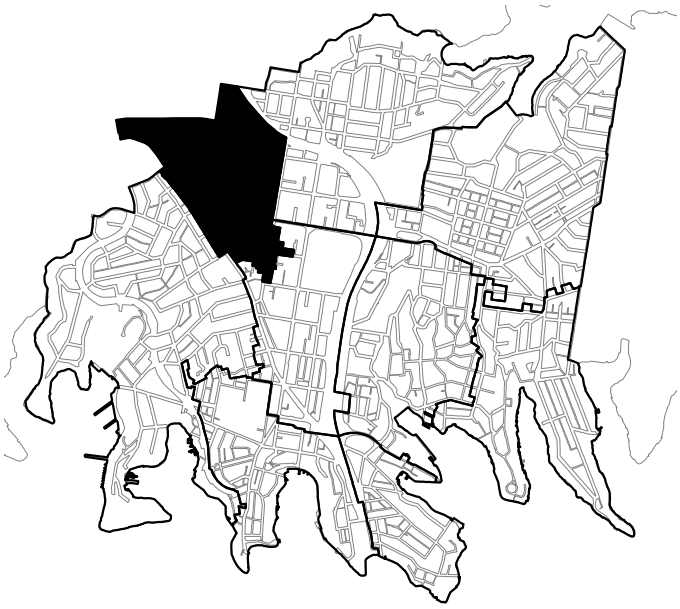


Figure F-3.0: St Leonards / Crows Nest Planning Area and associated Locality Areas

3.0 ST LEONARDS / CROWS NEST PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the St Leonards/Crows Nest Planning Area. This statement has been informed by aims and desired outcomes of Council's Planning Studies undertaken in the Planning Area and the State Government's *2036 Plan for St Leonards Crows Nest*. The Planning Area is located partially within the Crows Nest Transport Oriented Development Precinct and is subject to the requirements of *Crows Nest Transport Oriented Development Precinct Design Guide* (Design Guide). In the event of any inconsistency between the Design Guide and this DCP, the objectives and provisions of the Design Guide will prevail to the extent of that inconsistency. Where no provisions are indicated in the Design Guide, the relevant provisions of this DCP will apply.

The Planning Area is focussed around the town centres of St Leonards and Crows Nest in the north-west of the Local Government Area, both of which are situated on major vehicular traffic routes. The remainder of the Planning Area comprises a number of predominantly low-density residential neighbourhoods, much of which is characterised by retention of the historic subdivision pattern.

The St Leonards Town Centre is identified as a Strategic Centre within the heart of the Eastern Economic Corridor and forms part of an identified Health and Education Precinct under the Regional Plan. In particular, it is a dense, significant, sustainable and busy urban centre where:

- it will accommodate sustained growth in the health and technology sectors, whilst supporting creative industries, small to medium sized businesses, startups, galleries, entertainment and speciality retail to ensure it enhances the economic function of North Sydney
- a diverse range of living, employment, recreation and social opportunities are provided which serve both local and regional populations and contribute to the vibrancy of the Town Centre

- residents, workers and visitors enjoy a high level of amenity and quality of the natural and built environment
- residents, workers and visitors can easily access the Planning Area through excellent public transport links to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus.

The Crows Nest Town Centre is smaller in scale in comparison to St Leonards, with 19th Century, two storey shopfront parapets along Willoughby Road and parts of the Pacific Highway. The Town Centre services the daily needs of residents and visitors, as well as having a lively dining district. Traffic is actively managed so pedestrians can move freely across Willoughby Road.

The quiet residential neighbourhoods in the east of the Planning Area are low in scale and characterised by wide roads with street tree plantings. Laneways facilitate movement and provide rear lane access to properties. Local shops, dispersed throughout the area, serve both local and regional needs. St Thomas Rest Park, located toward the north-eastern edge of the Planning Area, as well as Hume Street Park, provides much needed open space and complements pocket parks within the area, with access to St Leonards Park on its eastern edge.

and where:

Function

- various grades and sizes of business spaces are provided in the St Leonards and Crows Nest Town Centres to accommodate a mix of small to large business premises, retail premises and community services
- the lower levels of commercial and mixed use buildings in the St Leonards Town Centre are designed to provide flexible spaces to support the growth of creative industries, small to medium sized businesses, startups, galleries, entertainment and speciality retail
- active uses outside normal business hours are encouraged to be established to enhance the vitality of the Town Centres
- the village atmosphere of Crows Nest is maintained and enhanced, with Willoughby Road continuing to be an active high street.
- community facilities meet the needs of the Planning Area's working and resident population, visitors, and residents of nearby neighbourhoods, in terms of wellbeing, culture and recreation, and add to the diversity and activity of the Town Centres
- there is housing choice in the mix of dwelling types and in the range of affordability
- public transport, including walking and cycling, is the main form of access to the Town Centres
- the grid pattern of streets and lanes imposes order and allows freedom of movement
- mid-block pedestrian connections provide alternative routes through long street blocks at street level to assist pedestrian movement
- the area is highly permeable for pedestrians

Environmental Criteria

- the extremes of sun, wind and rain are mitigated by continuous awnings and other good building design elements
- natural light reaches buildings, public places and streets
- solar access to existing and proposed public open spaces is maximised and contributes to the enjoyment of those spaces used by the public

- mechanical and other noise is controlled to protect residential amenity
- there is opportunity for sharing of views within the area
- additional public open space is provided and existing spaces embellished to cater for increases in resident and worker populations
- increased opportunities for tree planting are provided at the ground level to minimise the urban heat island effect

Quality Built Form

- a safe, high quality urban environment is achieved through careful design of buildings and use of materials, and a well designed and maintained public domain
- the high ridge that underlies St Leonards is reflected in its built form and the skyline is an interesting and distinctive feature in the broader landscape
- buildings are scaled down from the railway and metro stations towards surrounding areas, to fit in with lower scale development and reducing adverse affects on lower scale areas
- high rise development is generally focused along the Pacific Highway and the area generally contained by the Pacific Highway to the west, Oxley Street to the east and south and Chandos Street to the north
- the character in the St Leonards Town Centre is highly urbanised, but softened through urban design and landscaping
- the visual characteristics of the Crows Nest neighbourhood's heritage conservation areas are reflected in new development, with low rise small scale dwellings predominating
- heritage items retain their heritage significance, and contribute to area's rich development history and provide interest in the physical fabric of the area

Quality Urban Environment

- tree planting in private and public spaces and small landscaped areas provides softening from the built form
- traffic is managed so that pedestrians can move within the area safely and freely and amenity is maintained
- parking is managed to maintain pedestrian safety, maximise public and active transport modes and minimise traffic generation
- pedestrians are assisted to safely cross barriers such as the Pacific Highway and the railway at grade
- the perceived extent of the public domain is increased through the incorporation of landscaped setbacks and reversed podiums
- rear lanes are used for vehicle access to properties

Efficient Use of Resources

- energy efficient design and life cycle assessment of buildings enables the conservation of natural resources and minimal use of non-renewable energy resources
- stormwater runoff is minimised, and reused on-site where possible

The St Leonards / Crows Nest Planning Area includes the following Locality Areas in which development is also subject to relevant provisions below:

Section 3.1: St Leonards Town Centre

Section 3.2: Crows Nest Town Centre

Section 3.2.4 Hume Street Park

Section 3.2.5 27-57 Falcon Street, Crows Nest

Section 3.3: Crows Nest Neighbourhood

Section 3.4 Holtermann Estate Conservation Area A

Section 3.5: Holtermann Estate Conservation Area B

Section 3.6: Holtermann Estate Conservation Area C

Section 3.7: Holtermann Estate Conservation Area D

3.1 ST LEONARDS TOWN CENTRE



Figure F-3.1-1: Locality Area Map

3.1.1 Significant elements

Land Use

P1 Predominantly retail and mixed commercial and residential development.

P2 Commercial development.

P3 High density residential development.

P4 Community facilities.

P5 Passive and active recreational spaces.

Topography

P6 Slight falls to the east and north east from the Pacific Highway which generally follows the ridgeline.

P7 Slight fall to the west along the Pacific Highway from Albany Street.

Identity / Icons

P8 The Forum development and plaza.

P9 St Leonards Railway Station and Crows Nest Metro Station, major transport interchange hubs.

P10 Pacific Highway, a major sub-arterial thoroughfare.

P11 Christie Street Reserve.

P12 Hume Street Park.

Subdivision

P13 Generally rectilinear grid pattern with dual frontages.

Streetscape

P14 Wide fully paved footpaths along Pacific Highway and adjacent to other commercial and mixed use buildings.

P15 Atchison Street between Christie Street and Mitchell Street is one way only, with wide paved footpaths, landscaping and other urban furniture.

P16 Awnings provided along the Pacific Highway and for other commercial and mixed use buildings.

P17 Irregular planting of street trees.

Public transport

P18 Development is to take advantage of high levels of access to high frequency public train, Metro and bus services.

P19 Public transport, cycling and walking are the main forms of transport to the Centre.

3.1.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 Predominantly high to medium-high rise, commercial and mixed commercial and residential development.

P2 Provision of a variety of different sized commercial office, business, retail, recreation, (indoor and outdoor) community, entertainment, food and drink and other active non-residential uses at the street level in the *E2 Commercial Centre* and *MU1 Mixed Use* zones.

P3 Intensify the provision of commercial office and business premises in close proximity to the railway and metro stations with active uses such as food and drink premises and retail located at the ground level addressing the public domain.

P4 Maximise ground level activation along Christie, Mitchell, Oxley, Atchison, Chandos and Clarke Streets by focusing food and drink premises and retail within a fine grain built form. This can be achieved through the emphasis of small to medium sized tenancies which directly address the public domain.

P5 High density residential accommodation within mixed use buildings is concentrated closes to the railway and metro stations and along the Pacific Highway.

P6 Retention of the medium density residential precinct in the north-eastern corner of the Locality Area.

Public spaces and facilities

P7 Establish Atchison Street as the civic main street by:

(a) ensuring that the design of building exteriors at the lower levels incorporates high levels of architectural modulation (i.e. no blank walls) along with high quality materials and finishes;

(b) maximising active uses such as retail, food and drink and outdoor dining at the ground level; and

(c) improving the public domain in accordance with Council's Public Domain Style Manual and Design Codes.

P8 Outdoor dining to be concentrated along widened footpaths to Atchison, Chandos, Mitchell, Oxley and Clarke Streets.

P9 Maintain and enhance Christie Street Reserve as a sunny and inclusive landscaped space which is activated along its southern edge with ground floor retail premises to 100 Christie Street.

P10 Maintain and enhance Mitchell Street Plaza at the intersection of Mitchell Street and Pacific Highway.

P11 A linear landscaped park is provided along the western side of Mitchell and Oxley Streets, between Chandos and Pacific Highway.

P12 A shared way is provided along Mitchell Street between Atchison Street and Albany Lane.

P13 Consideration be given to integrating artworks, water features and wind breaks into the design of Mitchell Street Plaza.

P14 Plazas incorporate space for public entertainment and expression of community identity, large enough to hold an open air performance or market.

P15 Roof top gardens and public facilities that allow public access to district views from higher floors.

3.1.2.1 Accessibility and permeability

Objectives

O1 Improve permeability and provide connections to main pedestrian and cycling networks, key destinations and residential areas.

O2 Ensure that the design of through site links and mid-block connections is high quality, safe, well-lit, accessible and pedestrian friendly.

O3 Encourage walking and cycling as part of the broader street network to promote community interaction, better health outcomes and reduce vehicle movements.

O4 Encourage active frontages along through site link without compromising safe pedestrian access and use.

O5 Ensure that any proposed privately owned lanes have a fully public nature equivalent to the public domain.

Provisions

P1 The through site links identified in Figure F-3.1-2 are to be provided, retained and enhanced.

P2 New through site links are to align as best as possible with existing through site links to maximise permeability.

P3 Through site links that are proposed in addition to those identified under P1 must demonstrate that it meets the objectives and provisions of this subsection.

P4 Through site links are to be provided in accordance with Section 2.4.7 to Part E of the DCP and the following criteria:

(a) The design and finish must be in accordance with the relevant Public Domain Strategy.

(b) Include landscaping where practical to assist guiding people along the link while maintaining long sightlines.

(c) Be fully open to the sky. Internal through site links will only be considered where they are provided with double height spaces to convey a sense of publicness.

(d) Provide public access 24 hours a day 7 days a week.

(e) Be activated on both sides of the link.

(f) Be clearly distinguished from vehicular accessways.



Figure F-3.1-2: Through Site Link Map

3.1.3 Desired Built Form

3.1.3.1 Subdivision

Objectives

O1 To enable the development of feasible built forms which also incorporate suitable side and rear setbacks at the upper levels to afford daylight and ventilation between buildings.

Provisions

P1 Maintain a frontage of 20m - 40m, which equates approximately to the amalgamation of two or three original allotments.

P2 Development on consolidated allotments with a frontage wider than 20m - 40m frontage is to be broken down by articulation, design and detailing, change in materials and colours.

3.1.3.2 Form, massing and scale

Objectives

O1 To ensure that density and scale is concentrated close to the rail and metro stations and along the Pacific Highway.

O2 To ensure a positive transition in height and scale down from tall towers to neighbouring and adjoining lower density areas.

O3 To enable the lower levels of buildings to be converted between retail, commercial and community uses over time.

O4 To increase amenity for the occupants of buildings by providing direct access to sunlight, daylight and natural ventilation.

O5 To maximise year round solar access to existing and new public spaces to be created within the Planning Area.

Provisions

P1 Buildings should generally transition in height from St Leonards Railway Station, Crows Nest Metro Station and Pacific Highway down to the surrounding areas and the lower scale development on Chandos Street, Willoughby Road, Crows Nest Town Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.

P2 Roof design presents a varied, composed and interesting skyline when viewed from a regional context.

P3 Architectural detailing and ornamentation provides a rich visual texture and a symbolic reference to the history of the place, the building's use or occupant.

P4 Developments on land greater than 1,000sqm should consider the incorporation of internal courtyards adjacent to laneways and through site links to broaden the range and form of open space in the locality.

P5 Development is to be designed to maximise year round solar access to existing and the new public spaces to be created within the Planning Area.

P6 Tower elements located above the podium level should not exceed 45m in width, unless it can be adequately demonstrated that sufficient physical vertical articulation can be provided to break the tower elevation into distinct elements.

P7 Minimum floor to floor heights on land zoned *E2 Commercial Centre* or *MU1 Mixed Use* must be provided:

(a) Ground floor level: 4.0 – 4.5m

(b) First floor level: 3.6m

(c) Levels above: 3.0m (residential uses) or 3.6m (non-residential uses)

P8 Residential floor to floor heights should generally not exceed 3.2m, except on the first floor level in accordance with P7 above.

P9 Rooftop plant and structures should be designed and positioned to comprise a minor element of the roofscape and minimise any increases to the building's overall overshadowing impacts.

3.1.3.3 Setbacks

Objectives

O1 Reinforce the spatial definition of streets and public spaces.

O2 Emphasise the street as a distinct spatial entity and design the street wall frontage with an appropriate human scale and sense of enclosure for the street.

O3 Ensure consistent street frontages along the street alignment.

O4 Recognise the variation in street frontage heights throughout the centre and allow flexibility to respond to context.

O5 Ensure adequate transition in scale between employment / mixed use zones and residential zones.

O6 Enable deep soil planting along the Pacific Highway and identified linear parks.

Provisions

Note. *Additional setbacks may be required for any part of the building located above the podium level. Refer to Section 3.1.3.5 to this Part.*

P1 Buildings are to be setback from all street frontages in accordance with the Building Setbacks Map (refer to Figure F-3.1-3).

P2 A nil setback is permitted to all side and rear boundaries without a street frontage on land zoned *E2 Commercial Core* or *MU1 Mixed Use*.

P3 Despite P2, a minimum 6m setback is required where land zoned *E2 Commercial Centre* or *MU1 Mixed Use* directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.

P4 A minimum 4.5m setback is required to all side and rear boundaries without a street frontage on land zoned *R4 High Density Residential*.

P5 Despite P1 and P2, setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).

P6 Despite P1-P4, where a site contains a heritage item and that item is to be retained, the heritage item may maintain its existing setback.

P7 Despite P1-P4, increased setbacks may be required for podium levels that contain residential uses to achieve adequate building separation in accordance with *SEPP (Housing) 2021*.

P8 Building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape. In some places, this may require greater building setbacks than those specified in Figure F-3.1-3).

P9 Where a whole of building setback is required to the Pacific Highway, Chandos Street, Oxley Street or Mitchell Street, any basement is also required to be setback the same distance, unless it can be adequately demonstrated that sufficient soil depth can be provided to enable the planting of canopy trees capable of growing to at least the height of any adjacent podium.



Figure F-3.1-3: Building Setbacks Map

3.1.3.4 Podium Heights

Objectives

O1 To strengthen the urban form of the Centre with consistent street wall heights.

O2 To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.

O3 To enhance the distinctive character of streets within the Centre.

O4 To ensure the context of heritage items are not adversely eroded.

Provisions

P1 Podiums are to be provided in accordance with the Podium Heights Map (refer to Figure F-3.1-4).

P2 Despite P1, corner sites are to maintain a consistent podium height to all street frontages to achieve consistent built form.

P3 Despite P1, sites containing a heritage item and where that heritage item is to be retained the existing podium height may be retained.

P4 Despite P1 podium heights may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD). However, distinct architectural elements are to be incorporated to reflect the desired podium heights.

P5 If required, podiums are to step down with the topography.



Figure F-3.1-4: Podium Heights Map

3.1.3.5 Above Podium Setbacks

Objectives

O1 To protect daylight access to the street level to enable the successful growing of street trees.

O2 To permit sky views from the street and neighbouring residential areas.

O3 To ensure that built form achieves comfortable public domain conditions for pedestrians, with adequate daylight, appropriate scale, and mitigation of urban heat and wind effects of tower buildings.

O4 To reinforce important elements of the local context including public spaces, heritage buildings, monuments and landscape elements.

O5 To provide adequate privacy, access to light, air and outlook for the occupants of buildings, neighbouring properties and future buildings.

O6 To ensure towers are sufficiently separated to be seen in the round and reduce the cumulative overshadowing impact of towers on neighbouring residential areas.

O7 To ensure development does not prejudice the re-development of adjoining sites in the future.

O8 To avoid awkward ziggurat style built forms.

Provisions

P1 All buildings are to be designed to provide setbacks above the podium in accordance with the Above Podium Setbacks Map (refer to Figure F-3.1-5). Setbacks above the podium are to be measured from the outer wall of the podium.

P2 A minimum above podium setback to all side and rear boundaries is required as follows:

(a) 4.5m for buildings up to 8 storeys in height; or

(b) 6m for buildings from 9 storeys up to 18 storeys in height; or

(c) 12m for buildings over 18 storeys in height.

P3 Despite P1 and P2, above podium setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).

P4 Despite P2, a minimum 15m above podium setback, measured from the property boundary, is required where land zoned *E2 Commercial Centre* or *MU1 Mixed Use* directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.

P5 Despite P1-P4, increased setbacks above the podium may be required to achieve adequate building separation in accordance with *SEPP (Housing) 2021*.

P6 Only one step in the built form between the podium walls and tower is permissible.

P7 An existing adjacent building, even if heritage listed, cannot be used to justify a reduced setback that would compromise the development potential of the adjacent site in the future.

Note. *Setbacks are measured to the outer face of any part of the building including balconies, architectural detailing and the like.*



Figure F-3.1-5: Above Podium Setbacks Map

3.1.3.6 Active Frontages

Objectives

O1 To provide for the amenity, interest and liveliness of the street environment and public open spaces.

O2 To ensure a positive experience for pedestrians with the necessary fine grain environment of the street.

O3 To enable sensory engagement with the street and public spaces.

O4 To provide an active ground floor frontage that is accessible and integrated with the design of the public domain.

O5 To maximise the extent of active frontages in the public domain.

O6 To promote activity, connectivity and variety in the public domain.

O7 To increase passive surveillance of the street and other public spaces and enhance safety.

Provisions

P1 Buildings must contain active frontages to all street frontages with the exceptions of public laneways.

P2 Despite P1, an active frontage is to be provided to Sergeants Lane along the southern boundary to 100 Christie Street.

P3 Active frontages to public laneways are encouraged where practical.

P4 Where a site has a direct frontage to an existing or proposed open space, an active frontage is to be provided to that interface. In particular, active frontages are to be provided to:

(a) Christie Street Reserve;

(b) Mitchell Street, between Chandos Street and Pacific Highway;

(c) Oxley Street, between Chandos Street and Pacific Highway; and

(d) Clarke Street, between Oxley Street and Hume Street.

P5 Active frontages are to be provided along both sides of the through site links.

P6 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.

P7 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.

P8 Avoid the use of colonnades along all street frontages.

3.1.3.7 Awnings

Objectives

O1 To maximise pedestrian comfort and continuous protection.

Provisions

P1 Awnings are to be provided along all street frontages in the *E2 Commercial Centre* and *MU1 Mixed Use* zones.

3.1.3.8 Solar access

Objectives

O1 To ensure existing and future parks and public spaces in and around the Centre are afforded a high level of amenity through the maintaining and maximising of solar access during periods in the day when they are most used throughout the year.

O2 To promote active and passive recreation to public spaces to service existing and planned population of the Centre and surrounds.

O3 To ensure the successful growth and survival of trees and vegetation within the parks and public spaces.

Provisions

P1 Development is to be designed to maximise year round solar access to existing and proposed new public spaces to be created within the Planning Area.

P2 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):

(a) Christie Street Reserve, comprising all land within Lots 2 and 3, DP 733528 and zoned *RE1 Public Recreation*; and

(b) Hume Street Park, comprising all land located between Pole Lane, Willoughby Road, Clarke Street and Oxley Street and zoned *RE1 Public Recreation*; and

(c) Ernest Place, comprising all land within the Ernest Street road reserve located between Willoughby Road and Willoughby Lane and zoned *RE1 Public Recreation*; and

(d) Holtermann Reserve (proposed), comprising that part of Lot 1, DP 785343 and zoned *SP2 Infrastructure – Car Park*.

P3 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):

(a) Willoughby Road road reserve, between Chandos Street and Falcon Street; and

(b) Mitchell Street road reserve and the whole of building setback requirement to the western side of Mitchel Street as required under s.3.1.3.3, between Chandos Street and the Pacific Highway; and

(c) Oxley Street road reserve, and the whole of building setback requirement to the western side of Oxley Street as required under s.3.1.3.3, between Chandos Street and Clarke Street

P4 Despite P2 and P3, development on land located directly adjacent to the identified public spaces may result in a net increase in overshadowing of that space, but only if that development strictly complies with key built form envelope controls that apply to that land under both NSLEP 2013 and this DCP.

3.1.3.9 Noise

Objectives

O1 Ensure adequate amenity to occupants of future development adjacent primary vehicular routes.

Provisions

P1 Elevations of buildings fronting the Pacific Highway and Chandos Street are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

3.1.3.10 R4 – High Density Residential Zone

Note: *These provisions only apply to land within the R4 High Density Residential zone. Provisions to s.3.1.3.10 prevail over the provisions under s.3.1.1-s.3.1.3.9 to Part F of the DCP to the extent of any inconsistency that arises.*

Objectives

O1 Ensure that development complements the physical form of development in the adjoining mixed use areas.

O2 Promotion of communal open space areas.

O3 Promotion of casual visual surveillance over the public domain.

Provisions

P1 Generally 5 storeys in height, with flat roofs and the topmost storey setback from the levels below.

P2 Height of development responds to adjacent building height and form.

P3 Landscaped areas should be accessible to all residents and not fenced off into separate courtyards.

P4 Rear open spaces must be accessible from the street.

P5 Laneway fences generally between 900 and 1200mm high.

3.1.3.11 Car accommodation

Objectives

O1 To minimise the impact on pedestrian safety.

O2 Ensure that traffic generation is minimised.

O3 To minimise the visual impact of vehicles.

O4 Ensure high levels of accessibility.

Provisions

P1 Where a property has a frontage to a laneway, vehicular access must be provided from the laneway.

P2 All off-street car parking must be provided underground.

P3 Pick up and drop off points for public transport and taxi ranks should be located close to public spaces and activities, and main building entries.

P4 Short stay (ten minute) parking spaces should be located close to meeting places.

P5 The level of parking provided on sites in close proximity to the railway and metro stations should be minimised as far as practical.

3.2 CROWS NEST TOWN CENTRE



Figure F-3.2-1: Locality Area Map

3.2.1 Significant elements

Land Use

P1 Predominantly retail and mixed commercial and residential development.

P2 Commercial development.

P3 Public parking facilities.

P4 Community facilities.

P5 Medium and high density residential accommodation.

P6 Passive and active recreational spaces.

Topography

P7 Slight falls to the east and north east from the Pacific Highway which generally follows the ridgeline.

P8 Substantial fall down from Alexander Street to Alexander Lane south of Falcon Street.

Natural Features

P9 Ridge line following the alignment of Pacific Highway.

Views

P10 The following views and vistas are to be preserved and where possible enhanced:

(a) Vista north along Willoughby Road (incorporating the St Leonards Catholic Church steeple) and Pacific Highway.

(b) District views from the upper levels of taller buildings.

Identity / Icons

P11 Crows Nest Fiveways intersection.

P12 Formalised outdoor dining on Willoughby Road, Burlington, Ernest and Holtermann Streets.

P13 Pacific Highway and Falcon Streets, major sub-arterial thoroughfares.

P14 Crows Nest Metro Station.

P15 Hume Street Park.

P16 Ernest Place, Crows Nest Community Centre and the proposed Holtermann Street Park.

Subdivision

P17 Regular grid pattern interrupted by diagonal streets.

P18 Generally long narrow allotments with dual street frontages.

Streetscape

P19 In mixed use areas, buildings are generally built to the street and aligned with the street frontage.

P20 Continuous awnings provided for shops, cafes and other commercial uses.

P21 Wide footpaths with designated outdoor dining areas on Willoughby Road, Burlington, Ernest, Holtermann and Clarke Streets.

P22 Landscaping provided along Willoughby Road to improve amenity for pedestrians and outdoor diners.

P23 Traffic calming and pedestrian crossings provided near shops and cafes on and around Willoughby Road.

P24 Irregular planting of street trees and shrubs.

Public transport

P25 Development is to take advantage of the Area's high levels of accessibility to public metro, train and bus services.

3.2.2 Desired Future Character

3.2.2.1 Diversity of activities, facilities, opportunities and services

P1 Intensify commercial and mixed use development in close proximity to the Metro station and along the Pacific Highway with active uses at the ground floor levels, commercial within the podium levels and residential above.

P2 Maintaining a low scale built form to Willoughby Road, between Falcon Street and Albany Street, with two storey parapet shopfronts with shops at ground level, non-residential or residential above, with additional height set back above a 2 storey parapet.

P3 Predominantly medium rise mixed use development, built boundary to boundary, with setbacks to laneways, and above the podium, with shops at ground level, non-residential/residential on first floor and residential above.

P4 Medium density residential development along Falcon Street, consistent with its residential zoning.

P5 Expansion of Hume Street Park to provide a large connected piece of open space connecting Willoughby Road to Oxley Street.

P6 Provision of a new public open space off Holtermann Street and backing onto the Crows Nest Community Centre.

3.2.2.2 Accessibility and permeability

Objectives

O1 Improve permeability and provide connections to main pedestrian and cycling networks, key destinations and residential areas.

O2 Ensure that the design of through site links and mid-block connections is high quality, safe, well-lit, accessible and pedestrian friendly.

O3 Encourage walking and cycling as part of the broader street network to promote community interaction, better health outcomes and reduce vehicle movements.

O4 Encourage active frontages along through site link without compromising safe pedestrian access and use.

O5 Ensure that any proposed privately owned lanes have a fully public nature equivalent to the public domain.

Provisions

P1 Provide, retain and enhance through site links for pedestrians identified on the Through Site Link Map (refer to Figure F-3.2-2).

P2 New through site links are to align as best as possible with existing through site links to maximise permeability.

P3 Through site links that are proposed in addition to those identified under P1 must demonstrate that it meets the objectives and provisions of this subsection.

P4 Through site links are to be provided in accordance with Section 2.4.7 to Part E of the DCP and the following criteria:

(a) The design and finish must be in accordance with the relevant Public Domain Strategy.

(b) Include landscaping where practical to assist guiding people along the link while maintaining long sightlines.

(c) Be fully open to the sky. Internal through site links will only be considered where they are provided with double height spaces to convey a sense of publicness.

(d) Provide public access 24 hours a day 7 days a week.

(e) Be activated on both sides of the link.

(f) Be clearly distinguished from vehicular accessways.



Figure F-3.2-2: Through Site Link Map

3.2.2.3 Public spaces and facilities

Objectives

O1 To increase the quantum of public open space in the locality.

O2 To ensure public spaces are enhanced to maximise their amenity.

Provisions

P1 Maintain Willoughby Road as the civic main street of the Town Centre by:

(a) ensuring that the design of building exteriors at the lower levels incorporate high levels of architectural modulation (i.e. no blank walls) along with high quality materials and finishes;

(b) maximising active uses such as retail, food and drink and outdoor dining at the ground level;

(c) seamlessly integrating with adjoining and neighbouring public open spaces; and

(d) improving the public domain in accordance with Council's Public Domain Style Manual and Design Codes.

P2 Hume Street Park is expanded to provide the principle public open space area within the St Leonards / Crows Nest locality, generally located on land bound by Pole Lane, Oxley Street, Clarke Street and Hume Streets, with an integrated connection through to Willoughby Road.

P3 Ernest Place provides a strong community focus for the Town Centre.

P4 A new park off Holtermann Street adjacent to the Crows Nest Community Centre will provide additional public open space with excellent year-round sunlight.

P5 Ensure that community facilities are integrated with public open spaces to maximise their use.

3.2.3 Desired Built Form

3.2.3.1 Subdivision

Objectives

O1 To enable the development of feasible built forms which also incorporate suitable side and rear setbacks at the upper levels to afford daylight and ventilation between buildings.

Provisions

P1 Maintain a frontage of 20m - 40m along the Pacific Highway, which generally equates approximately to the amalgamation of two or three original allotments.

P2 Maintain a 10m - 15m frontage in the remainder of the Locality Area (except residentially zoned land) consistent with two storey parapet shopfront scale, especially along Willoughby Road and Alexander Street.

P3 Development on consolidated allotments with a frontage wider than that identified in P1 or P2 is to be broken down by articulation, design and detailing, change in materials and colours.

3.2.3.2 Form, massing and scale

Objectives

O1 To ensure that density and scale is concentrated close to the metro station and along the Pacific Highway.

O2 To ensure a positive transition in height and scale down from tall towers to neighbouring and adjoining lower density areas.

O3 To enable the lower levels of buildings to be converted between retail, commercial and community uses over time.

O4 To increase amenity for the occupants of buildings by providing direct access to sunlight, daylight and natural ventilation.

O5 To maximise year round solar access to existing and new public spaces to be created within the Planning Area.

Provisions

P1 Buildings should generally transition in height from the Crows Nest Metro Station and Pacific Highway down to the surrounding areas and the lower scale development within the Crows Nest Town Centre, the Upper Slopes Neighbourhood and Crows Nest Neighbourhood.

P2 Roof design presents a varied, composed and interesting skyline when viewed from a regional context.

P3 Architectural detailing and ornamentation provides a rich visual texture and a symbolic reference to the history of the place, the building's use or occupant.

P4 Consistent parapet facade heights are provided along Willoughby Road and the Pacific Highway.

P5 Developments on land greater than 1,000sqm should consider the incorporation of internal courtyards adjacent to laneways and through site links to broaden the range and form of open space in the locality.

P6 Development is to be designed to maximise year round solar access to existing and the new public spaces to be created within the Planning Area.

P7 Tower elements located above the podium level should not exceed 45m in width, unless it can be adequately demonstrated that sufficient physical vertical articulation can be provided to break the tower elevation into two distinct elements.

P8 Minimum floor to floor heights on land zoned *E2 Commercial Centre* or *MU1 Mixed Use* must be provided:

(a) Ground floor level: 4.0 – 4.5m

(b) First floor level: 3.6m

(c) Levels above: 3.0m (residential uses) or 3.6m (non-residential uses)

P9 Residential floor to floor heights should generally not exceed 3.2m, except on the first floor level in accordance with P7 above.

P10 Rooftop plant and structures should be designed and positioned to comprise a minor element of the roofscape and minimise any increases to the building's overall overshadowing impacts.

3.2.3.3 Setbacks

Objectives

O1 Reinforce the spatial definition of streets and public spaces.

O2 Emphasise the street as a distinct spatial entity and design the street wall frontage with an appropriate human scale and sense of enclosure for the street.

O3 Ensure consistent street frontages along the street alignment.

O4 Recognise the variation in street frontage heights throughout the centre and allow flexibility to respond to context.

O5 Ensure adequate transition in scale between employment / mixed use zones and residential zones.

Provisions

Note. *Additional setbacks may be required for any part of the building located above the podium level. Refer to Section 3.2.3.5 to Part F of the DCP.*

P1 Buildings are to be setback from all street frontages in accordance with the Building Setbacks Map (refer to Figure F-3.2-3). Where a street setback is not indicated on the Buildings Setback Map, setbacks are to be in accordance with:

(a) Section 1.3.6 to Part E of the DCP for land zoned *R3 Medium Density Residential*; or

(b) Section 3.2.5 to Part F of the DCP for land zoned *R4 High Density Residential*.

P2 A nil setback is permitted to all side and rear boundaries without a street frontage on land zoned *E2 Commercial Centre* or *MU1 Mixed Use*.

P3 Despite P2, a minimum 6m setback is required where land zoned *E2 Commercial Centre* or *MU1 Mixed Use* directly adjoins land which is residentially zoned along the zone interface. This requirement does not apply if the land is separated by a public road.

P4 Side and rear setbacks on residentially zoned land are required to be setback in accordance with Section 1.3.6 to Part E of the DCP.

P5 Despite P1 and P2, setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).

P6 Despite P1-P4, where a site contains a heritage item and that item is to be retained, the heritage item may maintain its existing setback.

P7 Despite P1-P4, increased setbacks may be required for the podium levels contain residential uses to achieve adequate building separation in accordance with *SEPP (Housing) 2021*.

P8 Building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape. In some places, this may require greater building setbacks than those specified in Figure F-3.2-3.



Figure F-3.2-3: Building Setbacks Map

3.2.3.4 Podium Heights

Objectives

O1 To strengthen the urban form of the Centre with consistent street wall heights.

O2 To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.

O3 To enhance the distinctive character of streets within the Centre.

O4 To ensure the context of heritage items are not adversely eroded.

Provisions

P1 Podiums are to be provided to in accordance with the Podium Heights Map (refer to Figure F-3.2-4).

P2 Despite P1, corner sites are to maintain a consistent podium height to all street frontages to achieve consistent built form.

P3 Despite P1, sites containing a heritage item and where that heritage item is to be retained the existing podium height may be retained.

P4 Despite P1 podium heights may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD). However, distinct architectural elements are to be incorporated to reflect the desired podium heights.

P5 If required, podiums are to step down with the topography.



Figure F-3.2-4: Podium Heights Map

3.2.3.5 Above Podium Setbacks

Objectives

O1 To protect daylight access at street level and permit views of sky from the street by providing setbacks above the podium that promote separation between buildings and assist in mitigating urban heat.

O2 To ensure that built form achieves comfortable public domain conditions for pedestrians, with adequate daylight, appropriate scale, and mitigation of urban heat and wind effects of tower buildings.

O3 To reinforce important elements of the local context including public spaces, heritage buildings, monuments and landscape elements.

O4 To provide adequate privacy, access to light, air and outlook for the occupants of buildings, neighbouring properties and future buildings.

O5 To ensure towers are sufficiently separated to be seen in the round and reduce the cumulative overshadowing impact of towers on neighbouring residential areas.

O6 To ensure development does not prejudice the re-development of adjoining sites in the future.

O7 To avoid awkward ziggurat style built form outcomes.

Provisions

P1 All buildings are to be designed to provide setbacks above the podium in accordance with the Above Podium Setbacks Map (refer to Figure F-3.2-5). Setbacks above the podium are to be measured from the outer wall of the podium.

P2 A minimum above podium setback to all side and rear boundaries is required as follows:

(a) 4.5m for buildings up to 8 storeys in height; or

(b) 6m for buildings from 9 storeys up to 18 storeys in height; or

(c) 12m for buildings over 18 storeys in height.

P3 Despite P1 and P2, above podium setbacks may be varied to be consistent with the built form envelope approved as part of the approval for the Crows Nest Metro Station and Over Station Development (OSD).

P4 Despite P2, the following minimum above podium setbacks, measured from the property boundary, is required where land zoned *E2 Commercial Centre* or *MU1 Mixed Use* directly adjoins land which is residentially zoned along the zone interface:

(a) 12m for buildings up to 8 storeys in height; or

(b) 15m for buildings over 8 storeys in height.

This requirement does not apply if the land is separated by a public road.

P5 Despite P1, P2 and P3, increased setbacks above the podium may be required to achieve adequate building separation in accordance with *SEPP (Housing) 2021*.

P6 Only one step in the built form between the podium walls and tower is permissible.

P7 An existing adjacent building, even if heritage listed, cannot be used to justify a reduced setback that would compromise the development potential of the adjacent site in the future.

Note. *Above podium setbacks are measured to the outer face of any part of the building including balconies, architectural detailing and the like.*



Figure F-3.2-5: Above Podium Setbacks Map

3.2.3.6 Active Frontages

Objectives

O1 To provide for the amenity, interest and liveliness of the street environment and public open spaces.

O2 To ensure a positive experience for pedestrians with the necessary fine grain environment of the street.

O3 To enable sensory engagement with the street and public spaces.

O4 To provide an active ground floor frontage that is accessible and integrated with the design of the public domain.

O5 To maximise the extent of active frontages in the public domain.

O6 To promote activity, connectivity and variety in the public domain.

O7 To increase passive surveillance of the street and other public spaces and enhance safety.

Provisions

P1 Buildings must contain active frontages to all street frontages, with the exceptions of public laneways.

P2 Where a site has a direct frontage to an existing or proposed open space, an active frontage is to be provided to that interface. In particular, active frontages are to be provided to:

(a) Hume Street Park, including the link between Willoughby Road and Hume Street;

(b) Ernest Place, between Willoughby Road and Willoughby Lane; and

(c) Holtermann Reserve (proposed).

P3 Active frontages are to be provided along both sides of through site links.

P4 Active frontages to public laneways are encouraged where practical but not where they do not have an interface with residentially zoned land.

P5 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.

P6 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.

P7 Avoid the use of colonnades along all street frontages.

3.2.3.7 Solar access

Objectives

O1 To ensure existing and future parks and public spaces in and around the Centre are afforded a high level of amenity through the maintaining and maximising of solar access during periods in the day when they are most used throughout the year.

O2 To promote active and passive recreation to public spaces to service existing and planned population of the Centre and surrounds.

O3 To ensure the successful growth and survival of trees and vegetation within the parks and public spaces.

Provisions

P1 Development is to be designed to maximise year round solar access to existing and proposed new public spaces to be created within the Planning Area.

P2 Development must not result in a net increase in overshadowing to the following existing and proposed public spaces between 10am and 3pm from the March Equinox to the September Equinox (inclusive):

(a) Hume Street Park, comprising all land located between Pole Lane, Willoughby Road, Clarke Street and Oxley Street and zoned *RE1 Public Recreation*; and

(b) Ernest Place, comprising all land within the Ernest Street road reserve located between Willoughby Road and Willoughby Lane and zoned *RE1 Public Recreation*; and

(c) Holtermann Reserve (proposed), comprising that part of Lot 1, DP 785343 and zoned *SP2 Infrastructure – Car Park*.

P3 Development must not result in a net increase in overshadowing to the Willoughby Road road reserve, between Chandos Street and Falcon Street between 10am and 3pm from the March Equinox to the September Equinox (inclusive).

P4 Despite P2 and P3, development on land located directly adjacent to the identified public spaces may result in a net increase in overshadowing of that space, but only if that development strictly complies with relevant built form envelope controls that apply to that land under both NSLEP 2013 and this DCP.

3.2.3.8 Awnings

Objectives

O1 To maximise pedestrian comfort and continuous protection.

Provisions

P1 Awnings must be provided to all street frontages on land zoned *E2 Commercial Centre* and *MU1 Mixed Use*, except laneways.

3.2.3.9 Car accommodation

Objectives

O1 To minimise the impact on pedestrian safety.

O2 Ensure that traffic generation is minimised.

O3 To minimise the visual impact of vehicles.

O4 Ensure high levels of accessibility.

Provisions

P1 Where a property has a frontage to a laneway, vehicular access must be made from the laneway.

P2 No vehicular access is permitted to:

(a) Willoughby Road,

(b) Pacific Highway, or

(c) Falcon Street.

P3 Shared vehicular access to Shirley Road must be maintained to all properties between 286 and 306 Pacific Highway.

P4 All off-street car parking must be provided underground, except when owned and operated by Council as a public car park.

P5 The level of parking provided on sites in close proximity to the metro station should be minimised as far as practical.

3.2.4 Hume Street Park

Plan of Management

P1 Development is not permitted on the Hume Street Park site:

(a) until a Plan of Management has been prepared for the site; and

(b) the development is consistent with the Plan of Management.

Diversity

P2 The principal purpose is to provide a large recreational area and urban plaza with a variety of community, recreational and business purposes provided below ground level.

Form, massing and scale

P3 Development is predominately located below ground, to ensure that the land is highly accessible for pedestrians and can be actively used as a recreational space and urban plaza.

P4 Any development located above ground shall not exceed 1 storey in height.

3.2.5 27-57 Falcon Street

3.2.5.1 Desired Future Character, Design Objectives and Key Principles

P1 Development is to respond to the scale and character of the existing development and desired future character of the surrounding area.

P2 Built form, scale and massing is to transition in scale across the site from a mixed use, higher density typology in the western portion reflective of the Crows Nest Town Centre to a lower to medium density residential typology on the eastern portion.

P3 Development should balance the provision of new residential flat buildings within a Town Centre, while maintaining a reasonable level of amenity, privacy and solar access for low density neighbouring residents on Alexander Lane, Falcon Street and in the Hayberry Conservation Area.

P4 A mixed-use typology with medium rise residential flat buildings built to the boundary with commercial on ground level at the corner of Falcon Street and Alexander Lane. A residential typology to the eastern part of the site along Falcon Street setback from the street, with multi dwelling housing fronting Hayberry Lane to respond to the existing scale of the Hayberry Conservation Area.

P5 Built form to transition to the existing lower scale development in the Hayberry Conservation Area.

P6 Road widening along Alexander Lane with pedestrian amenity and road widening with a landscaped response and pedestrian amenity to Hayberry Lane.

P7 Vehicular access from Alexander Lane with two-way access from / to Falcon Street.

P8 A secure pedestrian through site link between Falcon Street and Hayberry Lane.

3.2.5.2 Desired Built Form

Objectives

O1 To provide for increased opportunity for height and density in the growing Crows Nest Town Centre, close to public transport and services.

O2 Building envelopes are to respond to the site's surrounding context which transitions in character from the Crows Nest Town Centre to the lower scale Heritage Conservation Area on Hayberry Street.

O3 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.

O4 To ensure appropriate building lengths, a variety of building facades and a 'fine-grain' response to the public domain.

Provisions

Building Height

P1 Buildings must not exceed the maximum height in storeys as shown on the Site Layout Plan at Figure F-3.5 and the following provisions:

(a) Building A - a maximum height of 6 storeys and stepping down in height to a maximum of 3 storeys at the Hayberry Lane frontage.

(b) Building B - a maximum height of 6 storeys and stepping down in height to a maximum of 2-3 storeys at the Hayberry Lane frontage.

(c) Building C - a maximum height of 4 storeys.

(d) Building D - a maximum height of 3 storeys with a maximum 2 storey presentation to Hayberry Lane, with the third storey generally accommodated within the roof form.

P2 NSLEP 2013 may allow minor exceedances of the maximum heights stipulated on the Height of Buildings Map where it relates to plant and lift overruns only.

Street and Side Setbacks

P3 Building setbacks must, at a minimum, comply with the setbacks shown on the Site Layout Plan at Figure F-3.5 and the following provisions:

(a) The following minimum setbacks are required to Falcon Street:

(i) Building A - 0m.

(ii) Building B – 0m.

(iii) Building C - 2m.

(b) The following minimum setbacks are required to Hayberry Lane:

(i) Building A – 3m

(ii) Building B – 3m.

(iii) Building D - 1.5m.

(c) The following minimum side setbacks are required to 56-63 Falcon Street:

(i) Building C - 4.5m.

(ii) Building D - 1.5m.

(d) Building A is to be setback a minimum of 6m from the existing centreline of Alexander Lane.

3.2.5.3 Site Coverage

Objectives

O1 To ensure that development is balanced and in keeping with the optimum capacity of the site acknowledging its unique size and location within the Crows Nest Town Centre at the interface between employment / mixed use zones and residential zones that accommodates a mix of building typologies.

O2 To achieve appropriate building envelopes that ensure the development responds to its surrounding context and provides appropriate open space and landscaped area for residents and visitors.

Provisions

P1 The maximum site coverage for this site is 65%.

P2 For the purposes of P1, site coverage is to be determined in accordance with P2 to s.1.4.7 to Part E of the DCP.

3.2.5.4 Communal Open Space

Objectives

O1 To provide high quality communal open space at ground level and on buildings with a reasonable level of outdoor amenity without reducing privacy to neighbouring dwellings.

O2 To provide a level of communal open space commensurate with *Apartment Design Guidelines* that is mindful of the site's unique location and building typologies.

O3 To ensure communal open space is useable.

Provisions

P1 Communal open space is provided in the locations shown on the Site Layout Plan at Figure F-3.5.

P2 Communal open space can be provided on the Building B rooftop only if the space is designed such that there is no potential for overlooking into private open space and its location will not create any noise issues for surrounding dwellings.

3.2.5.5 Landscaped Area

Objectives

O1 To ensure that landscaping is used to provide appropriate amenity for development and soften the appearance of buildings and their interface with the neighbouring dwellings and the public domain.

O2 To provide a level of landscaped area commensurate with *Apartment Design Guidelines* that is mindful of the site's unique location and building typologies.

Provisions

P1 The minimum landscaped area for the site is 20%.

P2 For the purposes of P1, landscaped area is to be determined in accordance with P2 to s.1.4.8 to Part E of the DCP.

3.2.5.6 Traffic, Access and Parking

Objectives

O1 To regulate traffic movements and reduce congestion on Falcon Street.

O2 To ensure that vehicular access is safe for motorists and pedestrians.

O3 To facilitate road widening along Alexander Lane.

O4 To facilitate road widening and the provision of a shared way along Hayberry Street.

O5 To create a safe, accessible and shared laneway network.

O6 To provide appropriate amount of basement parking spaces for residents, visitors and staff.

Provisions

P1 Vehicular access to the site must be from Alexander Lane and be located as far as practicable from Falcon Street.

P2 To facilitate vehicular access from Hayberry Lane, Alexander Lane is to be widened to allow for the provision of two-way traffic between Falcon Street and Hayberry Lane.

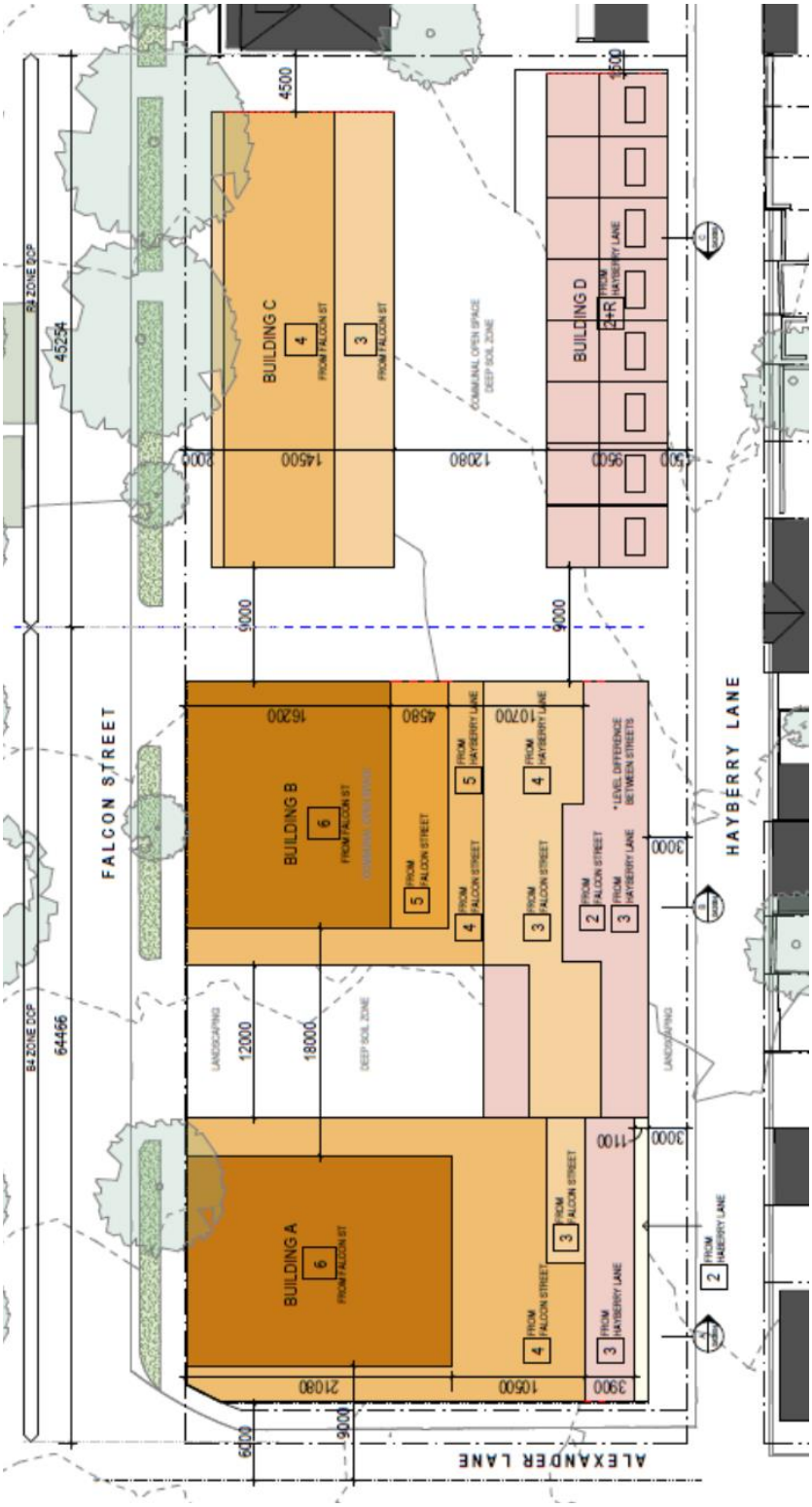
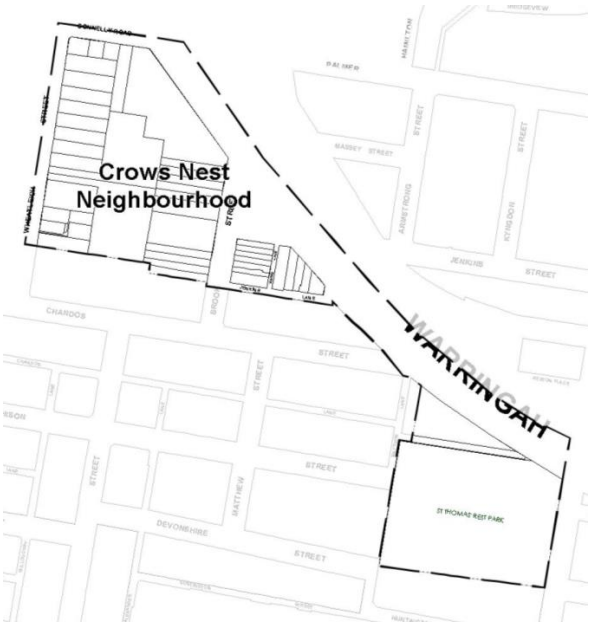


Figure F-3.5: Site Layout Plan

3.3 CROWS NEST NEIGHBOURHOOD



3.3.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

P2 Passive recreational spaces.

Topography

P3 Gentle falls to the north-east towards the Warringah Expressway.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) Vista north along Willoughby Road and Pacific Highway.

Identity / Icons

P5 Warringah Expressway a major arterial thoroughfare.

P6 St Thomas Rest Park.

P7 Holtermann Estate Conservation Areas.

Subdivision

P8 Traditional grid subdivision pattern interrupted by the juxtaposition of the Warringah Expressway.

P9 A mix of narrow deep allotments reflecting detached and semi-detached housing forms and larger consolidated allotments reflecting multi dwelling housing and residential flat building forms.

Streetscape

P10 Tree lined streets with grassed verges and concrete footpaths.

P11 Buildings setback from the boundary and aligned with the street frontage.

P12 Low brick fences.

3.3.2 Desired Future Character

Diversity

P1 Predominantly a mix of dwelling houses, attached dwellings, multi dwelling houses and residential flat buildings according to zone.

P2 Retention and enhancement of existing public open spaces.

3.3.3 Desired Built Form

Form, massing and scale

P1 Retention of a low density residential character along Wheatley Street.

Access

P2 Vehicle access on Brook Street should be carefully designed to minimise disruption to vehicular traffic.

Noise

P3 Elevations of buildings fronting Chandos Street and Warringah Expressway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

3.4 HOLTERMANN ESTATE A CONSERVATION AREA



3.4.1 History

The Holtermann Estate Conservation Areas are part of original land grants to Alexander Berry, JR Hatfield and A Mosman. Extensive land purchases by BO Holtermann in the 1880s led to consolidated subdivision of large areas.

Holtermann's Estate sought to provide "comfortable working men's houses". The Holtermann Estate A Conservation Area was subdivided and offered for sale during the 1880s and 1890s.

Main period of construction-1884 to 1915.

3.4.2 Description

The Holtermann Estate A Conservation Area is the northern most section of the larger Holtermann Estate and is bounded by St. Thomas Rest Park, the Warringah Expressway and commercial development to the west.

The landform falls slightly to the north and west. Subdivision is determined by a grid pattern of wide streets, rear lanes and narrow cross lanes. Lot sizes are slightly larger than other parts of the Holtermann Estate though many lots have been developed for attached dwelling houses.

The area is characterised by its low scale of single storey, hipped roof, detached and attached dwelling houses that includes a mix of late 19th and early 20th century building styles, and restrained examples of Victorian Georgian, Filigree and Italianate, Federation Queen Anne and Federation Bungalow. There are also some Inter-War Californian Bungalow and Art Deco styles with post war residential flat buildings and modern infill housing.

Street verges are typically 3.5m wide and include grass with concrete or bitumen footpaths and crossings to off-street parking. Deep set sandstone kerbs remain in some locations. Houses to the high side of the street are often set on sandstone plinths with retaining walls to the street. Rear lanes are lined with fences, carports and garages with some development fronting the lanes.

There are long views along the main streets and cross views along the lanes.

Front gardens contribute to the landscaping of the streets. Gardens follow the natural fall of the land with steps to the street on the high side. High and low scale street trees.

3.4.3 Statement of Significance

The Holtermann Estate A Conservation Area is significant:

(a) as a late 19th century subdivision for speculative housing.

(b) For its regular grid of streets, rear lanes and cross lanes.

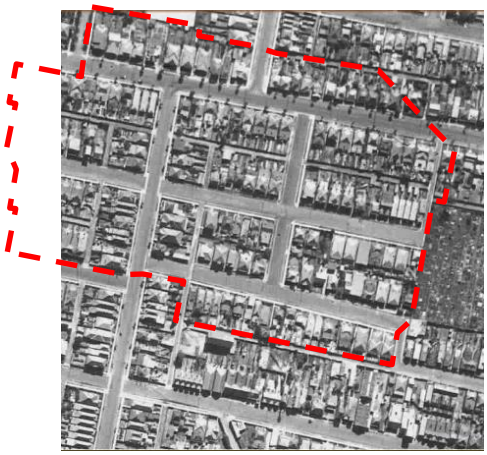
(c) For its consistent late 19th and early 20th century residential character and the unity of its low scale built form that derives from its regular grid subdivision pattern and its single storey, detached and attached dwelling houses in a mixture of late Victorian and early Federation styles.



Figure F-3.4-2 (left):
Circa 1890

Figure F-3.4-3 (below left):
Circa 1943

Figure F-3.4-4 (below):
Circa 2008





3.4.4 Significant elements

Topography

P1 Slight falls to the north and west.

Subdivision

P2 Detached houses: 380m^2 lots with 10m frontage.

P3 Semi-detached and attached houses and some detached houses: 180m^2 to 260m^2 lots with 4-6m frontages. Long narrow lots with frontages to street and laneway (where they occur).

Streetscape

P4 Street trees align streets.

P5 Sandstone retaining walls relate to changes in level between streets and lots.

P6 Continuous grass verges and sandstone kerbs without vehicle crossings.

P7 Buildings addressing laneways have a low scale and service character.

Views

P8 Vistas along major streets and lanes.

3.4.5 Characteristic buildings

P1 Single storey, detached, semi-detached and attached dwelling houses.

3.4.6 Characteristic built elements

Siting

P1 Located towards the front of the block.

P2 Consistent setbacks.

Form, massing and scale

P3 Single storey with hipped and gabled roofs at the front, with skillion rear extensions.

P4 Reduced height and scale to rear.

P5 Open verandahs to front.

P6 Projecting front gables beside recessed verandahs.

P7 Dwelling houses in groups of identical design (detached, semi-detached and attached) often have continuous front verandahs.

P8 Strong skyline of simple pitched roofs and tall chimneys visible from street and rear lanes and stepped along the streets/lanes.

Roofs

P9 Hipped roofs pitched between 30 and 45 degrees without dormers or openings that can be seen from the street.

P10 Gabled ends for projecting bays to the street.

P11 Skillion roofs to rear extensions.

P12 Brick and rendered chimneys with terra cotta chimney pots.

External Materials

P13 Sandstone, timber weatherboards or face brick on sandstone foundations.

P14 Original rendered walls.

P15 Slate, corrugated metal and terra cotta tiled roofs.

P16 Timber windows, doors and joinery in a Victorian, Federation or Edwardian style.

P17 Original front garden landscaping.

Fences

P18 Original low front fences.

P19 Timber fences rear and side.

P20 Sandstone plinths, sandstone piers, metal palisade and gates, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.

Car accommodation

P21 Located off rear lanes.

3.4.7 Uncharacteristic and undesirable buildings and built elements

P1 Over-scaled, two storey additions; contemporary buildings with laneway frontages; two storey buildings to laneways; over-scaled and poorly detailed carports and garages; front and side dormers and rooflights; modified roof forms; removal of original detailing; verandah infill; rendered and painted face brickwork; modern facades; high walls and fences to the street.

3.5 HOLTERMANN ESTATE B CONSERVATION AREA



3.5.1 History

The Holtermann Estate Conservation Areas are part of original land grants to Alexander Berry, JR Hatfield and A Mosman. Extensive land purchases by BO Holtermann in the 1880s led to the consolidated subdivision of large areas.

Holtermann's Estate sought to provide "comfortable working men's houses". The area between West Street and Willoughby Road was subdivided and offered for sale during the 1880s and 1890s.

Main period of construction 1880-1915.

3.5.2 Description

The Holtermann Estate B Conservation Area includes the central portion of the larger Holtermann Estate.

The landform is generally level, with slight falls to the south. Subdivision is determined by a grid pattern of wide streets and narrow, rear lanes. Lot sizes vary and many lots have been developed for attached houses.

The area is characterised by is low scale of single storey, hipped roof, detached and attached dwelling houses that include a mix of late 19th and early 20th century building styles, and restrained examples of Victorian Georgian and Filigree, Victorian Italianate, Federation Queen Anne and Federation Bungalow. There are also some Inter-War Californian Bungalow and Art Deco styles with some post war residential flat buildings and modern infill housing. There are examples of high quality attached dwellings.

Street verges are typically 3.5m wide and include grass with concrete or bitumen footpaths. Deep set sandstone kerbs remain in some locations. Rear lanes are lined with fences, garages and carports with some remnant dunnies. The lane intersections are sometimes terminated by the side profile of a corner building oriented to the cross street.

Sophia Street provides diagonal views.

Front gardens contribute to the landscaping of the streets. Gardens follow the natural fall of the land with steps to the street on the high side. There are high and low scale street trees and shrubs.

3.5.3 Statement of Significance

The Holtermann Estate B Conservation Area is significant:

(a) As a late 19th century subdivision for speculative housing.

(b) For its regular grid of streets, rear lanes and cross lanes.

(c) For its consistent late 19th and early 20th century residential character and the unity of its low scale built form that derives from its regular grid subdivision pattern and its single storey, detached and attached dwelling houses in a mixture of late Victorian and early Federation styles.



Figure F-3.5-2 (left):
Circa 1890

Figure F-3.5-3 (below left):
Circa 1943

Figure F-3.5-4 (below):
Circa 2008





3.5.4 Significant elements

Topography

P1 Generally level, slight falls to the south east.

Subdivision

P2 Detached dwelling houses: 380m^2 lots with 10m frontage.

P3 Detached, semi-detached and attached dwelling houses: 180m^2 to 260m^2 lots with 4-6m frontages.

P4 Long narrow lots with frontages to street and laneway (where they occur).

Streetscape

P5 Street trees and shrubs align streets. Sandstone retaining walls relate to changes in level between streets and lots. Continuous grass verges and sandstone kerbs without vehicle crossings. Buildings addressing laneways have a low scale and service character.

Views

P6 Along Sophia Street.

3.5.5 Characteristic buildings

P1 Single storey, detached, semi-detached and attached dwelling houses.

3.5.6 Characteristic built elements

Siting

P1 Located towards the front of the block.

P2 Consistent setbacks.

Form, mass and height

P3 Single storey with hipped and gabled roofs with skillion rear extensions.

P4 Reduced height and scale to rear.

P5 Open verandahs to front.

P6 Projecting front gables beside recessed verandahs with decorative detailing.

P7 Dwelling houses in groups of identical design (detached, semi-detached and attached) which often have continuous front verandahs.

P8 Strong skyline of simple pitched roofs and tall chimneys visible from the street and rear lanes.

Roofs

P9 Hipped roofs pitched between 30 and 45 degrees without dormers or openings.

P10 Gabled ends for projecting bays to the street.

P11 Skillion roofs to rear extensions.

P12 Brick and rendered chimneys with terra cotta chimney pots.

External Materials

P13 Sandstone, timber weatherboards or face brick on sandstone foundations.

P14 Original rendered walls.

P15 Slate, terra cotta tiles, corrugated metal roofs.

P16 Original timber windows, doors and decorative joinery in a Victorian, Federation and Edwardian style.

P17 Original front garden landscaping.

Fences

P18 900-1600mm high to the street.

P19 1800mm high to laneways.

P20 Sandstone plinths, sandstone piers, metal palisade fences and gates, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.

Car accommodation

P21 Located off rear lanes.

3.5.7 Uncharacteristic and undesirable buildings and built elements

P1 Over-scaled two storey additions; contemporary buildings with laneway frontages; two storey buildings to laneways; over-scaled and poorly detailed carports and garages; front and side dormers and rooflights; modified roof forms; removal of original detailing; verandah infill; rendered and painted face brickwork; modern facades; high walls and fences to the street.

3.6 HOLTERMANN ESTATE C CONSERVATION AREA



3.6.1 History

The Holtermann Estate Conservation Areas are part of original land grants to Alexander Berry, JR Hatfield and A Mosman. Extensive land purchases by B. O. Holtermann in the 1880s led to consolidated subdivision of large areas.

Holtermann's Estate sought to provide "comfortable working men's houses". The area between West Street and Willoughby Road was subdivided and offered for sale during the 1880s and 1890s.

The main period of construction across the Holtermann Estate was between 1884 and 1915.

3.6.2 Description

The Holtermann Estate C Conservation Area includes part of the southern end of the larger Holtermann Estate and is bounded by Falcon Street, West Street and the Pacific Highway.

The landform is generally level with some stepping across the streets. Lot sizes are irregular and the urban form is determined by a strongly defined grid pattern of wide streets and narrow rear lanes.

The area is characterised by modest, speculative cottages in the Victorian Georgian and Filigree, Victorian Italianate, Federation Queen Anne and Federation Bungalow styles. There are also some Inter-War Californian Bungalow and Art Deco styles and later infill development including the large campus o the Sydney Girls High School.

Street verges are typically 3.5m wide and include grass with concrete or bitumen footpaths. Deep set sandstone kerbs remain in some locations. Front cottage gardens contribute to the landscaping of the streets. Gardens are sometimes raised with centrally located steps to the street.

Rear lanes are important to the townscape and allow car access that helps the streets to maintain a pedestrian character. There are intrusive off street parking structures where rear lane access is not available. Other uncharacteristic and undesirable buildings and built elements include two storey additions constructed to the street, lot amalgamations and loss of original subdivision pattern, contemporary buildings with laneway frontages.

3.6.3 Statement of Significance

The Holtermann Estate C Conservation Area is significant:

(a) For its late 19th and early 20th century residential character that is characterised by single storey, detached and semi detached dwelling houses of modest scale in a mixture of late Victorian and early Federation styles.

(b) As an area that represents the working class residential development of North Sydney at the turn of the century.



Figure F-3.6-2 (left):
Circa 1890

Figure F-3.6-3 (below left):
Circa 1943

Figure F-3.6-4 (below):
Circa 2008





3.6.4 Significant elements

Topography

P1 Generally level, slight falls to the north and west with stepped street.

Subdivision

P2 Long narrow lots with frontages to street and laneway (where they occur). Semi-detached houses and some detached house.

Streetscape

P3 Sandstone retaining walls relate to changes in level between streets and lots.

P4 Continuous grass verges and sandstone kerbs without vehicle crossings.

P5 Lanes have an open, low scale and service character with lines of timber fences.

Views

P6 Limited street views.

3.6.5 Characteristic buildings

P1 Detached, late Victorian, Federation and Edwardian semi-detached dwelling houses.

3.6.6 Characteristic built elements

Siting

P1 Located towards the front of the block, with gardens to rear.

P2 Consistent setbacks.

Form, massing and scale

P3 Predominantly single storey.

P4 Rear extensions located within a single storey roof line of reduced height and scale to the main dwelling.

P5 Dwelling houses with wide frontages have projecting bays to the street beside recessed verandahs.

P6 Dwelling houses in groups of identical design (detached, semi-detached and attached) with continuous front verandahs.

P7 Strong skyline of a series of simple pitched roofs and tall chimneys stepped along the streets/lanes and following the natural changes in landform.

Roofs

P8 Hipped roofs pitched between 30 and 45 degrees and without dormer windows or openings that can be seen from the street.

P9 Gabled ends for projecting bays to the street, skillion roofs to rear extensions.

P10 Brick chimneys are unpainted, unrendered or rendered with detailing, or rough cast with chimney pots.

Materials

P11 Walls: face brick, timber weatherboards or sandstone on sandstone foundations.

P12 Roofing materials: unglazed terra cotta tiles, or slate and corrugated metal on Victorian cottages and rear extensions.

Windows and doors

P13 Late Victorian, Federation and Edwardian.

Fences

P14 Rusticated sandstone base walls, face brick, timber (vertical pickets and horizontal railing and wire fences) or metal palisade. Face brick or sandstone piers and base with metal palisade panels. Higher timber fences to rear.

Car accommodation

P15 Located off rear lanes.

3.6.7 Uncharacteristic and undesirable buildings and built elements

P1 Contemporary buildings and additions; two storey buildings to laneways; loss of original detail, painting and rendering of face brickwork; removal of original detailing, front and side dormers and rooflights.

3.7 HOLTERMANN ESTATE D CONSERVATION AREA



3.7.1 History

The Holtermann Estate Conservation Areas are part of original land grants to Alexander Berry, JR Hatfield and A Mosman. Extensive land purchases by B.O. Holtermann in the 1880s led to consolidated subdivision of large areas.

Holtermann's Estate sought to provide "comfortable working men's houses". The area between West Street and Willoughby Road was subdivided and offered for sale during the 1880s and 1890s.

The main period of construction across the Holtermann Estate was between 1884 and 1915.

3.7.2 Description

The Holtermann Estate D Conservation Area is set to both sides of the southern end of West Street and is defined by Falcon Street and Ridge Street.

The landform is generally level and the urban form is determined by a strongly defined grid pattern of wide streets and narrow rear lanes.

The Area is characterised by modest, speculative cottages that include a mix of late 19th and early 20th century building styles including Victorian Georgian and Filigree, Federation Queen Anne and Federation Bungalow. There are also some two storey Victorian Italianate and Victorian Filigree terraces and Inter-War, Californian Bungalow and Art Deco styles.

The mature street trees are also a prominent and unifying feature of the West Street streetscape.

Front cottage gardens contribute to the landscaping of the streets, and are typical of small lot development of the pre-war era.

There are rear lanes that have a distinct character that is different to the streets and that allow car access.

3.7.3 Statement of Significance

The Holtermann Estate D Conservation Area is significant:

(a) for its consistent late 19th and early 20th century residential character that is characterised by single storey dwelling houses of modest scale and two storey attached dwellings in a mixture of late Victorian and early Federation styles.

(b) for its regular grid subdivision pattern, the level landform and development over a single main development period.



Figure F-3.7-2 (left):
Circa 1890

Figure F-3.7-3 (below left):
Circa 1943



Figure F-3.7-4 (below):
Circa 2008



3.7.4 Significant elements

Topography

P1 Generally level, slight falls to the north and west.

Subdivision

P2 Long narrow lots with frontages to street and laneway (where they occur).

Streetscape

P3 Sandstone retaining walls relate to changes in level between streets and lots. Continuous grass verges and sandstone kerbs without vehicle crossings. Street trees align streets. Buildings addressing laneways have an open, low scale and service character with lines of timber fences.

Views

P4 Along West and Carlow Streets.

3.7.5 Characteristic buildings

P1 A mixture of single storey detached and semi-detached dwelling houses and two storey attached dwellings.

3.7.6 Characteristic built elements

Siting

P1 Located towards the front of the block.

P2 Consistent setbacks.

Form, massing and scale

P3 Single storey detached and semi-detached dwellings.

P4 Two storey attached dwelling houses.

P5 Single storey, rear extensions within single storey roof line – reduced height and scale to rear of housing.

P6 Dwelling houses with wide frontages have projecting bays to the street beside recessed verandahs.

P7 Dwelling houses in groups of identical design often have continuous front verandahs.

P8 Strong skyline of a series of simple pitched roofs and tall chimneys stepped along the streets/lanes.

Roofs

P9 Hipped roofs pitched between 30 and 45 degrees and without dormer windows or openings that can be seen from the street.

P10 Gabled ends for projecting bays to the street, skillion roofs to rear extensions.

P11 Brick chimneys are unpainted, unrendered or rendered with detailing, or rough cast with chimney pots.

Materials

P12 Walls: face brick, timber weatherboards or sandstone on sandstone foundations. Where walls are painted darker shades are typically used for detailing.

P13 Roofs: unglazed terra cotta tiles, or slate and corrugated metal on Victorian cottages and rear extensions.

Windows and doors

P14 Late Victorian, Federation, Edwardian and Inter War.

Fences

P15 A mixed use of:

(a) low rusticated sandstone base walls, face brick;

(b) timber (vertical pickets and horizontal railing and wire fences);

(c) metal palisade;

(d) face brick or sandstone piers and base with metal palisade panels.

Car accommodation

P16 Located off rear lanes.

3.7.7 Uncharacteristic and undesirable buildings and built elements

P1 Over-scaled, two storey additions; contemporary buildings with laneway frontages; two storey buildings to laneways; front and side dormers and rooflights; modified roof forms, removal of original detailing; verandah infill; rendered and painted face brickwork; modern facades; high walls and fences to the street, car parking in front setback, lot amalgamation and loss of original subdivision pattern.

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SECTION 4 CAMMERAY PLANNING AREA

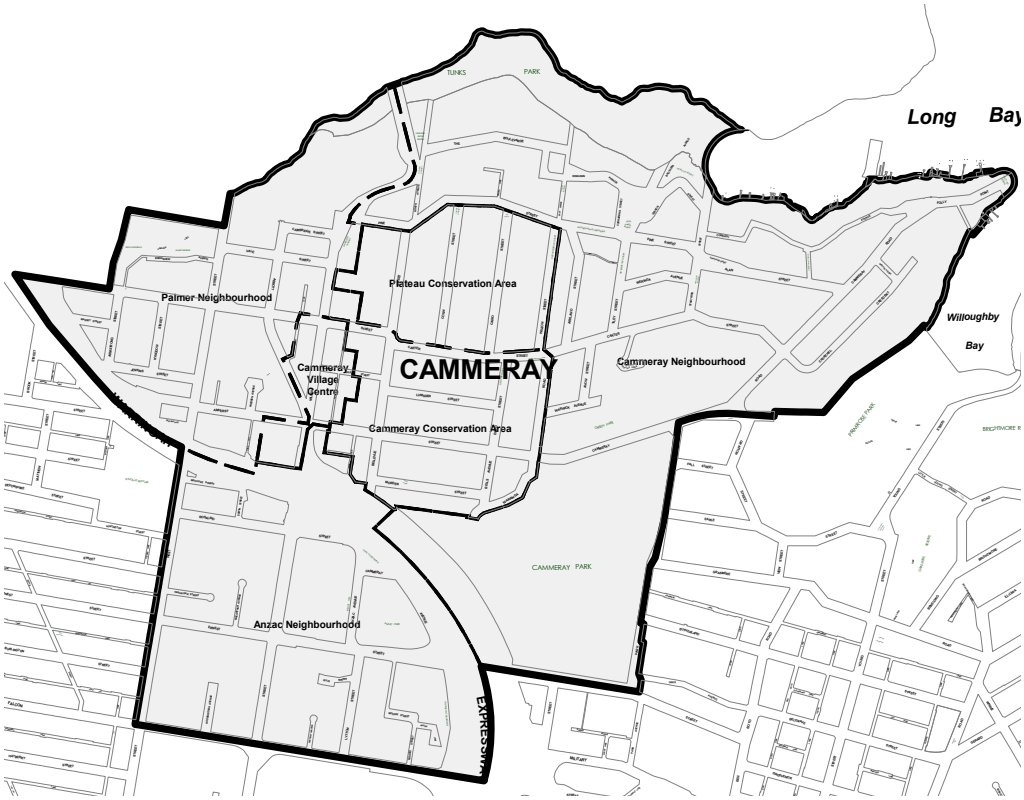
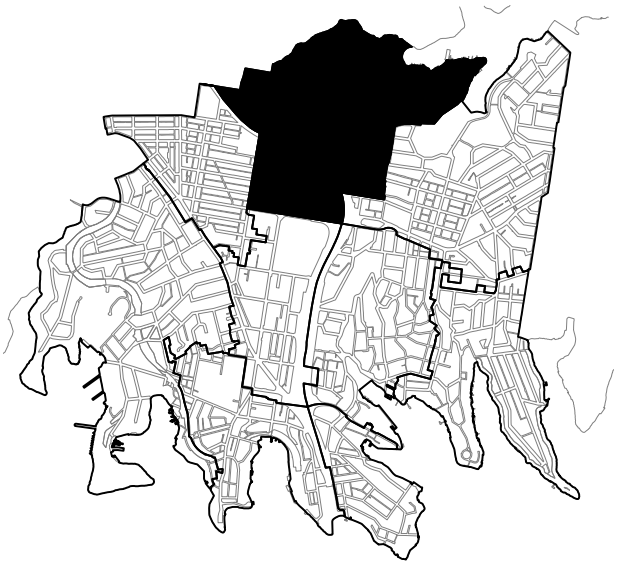


Figure F-4.1: Cammeray Planning Area and associated Locality Areas

4.0 CAMMERAY PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the Cammeray Planning Area.

The Planning Area is focussed around Cammeray Village, which is an active, pedestrian friendly shopping area that has small scale shops and provides street level activity with an lively pedestrian environment, where:

- local shops cater to the local community and are balanced between basic needs such as food and grocery, and recreation such as cafes and galleries
- development on both sides of Miller Street is unified through common elements
- there is safe and easy pedestrian movement across Miller Street

The surrounding residential neighbourhoods are diverse in nature, where:

- most of the existing dwelling houses and dual occupancies are retained
- capacity exists to accommodate some attached dwellings, multi dwelling housing and residential flat buildings close to existing public transport, services and facilities
- the density of residential development generally reduces the further away from Miller and Falcon Streets a property is located.

and where:

Function

- large areas of open space are used by locals and the wider regional population for recreation

Environmental Criteria

- the natural foreshores and water courses of Willoughby and Long Bay are conserved and protected, with pedestrian access to these areas is extended and improved

- the scale and form of foreshore development protects and enhances the scenic, environmental and cultural qualities of the foreshore and adjoining lands
- major views from lookouts and other vantage points are not obscured by buildings or landscaping
- existing natural features such as rock outcrops and sandstone cliffs are conserved
- bushland and wetlands are protected from the adverse effects of development – such as stormwater runoff, spread of exotic plants and weeds, and visual impact of buildings and structures
- use of locally indigenous flora extends habitats for native birds and other fauna
- man made noise is limited, especially near foreshore areas and bushland
- noise insulation and orientation minimises noise impacts on developments close to the Warringah Expressway and main roads

Quality Built Form

- any development that occurs, reflects and reinforces the existing distinctive built form/ landscape areas and distribution of accommodation types
- the significance of heritage items and Conservation Areas are maintained

Quality Urban Environment

- public transport, cycling and walking are the preferred means of transport
- parking is managed to reduce impacts to local residents from regional commuter parking
- comfortable and safe pedestrian routes are maintained and extended
- cohesiveness throughout the area and its many built forms is achieved through landscaping and street tree planting
- backyards are provided for a variety of social and recreational activities
- public plazas provide a vibrant focal point for the local community

Efficient Use of Resources

- existing buildings and materials are conserved
- stormwater is retained for re-use onsite

The Cammeray Planning Area includes the following Locality Areas in which development is also subject to relevant provisions below:

Section 4.1: Cammeray Village

Section 4.2: Cammeray Neighbourhood

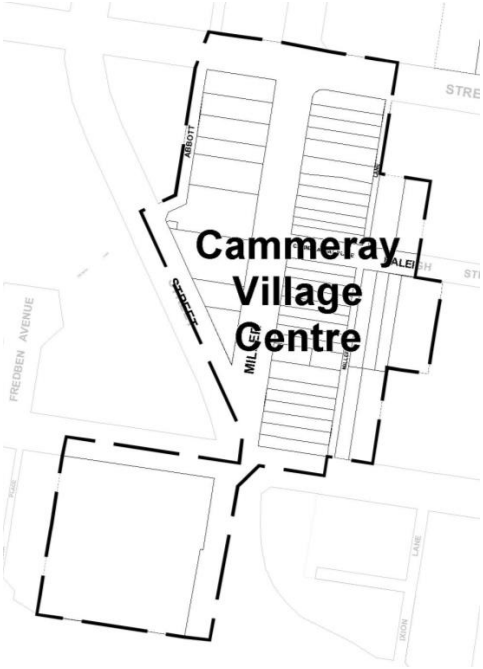
Section 4.3: Anzac Neighbourhood

Section 4.4: Palmer Neighbourhood

Section 4.5: Plateau Conservation Area

Section 4.6: Cammeray Conservation Area

4.1 CAMMERAY VILLAGE CENTRE



4.1.1 Significant Elements

Land Use

P1 Predominantly mixed commercial and residential development.

Topography

P2 Generally flat, straddling the topmost part of the ridge following the alignment of Miller Street.

Natural Features

P3 Forms topmost part of the ridge following the alignment of Miller Street.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) District views to Middle Harbour from the upper levels of some buildings.

Identity / Icons

P5 Cammeraygal Place.

P6 Cammeray Square.

Subdivision

P7 Generally small narrow allotments in multiple ownerships to the east of Miller Street.

P8 Generally large consolidated allotments to the west of Miller Street.

Streetscape

P9 Wide, fully paved footpaths.

P10 Buildings built to street and laneway frontages.

P11 Continuous awnings along Miller Street.

P12 Irregular planting of street trees.

P13 Active frontages to Miller Street and Raleigh Street.

Public transport

P14 Development to respond to the high level of accessibility to high frequency public bus services along Miller Street.

4.1.2 Desired Future Character

Diversity

P1 Generally small scale commercial activities, concentrated at the ground level, with a mix of commercial and residential uses above.

Active Streets

P2 The ground level of all buildings should be designed to activate streets, laneways and the public car parks to which they front.

P3 Active frontages must be provided to the ground floor level of buildings directly fronting Raleigh Street.

Traffic

P4 Development should minimise impacts to traffic flow on Miller Street.

P5 Development should ensure that pedestrian access continues to unify both sides of Miller Street.

4.1.3 Desired Built Form

Form, massing & scale

P1 Vertical design elements to reduce the visual bulk of buildings and create an appearance similar to traditional shops.

P2 Parapet heights and setbacks to be consistent along the Miller Street frontage.

P3 Where lots are consolidated, the built form reflects the former fine grain subdivision pattern.

Setback

P4 Setback 3m, at ground level from the Palmer Street frontage. Landscaping including trees is to be provided within this setback.

Podiums

P5 Podium of 8.5m (2 storeys) at street frontage with a setback of 2.5m above the podium.

Awnings

P6 Awnings to be provide along all street frontages.

Noise

P7 Elevations of buildings fronting Miller Street and the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

Car accommodation

P8 Car parking must be provided underground, with the exception of Council owned or operated public car parking.

P9 Trees in Council car park to be retained contribute to amenity of area.

4.2 CAMMERAY NEIGHBOURHOOD



4.2.1 Significant Elements

Land Use

P1 Predominantly residential development.

Topography

P2 Generally falling from the ridge along Carter Street and Cammeray Road down to the foreshores of Long Bay and Willoughby Bay.

P3 Steeper land generally adjacent to the foreshore areas.

Natural Features

P4 Natural vegetation and landforms, including shoreline with rock outcrops and native vegetation.

P5 Wetlands in the form of Coastal Saltmarsh along the foreshores of Willoughby Bay (refer to Section 15 – Bushland to Part B of the DCP).

Views

P6 The following views and vistas are to be preserved and where possible enhanced:

(a) Pine Street lookout (7), Tiley Street lookout (8), Stratford Street lookout (9), Churchill Crescent lookout (12), Folly Point lookout (13).

(b) District views to Middle Harbour and the suspension bridge over Tunks Park.

Identity / Icons

P7 Tunks Park.

P8 Long Bay.

P9 Primrose Park.

P10 Bushland on slopes above Tunks Park and Primrose Park.

P11 Suspension bridge over Tunks Park.

P12 Willoughby Bay, Long Bay and foreshores.

P13 Cammeray Park.

P14 Warringah Expressway.

Subdivision

P15 Regular grid patterns on the upper slopes of the Area.

P16 Irregular grid pattern adjacent to the foreshore areas due to the steep and irregular topography.

P17 Long narrow lots adjacent to the foreshores of Long Bay.

Streetscape

P18 Narrow width roads and split carriageways adjacent to foreshore and Tunks Park with garages, carports and retaining walls built to the street.

P19 Wide roads with grassed verges on the upper slopes of the Area and informal street planting.

P20 Double rail timber fences.

P21 Tall sandstone fences and sandstone retaining walls.

P22 Buildings generally setback from the boundary with a skewed alignment to respective street frontages.

Public transport

P23 Regular public bus services through the area.

4.2.2 Desired Future Character

Diversity

P1 Primarily low-density residential development consisting of dwelling houses, semi-detached houses concentrated along the foreshore areas.

P2 Multi dwelling housing and residential flat buildings concentrated towards the tops of the ridges.

P3 The density of development along foreshore areas and in areas of steep terrain must be kept to a minimum.

4.2.3 Desired Built Form

Siting

P1 Buildings should provide adequate separation to bushland and foreshore areas.

P2 Buildings should not obstruct views from neighbouring properties. This is especially important in foreshore areas or sites that enjoy water views.

P3 Buildings should not obstruct views and vistas from public places to the waterway.

Form, scale and massing

P4 Buildings near foreshore areas should address the waterway.

P5 Buildings on sloping land should be designed to follow the slope of the land, with minimum cut and fill to be undertaken.

Foreshore

P6 Boat sheds are small in scale and do not dominate the foreshore frontage.

P7 Development associated with boating activity is kept to minimum and is compatible with the surrounding uses.

P8 Development adjoining foreshore or bushland areas (such as Tunks and Primrose Parks) use muted colours and non-reflective materials to ensure the scenic and environmental Qualities are enhanced.

P9 Walls and fences along the foreshore should be kept low enough to allow views of private gardens from the waterway.

4.3 ANZAC NEIGHBOURHOOD



4.3.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

P2 Passive and active recreational spaces.

P3 Educational and community facilities.

Topography

P4 Falling from Miller Street eastwards towards the Warringah Expressway.

Views

P5 The following views and vistas are to be preserved and where possible enhanced:

(a) District views towards Middle Harbour from the upper levels of some buildings.

Identity / Icons

P6 Cammeraygal High School.

P7 Warringah Freeway.

P8 ANZAC Park Primary School.

P9 ANZAC Park.

Subdivision

P10 Rectilinear grid pattern.

Streetscape

P11 Wide street reserves with grass verges, concrete footpaths and street trees.

P12 London Plane trees to Miller Street.

P13 Mixture of low full masonry and part masonry and timber paling fences.

P14 Buildings setback from the boundary and aligned with the street frontage.

Public transport

P15 Development to take advantage of high levels of accessibility to high frequency public bus services along Miller, Ernest and Falcon Streets.

4.3.2 Desired Future Character

Diversity

P1 Predominantly medium to high density residential development such as attached dwellings, multi dwelling housing and residential flat buildings according to zone.

P2 Any increase in residential density should be primarily focused on sites situated on Miller Street, Falcon Street and West Street which have good access to public transport.

4.3.3 Desired Built Form

Siting

P1 Development to provide gardens within the front setback, especially facing busy roads.

Noise

P2 Elevations of buildings fronting the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

4.4 PALMER NEIGHBOURHOOD



4.4.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

Topography

P2 Falling from Miller Street north-west towards Tunks Park.

Natural Features

P3 Bushland on slopes above Tunks Park

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) Fred Hutley Reserve lookout Hamilton Avenue (1), Palmer Street lookout (2).

(b) District views to the suspension bridge over Tunks Park.

Identity / Icons

P5 Tunks Park.

P6 Suspension Bridge over Tunks Park.

P7 Warringah Freeway.

Subdivision

P8 Generally regular grid pattern.

Streetscape

P9 Generally single storey built form appearance fronting West Street between Palmer Street and Amherst Street.

P10 Tree lined streets with grassed verges and concrete footpaths.

P11 A mixture of masonry and sandstone retaining walls built to street frontages and dividing split carriageways.

P12 Buildings setback from the boundary and aligned wit the street frontage.

P13 Low rendered masonry retaining walls to the high side of streets.

P14 A mixture of paling and double rail timber fences.

Public transport

P15 Development to take advantage of high levels of accessibility to high frequency public bus services along Miller Street.

4.4.2 Desired Future Character

Diversity

P1 Predominantly medium to high density residential development such as attached dwellings, multi dwelling housing and residential flat buildings according to zone.

4.4.3 Desired Built Form

Siting

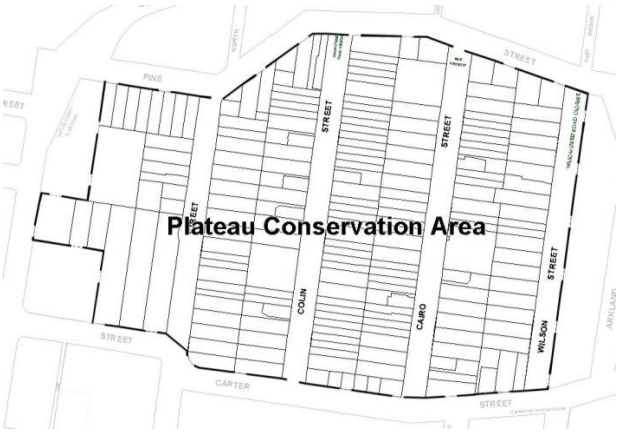
P1 Substantial gardens in front setback especially facing busy roads.

P2 Buildings should provide adequate separation to bushland areas.

Noise

P3 Elevations of buildings fronting the Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

4.5 PLATEAU CONSERVATION AREA



4.5.1 History

The Plateau Conservation Area was subdivided as part of the 1899 *Cooliatta Estate* that was formed from the 23 acres grant to Alexander Macarthur in 1853.

In comparison with other parts of North Sydney the area was relatively remote, although the opening of the Suspension Bridge in 1892 and extension of the tramway along Miller Street in 1909 improved access.

The main period of development in the Conservation Area was in the early 20th century when the area developed slowly with modest houses on narrow blocks of land. Additional houses came after the First World War when the area was consolidated, particularly along the sloping northern boundary of Pine Street.

4.5.2 Description

The Plateau Conservation Area is located on a natural plateau at the northern end of Cammeray. The area is defined by escarpment along Pine Street, Wilson Street, Carter Street and Miller Street.

The landform slopes to the southeast and is a small plateau with escarpments to the north and east. The subdivision pattern is a regular grid of rectangular lots with dead end streets at the escarpments.

The Plateau Conservation Area is characterised by single storey Federation and Edwardian dwelling houses, reflecting the area's main period of development. The houses range from freestanding dwellings on large lots to small, semi-detached dwellings on narrow lots. There are also examples of Victorian Georgian style, weatherboard cottages.

The buildings generally have small setbacks from the street with cottage gardens and a mix of fence types.

The Brushbox street trees are characteristic of the area's main period of development, and give a strong regularity to the streetscape. Front gardens are well established, and often have extensive plantings to give an overall impression of a landscaped garden suburb.

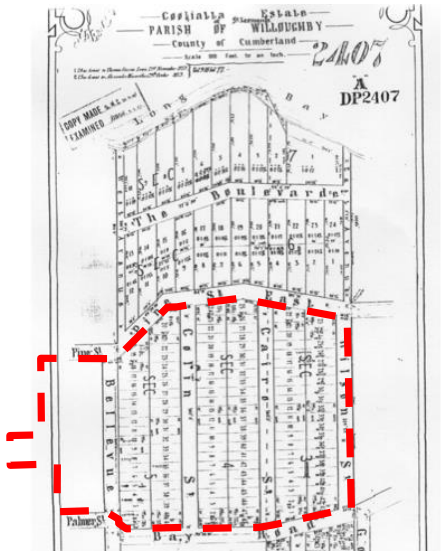
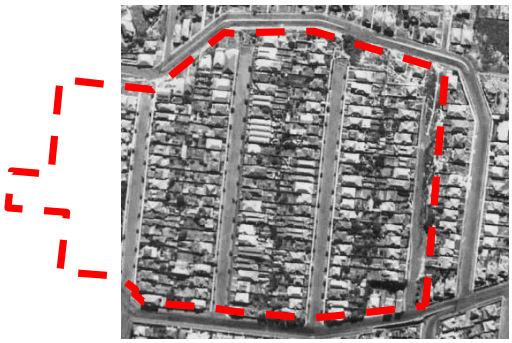


Figure F-4.2 (left):
Circa 1890

Figure F-4.3 (below left):
Circa 1943

Figure F-4.4 (below right):
Circa 2008





4.5.3 Statement of Significance

The Plateau Conservation Area is significant:

(a) For the unity of its subdivision history and consistency of the housing stock which is evident in the built form of the area.

(b) For its largely intact residential form that illustrates small-scale housing including timber buildings, and which has survived without large scale intrusions.

(c) For its strong landscape quality defined by street trees and front garden plantings that give an overall impression of a landscaped garden suburb.

4.5.4 Significant elements

Topography

P1 Level plateau with escarpments to the north and east.

Subdivision

P2 Regular rectangular lots.

Streetscape

P3 Street trees and street gardens.

P4 Sandstone kerbing, sandstone and concrete retaining walls, street gardens. Changes of level in topography.

Views

P5 North facing lookouts: Bellevue Street, Colin Street, Carter Street, Cairo Street. Views from Colin, Wilson, Bellevue and Pine Street steps.

4.5.5 Characteristic buildings

P1 Single storey, detached and semi-detached Federation and Edwardian dwelling houses sometimes in groups. Some Victorian cottages.

4.5.6 Characteristic built elements

Siting

P1 To the front of the lot with large gardens to the rear.

Form, massing and height

P2 Detached and attached dwellings with projecting bays and verandahs to street.

P3 Double fronted cottages with projecting bays and flanking verandahs.

P4 Single storey, rear extensions within single storey roof line. Reduced scale to the rear.

Roofs

P5 Hipped roofs pitched between 30 and 45 degrees without dormer windows or openings that can be seen from the street.

P6 Gabled ends for projecting bays to the street, skillion roofs to rear extensions.

P7 Brick and rendered chimneys.

Materials

P8 ***Walls***: Weatherboards; Face brick on sandstone foundations

P9 ***Roofs***: Slate and corrugated metal on older dwellings; Terracotta tiles with corrugated iron or corrugated sheet metal on rear extensions.

P10 Timber verandahs. Timber windows and doors.

Windows and doors

P11 Consistent with building period. Timber.

Fences

P12 Low height front fences and walls to 800mm in height.

P13 Timber fences to side and rear.

P14 Timber picket, stone, face brick and brick piers with timber pickets or horizontal rails.

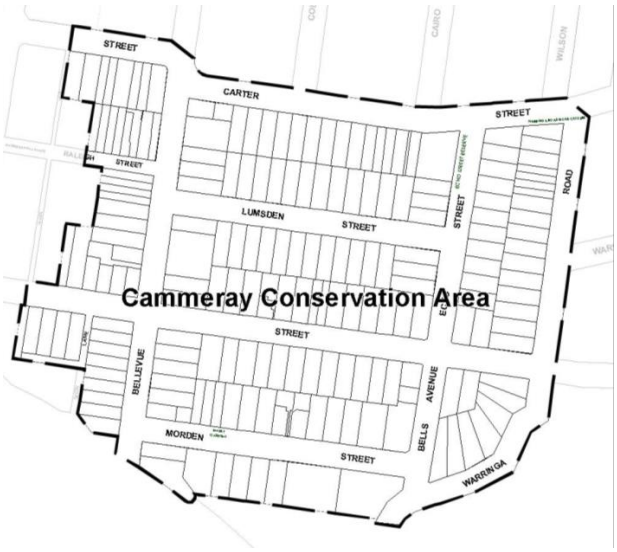
Car accommodation

P15 No off street parking.

4.5.7 Uncharacteristic and undesirable buildings and built elements

P1 Over-scaled additions; dormers to front roof slopes; carports and garages to the street; paved front gardens; high solid fences to the street; rendering and painting of face brick; loss of original detail; aluminium windows; contemporary buildings development.

4.6 CAMMERAY CONSERVATION AREA



4.6.1 History

Most of the Cammeray Conservation Area was subdivided in 1889 by Alexander Maxwell as the *Cooliatta Estate* on land granted to Alexander Macarthur in 1853. The south-western part of the area was called *Bells Paddock*.

The opening of the Suspension Bridge in 1892 and extension of the tramway along Miller Street in 1909 improved access to the area and provided a trigger for development. Most of the area was purchased as the Bell's Estate in 1909 after which time the area developed.

Very little redevelopment occurred in the area until the 1960s when uncharacteristic, three storey residential flat buildings were built in Morden Street.

4.6.2 Description

The Cammeray Conservation Area is bounded by Carter Street, the Freeway to the south, Warringa Road to the east, and Miller Street properties to the west.

The landform slopes down from the north towards the south and east and there are escarpments at Morden Street and Echo Street that form dead end roads.

The subdivision pattern is a regular grid that overlays the topography.

The characteristic buildings of the area are typically later Federation and Edwardian Queen Anne, reflecting the predominant period of development. Buildings are typically single storey, freestanding and constructed on a sandstone base with face brick walls and terracotta tiled hipped roof with asymmetrical street elevations with projecting gabled bays projection and a flanking verandah.

Street plantings and raised verges reinforce the cohesive character and regular pattern formed by the buildings and underlying lot pattern.

Several late Victorian residences are located in the northwest corner of the area, and timber houses are represented in Palmer, Bellevue and Raleigh Streets. There is some modern development to the southern edge.

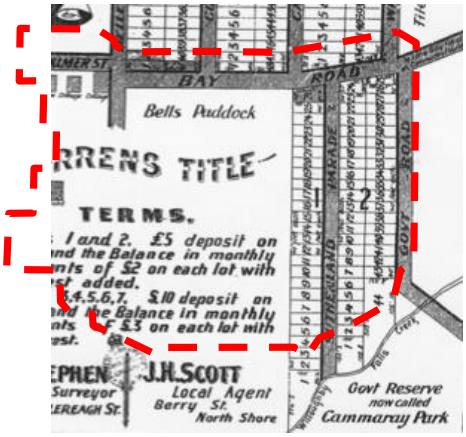


Figure F-4.5 (left):
1890 Subdivision Plan of the Cooliatta Estate

Figure F-4.6 (below left):
Circa 1943

Figure F-4.7 (below right):
Circa 2008





4.6.3 Statement of Significance

The Cammeray Conservation Area is significant:

(a) For the unity of its subdivision history which is evident in the built form of the area and that overlays its sloping and stepped topography;

(b) As an area of modest Federation speculative builder housing set out in a geographically defined area that has survived without large-scale intrusion; and

(c) For its landscape quality defined by street trees, stone boundary walls, rock escarpments, raised and front garden plantings that combine to give an impression of a landscaped garden suburb.

4.6.4 Significant elements

Topography

P1 Sloping towards east and south with sandstone escarpments.

Subdivision

P2 Regular grid pattern overlying topography.

Streetscape

P3 Houses at street level or raised above it.

P4 Consistent scale of housing addressing the street in garden setting.

P5 Raised verges, sandstone kerbing, sandstone and concrete retaining walls, street gardens.

P6 Street trees, including central plantings.

Views

P7 Carter Street lookout. Views from Morden Street to the south.

4.6.5 Characteristic buildings

P1 Single storey, free-standing, double fronted Federation dwelling houses.

P2 Late Victorian residences in the north-western portion.

4.6.6 Characteristic built elements

Siting

P1 Detached dwelling houses to the front of the lots with gardens to front and rear.

Form, massing and height

P2 Single storey, detached dwelling houses.

P3 Simple forms articulated with projecting bays and verandahs to front.

P4 Reduced bulk and scale to rear.

Roofs

P5 Hipped and gabled roofs pitched between 30 and 45 degrees with overhanging eaves.

P6 Gabled ends for projecting bays to the street.

P7 Skillion roofs to rear wings.

P8 Brick and rendered chimneys.

External Materials

P9 Timber or face brick on sandstone bases.

P10 Terracotta tiles with corrugated metal on rear wings. Slate and corrugated metal on older dwellings.

P11 Shingled or half-timbered gable roofed bays.

Windows and doors

P12 Late Victorian and Federation. Decorative leadlights and glazing.

Fences

P13 Low height front fences and walls to 800mm.

P14 Timber fences to rear and side.

P15 Stone, face brick and brick piers or timber pickets and horizontal rails.

Car accommodation

P16 Garages and carports located to the side and rear of dwellings.

P17 No garages or carports located in front of the building line.

P18 Single driveways.

4.6.7 Uncharacteristic and undesirable buildings and built elements

P1 Carports, garages or paving to front of lot; dormers to front of roofs; over-scaled additions; painting and rendering of face brickwork; high fences to street; and inappropriate detailing.

SECTION 5 NORTH CREMORNE PLANNING AREA

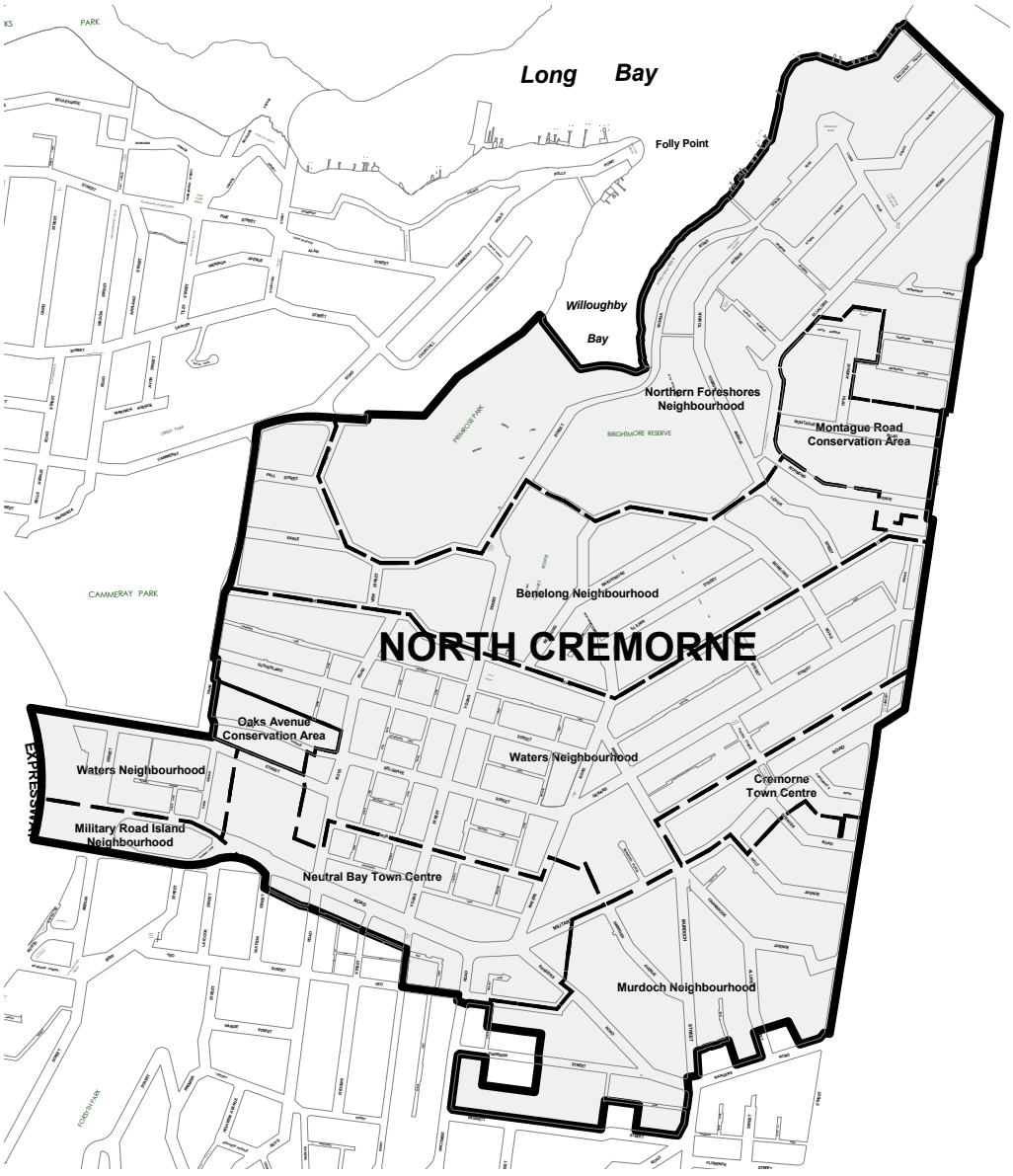
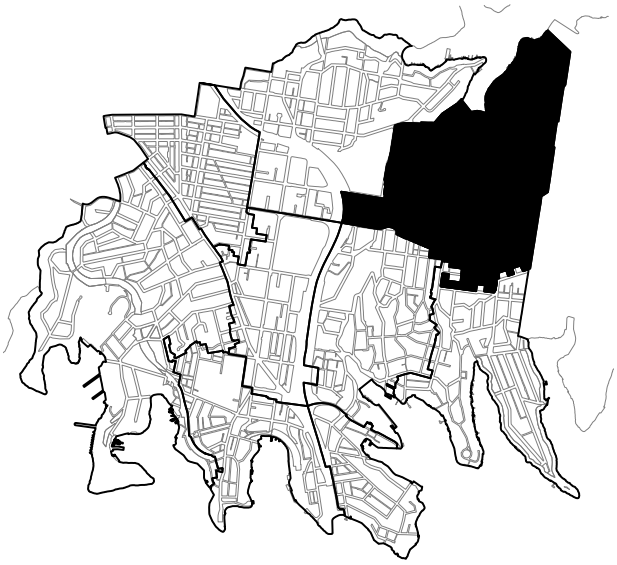


Figure F-5.1: North Cremorne Planning Area and associated Locality Areas

5.0 NORTH CREMORNE PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the North Cremorne Planning Area.

North Cremorne is a primarily residential neighbourhood providing a diverse range of housing forms for a mixed population. It is bound on its southern side by the Neutral Bay and Cremorne Town Centres, which are bustling places where people live, shop, eat, work and socialise providing a high level of amenity for all users.

Development within the Planning Area should result in:

- residential growth being provided in accordance with Council's Local Housing Strategy, with the growth concentrated within the Mixed Use zones of the Town Centres located on or in the vicinity of Military Road, and the remainder comprising of multi dwelling housing and residential flat buildings in the surrounding residential areas
- residential densities not being increased in foreshore areas and areas of steep terrain
- development within the *R2 Low Density Residential* zone being of a similar scale to existing characteristic development
- a wide range of residential types and sizes being distributed throughout the area according to zone
- a range of retail and commercial premises, services and facilities being available to the local community within the Town Centres

and where:

Function

- there are safe and accessible community facilities and meeting places
- the few non-residential uses operate without an adverse effect to the amenity of the residential neighbourhood

- services and facilities meet the needs of different population groups
- accessible and safe pedestrian routes are extended throughout the neighbourhood linking to the open spaces of Primrose Park and Brightmore Reserve
- additional public open space is provided for increased residential population
- public transport, cycling and walking are preferred means of transport
- local icons, cultural resources and heritage provide tangible evidence of the area's past and reflect the community's cultural values

Environmental Criteria

- parkland and natural foreshore areas are conserved, protected and easily accessible to pedestrians
- ecology of bushland and wetland areas are protected from adverse impacts of development such as stormwater runoff, dumping of fill soil and vegetation, leaching of fertilisers, spread of introduced plants and weeds and visual impact of structures
- habitat for native fauna is provided through the planting and maintenance of local flora
- good sunlight is available to both public and private spaces

Quality Built Form

- high quality residential accommodation in the Town Centre incorporates internal amenity for residents and energy efficient design
- open meeting places in the form of courtyards act as focal points, and are located in areas that provide relief from traffic noise
- residential development respects and maintains existing characteristic built form with buildings setback from all boundaries and landscaped front gardens, softening the built form
- the built environment is sympathetic to the topography and vegetation, allowing views of the surrounding area and Willoughby Bay
- heritage items are protected and significant streetscape elements are conserved in the Oaks Avenue and Montague conservation areas

Quality Urban Environment

- backyards are provided for a variety of practical and recreational needs of residents
- car parking does not adversely affect the character of the area and quality of residential streets
- front fences are low and offer good outlooks to house fronts and gardens

Efficient Use of Resources

- existing residential buildings are maintained to prevent unnecessary waste of building materials
- stormwater is captured and re-used on site

The North Cremorne Planning Area includes the following Locality Areas in which development is subject to the relevant provisions below:

Section 5.1: Neutral Bay and Cremorne Town Centres

Section 5.1.4: North Sydney Bus Depot

Section 5.1.5: 1-11 Rangers Road

Section 5.1.6: Grosvenor Plaza

Section 5.2: Military Road Island Neighbourhood

Section 5.3: Waters Neighbourhood

Section 5.3.4: 14-16 Military Road

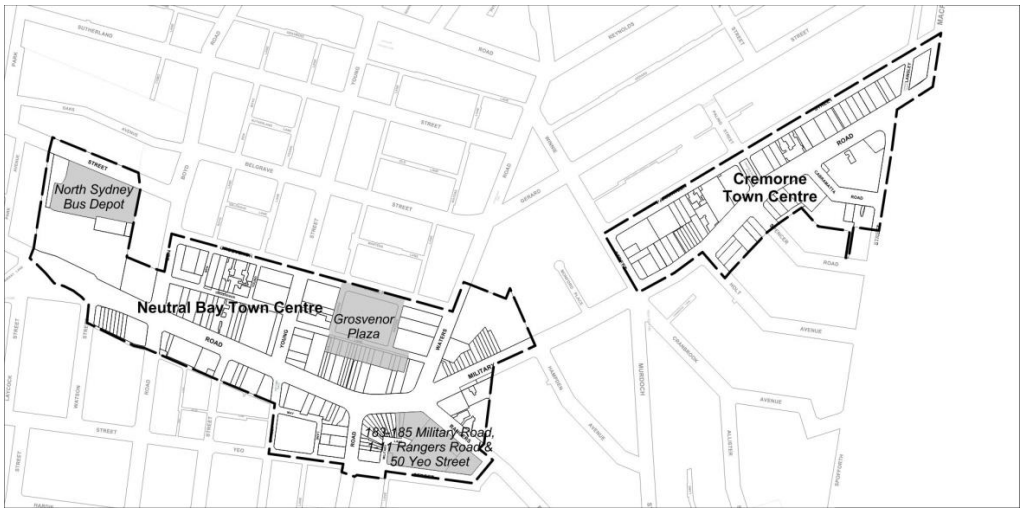
Section 5.4: Benelong and Northern Foreshore Neighbourhood

Section 5.5: Murdoch Neighbourhood

Section 5.6: Montague Road Conservation Area

Section 5.7: Oaks Avenue Conservation Area

5.1 NEUTRAL BAY AND CREMORNE TOWN CENTRES



5.1.1 Significant Elements

Land Use

P1 Predominantly mixed commercial and residential development.

Topography

P2 Generally flat, straddling the topmost part of the ridge along Military Road.

Natural Features

P3 Area forms the topmost part of a ridge following Military Road.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) District views to Middle & Sydney Harbours from the upper levels of some buildings.

Identity / Icons

P5 Orpheum Theatre is a community focal point and regional attraction that enhances the identity of the area.

P6 Military Road, a major regional thoroughfare.

Subdivision

P7 A diverse mixture of large consolidated sites intermixed with long narrow sites with dual frontages.

Streetscape

P8 Wide fully paved footpaths incorporating outdoor dining areas.

P9 Buildings built to street and laneway frontages.

P10 Continuous awnings along Military Road.

P11 Irregular planting of street trees.

P12 Active frontages to Military Road, Grosvenor Street.

P13 90° on-street parking to Parraween Street.

Public transport

P14 Development is to take advantage of high levels of accessibility to high frequency public bus services along Military Road.

5.1.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

P1 Mixed commercial and residential development, primarily focused on Military Road.

P2 A variety of commercial, retail, restaurants and cafes are provided at footpath level, non-residential or residential on the first floor and residential only on the upper floors.

P3 Commercial activities should be maintained to all street frontages at ground level to stimulate pedestrian activity.

P4 Activities should not have a detrimental impact to the safety and efficiency of vehicular traffic on Military Road.

5.1.3 Desired Built Form

Subdivision

P1 Redevelopment sites should have a frontage of approximately 25m-30m.

Form, massing and scale

P2 Generally 4-5 storeys.

P3 5-6 storeys in the block bounded by Military Road, Cabramatta Road and Spofforth Street.

P4 Larger facades are broken up with changes in building frontage alignment and architectural detailing to reflect the former subdivision patterns, especially fronting Military Road.

Public spaces and facilities

P5 Outdoor dining areas:

(a) are located within clearly defined spaces;

(b) are located away from main roads;

(c) are weather protected; and

(d) provide equal and unobstructed pedestrian movement.

P6 Pedestrian arcades should be provided between Military Road and parallel laneways/streets to the north and south of Military Road to enhance pedestrian connectivity.

P7 Views of shop fronts should not be obstructed from footpaths and roadways.

P8 Encourage the retention and enhancement of trees within the public domain to improve public amenity.

Setbacks

P9 Buildings should be built to all street frontages at ground level, except as follows:

(a) Setback 1.5m from the northern side of Military Road, at ground level between Young Street and Waters Road, and

(b) Setback 1.5m at ground level from all laneways.

Podiums

P10 Podium of 8.5m (two storeys) to Military Road, east of Hampden Avenue, with a setback of 3m above the podium.

P11 Podium of 10m (three storeys) to Military Road, west of Hampden Avenue, with a setback of 3m above the podium.

P12 Podium of 8.5m (two storeys) to laneway frontages and frontages not to Military Road, with a setback of 3m above the podium.

P13 Podium of 8.5m (2 storeys) to the east and west of Barry Street Plaza, with a setback of 3m above the podium.

P14 Provide adequate podium setbacks where a site adjoins residential or open space zones.

Building design

P15 Ground floor access to shops is to be provided to all properties with a frontage to Military Road, a frontage to the Grosvenor Lane car park / plaza, and those with a dual frontage between Military Road and Parraween Street.

P16 Building elements, materials, finishes, and windows should relate to neighbouring buildings.

P17 Laneways should be provided with active frontages, wherever possible.

Car Parking & Access

P18 Vehicular access from sites should not be provided to Military Road.

Noise

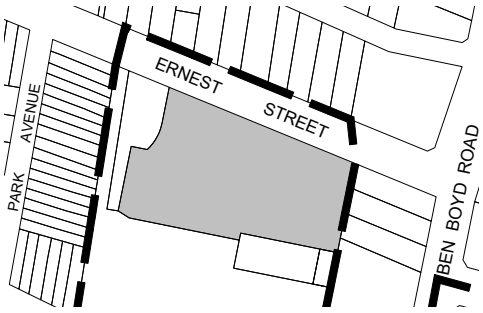
P19 Elevations of buildings fronting Military Road and Ernest Street are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

P20 Services located at the rear of buildings at the interface with a residential zone should be carefully designed and located to ensure that they do not have a detrimental impact to the residential amenity of the neighbouring property.

Awnings

P21 Awnings are provided along all street frontages.

5.1.4 North Sydney Bus Depot



Diversity of activities, facilities, opportunities and services

P22 Continued operation of the bus depot as important public transport infrastructure.

P23 If the bus depot ceases to operate, then the site should be used for mixed use development.

P24 Incorporate community functions in the form of open space, through site links and / or other community uses.

P25 Development provides active frontages to Ernest Street and internal public spaces.

P26 Amalgamation with Big Bear site provides further opportunities for public benefit.

P27 Redevelopment of an amalgamated Bus Depot and Big Bear site should be informed by a masterplan for the entire street block.

Form, massing and scale

P28 Transition scale of built form down from central / southern portion of site to surrounding lower scale development and heritage conservation area.

P29 Maximise solar access to internal public spaces.

Public Benefit

P30 Provide public benefit with any proposed change to existing planning controls.

P31 Affordable housing is a public benefit priority for the site.

Podiums

P32 Podium of 10m (three storeys) to Ernest Street.

Ecologically Sustainable Development

P33 In implementing ESD best practice, explore opportunities to incorporate ESD demonstration project in redevelopment.

Access

P34 Create safe and active pedestrian links between Ernest Street and Military Road, particularly where possible via the Big Bear site.

P35 Vehicular access minimises the impact on the flow of traffic along Ernest Street.

Noise

P36 Elevations of buildings fronting Ernest Street are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of vegetation, cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

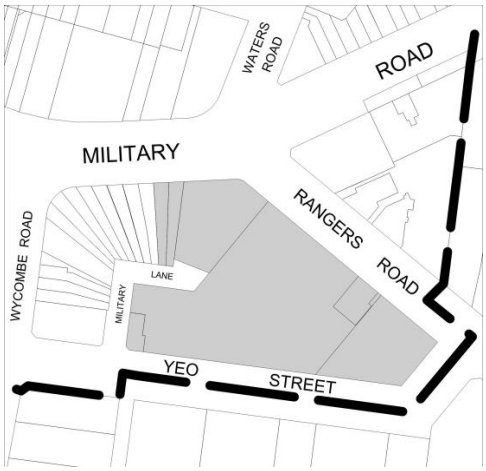
Heritage

P37 Protect and respond architecturally to existing heritage items.

P38 Subsurface archaeological material is assessed prior to excavation.

5.1.5 1-11 Rangers Road

** This section has been informed by the Neutral Bay Village Planning Study (2024).*



5.1.5.1 Diversity

Objectives

O1 To provide a mixture of uses that contribute to enhancing of the amenity, identity and desirability of Neutral Bay.

O2 Ensure non-residential and residential uses are adequately separated to maximise the amenity for both residents and workers.

O3 To increase access to open public spaces with high levels of amenity.

Provisions

P1 Provide a mixed use building typology, with retail at the ground level, commercial space on the second storey and residential accommodation above.

P2 Provide a fine grain of retail and other business premises fronting all street frontages, the future public plaza and where practical, to laneways.

P3 Relocate the existing supermarket underground to assist in positively activating streets and future public plaza.

P4 Create a new public plaza across both 183-185 Military Road and 1-7 Rangers Road with a minimum size of 1,000sqm.

P5 Maximise opportunities to accommodate outdoor dining.

P6 Provide a mixture of commercial tenancy sizes and flexible floorplates.

5.1.5.2 Form, massing and scale

Objectives

O1 To ensure that density and scale is concentrated toward Military Road and provides a positive transition in height and scale down to the adjoining residential areas.

O2 To maximise year round solar access to existing and new public open spaces to be created in the Planning Area.

O3 To minimise overshadowing impacts on residential development to the south of Yeo Street.

Provisions

P1 Allotments should be consolidated to establish suitable building footprints to accommodate additional height and the establishment of a new public plaza.

P2 Height should transition from Military Road and the northern portion of Rangers Road down to Yeo Street.

P3 Development addresses laneways with active uses, where practical.

P4 Ensure that all dwellings on the southern side of Yeo Street receive a minimum of 2 hours sunlight to living areas at the winter solstice.

P5 Building elements located above the podium level must not exceed 45m in horizontal width or length, unless punctuated with a significant visual break or articulation element.

5.1.5.3 Setbacks

Objectives

O1 To reinforce the spatial definition of streets and public spaces.

O2 To provide a wider footpath to Military Road to enhance pedestrian movement and comfort and provide outdoor dining opportunities.

Provisions

P1 Buildings must be setback from the following road frontages:

(a) 2.5m from Military Road, and

(b) 0m from Rangers Road, except the ground level which is to be setback a minimum of 1.5m, and

(c) 0m to Yeo Street and Military Lane.

P2 Buildings must be setback 0m to the public plaza.

P3 Buildings should be setback 0m from all side boundaries.

5.1.5.4 Podium Height

Objectives

O1 To positively relate to the heritage context surrounding the site.

O2 To create a human scaled interface within the public plaza and adjoining laneways.

O3 To positively relate to the scale of development of the opposite side of Rangers Road and Yeo Street.

Provisions

P1 A podium must be:

(a) 2 storeys in height to Military Road, the east-west alignment of Military Lane and to the proposed public plaza, and

(b) 4 storeys to Rangers Road, and

(c) 3 storeys or a maximum of 10m, whichever is the lesser, to Yeo Street and the north-south alignment of Military Lane.

5.1.5.5 Above Podium Setbacks

Objectives

O1 To provide a consistent street frontage and minimise overshadowing impacts to the public plaza.

O2 Minimise overshadowing impacts to residential properties on the southern side of Yeo Street.

O3 To reduce the scale and bulk of buildings when viewed from the public domain.

Provisions

P1 The following minimum setbacks (measured from the outer wall of the podium) must be provided above the podium level:

(a) 3m to Military Road, Rangers Road and Military Lane.

(b) 3m to Yeo Street, with a further 3m setback to any part of the building above 5 storeys.

(c) 3m to any podium facing the public plaza and through site link.

(d) 0m to the entire length of the side boundary between 183-185 Military Road and 181A Military Road, with 6m above 6 storeys.

(e) 6m to the side boundary between 1-7 Rangers Road and 9-11 Rangers Road, along the Rangers Road frontage.

(f) 0m to the side boundary between 1-7 Rangers Road and 9-11 Rangers Road, along the Yeo Street frontage

Note. *Setbacks are measured to the outer face of any part of the building including balconies, architectural detailing and the like.*

Despite P1(e) and (f), a 6m setback is required to the entire length of the side boundary between 1-7 Rangers Road and 9-11 Rangers Road, if the through-site link is not provided open to the sky.

5.1.5.6 Public Plaza

Objectives

O1 To create additional publicly accessible space.

O2 To ensure that the space is sufficiently sized to provide a mixture of passive and active recreational opportunities.

O3 To maximise the amenity of the public space.

O4 Maximise the activation of the space.

O5 To increase landscaping and tree canopy within the Neutral Bay Town Centre.

Provisions

P1 A public plaza of at least 1,000sqm is to be provided across both 183-185 Military Road and 1-7 Rangers Road. The minimum area of the plaza is to exclude any pedestrian through-site link between the plaza itself and Yeo Street and is to open to the sky.

P2 The public plaza is to be located adjacent to the Military and Rangers Road intersection.

P3 At least 50% of the public plaza must be able to receive solar access between 10am and 1pm at the Winter Solstice.

P4 All ground level frontages to the public plaza are to be appropriately activated.

P5 Provide a variety of functions to activate the space, including outdoor dining, public seating, community lawn, playground, water feature, public artwork, landscaping, fixed bicycle parking.

P6 If 183-185 Military Road is to be redeveloped in isolation from 1-7 Rangers Road, then the building at 183-185 Military Road must be setback at the ground level from its eastern boundary, to ensure that appropriate pedestrian access arrangements can be made independently, without reliance on reciprocal rights of way between 183-185 Military Road and 1-7 Rangers Road.

5.1.5.7 Through-site Link

Objectives

O1 To improve pedestrian permeability through the area.

O2 To provide clear visual connections between different parts of the Neutral Bay Town Centre.

O3 To maximise casual surveillance over the space.

Provisions

P1 A minimum 6m wide through-site link is to be provided between the proposed public plaza and Yeo Street to enable pedestrians to traverse between the intersection of Military Road and Rangers Road and Yeo Street.

P2 The through-site link should be open to the sky to maximise legibility in wayfinding through the area and avoid the creation of extensive wall lengths along Yeo Street.

P3 Despite P1 and P2, a through-site link may only be built over, but only where the consent authority is satisfied that the through-site link is widened to a minimum of 8m and have a minimum 7m clearance to any storey located above.

P4 The ground level of buildings fronting the through-site link are to be appropriately activated.

P5 The through-site link is to be publicly accessible at all times.

P6 The through-site link should be integrated with the proposed public plaza.

5.1.5.8 Activation

Objectives

O1 To provide for the amenity, interest and liveliness of the street environment and public open spaces.

O2 To ensure a positive experience for pedestrians with the necessary fine grain environment of the street.

O3 To enable sensory engagement with the street and public spaces.

O4 To provide an active ground floor frontage that is accessible and integrated with the design of the public domain.

O5 To maximise the extent of active frontages in the public domain.

O6 To promote activity, connectivity and variety in the public domain.

O7 To increase passive surveillance of the street and other public spaces and enhance safety.

Provisions

P1 Buildings must contain active frontages to all street frontages, with the exceptions of public laneways.

P2 Despite P1, active frontages to public laneways are encouraged where practical.

P3 Buildings which have a direct interface with the proposed public plaza are to provide an active frontage to that interface.

P4 Active frontages are to be provided along both sides of all through-site links.

P5 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.

P6 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.

5.1.5.9 Access

Objectives

O1 To prioritise pedestrian movements along Military Road, Rangers Road and Yeo Street.

Provisions

P1 No vehicular access is to be provided from Military Road or Rangers Road.

P2 Vehicular access should be provided from Military Lane.

P3 Despite P2, vehicular access may be provided from Yeo Street subject to adequate demonstration that it will not present any adverse conflicts to the traffic flow on Yeo Street.

P4 Where practical, commercial and residential vehicular access should be separated.

P5 All service access is to be provided from Military Lane.

P6 The number of retail and commercial customer spaces for the Woolworths site redevelopment (1-7 Rangers Road and 50 Yeo Street), is to be limited to 180 parking spaces.

P7 There be the provision of a single ingress and egress on Yeo Street in order to promote pedestrian safety.

5.1.5.10 Landscaping

Objectives

O1 To minimise privacy impacts of residents within and adjoining the development.

O2 To soften the appearance of buildings and their interface with neighbouring buildings and the public domain.

O3 To minimise heat island effects.

Provisions

P1 Terrace planting is to be provided to soften the building appearance and contribute to the overall aesthetic of building facades.

Perimeter planting is to be established along the edges of the podium and rooftop terraces.

Where practical, landscaping should be used to screen any rooftop plant.

Consideration is to be given to the use of green roofs and green walls.

5.1.6 Grosvenor Lane Car Park

** This section has been informed by the Grosvenor Lane Planning Study 2014*



Diversity

P1 Provide a fine-grain of retail and other frontages at the interface with the public realm, including the public plaza, to maximise variety of uses.

P2 Provide opportunities for outdoor dining.

P3 Provide active frontages to the plaza and where possible to laneways.

Public Domain

P4 Create a public plaza on the current public car park site.

P5 Implement shared zones or widen footpaths where possible to improve pedestrian safety and amenity.

P6 Design plaza to be flexible and able to accommodate passive recreation and special events.

P7 Design of built form should facilitate the revitalisation and improvement of the public domain along Military Road.

P8 Upgrade adjoining laneways to complement the public plaza.

P9 Provide quality, active pedestrian links between Military Road and the public plaza.

Setbacks

P10 Set back buildings 1.5m at ground level on all street and laneway frontages.

Built Form

P11 Minimise the impact of development on the public domain and plaza.

P12 Minimise the impact of development on surrounding residential land.

P13 Podium of 10m (three storeys) to Grosvenor Street, with a setback of 3m above the podium.

P14 Mitigate noise from Military Road in design of through site link and built form.

Access and Parking

P15 Relocate public parking underground and provide additional public car spaces.

P16 Maintain existing laneway network or provide adequate alternative for small scale loading, short term parking and vehicular circulation.

P17 Loading facilities should not impact on amenity of plaza and should ideally be provided underground.

Public Infrastructure

P18 Upgrade or relocate Neutral Bay Community Centre as part of any redevelopment incorporating the existing site.

P19 Provide improved bus stop infrastructure on Military Road.

Heritage

P20 Protect and respond architecturally to heritage items within the area.

5.2 MILITARY ROAD ISLAND NEIGHBOURHOOD



5.2.1 Significant Elements

Land Use

P1 Predominantly residential development in the form of semi-detached dwellings.

Topography

P2 Generally flat with a slight fall to the south to Falcon Street.

Natural Features

P3 Area forms the topmost part of a ridge following Military Road.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) Potential district views to Middle and Sydney Harbours from the upper levels of some buildings.

Identity / Icons

P5 Military Road, a major regional thoroughfare.

P6 Falcon Street, a major regional thoroughfare.

Subdivision

P7 Regular grid pattern.

P8 Site areas of 200m^2 to 350m^2.

Streetscape

P9 Wide one way streets.

P10 Street trees.

Public transport

P11 New development to maximise the use of the area's high level of accessibility to high frequency public bus services.

5.2.2 Desired Future Character

Diversity

P1 Residential flat buildings with some mixed use, according to zone.

5.2.3 Desired Built Form

Subdivision

P1 All land should be consolidated to create a single allotment of sufficient size to create a series of residential flat buildings which can be appropriately located behind large landscaped buffers.

Siting

P2 Towards the north, having regard to the acquisition of land for road widening purposes.

Setbacks

P3 Setback on Falcon Street frontage incorporates substantial landscaping and creates a buffer to traffic.

Podiums

P4 Podium of 13m (four storeys) to all elevations of a building, with a setback of 3m above the podium.

Form, massing and scale

P5 Large facades are broken up with changes in building frontage alignment and architectural detailing.

P6 Internal courtyard or landscaped open space with solar access between 11am and 3pm, 21st June.

Access

P7 Maintain pedestrian crossings across Military Road and Falcon Street.

P8 Vehicle access is provided off Military Road.

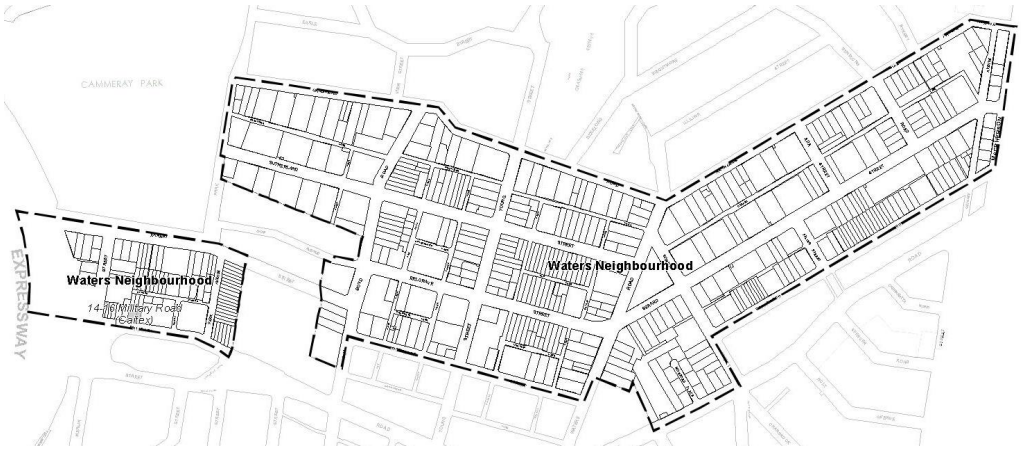
P9 Vehicular access for service and delivery vehicles and resident/occupant vehicles is combined.

P10 Regional traffic is concentrated on Falcon Street and Military Road to north of the street block is a local road.

Noise

P11 Elevations of buildings fronting Military Road and Falcon Streets are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

5.3 WATERS NEIGHBOURHOOD



5.3.1 Significant Elements

Land Use

P1 Predominantly residential development.

Topography

P2 Gentle fall to the north from the ridge aligning with Military Road.

Views

P3 The following views and vistas are to be preserved and where possible enhanced:

(a) along Park Avenue of Cammeray Park.

(b) Vistas to Middle Harbour down Ben Boyd Road and Young Streets.

(c) District views to Middle Harbour from the upper levels of some buildings.

Identity / Icons

P4 SCEGGS – Redlands School.

P5 Cammeray Park.

P6 Military Road, a major arterial thoroughfare.

P7 Ernest, Belgrave Road and Gerard Streets, a sub-arterial thoroughfare.

Subdivision

P8 A regular grid pattern with street blocks generally running east / west, with a large number of properties having dual frontages associated with a large number of laneways.

Streetscape

P9 Wide tree lined streets with grass verges and concrete paths.

P10 Narrow fully paved laneways.

P11 A mixture of tall and low rendered masonry fences to the street, with taller fences generally located along Ernest, Belgrave and Gerard Streets in front of low and medium density housing.

P12 Buildings setback from the boundary and aligned with the street frontage.

Public transport

P13 Development should take advantage of the high level of public bus services operating along Military Road, Ernest Street, Belgrave Street and Gerard Street.

5.3.2 Desired Future Character

Diversity

P1 Predominantly medium to high density residential accommodation, generally comprising attached dwellings, multi-dwelling housing and residential flat buildings, according to zone.

P2 The density of development generally reduces the further away a property is located from Military Road.

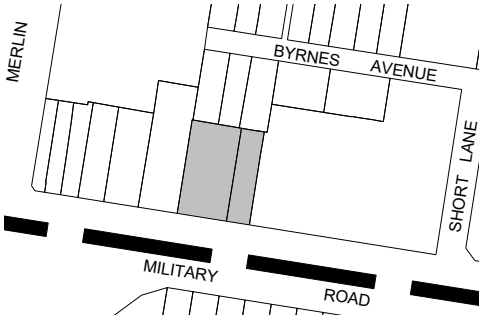
5.3.3 Desired Built Form

Form, massing and scale

P1 Future development of high density housing must have a sympathetic relationship to other surrounding development in terms of height, bulk and scale, privacy and access to views (for example stepping down to lower height).

P2 Buildings adjacent rear laneways should be ancillary to the main building on a site.

5.3.4 14-16 Military Road



Noise

P1 Where 14-16 Military Road, Neutral Bay is to be used for non-residential purposes, an acoustic wall is to be erected, which:

(a) matches the height, alignment, design, materials and finishes of the existing acoustic wall over 18-38 Military Road, Neutral Bay; and

(b) extends for the entire length of the northern boundary and its southern face is setback a minimum of 483mm from the common boundary with No.s 1 to 5 Byrnes Avenue; and

(c) extends for the entire length of the western boundary and is setback a minimum of 3m from the eastern alignment of the residential flat building on the adjoining allotment at 12 Military Road.

Visual impact

P2 The setback between the western boundary of 14-16 Military Road, Neutral Bay and the acoustic wall required by P1 above, must be landscaped with vegetation capable of growing to the height of the acoustic wall to ensure effective screening.

5.4 BENELONG AND NORTHERN FORESHORE NEIGHBOURHOODS



5.4.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

P2 Passive and active recreation areas.

Topography

P3 Generally falling to the north and northwest to the foreshores of Willoughby Bay.

P4 Generally flat over the public open space areas adjacent to the foreshore.

P5 Steep slopes to the southern and western ends of Primrose Park and residential properties in the vicinity of the foreshore.

Natural Features

P6 Remnant natural shoreline areas in North Cremorne.

P7 Remnant bushland of Primrose Park, Brightmore Reserve and Willoughby Bay

P8 Wetlands in the form of Coastal Saltmarsh along the foreshores of Willoughby Bay (refer to Section 15 – Bushland to Part B of the DCP).

P9 Natural sandstone cliffs adjacent to the western edge of Primrose Park.

Views

P10 The following views and vistas are to be preserved and where possible enhanced:

(a) District views to Middle Harbour from the upper levels of some buildings.

(b) Primrose Park Lookout (10), Earle Street Lookout (11), Tobruk Avenue Lookout (14), Lodge Road Lookout (15), Ellalong Road Lookout (17).

Identity / Icons

P11 Primrose Park and Brightmore Reserve.

P12 Willoughby Bay.

Subdivision

P13 Irregular grid pattern, informed by the irregular topography of the area.

Streetscape

P14 Tree lined streets with grassed verges and concrete footpaths.

P15 Split carriageways with large sandstone retaining walls.

P16 A mixture of low picket, palling, double rail timber and masonry fences. Continuity of particular fencing types in certain streets.

P17 Buildings generally setback from the boundary with garages and carports built to the boundary in the Northern Foreshores Area.

Public transport

P18 Limited access to public bus services through the Area.

5.4.2 Desired Future Character

Diversity

P1 Primarily low density residential accommodation, generally comprising dwelling houses, semi detached houses and dual occupancies.

P2 Potential for limited attached dwellings and multi dwelling housing according to zone.

P3 Enhancement of existing passive and active recreation areas.

5.4.3 Desired Built Form

Subdivision

P1 The long narrow lots in Lodge Road are not to be subdivided because of adverse impacts on drainage, landscaping, views and the natural foreshore.

Form, massing and scale

P2 Minimise the building footprint to preserve natural features, native vegetation and rock outcrops, particularly on land adjoining or near foreshores.

P3 Buildings should provide adequate separation to bushland and foreshore areas.

P4 Densities should not be increased in areas of steep terrain. Development on sloping land should be designed to follow the fall of the land.

Roofs

P5 Development should maintain low pitched roofs.

P6 Flat roofs may be considered on Wonga Road and Ryries Parade to retain views for neighbouring property. However they will not be permitted to gain an additional storey.

Views

P7 Buildings should not obstruct views and vistas from public places to the waterway.

P8 Development should not adversely restrict views from neighbouring properties. This is especially important in foreshore areas or sites that enjoy water views.

Setback

P9 Front: 3m

P10 Rear: 10m

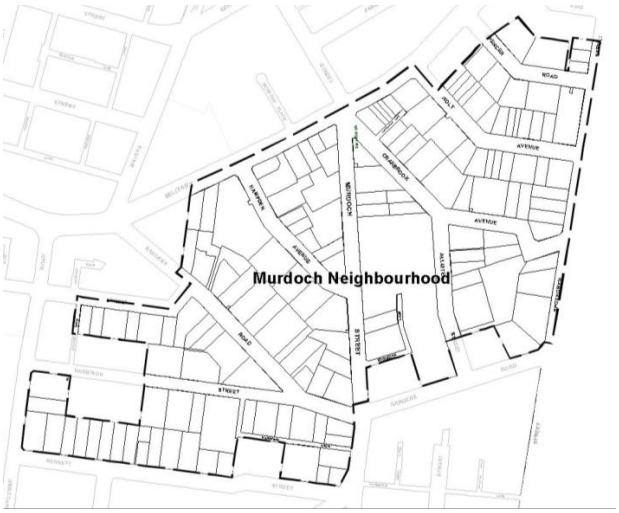
Foreshore

P11 Development adjacent to the foreshore is small in scale and does not dominate the foreshore frontage.

P12 Development associated with boating activity is kept to a minimum and is compatible with the surrounding land uses.

P13 Development adjoining foreshore or bushland areas (such as at Wonga Road) use muted colours and non-reflective materials, such as brick and timber to ensure the scenic and environmental qualities are enhanced.

5.5 MURDOCH NEIGHBOURHOOD



5.5.1 Significant Elements

Land Use

P1 Predominantly residential development.

P2 Educational establishments.

Topography

P3 Gentle falls to the south from the ridge along Military Road.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) Views between buildings and along Murdoch Street to the Sydney CBD and Sydney Harbour.

Identity / Icons

P5 SCEGGS – Redlands School.

P6 Military Road, a major regional thoroughfare.

Subdivision

P7 Irregular grid pattern, informed by the irregular topography of the area.

Streetscape

P8 Tree lined streets with grassed verges and concrete footpaths.

P9 Mixture of low full masonry and part masonry and timber paling fences.

P10 Buildings setback from the boundary and aligned with the street frontage.

Public transport

P11 Development is to take advantage of high levels of accessibility to high frequency public bus services along Military Road.

5.5.2 Desired Future Character

Diversity

P1 Primarily high density residential accommodation, generally comprising residential flat buildings.

P2 Limited opportunities for attached dwellings dwelling houses, semi-detached houses, dual occupancies and multi dwelling housing.

P3 The density of development generally reduces the further away a property is located from Military Road.

5.5.3 Desired Built Form

Setback

P1 Front: 5m

P2 Buildings should be setback to all side boundaries in accordance with Part B of the DCP, except as follows:

(a) A minimum of 2m from the eastern boundary of No. 4 Rangers Road to retain existing trees.

P3 Rear 10m.

P4 Residential flat buildings have substantial front, rear and side setbacks.

5.6 MONTAGUE ROAD CONSERVATION AREA



5.6.1 History

The Montague Road Conservation Area was originally part of Alfred Thrupp's land grant, which was later acquired by Daniel Cooper and his heirs. In 1891 a large 25 acres of the land was purchased by James Ernest Holt and later subdivided. The upper portion to Macpherson Street was developed as the *Surrey Estate* and placed for auction in 1907 and 1910.

Despite subdivisions in the area in the 1890's, little development occurred until the early 20th century because of it remoteness from the main development areas of North Sydney. The area's development was facilitated by the construction of tramways which increased its accessibility.

5.6.2 Description

The Montague Road Conservation Area is a residential neighbourhood that is characterised by small to medium scale houses setback from the street.

The topography of the area is a sloping plateau with a bluff along Ellalong Avenue. Richmond Avenue runs along the contours with the other roads in a grid pattern sloping with the topography. Montague Road is a wide Street with grass verges.

Street trees vary in size and species.

The area has views from the high vantage points to Willoughby Bay. Frontages often have retaining walls in a variety of finishes and low picket fences.

The conservation area is characterised by the good quality, single and two storey detached and semi-detached buildings on medium to large size lots in the Federation Queen Anne styles interspersed with some California Bungalows with articulated facades and front verandahs with decorated timber detailing.

Characteristic building materials are face brick with brick or sandstone bases, roughcast render, fibro. Most houses have brick chimneys with terracotta chimney pots.

5.6.3 Statement of Significance

The Montague Road Conservation Area is significant:

(a) As an example of a subdivision that responds to the topography and the resulting built form that features stepped and elevated housing forms.

(b) As a consistent and intact early 20th century residential area with medium sized detached and attached Federation Queen Anne houses and California bungalows.

(c) For the quality and collective significance of the buildings within the area.

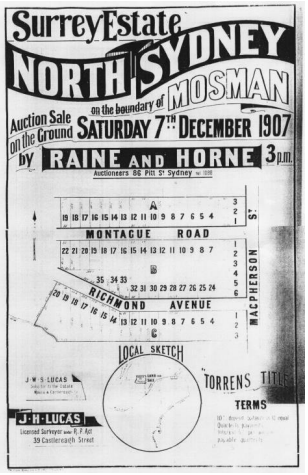


Figure F-5.2 (left):
Circa 1890

Figure F-5.3 (below left):
Circa 1943

Figure F-5.4 (below right):
Circa 2008





5.6.4 Significant elements

Topography

P1 Plateau sloping down towards Willoughby Bay.

Subdivision

P2 Rectilinear subdivision with boundary to street frontage.

Streetscape

P3 Split carriageway and changes in level in Ellalong Road and Richmond Avenue. Low timber fences. Slot views over and between buildings to the city and Harbour Bridge.

P4 Double rail timber fences.

Views

P5 Brothers Memorial Park Fifth Avenue Lookout, Ellalong Road Lookout, Richmond Avenue Lookout. Street views along Richmond and Fifth Avenues.

5.6.5 Characteristic buildings

P1 Detached single storey dwelling houses on small lots.

P2 Federation, Queen Anne and California Bungalow styles.

5.6.6 Characteristic built elements

Siting

P1 Principal frontage oriented and parallel to the street, forward towards front boundary.

P2 Front setback 4-5 m.

P3 Side setback 1-1.5 m.

P4 Rear setback 5-6 m

Form, massing and scale

P5 Characteristic height - single storey.

Roofs

P6 Pitched between 30 and 45 degrees, small scale and with a variety of roof forms. Terracotta tile or slate with corrugated metal to rear extensions.

P7 Smaller roof forms to the rear.

External Materials

P8 Dry pressed face brick, sandstone base courses.

Windows, doors and joinery

P9 Consistent with building period and style. Timber.

Fences

P10 Low in scale (800mm max). Face brick or timber vertical picket timber fences.

Car accommodation

P11 Located behind the main building line (i.e. not verandahs) or located at the rear with hipped and/or gabled roof forms.

5.6.7 Uncharacteristic elements

P1 Uncharacteristic developments in the area include unsympathetic alterations, second floor additions, attic room conversions, with dormers or skylights on front roof plane; residential flat buildings and battle-axe multi-dwelling housing developments; parking and large areas of paving in the front setback.

5.7 OAKS AVENUE CONSERVATION AREA



5.7.1 History

The Oakes Avenue Conservation Area was originally part of Alfred Thrupp's land grant. The southern half of Oakes Avenue was subdivided in 1887 by J Cooper, who bought the land from Thrupp, as the "Oaks Brickworks Estate". This land was then leased to Oliver Clews, who built seven "Brick and Iron" houses on the southern side of the road in 1989. The land on the northern side of the road was vacant at this time.

The remaining houses on the southern side of Oakes Avenue and houses on the northern side were built between 1899 and 1901. The first appeared in Council's 1902 Valuation Book.

5.7.2 Description

The Oakes Avenue Conservation Area is a discrete residential neighbourhood that is characterised by small lots.

Oakes Avenue is a relatively short street, with a slight level change along its length. The buildings on the northern side of the street are set down to those on the southern side.

Street vegetation is a mix of box and eucalypt trees planted in the early to mid 20th century. Street and foreground planting contribute to the sense of place.

The Conservation Area is characterised by the consistent row of single storey, modest sized houses. A number of the lots are splayed to Oakes Avenue leading to stepped building alignments and setbacks.

5.7.3 Statement of Significance

The Oakes Avenue Conservation Area is significant:

(a) For the unity of its subdivision pattern and the resulting built form.

(b) As a consistent and intact early 20th century residential area with a mix of Federation and 1920s single storey houses.

(c) As a remnant of the former "Oakes Brickworks Estate".

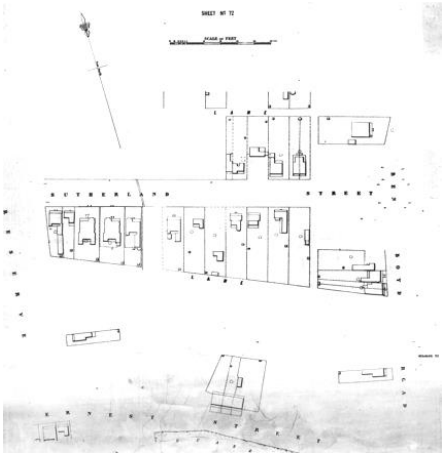


Figure F-5.5 (left):
Circa 1890

Figure F-5.6 (below left):
Circa 1943

Figure F5.7 (below right):
Circa 2008





5.7.4 Significant elements

Topography

P1 Slight slope to the north.

Subdivision

P2 Detached dwelling houses on regular subdivision with narrowest boundary to street.

P3 Typically narrow allotments and approximately 450sqm in area.

Streetscape

P4 Sandstone kerbs, grass verges and concrete paths. Street trees planted in verges mainly Box and Eucalypts. Low walls in stone and timber.

Views

P5 Views to Cammeray Park at the top of the street.

5.7.5 Characteristic buildings

P1 Single storey, moderately scaled Federation and Queen Anne dwellings.

5.7.6 Characteristic built elements

Siting

P1 Principal frontage oriented to the street with garden to the front.

P2 Front setback 4 – 5 m,

P3 Side setback 1 – 1.5 m.

P4 Rear setback 5 – 6 m.

Form, massing and scale

P5 Single storey with hipped and gabled roofs.

P6 Reduced height to rear.

P7 Simple forms articulated with projecting bays and verandahs to the front.

Roofs

P8 Hipped and gabled. Pitched between 30 to 45 degrees.

Materials

P9 Face brick walls, sandstone base courses.

P10 Terracotta tile roofs with corrugated metal to rear extensions.

P11 Timber windows, doors and joinery.

P12 Tessellated tiles to front verandahs.

Windows and doors

P13 Consistent with building period and style. Timber.

P14 Step though double hung windows to front with narrow sidelights and multi paned fanlights.

Fences

P15 Low front fences to 800mm in height.

P16 Sandstone, face brick, timber vertical pickets and iron.

P17 Gates are offset from stairs and front door.

Car accommodation

P18 No garages or driveways located to the front.

5.7.7 Uncharacteristic buildings

P1 Garages and carports, large rear additions, changes to original front fences, contemporary flat buildings, two storey attached dwellings and carriage style developments. Other unsympathetic changes are verandah enclosures, high front brick fences, cement rendering and painting face brick or stone walls.

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SECTION 6 SOUTH CREMORNE PLANNING AREA

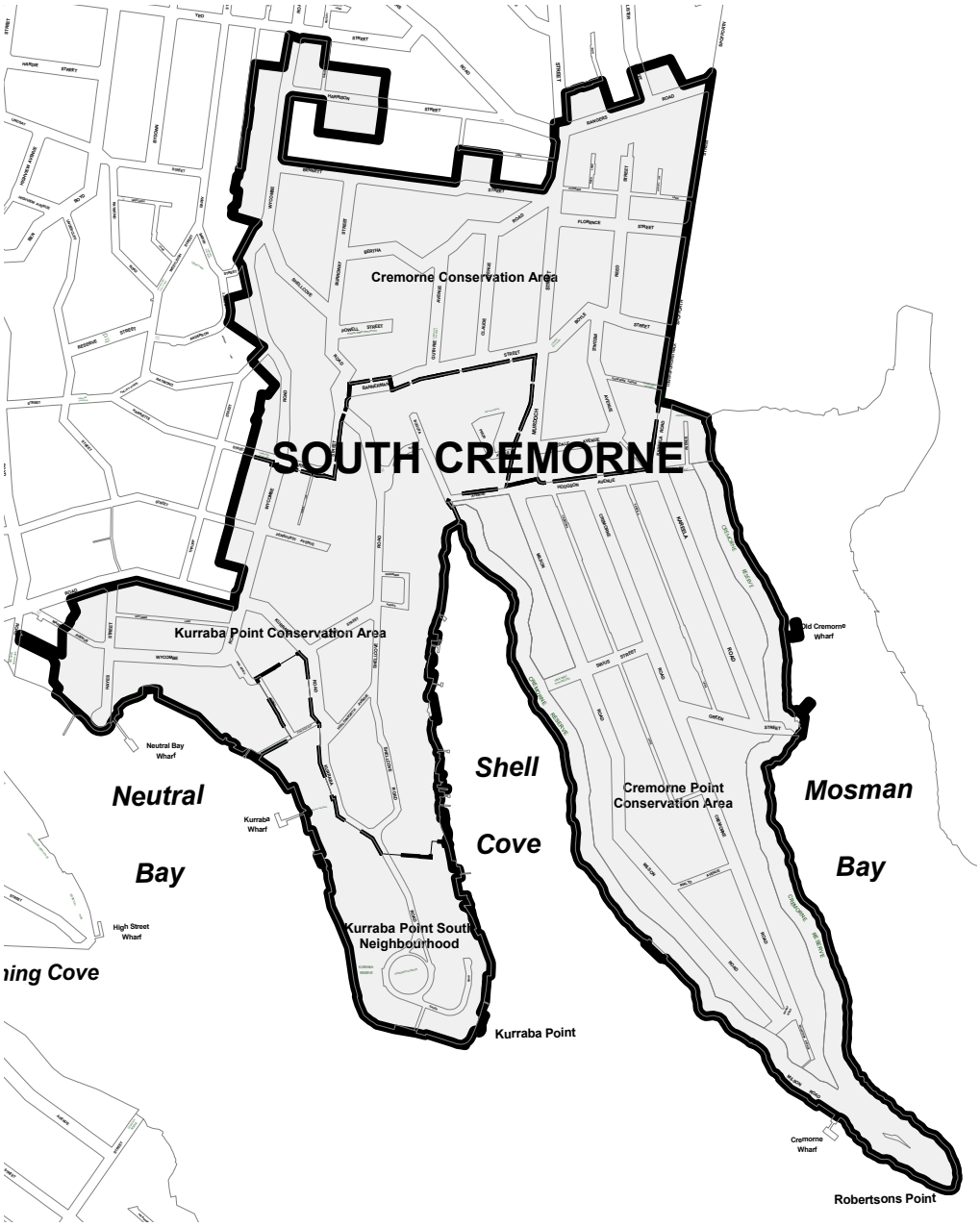


Figure F-6.1: South Cremorne Planning Area and associated Locality Areas

6.0 SOUTH CREMORNE PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the South Cremorne Planning Area.

South Cremorne is a green, leafy area sympathetic to its harbourside setting. The design of new buildings is to be sympathetic to the landscape and character of buildings within the locality, complementing existing building forms in respect to massing, composition, materials, colours and maintaining the original subdivision pattern.

Development within the Planning Area should result in:

- no substantial change to residential densities
- no significant change in intensity of development
- a wide range of single household residential types being distributed in a number of distinctive built form/landscape areas
- the conservation of features which contribute to the local identity

and where:

Function

- a limited number of non-residential uses, such as small scale convenience stores and cafes, coexist with the residential character without adverse effect
- areas of open space are used by locals and the wider regional population for a variety of recreational purposes
- comfortable and safe pedestrian routes are maintained and extended
- public transport, cycling and walking are the preferred means of transport
- through traffic is discouraged and commuter parking managed through parking schemes
- local identity, icons and heritage are conserved

Environmental Criteria

- the remaining natural foreshores and water courses are conserved and protected, and pedestrian access to these areas is extended and improved
- bushland is protected from the adverse effects of development – such as stormwater runoff, spread of exotic plants and weeds, and visual impact of structures
- additional street trees and onsite landscaping contribute to amenity while minimising impact on solar access and residents views
- arrangement of building forms and street pattern allows good sunlight access to properties
- stormwater management measures prevent runoff and pollution of the harbour
- boat sheds and other structures along the foreshore minimise bulk and avoid clutter. Materials and colours utilised are unobtrusive
- use of locally indigenous flora extends habitats for native birds and other fauna
- man made noise is limited to protect the ambience of the natural environment

Quality Built Form

- development reflects and reinforces the existing distinctive built form/landscape areas and distribution of accommodation types
- development in conservation areas incorporates design, architectural detailing, materials and colours sympathetic with the area
- buildings address streets, reserves and waterways where appropriate
- cohesiveness throughout the area a is achieved through landscaping and street tree planting
- views from lookouts and other vantage points are not obscured by structures or landscaping
- pedestrian routes such as footpaths and "shortcuts" are maintained as local landmarks important to the community

Quality Urban Environment

- Cremorne Reserve is protected and enhanced by complementary planting and landscaping in adjoining private gardens
- backyards are used for a variety of activities particularly for families with children and for the practical and recreation needs of residents in residential flat buildings

Efficient Use of Resources

- stormwater is retained for reuse on site.

The South Cremorne Planning Area includes the following Locality Areas in which development is subject to relevant provisions below:

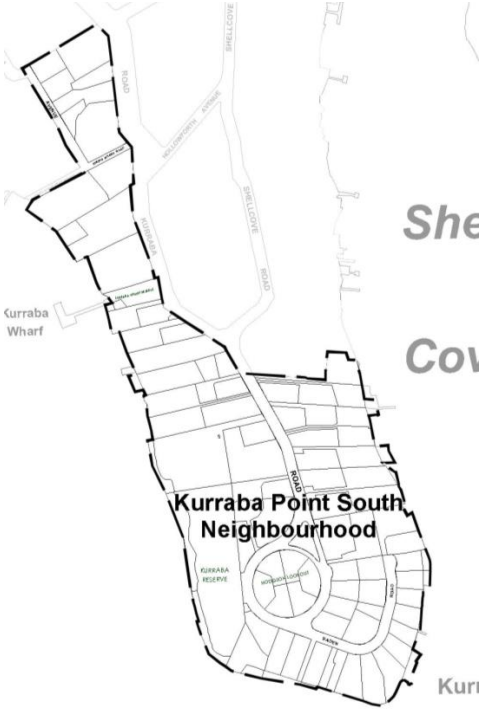
Section 6.1: Kurraba Point South Neighbourhood

Section 6.2: Kurraba Point Conservation Area

Section 6.3: Cremorne Conservation Area

Section 6.4: Cremorne Point Conservation Area

6.1 KURRABA POINT SOUTH NEIGHBOURHOOD



6.1.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

P2 Passive and active recreational spaces.

Topography

P3 Falls from the ridge along Kurraba Road down to the foreshores of Sydney Harbour.

P4 Steep falls generally adjacent to the foreshore.

Natural Features

P5 Low topographic profile and steady slopes with sections of shallow topography.

P6 Along the eastern side of Kurraba Point, generally retained edges, some small jetties and boatsheds, mixed with natural shoreline.

P7 Natural vegetation, varying degrees of private landscaping of native and introduced species.

Views

P8 The following views and vistas are to be preserved and where possible enhanced:

(a) views from streets and reserves to Sydney Harbour and beyond.

(b) Hodgson lookout (41), Spains lookout (42), Kurraba Wharf lookout (43).

Identity / Icons

P9 Hodgson Lookout.

P10 Sydney Harbour.

Subdivision

P11 Irregular grid pattern following the topography of the land.

P12 Deep narrow lots adjacent to the foreshore.

Streetscape

P13 Narrow carriageways with fully paved verges for pedestrians.

P14 Tall rendered masonry retaining walls built to street frontages on the high side of the street, interrupted with garage openings.

P15 Buildings generally setback a minimum from the boundary with a skewed alignment to respective street frontages

Public transport

P16 Development takes advantage of high levels of access to regular public ferry services from Kurraba Wharf.

6.1.2 Desired Future Character

Diversity

P1 Primarily medium to high density residential accommodation, generally comprising attached dwellings, multi dwelling housing and residential flat buildings according to zone.

P2 Limited opportunities for low density housing, generally comprising dwelling houses and dual occupancies.

P3 Any increases in density should be concentrated in the vicinity of Kurraba Wharf.

6.1.3 Desired Built Form

Siting

P1 Buildings address both the street, as well as the foreshore.

P2 In narrow streets, towards rear boundary (subject to foreshore building line) to produce a more open streetscape.

P3 Sites should provide front setbacks to allow for soft landscaping.

Colours and materials

P4 Development adjoining foreshore or bushland areas (such as at Wonga Road) use muted colours and non-reflective materials, such as brick and timber to ensure the scenic and environmental qualities are enhanced.

6.2 KURRABA POINT CONSERVATION AREA



6.2.1 History

The Kurraba Point Peninsula was part of the land grant to Alfred Thrupp, later acquired by Daniel Cooper. It remained in the Cooper family until the 1880s when long-term leases began to be converted to freehold.

Early development was limited to a small number of waterfront residences near the present Hayes Street, established in the 1830s. Leasehold properties became available from the 1850s and from the 1860s a number of large mansions were built on Kurraba Point. Industry in the area was minimal: a quarry on Kurraba Point operated in the 1840s to supply stone to Fort Denison; later it was used as a soap works then a ferry depot.

The improvement in transport opened the area for development. Waterfront properties were taken up with large, architect designed homes, some later replaced with residential flat buildings in the 1920s. Most of the earlier subdivisions have been subdivided for infill development.

6.2.2 Description

The Kurraba Point Conservation Area is bounded by the Kurraba Road, Wycombe Road, Bannerman Road and the shore of Shell Cove.

The landform follows the slope of the land towards the water to Neutral Bay and Shell Cove with roads following the contour lines.

The higher section has a more regular subdivision pattern but the sloping part have an irregular subdivision determined by the street pattern and topography. Some later battle axe blocks to the waterfront sites. Lot sizes vary and many are developed for large architect designed houses with residential flat buildings on sites close to the water.

The area is characterised by the medium to large Federation and Edwardian homes with some earlier Victorian development, inter war dwelling houses and 1930s residential flat buildings. There some very fine examples of the period particularly along, Shell Cove Road, Kurraba Road, Hayes Street Wallaringa Road including Nutcote, home of the author May Gibbs. The group of dwelling houses and reserve in Bannerman Street and Prior Avenue form an unusual subdivision with a private reserve and tennis courts.

Elevated sites provide extensive views to Sydney Harbour and there are views from the Bogota Avenue, Kurraba Wharf, down Hayes Street and Lower Wycombe Road.

Front gardens contribute to the landscaping of the street. Gardens follow the slope of the site with stone walls to the street. There are street trees that add to the leafy character of the area.



Figure F-6.2 (left):
Circa 1890

Figure F-6.3 (below left):
Circa 1943

Figure F-6.4 (below):
Circa 2008





6.2.3 Statement of Significance

The Kurraba Point Conservation Area is significant:

(a) As an early harbourside suburb that has retained significant elements if its major 19th century development phase with good examples of later periods of development including some fine inter war flat buildings.

(b) For the large number of architecturally distinguished homes some that have a strong relationship with the water and include the works of B. J. Waterhouse, Jefferson Jackson and Walter Liberty Vernon.

(c) For its irregular subdivision pattern with irregular street pattern and widths that allied to the topography and plantings and mature trees add to a high quality luxuriant character.

6.2.4 Significant Elements

Topography

P1 Undulating topography with falls to Neutral Bay and Shell Cove.

Subdivision

P2 Rectilinear subdivision to upper level. Irregular subdivision to the lower slopes.

Streetscape

P3 Irregular street pattern following the contours. Street trees and stone walls align streets and paths.

Views

P4 Prior Avenue Lookout, Bogota Avenue Lookout, Kurraba Wharf Lookout. Views from Hayes Street and Lower Wycombe Road.

6.2.5 Characteristic buildings

P1 Federation and Edwardian detached dwelling houses. Inter war dwelling houses. Inter war residential flat buildings.

6.2.6 Characteristic built elements

Siting

P1 Centrally on lots with front and rear garden.

Form, massing and scale

P2 Single and two storey, detached dwelling houses with hipped and gabled roofs.

P3 Skillion wings and reduced height and scale to rear.

P4 Open verandahs to front.

P5 Strong skyline of simple, pitched roofs and chimneys visible from the street stepped along the sloping streets.

P6 Multi-level residential flat buildings.

Roofs

P7 Pitched between 30 and 45 degrees with some use of parapets to the street.

P8 Skillion roofs to rear extensions.

P9 Brick and rendered chimneys.

External Materials

P10 Face and rendered brick on sandstone base.

P11 Slate, terracotta tiles, corrugated metal roofs.

P12 Original timber windows doors and decorative joinery.

Windows, doors and joinery

P13 Consistent with building period and style. Timber.

Fences

P14 Original low scale front fences. Timber fences to rear and side. Sandstone walls, timber gates; timber pickets; timber rails; face brick with piers.

Car accommodation

P15 To the side or rear of dwellings.

6.2.7 Uncharacteristic and undesirable buildings and built elements

P1 Contemporary residential flat buildings; contemporary buildings and additions; over-scaled additions; over-scaled and poorly detailed carports and garages to the street frontages; front and side dormers and rooflights; extensive glazing; glazed balustrades; removal of original detailing; infilled verandahs; rendered and painted face brickwork; modern facades; high walls and fences to the street.

6.3 CREMORNE CONSERVATION AREA



6.3.1 History

The Cremorne Conservation Area was contained within the Alfred Thrupp grant of 1815, which was subsequently acquired by Daniel Cooper. The Coopers did little to improve the property but commenced leasing land around 1850.

From the 1870s, with Military Road constructed and the ferry services available on the Harbour, demand for residential land boomed. This area was promoted as highly desirable and included large blocks of land on which expensive mansions were built.

Freehold land was available from the 1890s and such development continued until the early twentieth century. The Neutral Bay Land Company, who employed architects such as Walter Liberty Vernon and William Wardell to prepare house designs, developed an area of Wycombe and Shell Cove Roads north of Harriette Street, which features substantial, architecturally distinguished housing of the 1890s.

6.3.2 Description

The Cremorne Conservation Area is located on the sloping ground above Shell Cove and extends to Spofforth Street the east to the boundary of the LGA.

The landform slopes to the harbour with an irregular pattern of streets that follow the contours and slopes. The subdivision pattern varies with irregular lots that follow the topography.

The Conservation Area is characterised by a mix of small, medium and substantial late Victorian and Federation era dwelling houses with two and three storey, Inter-war residential flat buildings. Buildings are generally set in established gardens.

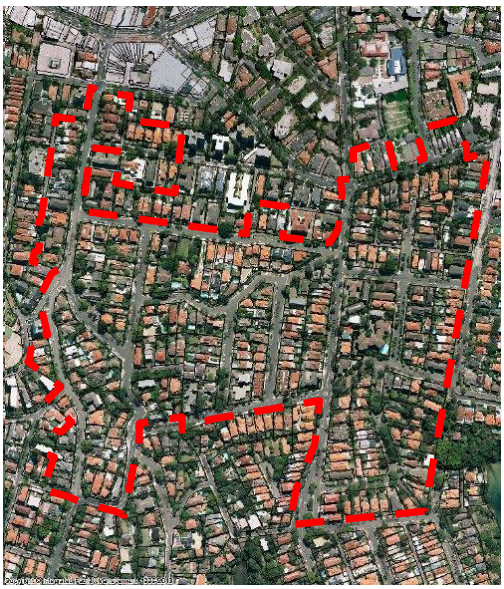


Figure F-6.5 (left):
Circa 1890

Figure F-6.6 (below left):
Circa 1943

Figure F-6.7 (below):
Circa 2008





6.3.3 Statement of Significance

The Cremorne Conservation Area is significant:

(a) as a consistent late 19th/early 20th Century residential area with a mix of Victorian, Federation one and two storey housing, mixed with Inter-war residential flat buildings,

(b) as a largely intact early 20th Century suburb retaining much of the urban detail and fabric seen in gardens, fencing, street formations, use of sandstone, sandstone kerbing, natural rock faces, wide streets and compatible plantings, all of which are a response to the topography of the area.

6.3.4 Significant elements

Topography

P1 Sloping sites falling towards Shell Cove.

Subdivision

P2 Irregular lots following the street pattern and topography.

Streetscape

P3 Split roads. Double rail timber fences. Street reservation planting.

Views

P4 Bertha Road lookout (19), Guthrie Avenue lookout (20), Boyle Street (Hunts and Cremorne Point lookouts - 21, 22).

P5 Views from Lower Murdoch Street, Glade Avenue, Reed Street, Burroway Street, Wycombe and Shell Cove Road intersection, Barry Street and Wycombe Road intersection.

6.3.5 Characteristic buildings

P1 Single and two storey detached late Victorian, Federation and Edwardian dwelling houses. Inter war residential flat buildings.

6.3.6 Characteristic built elements

Siting

P1 To the middle of the lot with gardens to the front and rear.

Form, massing and scale

P2 Two storey terraces. Single and two storey detached dwellings. Reduced scale to the rear. Low, multi-storey residential flat buildings.

Roofs

P3 Pitched, hipped and gables roofs pitched between 30 and 45 degrees with skillion roofs to rear. Brick and rendered chimneys. Parapets to flat roofed residential flat buildings.

Materials

P4 ***Walls***: Face and rendered brick on sandstone foundations; dark brick to Inter-war residential flat buildings.

P5 ***Roofs***: Slate; terracotta tile and corrugated metal to the rear; flat roofs to residential flat buildings.

P6 Timber verandahs and Federation and Arts and Crafts detailing.

Windows and doors

P7 Consistent with building period and style. Timber.

Fences

P8 Low scale 900-1200 mm height; sandstone walls; metal palisade; timber pickets.

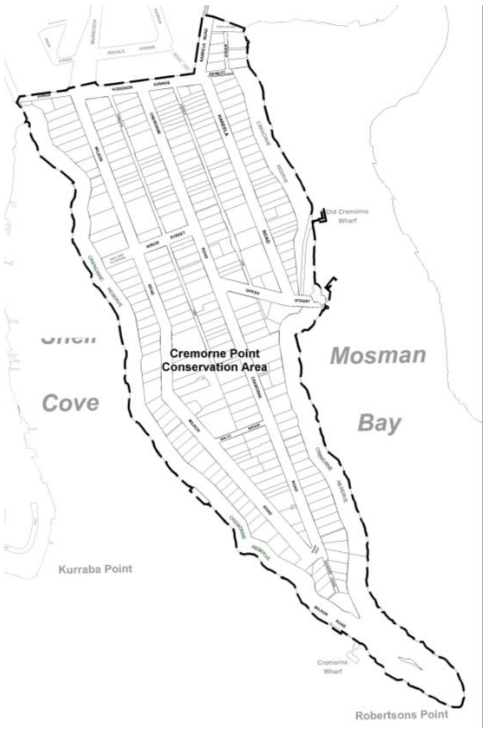
Car accommodation

P9 Set back from the main building line.

6.3.7 Uncharacteristic and undesirable buildings and built elements

P1 Over-scaled additions; dormers and skylights to front roof slopes; roof terraces; carports and garages to the street; paved hardstand areas within front setbacks high solid fences to the street; rendered and painted face brick; loss of original detail; contemporary buildings and additions and residential flat buildings.

6.4 CREMORNE POINT CONSERVATION AREA



6.4.1 History

Little development occurred on the peninsula until the 1850s. An area on Cremorne Point was leased to Clarke and Woolcott to establish the "Cremorne Gardens" recreation ground. It closed after a short time leaving the area as a well-known picnic spot on the harbour. A number of subdivisions were planned in the 1870s and 1880s. Coal mining was proposed after coal was found in the 1890s.

During the 1880s the Government demanded and eventually acquired a 100 foot foreshore reservation for public recreation after many years of negotiations, including a court case. Cremorne Point Reserve was gazetted in 1905. Subdivision finally occurred from this time and residential development was rapid thereafter with the major phase of development taking place in the first 20 years of the century.

Access to the peninsula was principally by water and tram. Cremorne Point opened as a tram terminus in 1911, with a line from Cremorne Junction to the ferry wharf. The line operated until 1956. Two ferry wharves operated from the earliest development of the area at Old Cremorne and Cremorne Point.

6.4.2 Description

The Cremorne Point Conservation Area is located on a peninsula between Shell Cove and Mosman Bays, and is bounded by Hodgson Street to the north.

The landform slopes southwards from a central ridgeline and down to the bays on each side. The street pattern follows the topography with roads and service lanes following the ridge line with secondary lanes giving access to the lower sites close to the water. Some streets have terraced footpaths set above or below the roads with exposed rock outcrops.

The Cremorne Point Conservation Area is characterised by large, single and two storey, freestanding Federation and Edwardian dwellings, reflecting the area's main period of

development. Some dwelling houses have their primary elevation to the water with garaging and carports to the rear. There are also examples of single storey Inter-war dwelling houses with multi-storey Edwardian and Inter-war residential flat buildings. There is considerable Post-war infill development of single dwelling houses and multi-storey residential flat buildings.

The buildings generally have irregular setbacks from the street with level or terraced gardens and a mix of fencing types. There is extensive use of stone in boundary and retaining walls.

The main roads are well landscaped with nature strips and street plantings. Front gardens are well established, and often have extensive plantings to give an overall impression of a landscaped, garden suburb. The peninsula has a landscaped public reserve to its perimeter that is unusual in the Sydney area.

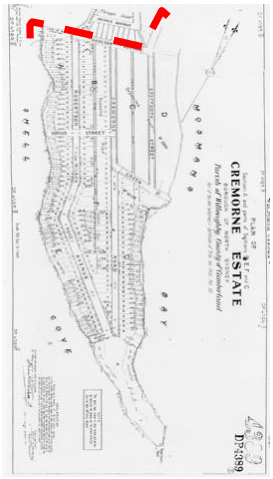
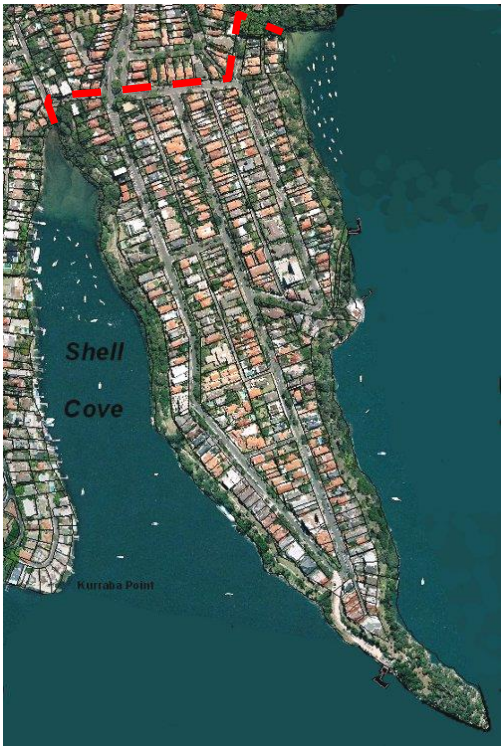


Figure F-6.8 (left):
Circa 1890

Figure F-6.9 (below left):
Circa 1943



Figure F-6.10 (below):
Circa 2008



6.4.3 Statement of Significance

The Cremorne Point Conservation Area is significant for:

(a) Consistent early 20th Century residential area with a mix of Federation and 1920s one and two storey housing mixed with inter-war residential flat buildings of two to three storeys, all built on large allotments with a strong orientation to the water.

(b) Unique foreshore reserve that predates the residential subdivision, which demonstrates the concern for recreation, public access and suburban amenity, and the importance of headlands in the visual character of Sydney Harbour.

(c) The visual unity derived from its subdivision history that is still apparent.

6.4.4 Significant elements

Topography

P1 Low ridgeline along a peninsula between to bays that slopes to the water.

Subdivision

P2 Regular rectangular lots.

Streetscape

P3 Continuity of fences and landscaping. Sandstone kerbing, sandstone and concrete walls, street gardens.

Views

P4 Cremorne Reserve Walk lookouts (many, including 34, 35, 38, 40), Hodgson Avenue lookout (24), Bromley Avenue lookout (25), Bogota Avenue lookout (26), Cremorne Road lookout (27), Sirius Park lookout (28), Kareela Lane lookout (29), Green Street lookout (30), Cremorne Lane lookout (31), St Chads lookout (32), Milson Road lookout upper level (33), Wallenundgal lookout, Milson Road (36), Wharf Road lookout (37), Kareela Lane lookout (29). Views from Rialto Avenue, Kareela Road.

P5 Cremorne Reserve is protected and enhanced by complementary planting and landscaping in adjoining private gardens.

6.4.5 Characteristic buildings

P1 Single and two storey, detached Federation and Edwardian dwelling houses. Edwardian and Inter-war residential flat buildings.

6.4.6 Characteristic built elements

Siting

P1 To the middle of the lot with gardens to the front and rear.

P2 Buildings sited to retain slot views above and to the side to harbour.

P3 Front setback 7 9m; 10-15 m east side of Kareela Rd and west side of Cremorne Rd between Sirius St and Hodgson Ave.

P4 Side setbacks of 1.5 m or 5 m where lots are amalgamated.

Form, massing and scale

P5 Single and two storey detached dwellings. Double elevations to waterfront properties. Reduced scale to the rear on non waterfront properties. Multi-storey residential flat buildings.

Roofs

P6 Hipped and gables roofs pitched between 30 and 45 degrees without dormer windows or openings that can be seen from the street. Brick and rendered chimneys.

P7 Flat or pitched roofs; parapet walls to Inter-War residential flat buildings.

Materials

P8 ***Walls***: Face and rendered brick on sandstone foundations; shingle spandrels and gables; fibre cement sheeting, battened gables and rough cast render.

P9 ***Roofs***: Slate; terracotta tile and corrugated metal; flat roofs to some residential flat buildings.

P10 Timber verandahs and Federation and Arts and Crafts detailing.

Windows and doors

P11 Consistent with building period and style. Timber.

Fences

P12 Low scale to 900 mm height. Up to 1.2 m for large Federation residences.

P13 Sandstone walls; timber pickets.

Car accommodation

P14 Parking provided off rear lanes.

6.4.7 Uncharacteristic and undesirable buildings and built elements

P1 Over-scaled additions; dormers and skylights to front roof slopes; roof terraces; carports and garages covering more than 1/3 of the street frontage; high solid fences to the street; rendering and painting of face brick; extensive glazing; glazed balustrades; loss of original detail; contemporary buildings and additions; and residential flat buildings.

SECTION 7 NEUTRAL BAY PLANNING AREA

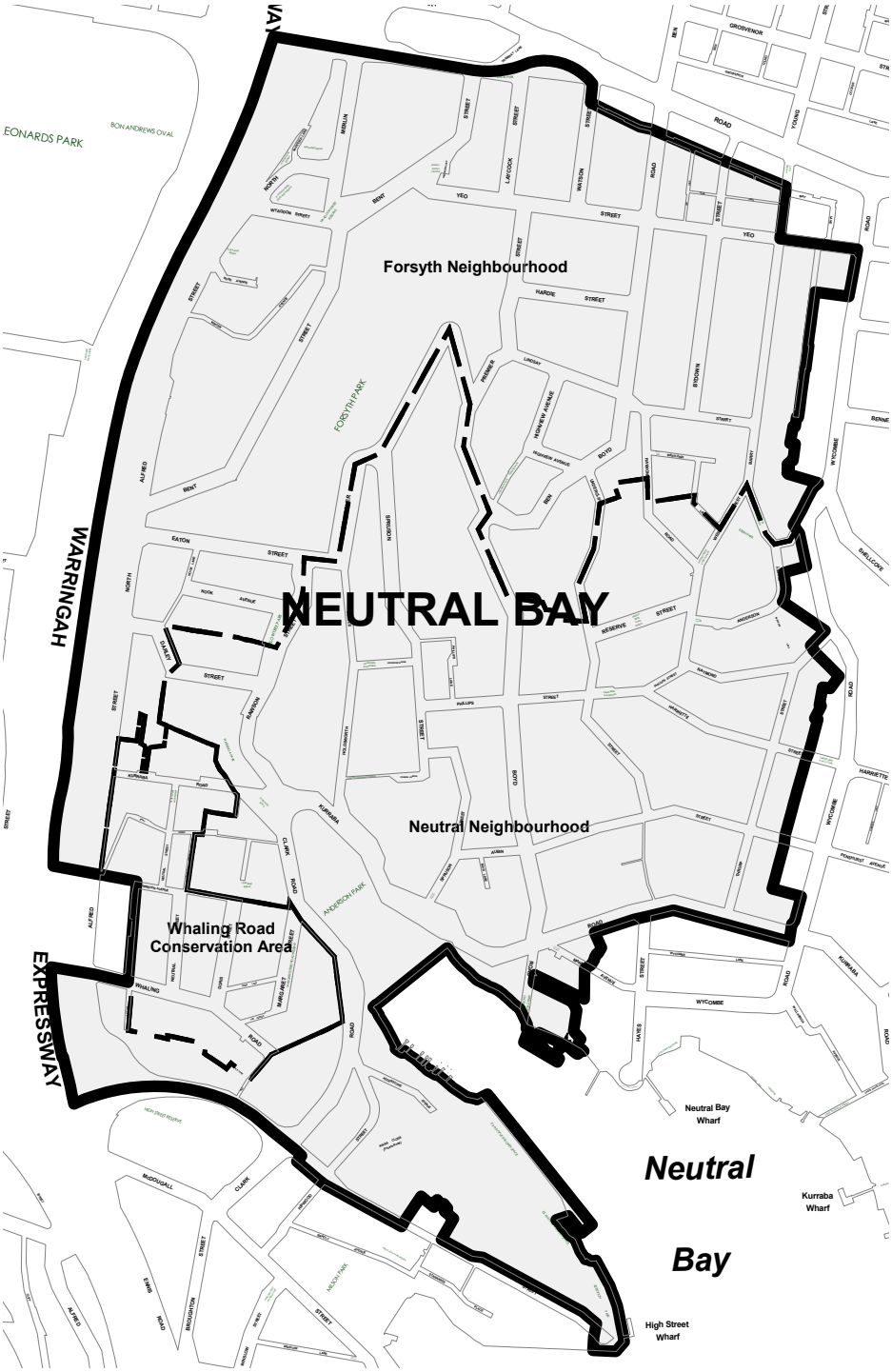
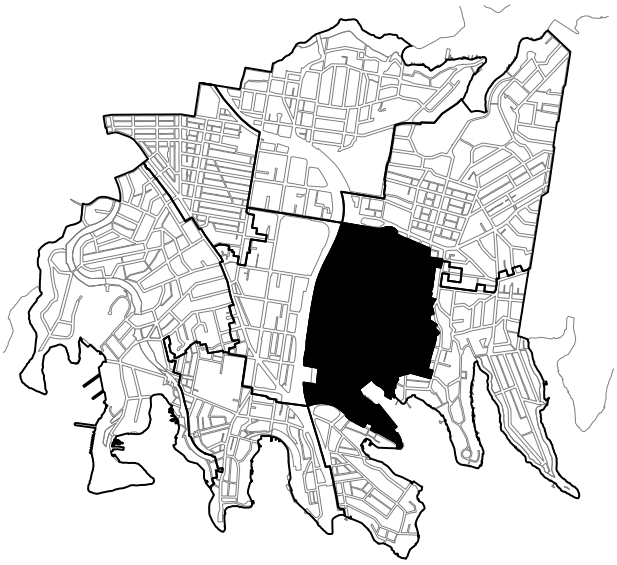


Figure F-7.1: Neutral Bay Planning Area and associated Locality Areas

7.0 NEUTRAL BAY PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the Neutral Bay Planning Area.

Neutral Bay is a diverse residential neighbourhood. Lower density development exists in the neighbourhood where there are small allotments, conservation areas and heritage items. Small shops, community and school facilities cater for the local residents. The waterfront and harbour setting of the Neutral Bay Area provide passive and active recreation pursuits, access to transportation, to other parts of the harbour via ferries and contribute to the natural and scenic qualities of the neighbourhood.

Development in the Planning Area should result in:

- residential growth occurring in accordance with Council's Local Housing Strategy, principally in the high density residential zones situated in the vicinity of Military Road
- a wide range of residential types and sizes being distributed throughout the area
- a scattered range of shops, services and facilities being available to the local community
- any alterations and additions being of a similar scale to existing buildings

and where:

Function

- there are safe and accessible community facilities and meeting places
- a few non-residential uses operate without adverse effect on the residential neighbourhood
- accessible and safe pedestrian routes are extended from Forsyth Park to the foreshore at Anderson Park
- public transport, cycling and walking are the preferred means of transport in an effort to reduce through traffic within Neutral Bay.

Environmental Criteria

- parkland and natural foreshore areas are conserved and protected and pedestrian access to these is incorporated and improved
- good sunlight is available to public spaces and parks
- ecology of bushland is protected from adverse impacts of development such as stormwater runoff, dumping of fill soil and vegetation, leaching of fertilisers, spread of introduced plants and weeds and visual impact of structures
- habitat for native fauna is abundant through planting local flora
- preservation and enhancement of tree coverage in line with Council's Urban Forest Policy

Quality Built Form

- new development is consistent with the existing built form
- buildings are of a lower scale and stepped on sloping terrain with vegetation abundant on steep slopes
- buildings are set back from all boundaries and have landscaped front gardens, softening the built form
- views of surrounding areas and the harbour are available through sites and achieved through setbacks of the built form from all boundaries and low, open fencing
- heritage items are protected, and significant streetscape elements are conserved in the Whaling Road conservation area
- wharf areas in Neutral Bay have a high level of amenity, have active uses nearby and provide a safe point for commuters to and from the area

Quality Urban Environment

- backyards are used for private recreational needs of residents in apartment buildings, particularly for families and children
- front fences are low and offer good visual surveillance to house fronts and gardens

Efficient Use of Resources

- existing buildings are generally maintained to prevent unnecessary waste of building materials
- storm water is captured on site and used to water gardens

The Neutral Bay Planning Area includes the following Locality Areas in which development is subject to relevant provisions below:

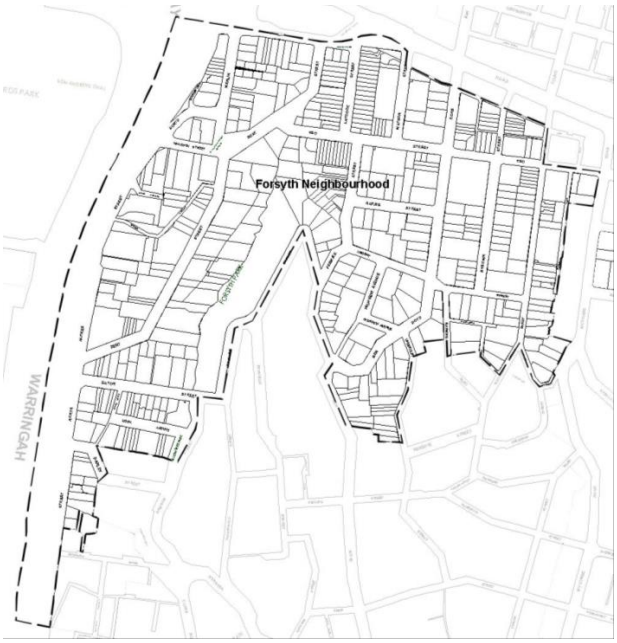
Section 7.1: Forthsyth Neighbourhood

Section 7.2: Neutral Neighbourhood

Section 7.2.4: HMAS Platypus

Section 7.3: Whaling Road Conservation Area

7.1 FORSYTH NEIGHBOURHOOD



7.1.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

P2 Passive and active recreational spaces.

P3 Educational establishments.

Topography

P4 Generally falls to the south-east from the ridge along Military Road and from the Warringah Freeway.

P5 Steep falls occurring adjacent to northern and western sides of Forsyth Park.

Natural Features

P6 Remnant bushland at the northern end of Forsyth Park.

Views

P7 The following views and vistas are to be preserved and where possible enhanced:

(a) District views from streets and reserves to Sydney Harbour and beyond.

(b) Kenneth Bolton Lookout (44), Bent & Yeo Streets Lookout (45), Merlin Street Lookout (46), Bent Street Lookout (47), Forsyth Park Lookout (48)

Identity / Icons

P8 Warringah Freeway, a major arterial thoroughfare.

P9 Military Road, a major arterial thoroughfare.

P10 Forsyth Park.

Subdivision

P11 Rectilinear grid pattern on the upper slopes.

P12 Irregular subdivision pattern west of Forsyth Park due to the undulating and steep topography.

Streetscape

P13 To the west of Forsyth Park:

(a) A mixture of one and two way streets.

(b) Split carriageways separated by sandstone retaining walls and double rail timber fences.

(c) Buildings setback from the boundary behind low fences.

P14 To the east of Forsyth Park:

(a) Tree lined streets with grassed verges and concrete footpaths.

(b) Garages and carports built to the boundary on the high side of the street.

(c) Buildings setback from the boundary with a skewed alignment to the street.

Public transport

P15 Development is to take advantage of high levels of accessibility to high frequency public bus services along Military Road.

7.1.2 Function

Diversity

P1 Predominantly high density residential accommodation in the form of residential flat buildings concentrated in the vicinity of Military Road to take advantage of high levels of public transport.

P2 Some pockets of attached dwellings and multi dwelling housing according to zone.

P3 Some pockets of federation style dwelling houses and semi-detached dwellings in Laycock, Bydown and Barry Streets.

7.1.3 Desired Built Form

Form, massing & scale

P1 Buildings to step down in height in accordance with the terrain.

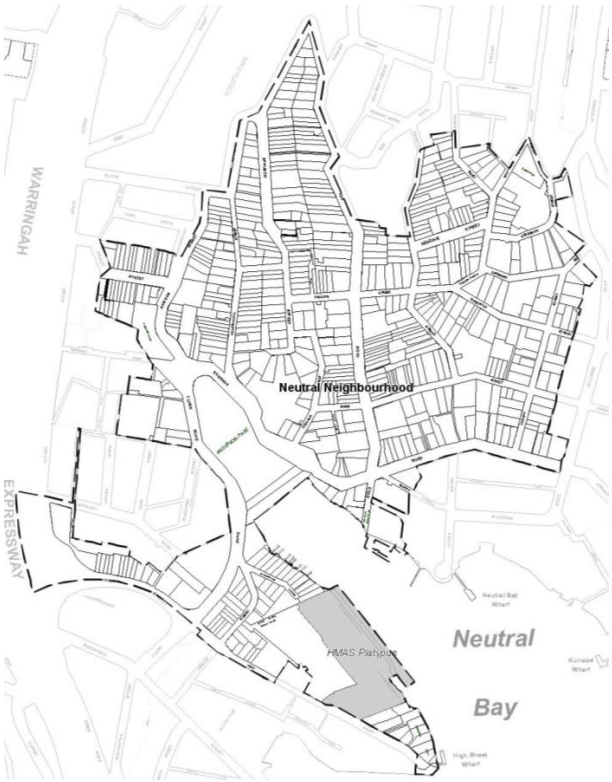
Noise

P2 Elevations of buildings fronting Military Road and Warringah Freeway are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

Fences

P3 Buffer planting screens impact from Warringah Expressway.

7.2 NEUTRAL NEIGHBOURHOOD



7.2.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

P2 Passive and active recreational spaces.

P3 Small scale commercial activities.

Topography

P4 The northern portion of the Area generally falls to the south down to the foreshores of Sydney Harbour.

P5 The southern portion of the Area generally falls to the east down to the foreshores of Sydney Harbour.

P6 Steep topography to the north of Anderson Park.

Natural Features

P7 Remnant natural shoreline areas in Neutral Bay, Anderson Park and Kesterton Park.

P8 Natural outcrops of exposed rock and cliff faces.

Views

P9 The following views and vistas are to be preserved and where possible enhanced:

(a) views from streets and reserves to Sydney Harbour and beyond.

(b) Westleigh Street Lookout (49), Reserve Street Lookout (50), Anderson Street Lookout (51), Phillip Street Lookout (52), Holdsworth Road Lookout (53), Spruson Street Lookout (54).

Identity / Icons

P10 Anderson Park.

P11 Former HMAS Platypus site, including:

(a) Existing wharf structure,

(b) Sandstone cuttings, and

(c) Heritage items and aspects of heritage significance are incorporated in development and reflect the history of the site as a gas works and naval installation.

P12 Sydney Harbour.

Subdivision

P13 Irregular grid pattern generally aligning with the topography.

Streetscape

P14 Tree lined streets with grassed verges and concrete footpaths.

P15 Split carriageways, with pedestrian linkages through.

P16 Generally a mixture of low sandstone, masonry and timber picket fences, with higher fences on the lower side of the street.

P17 Buildings generally setback, with some instances of garages built to the boundary.

Public transport

P18 Development to take advantage of high levels of access to regular public ferry services from High Street and Neutral Bay Wharfs and bus services along Clarke and Kurraba Roads.

7.2.2 Desired Future Character

Diversity

P1 Predominantly low density residential accommodation in the form of dwelling houses, semi-detached houses and dual occupancies.

P2 Pockets of attached dwellings, multi dwelling housing and residential flat buildings according to zone.

P3 Small scale commercial and retail premises according to zone.

P4 Maintaining and enhancing recreational and cultural facilities.

Foreshore

P5 Wharf areas are made active, safe and accessible.

P6 Wharf areas in Neutral Bay have a high level of amenity, have active uses nearby and provide a safe point for commuters to and from the area

7.2.3 Desired Built Form

Form, massing and scale

P1 Development should be carefully designed to follow the topography of the land, with buildings on sloping sites.

Foreshore

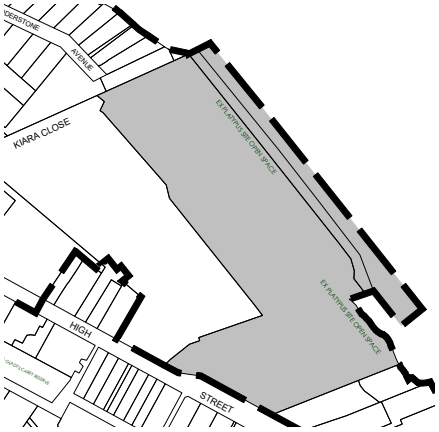
P2 Development on sites on or near the foreshore should be carefully designed to not restrict water views from neighbouring property or from public areas.

P3 Development adjacent to the foreshore is small in scale and does not dominate the foreshore frontage.

P4 Development associated with marinas and boating activity is kept to a minimum and is compatible with the surrounding land uses.

P5 Development adjoining foreshore areas use muted colours and non-reflective materials, such as brick and timber to ensure the scenic and environmental qualities are enhanced.

7.2.4 HMAS Platypus



Diversity

P1 A mix of cultural, recreational, community and commercial uses. Potential uses include cafes/dining, training/education, performance/events, offices, studios, conference/function/meeting places, neighbourhood shops and small scale maritime industrial uses.

P2 Existing wharf to be retained and adaptively reused.

P3 Existing buildings to be adaptively reused where possible.

P4 Existing buildings are to be reduced in scale where appropriate to provide a better relationship with neighbouring development.

P5 Provision of a sequence of terraces, streets, squares and gardens for public enjoyment by the waterfront.

P6 Public open spaces are to be connected internally and to external existing pedestrian links.

Heritage

P7 Heritage items and aspects of heritage significance are incorporated in development and reflect the history of the site as a gas works and naval installation.

P8 The heritage significance of structures on the site is to be maintained and conserved through the implementation of policies within a conservation management plan for the site.

Contamination

P9 The site is remediated through implementation and measures outlined in a remediation report and a review of remediation works as outlined in Section 14 -*Contamination and Hazardous Materials* to Part B of the DCP.

Views

P10 Views along pedestrian access from High Street of Neutral Bay and Sydney Harbour. View opportunities from a lookout higher on the site.

P11 View corridors from High Street and Kiara Close to Sydney Harbour between and over buildings.

Solar access

P12 Sunlight corridors between and over buildings to foreshore open space.

P13 Buildings designed to maximise solar access to surrounding residential properties and public areas during winter months.

Siting

P14 New development to be sited towards the south-western boundary to allow a substantial setback from the foreshore to enable continual public access along the foreshore.

Setback

P15 Buildings adjoining public open space areas are setback 6m to achieve a buffer with parkland/foreshore.

Form, massing and scale

P16 Two or three storey at High Street and the foreshore.

P17 Five storeys against cliff.

P18 Development is stepped down to open space along foreshore resulting in minimised overshadowing of public areas.

P19 Development on High Street relates to the existing two storey historic attached dwellings.

Roofs

P20 Pitched between 25 and 35 degrees along High Street frontage.

P21 Flat on lower site maximising view opportunities.

Access

P22 Continuous pedestrian access is to be provided along the entire foreshore frontage.

P23 Pedestrian links are to be provided to Kesterton Park and High Street.

Car accommodation

P24 The existing car park accessed off Kiora Close may be retained if the number of parking spaces does not increase and access to the car park is managed / controlled to prevent casual parking.

P25 Any new car parking should be located underground or within buildings.

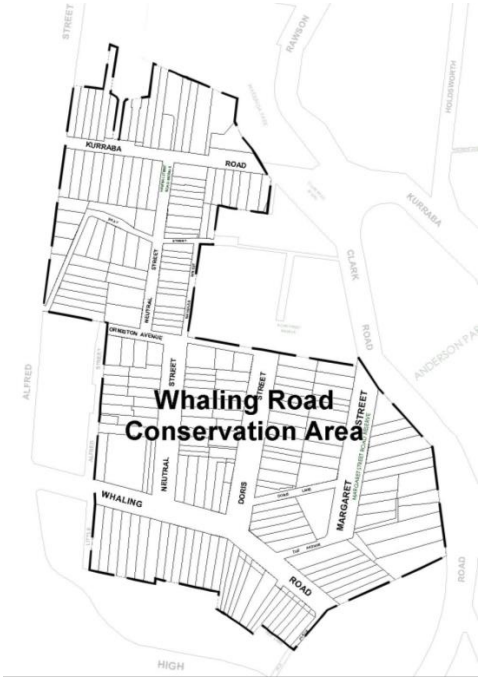
P26 Unenclosed parking should be suitably screened from public view.

P27 Disabled parking should be provided to enable public access to the foreshore and open spaces.

Traffic generation

P28 A traffic study must be submitted which outlines strategies to minimise the impact from traffic generated by the site.

7.3 WHALING ROAD CONSERVATION AREA



7.3.1 History

Prior to the construction of the Warringah Freeway, the Whaling Road Conservation Area was the eastern edge of the North Sydney township. The steep escarpment, now marked by Clark Road, was the physical barrier for the area.

The area was part of a land grant to James Milson in 1839 part of which was subdivided in the 1870s by Milson's daughter Sophia Shairp.

During the latter half of the 19th century early farms and the occasional large residence were subdivided and developed for small-scale housing. By the early 20th century the remaining larger properties were subdivided for speculative development that led to the construction of rows of single storey, semi-detached bungalows.

The area was largely developed by 1930 and remained unchanged until the 1960s when construction of the Warringah Freeway isolated the area from North Sydney.

7.3.2 Description

The Whaling Road Conservation Area is defined by the Warringah Expressway and the escarpment edge to Clark Road.

The landform slopes steeply to the north east, creating dramatic views, and resulting in stepped forms and house. The urban form is strongly influenced by the topography, and by the main phases of development.

The area is a discrete residential neighbourhood that is characterised by dwelling houses on small lots. The subdivision pattern is regular and irregular reflecting the topography with has small lots. Streets follow the slope and contours of the area with short streets with a number of steep, dead-end streets. Doris Street is split level for most of its length, and Margaret Street is not accessible to vehicles.

The area is characterised by small scale housing, one to two storey Victorian Georgian, Victorian Filigree and Federation style dwellings forming a dense urban pattern. There are high quality groups of single and two storey attached dwellings.

There are small pocket of public open space, some pedestrian links. Fencing is low and characteristically of timber giving coherence throughout the area.

Doris Street has remnant cobbling showing through contemporary road surfacing.



Figure F-7.2 (left):
Circa 1890

Figure F-7.3 (below left):
Circa 1943

Figure F-7.4 (below right):
Circa 2008





7.3.3 Statement of Significance

The Whaling Road Conservation Area is significant:

(a) For its unity that relates to its subdivision history and which is evident in the development and streetscape of the area.

(b) As a consistent and intact Victorian and Federation residential area that consists of modest housing on small lots.

(c) As a largely intact late 19th and early 20th century subdivision that retains much of the urban fabric and detail associated with its development over time such the street formations, sandstone kerbing, fencing, gardens and a strong relationship to topography.

(d) For the quality and collective significance of the buildings within the area.

7.3.4 Significant elements

Topography

P1 Slopes steeply to north east, escarpment to Clark Road.

Subdivision

P2 Irregular and regular rectilinear subdivision reflecting the topography and original subdivision pattern with boundary to street frontage.

Streetscape

P3 Streets following the slope or contours. Changes in level in Margaret, Doris, Bray and Neutral Streets. Sandstone retaining walls and steps. Street reservation plantings. Pedestrian access via a network of footpaths and steps that connect with Anderson Park, North Sydney and the foreshore with double rail timber fences.

Views

P4 Neutral Street Lookout, Margaret Street Lookout. Street views along Whaling Road, Doris Street and Neutral Street. Slot views over and between buildings to the city and Harbour Bridge.

7.3.5 Characteristic buildings

P1 Detached dwelling houses on small lots – single storey Victorian Georgian, Victorian Filigree and Federation.

P2 Two storey attached dwellings.

7.3.6 Characteristic built elements

Siting

P1 Principal frontage oriented and parallel to the street, forward towards front boundary.

P2 Front setback 4- 5m.

P3 Side setback 1 – 1.5m.

P4 Rear setback 5m.

Form, massing and scale

P5 Single storey detached and semi-detached dwelling houses.

P6 Double fronted dwelling houses with projecting gabled bay and flanking verandahs.

P7 Two storey attached dwellings with front verandahs.

P8 Matching single storey attached dwellings.

Roofs

P9 Pitched between 30 and 45 degrees.

P10 Gabled, hipped and gabled.

Materials

P11 ***Walls:*** A mixture of sandstone, weatherboard, face brick on sandstone bases and rendered brick on stone bases.

P12 ***Roofs:*** Slate, corrugated metal, terracotta tile.

Windows and doors

P13 Consistent with building period and style. Timber.

Fences

P14 Low to 900 mm.

P15 Metal palisade on low stone plinths; low brick; timber picket fences.

Car accommodation

P16 Generally no off street parking.

P17 Garages and carports located off rear lanes.

7.3.7 Uncharacteristic elements

P1 Contemporary and 1960's residential flat buildings; over-scaled additions; carports garages and paved hardstands built forward of the building line; over-scaled and front dormers and skylights; large rear decks; enclosure of verandahs; high solid front fences; rendering and painting of face brickwork; loss of original detail.

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SECTION 8 KIRRIBILLI PLANNING AREA

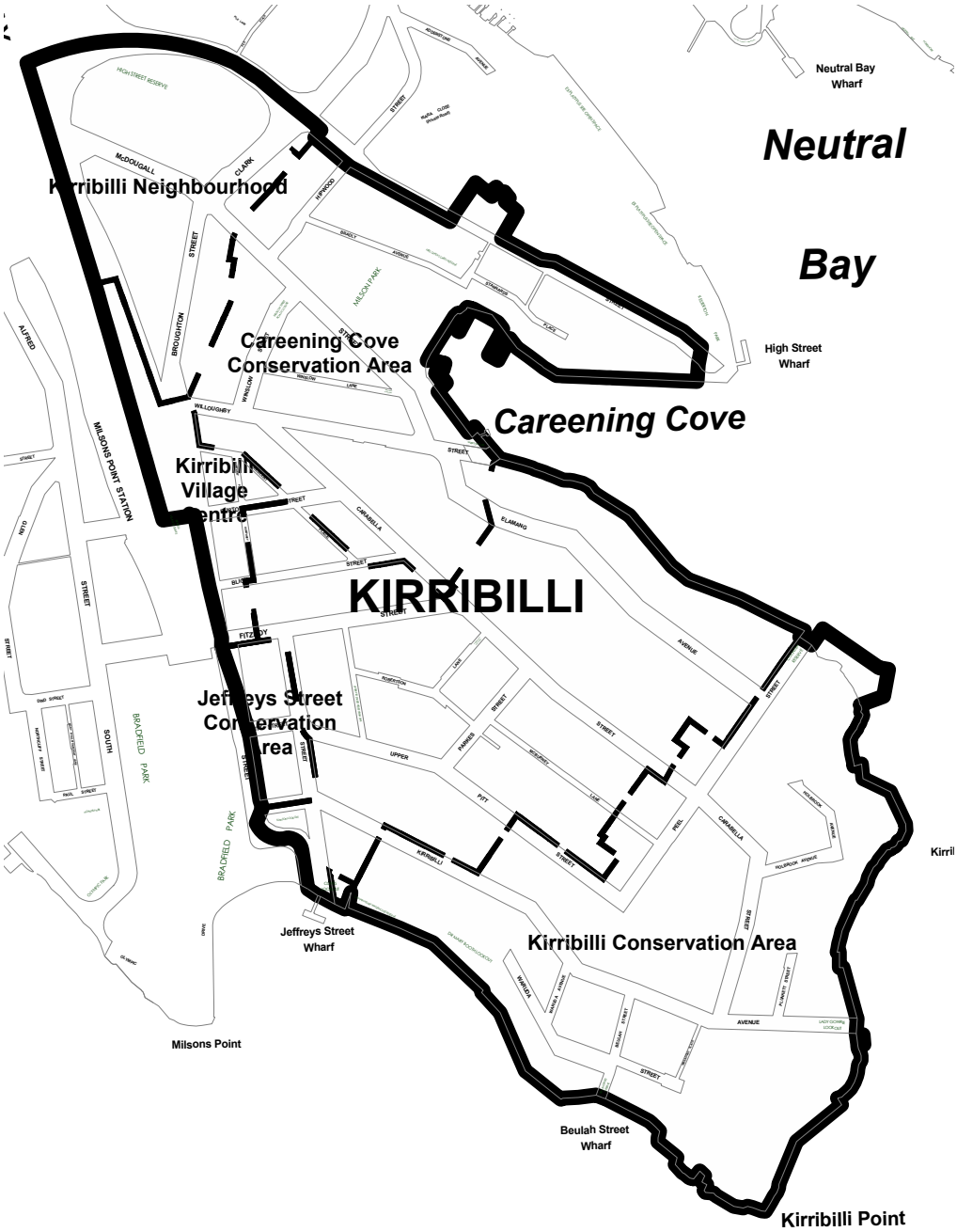


Figure F-8.1: Kirribilli Planning Area and associated Locality Areas

8.0 KIRRIBILLI PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the Kirribilli Planning Area.

Kirribilli is located on the foreshores of Sydney Harbour with spectacular views of the Sydney CBD, the Sydney Opera House and Sydney Harbour Bridge. Bradfield Park, at the base of the Sydney Harbour Bridge, provides unique outlooks and a place for outdoor recreation and softens the dense built form on the foreshores. The focal point of the Kirribilli peninsula is the Kirribilli Village Centre, a compact and lively area with a community centre, local shops and outdoor cafes that serve the needs of the local community. The village is surrounded by a predominantly residential area with a small number of other uses such as education, transport, maritime activities and community facilities. Conservation areas are often associated with prominent landmarks such as Admiralty House and Kirribilli House.

Development within the Planning Area should result in:

- limited growth with no substantial increase in residential densities.
- there is no significant change in low density residential or conservation areas.

and where:

Function

- the community centre in the Kirribilli Village provides a meeting place for the local community.
- a limited number of non-residential uses coexist peacefully with residential uses without adverse impacts on amenity.
- local shops provide basic needs (groceries, newsagents, hairdressing) for the local community and recreation opportunities (galleries, cafés) without adverse effects.
- open space caters for a variety of recreational needs.
- through traffic is discouraged, to avoid traffic congestion, and commuter parking is managed.

- the Village Centre is lively with an appropriate number of outdoor cafes and restaurants.
- laneways provide rear access for dwellings and local shops in the Kirribilli Village Centre.
- pedestrian links to Milsons Point and public transport facilities are upgraded and extended.
- bus, train, and ferry services are improved to encourage greater patronage.
- traffic calming strategies are implemented to avoid traffic problems.
- new development has minimal impact on traffic flows and the demand for parking.
- public transport, cycling and walking are the preferred modes of transport.
- the pedestrian tunnels to Arthur Street in Milsons Point and Kirribilli Station are maintained as local landmarks.

Environmental Criteria

- the natural areas of Sydney Harbour foreshore are conserved with improved and extended pedestrian access.
- the impacts of non-residential uses, such as noise and air pollution, are minimised.
- solar access is maximised to open space areas in public and private domains.
- extensive views of the Sydney Harbour and the Sydney CBD from open space areas, lookouts, private dwellings are shared and not obscured by structures and landscaping.
- public open space is provided for outdoor activities and for people to enjoy harbour views.

Quality Built Form

- any development that occurs reflects and reinforces the existing built form and distribution of accommodation types.
- landscaping and street plantings complement the built form to create cohesiveness throughout the area.
- heritage items, icons, contributory items and conservation areas are conserved and maintained with an appropriate curtilage.
- development on the foreshore enhances views to Kirribilli from Sydney Harbour.

Quality Urban Environment

- backyards are used for a variety of activities, particularly for families with children and for the practical and recreational needs of residents.

Efficient Use of Resources

- existing buildings are maintained and adaptively reused to prevent unnecessary waste of building materials.
- stormwater is retained for reuse on site.
- energy consumption and waste disposal is minimised by all land uses.

The Kirribilli Planning Area includes the following Locality Areas in which development is subject to relevant provisions below :

Section 8.1: Kirribilli Village Centre

Section 8.2: Kirribilli Neighbourhood

Section 8.2.4: McDougall Street (northern side)
Section 8.2.5: 3-11 McDougal Street (Greenway Flats)
Section 8.2.6: James Milson Village
Section 8.3: Careening Cove Conservation Area
Section 8.4: Kirribilli Conservation Area
Section 8.5: Jeffreys Street Conservation Area

8.1 KIRRIBILLI VILLAGE CENTRE



8.1.1 Significant Elements

Land Use

P1 Predominantly commercial and mixed commercial and residential development.

Topography

P2 Generally flat, forming the topmost part of the ridge to Kirribilli Peninsula.

Natural Features

P3 Forms the topmost part of the ridge to Kirribilli Peninsula.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) Views of the Sydney CBD, Sydney Opera House and Sydney Harbour from Broughton Street.

Identity / Icons

P5 Sydney Harbour Bridge including pedestrian tunnels to Milsons Point Station / Arthur Street in Milsons Point and the Ennis Road Bays.

P6 Bradfield Park.

P7 Sydney Harbour.

P8 The pedestrian tunnels to Arthur Street in Milsons Point and Kirribilli Station are maintained as local landmarks.

Subdivision

P9 Generally rectilinear lots with narrow frontages.

P10 Leased spaces under the Sydney Harbour Bridge.

Streetscape

P11 Wide fully paved footpaths.

P12 Iconic street trees along Broughton Street, Ennis Road (n.b. also refer to the Harbour Bridge Conservation Management Plan and heritage inventory sheets).

P13 Buildings built to the boundary with active frontages.

P14 Continuous awnings to Broughton Street and Ennis Road.

P15 Safe and effective pedestrian crossing at intersection of Broughton and Burton Streets.

Public transport

P16 Development should capitalise on the Area's high level of access to public train, bus and ferry services.

8.1.2 Desired Future Character

Diversity

P1 The community centre in the Kirribilli Village provides a meeting place for the local community.

P2 The Village Centre is lively with an appropriate number of outdoor cafes and restaurants.

P3 Predominantly mixed commercial and residential development, with retail premises located at ground level and shop top housing above.

P4 There should be limited redevelopment with no substantial increase in density or intensity.

P5 Adaptive reuse of the Ennis Road Bays to ensure the activation of the western side of the Village.

P6 All street frontages at the ground level are to be activated by adjoining commercial activities.

P7 Laneways provide rear access for dwellings and local shops in the Kirribilli Village Centre.

8.1.3 Desired Built Form

Form, massing & scale

P1 Existing shopfronts are restored to original form with nineteenth century two storey shopfronts with parapet.

P2 New shopfronts reflect the scale and proportions of the historical two storey parapet shopfront character of Kirribilli Village.

P3 No window walls or curtain walls above awnings.

P4 Shopfronts to provide continuous, solid street awning (no glass) between ground and first floor.

P5 No dormers or first floor decks on front elevation.

P6 No balconies, verandahs or the like to project over footpaths.

P7 Development on the foreshore enhances views to Kirribilli from Sydney Harbour.

Windows and doors

P8 Small windows with timber joinery at first floor level on front façade.

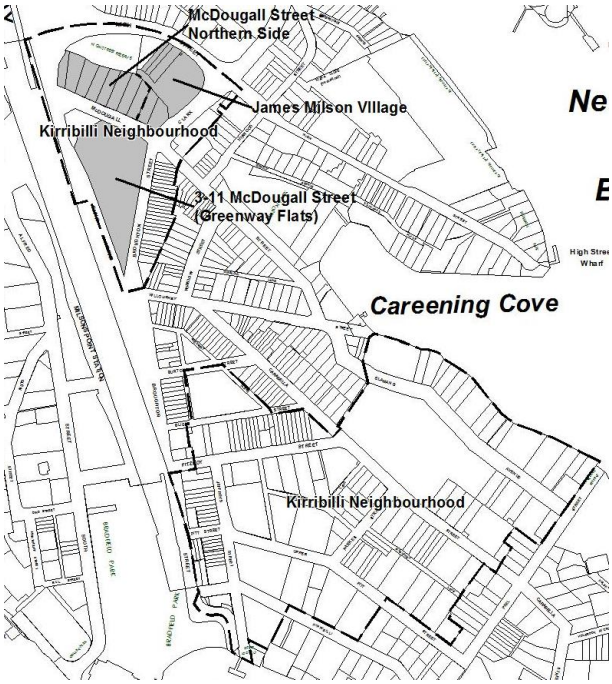
Car accommodation

P9 No direct vehicular access to Broughton Street.

P10 Occupant car parking and loading and unloading service areas are to be accessed off Humphrey Place where possible.

P11 Vehicular access is generally by way of shared or amalgamated vehicular access points where possible.

8.2 KIRRIBILLI NEIGHBOURHOOD



8.2.1 Significant Elements

Land Use

P1 Predominantly residential development.

P2 Educational establishments.

Topography

P3 Generally falls to the south-west and north east from the ridge along Carabella Street down to the foreshores of Sydney Harbour.

Natural Features

P4 Sydney Harbour frontage.

Views

P5 The following views and vistas are to be preserved and where possible enhanced:

(a) District views from streets and reserves to Sydney Harbour and beyond.

(b) Slot views of Sydney Harbour from Elamang, McDougall, Upper Pitt Streets and Kirribilli Avenue.

(c) Views of the harbour from Robertson Lane Lookout (61); Bradfield Park Lookout No. 2 (68), Copes Lookout (66); Jeffreys Street Lookout (65), Stanton Lookout (67).

Identity / Icons

P6 Sydney Harbour.

P7 Sydney Harbour Bridge.

P8 St Aloysius College.

P9 Loretto Convent School.

P10 Bradfield Park.

P11 Greenway Flats.

Subdivision

P12 Site areas of 230m^2 - 750m^2

Streetscape

P13 Narrow streets with limited landscaping.

P14 Split carriageways with sandstone retaining walls and one way movement.

P15 High masonry fences except to heritage items.

P16 Buildings generally setback a minimum from the boundary with a skewed alignment to respective street frontages.

P17 Garages built to the boundary.

Public transport

P18 Development should capitalise on the Area's high level of access to public train, bus and ferry services.

8.2.2 Desire Future Character

Diversity

P1 Predominantly high density residential accommodation in the form of residential flat buildings, according to zone.

P2 Limited potential for low to medium density residential accommodation in the form of attached dwellings, dwelling houses, dual occupancies, multi dwelling housing and semi-detached dwellings.

P3 Educational establishments.

P4 Limited redevelopment is envisaged for this Area with no substantial increase in density.

8.2.3 Desired Built Form

Form, massing and scale

P1 Development is to generally conform with the provisions contained within Part B – *Development Controls* of the DCP.

P2 Educational establishments are to reflect the scale and massing of development on adjoining properties at its interface with the adjoining property.

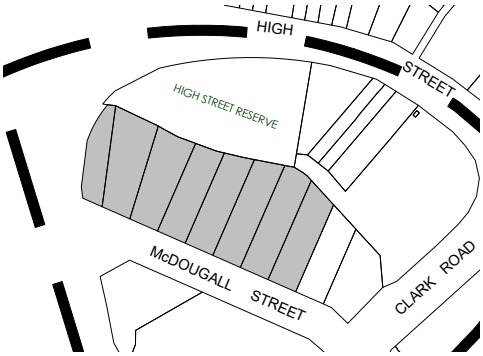
Materials

P3 ***Walls***: Masonry, face brick.

P4 ***Windows***: Timber framed.

P5 ***Roofs***: Terracotta tiles, slate.

8.2.4 McDougall Street (Northern Side)



Diversity

P1 High density residential accommodation in the form of residential flat buildings.

Subdivision

P2 Sites amalgamated with frontages of 25m-35m.

P3 No isolated properties (sites with frontage less than 25m).

Streetscape

P4 Existing street trees in McDougall Street.

P5 Additional street plantings in accordance with Council's Street Tree Strategy.

P6 Significant trees and plantings in front gardens.

Siting

P7 Towards the front boundary to provide substantial setback from public open space off High Street.

Setbacks

P8 Front: 5m.

Side: 5-7m.

Rear: 15m.

P9 Side setback between No.s. 16-18 McDougall.

Form, massing and scale

P10 Five (5) storeys, with the topmost storeys setback from the levels below.

P11 Single residential building to McDougall Street and Public Open Space area off High Street.

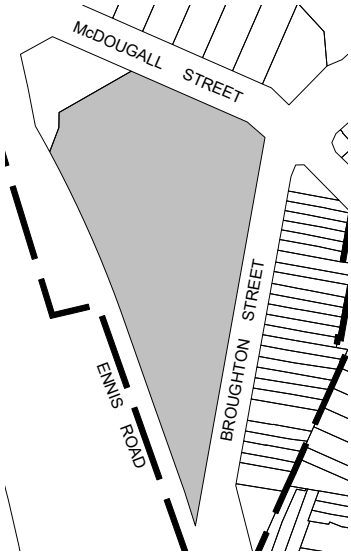
Roofs

P12 Flat roof to allow views from the Bradfield Highway to Sydney Harbour.

Gardens

P13 Substantial plantings including trees in front garden complement street trees.

8.2.5 3-11 McDougal Street (Greenway Flats)



Diversity

P1 High density residential accommodation in the form of residential flat buildings.

P2 Future redevelopment of the site is not to result in a significant change in scale or bulk.

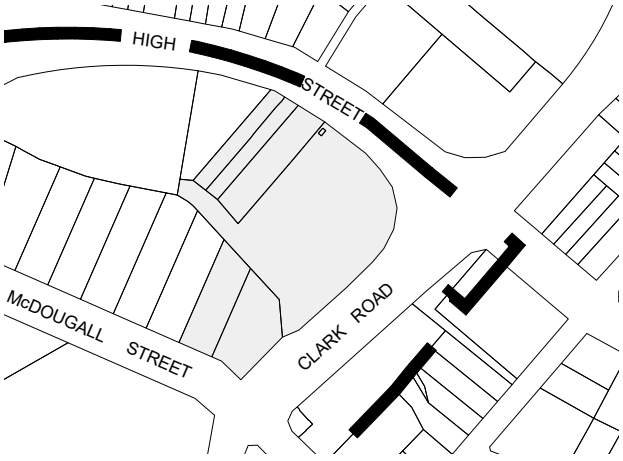
Form, massing and scale

P3 Must not have a site coverage exceeding 25%.

P4 Must not have an un-built upon area exceeding 15%.

P5 Must have a minimum landscaped area of 60%.

8.2.6 James Milson Village



Diversity

P1 High density residential accommodation in the form of seniors housing.

P2 Future redevelopment of the site is not to result in a significant change in scale or bulk.

Form, massing and scale

P3 Must not have a site coverage exceeding 60%.

P4 Must not have an un-built upon area exceeding 15%.

P5 Despite any other provision of this plan, if the land is used for seniors housing, it must have a minimum landscaped area of 25%.

8.3 CAREENING COVE CONSERVATION AREA



8.3.1 History

The Careening Cove Conservation Area includes a section of the Robert Ryan grant (later acquired by Robert Campbell), part of the James Milson grant, and the southern side of the Crown subdivision that was intended to be used for whaling purposes from 1830. This section of the Ryan Grant was subdivided in the 1860s but development did not gain momentum until the 1880s.

Milson's land remained within the family until the 1880s, after which sections were subdivided for residential development. Milson Park was created during the 1890s by reclamation of the head of Careening Cove. The peninsula, along which High Street runs, was sold by the Government to private owners for the development of whaling industries. No whaling occurred but a number of houses were built in the 1860s and 1870s overlooking the Cove.

The south side of the tip of the peninsula was a significant wharf area, notable for its use by the Wunderlich Company for the importation of Marseilles roofing tiles in the 1890s. This foreshore was later used for ship and boat building and repair, and subsequently subdivided for housing in the early 1920s (particularly to the south side of Stannards Place).

8.3.2 Description

The Careening Cove Conservation Area is located around the bay forming Careening Cove and bounded by High Street, Broughton Street and Crescent Place.

The landform slopes to the Bay with a flat area of reclaimed land close to the Cove. The subdivision pattern varies with a grid of rectangular lots that are cut to suit the diagonal street pattern and topography.

The Conservation Area is characterised by two storey, late Victorian terraces, single and two storey Federation and Inter-War dwelling houses and residential flat buildings. The area retains groups of picturesque industrial buildings with associated jetties, slipways, moorings and equipment. The Ensemble Theatre was one of the first recycled industrial buildings in Sydney.



Figure F-8.2 (left):
Circa 1890

Figure F-8.3 (below left):
Circa 1943

Figure F-8.4 (below right):
Circa 2008





8.3.3 Statement of Significance

The Careening Cove Conservation Area is significant:

(a) as a largely consistent early 20th century residential area with an unusual and irregular pattern of street layout and irregular subdivision pattern that give the area a particular character.

(b) as retaining much of the urban detail and fabric seen in gardens, fencing, street formations, use of sandstone for retaining and building bases, sandstone kerbing and natural rock faces.

(c) for the amphitheatre like form around the reclaimed Milson Park and the head of the bay.

(d) for the remaining waterfront industrial and recycled industrial development that gives the area much of its character.

8.3.4 Significant elements

Topography

P1 Amphitheatre form falling to Careening Cove.

Subdivision

P2 Irregular lots following the street pattern and topography.

Streetscape

P3 Changes in street level. Sandstone retaining walls. Milson Park. Double rail timber fences.

P4 Street trees including Jacarandahs in McDougall Street.

Views

P5 Harbour views from Miss Gladys Carey Reserve lookout (57), High Street Lookout (58), Milson Park; views of the valley from Winslow Street (59). Views of Milson Park and Careening Cove from Hipwood and McDougall Streets and Bradly Avenue; View of Sydney Harbour from Stannards Place, Willoughby Road and Winslow Lane.

P6 Slot views between and over buildings.

8.3.5 Characteristic buildings

P1 A mixture of:

(a) Two storey late Victorian terraces.

(b) Single and two storey, detached Federation and Edwardian houses.

(c) Inter-War residential flat buildings.

8.3.6 Characteristic built elements

Siting

P1 To the middle of the lot with gardens to the front and rear.

P2 Front setback of 3 – 5m.

P3 Side setback of 0 – 1m.

P4 Rear setback of 8m.

Form, massing and scale

P5 Two storey attached dwellings.

P6 Single and two storey detached dwelling houses.

P7 Reduced scale to the rear.

P8 Low, multi-storey Inter-War residential flat buildings.

Roofs

P9 Pitched, hipped and gables roofs pitched between 30 and 45 degrees with skillion roofs to rear.

P10 Parapets to flat roofed residential flat buildings.

P11 Brick and rendered chimneys.

Materials

P12 Walls: Face and rendered brick on sandstone foundations.

P13 Roofs: Slate, terracotta tile and corrugated metal sheeting at rear; flat roofs to residential flat buildings.

P14 Timber verandahs and Federation and Arts and Crafts detailing.

Windows and doors

P15 Consistent with building period and style. Timber.

Fences

P16 Low to 900mm in height.

P17 Sandstone walls; timber pickets.

Car accommodation

P18 Located off rear lanes.

8.3.7 Uncharacteristic elements

P1 Over-scaled additions; dormers and skylights to front roof slopes; roof terraces carports and garages to the street; high solid fences to the street; rendering and painting of face brick; paved front gardens, loss of original detail; modern infill development and residential flat buildings.

8.4 KIRRIBILLI CONSERVATION AREA



8.4.1 History

In 1800 the Kirribilli Peninsula was granted to Robert Ryan but was acquired shortly after by Robert Campbell, merchant. The land was partly leased to James Milson for many years.

From 1842, the Campbells began to lease and sell the land, with one of the first sales going to Col. Gibbes who erected a substantial house "Wotonga" (now part of Admiralty House) on the tip of the peninsula.

Over the next three decades, most of the waterfront was occupied by large houses with substantial properties fronting the foreshore. In the early part of the 20th century the large land holdings were subdivided and culminated in the boom of residential flat buildings close to the ferry wharves. The replacement of earlier dwelling houses with residential flat buildings, however, has created some uncharacteristic elements within the Kirribilli Conservation Area.

8.4.2 Description

The Kirribilli Conservation Area is located on the lower section of the Kirribilli peninsula and has a long waterfront to Sydney Harbour.

The landform slopes to the Harbour with an irregular pattern of streets that follow the contours and slopes. The subdivision pattern varies with irregular lots that follow the topography.

The Conservation Area is characterised by a mix of small, medium and substantial late Victorian, Federation era houses with Inter-War dwelling houses and residential flat buildings with modern residential flat buildings on some of the waterfront sites. Buildings are integrated with the slope and generally have a homogenous scale with established gardens. Some earlier Victorian villas survive in Kirribilli Street and Upper Pitt Street. Also located on the waterfront are Kirribilli and Admiralty Houses.

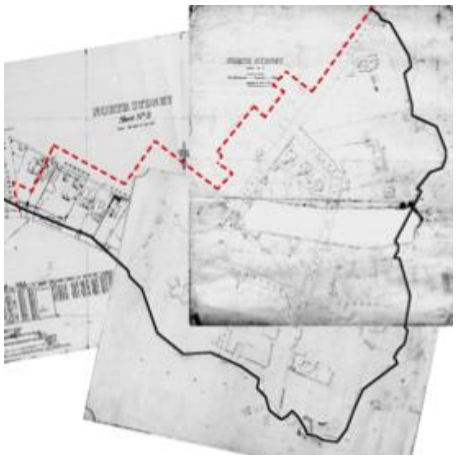
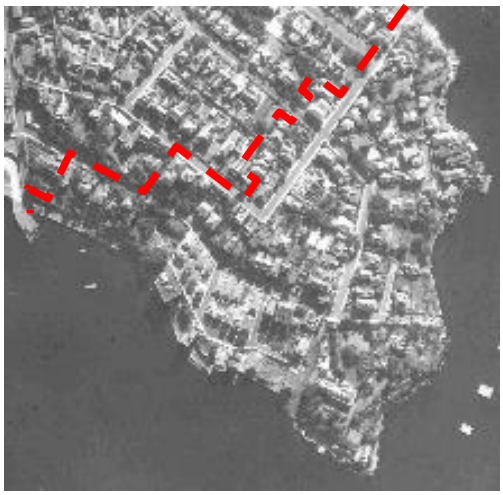


Figure F-8.5 (left):
Circa 1890

Figure F-8.6 (below left):
Circa 1943

Figure F-8.7 (below right):
Circa 2008





8.4.3 Statement of Significance

The Kirribilli Conservation Area is significant:

(a) as a consistent early 20th century residential area with a mix of Federation and one or two storey Inter War dwelling houses and two or three storey residential flat buildings on large allotments with a strong orientation to the water.

(b) as a largely intact early 20th century suburb retaining much of the urban detail and fabric seen in gardens, fencing, street formations, use of sandstone and later reinforced concrete "naturale" fencing, sandstone kerbing, natural rock faces, wide streets and compatible plantings.

(c) for its unity derived from its subdivision history which is still clearly seen in the development of the area.

(d) as containing the important government buildings Kirribilli House and Admiralty House.

8.4.4 Significant elements

Topography

P1 Sloping site falling to Sydney Harbour.

Subdivision

P2 Irregular lots following the street pattern and topography.

Streetscape

P3 Changes in level. Sandstone kerbing.

P4 Street trees.

Views

P5 Views of Sydney Harbour Bridge, City of Sydney, Opera House from Beulah Street.

P6 Lookout (63), Dr Mary Booth Lookout (64); views of Sydney Harbour from the Lady.

P7 Gowrie Lookout (62), Colinda Reserve Lookout (60). Views of Sydney Harbour from Holbrook Avenue, Peel Street, Kirribilli Avenue.

8.4.5 Characteristic buildings

P1 A mixture of:

(a) Victorian Villas.

(b) Single and two storey detached late Victorian, Federation and Edwardian houses.

(c) Federation and Inter-war dwelling houses and residential flat buildings.

8.4.6 Characteristic built elements

Siting

P1 Forward on lot with larger rear garden. Foreshore properties address the street.

P2 Front setback 3m.

P3 Side setback 1.5 – 2m.

P4 Rear setback 10 – 15m.

Form, massing and scale

P5 Detached, single storey villas.

P6 Single and two storey detached dwellings.

P7 Reduced scale to the rear.

P8 Three storey multi storey residential flat buildings as viewed from the street.

Roofs

P9 Pitched, hipped and gables roofs pitched between 30 and 45 degrees with skillion roofs to rear.

P10 Brick and rendered chimneys.

P11 Parapets to flat roofs on Inter-War residential flat buildings.

Materials

P12 ***Walls:*** Face and rendered brick on sandstone foundations; dark brick to Inter-war residential flat buildings.

P13 ***Roofs:*** Slate; terracotta tile and corrugated metal; flat roofs to residential flat buildings.

P14 Federation and Arts and Crafts detailing.

Windows and doors

P15 Consistent with building period and style. Timber.

Fences

P16 Low scale to 800mm.

P17 Face brick; timber pickets; horizontal railings.

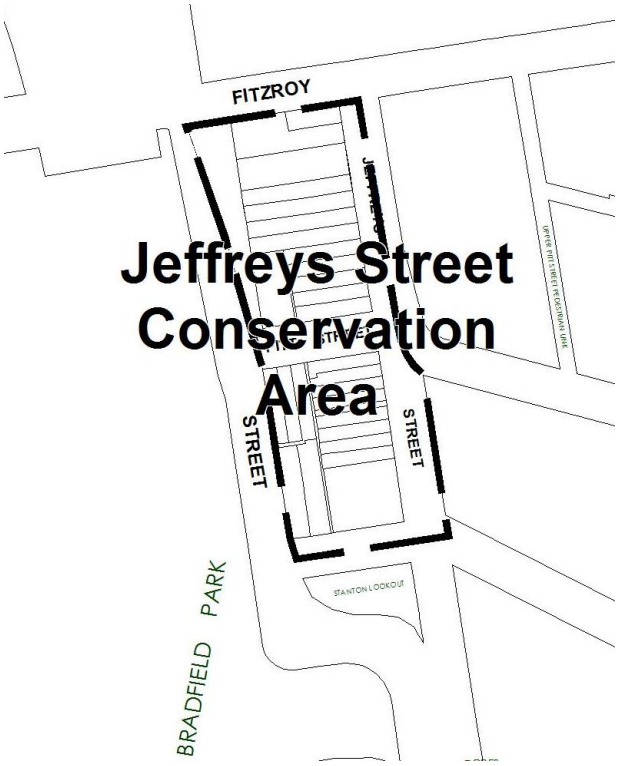
Car accommodation

P18 Parking at rear off laneways or set back behind the main building line.

8.4.7 Uncharacteristic elements

P1 Over-scaled additions; dormers and skylights to front roof slopes; roof terraces; carports and garages in front setbacks; high solid fences to the street; rendering and painting of face brick; paving of front gardens; extensive glazing; glazed balustrades; loss of original detail; modern infill development and residential flat buildings.

8.5 JEFFREYS STREET CONSERVATION AREA



8.5.1 History

The Jeffreys Street Conservation Area is an interesting remnant of the early development of Milson's Point that was developed from the 1860's onwards and was largely established by the late 1890's. The area was a grid pattern of streets stretching from Albert Street to Jeffreys Street that was lined with single, two and three storey houses and that was associated with the land occupied by James Milson.

The construction of the Sydney Harbour Bridge resulted in the demolition of the western portion of the area but there is sufficient built form, street pattern and historical information to demonstrate the relationship of the current built form to its earlier state.

The area has association with James Milson and the Milson family, a prominent local merchant and an important figure in the development of North Sydney. It also has association with the Robert Campbell, an important local merchant and developer Robert Ryan who was granted 120 acres including the subject area in 1800.

8.5.2 Description

The Jeffreys Street Conservation Area is bounded by Fitzroy Street, Jeffreys Street, Kirribilli Avenue and Broughton Street. The landform slopes down from the north towards the south and west and there is a sandstone retaining wall at Jeffreys Street and Kirribilli Avenue. The subdivision pattern is a regular grid that overlays the topography with streets running down or across the slope.

The characteristic buildings of the area are typically mid to late Victorian and Federation residential terraces, reflecting the predominant period of development. Buildings are typically two or three storey, terraces with pitched and gabled tiled roof with two storey verandahs and skillion rear wings. Street plantings and raised verges reinforce the cohesive

character and regular pattern formed by the buildings and underlying lot pattern. There is some modern development to the northern and southern edges.

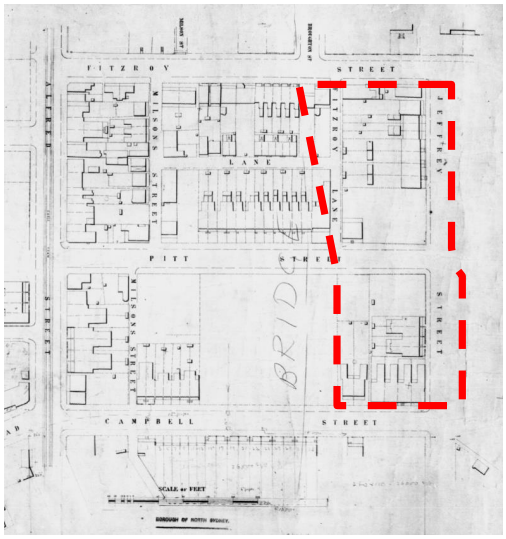
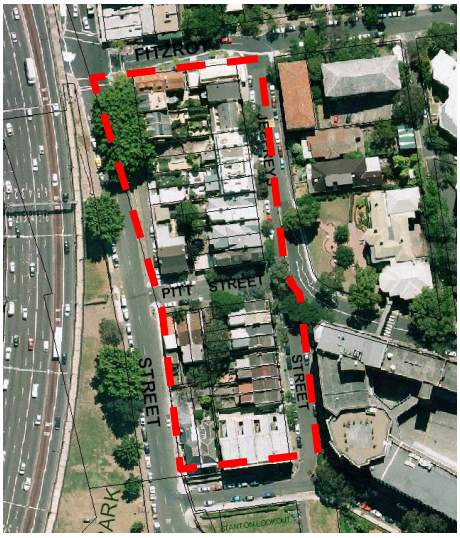


Figure F-8.8 (left):
Circa 1890

Figure F-8.9 (below left):
Circa 1943

Figure F-8.10 (below right):
Circa 2008





8.5.3 Statement of Significance

The Jeffrey Street Conservation Area is significant:

(a) for the unity of its subdivision history which is evident in the built form of the area and that overlays its sloping and stepped topography.

(b) as an area of mid to late Victorian and Federation speculative terraces that are a remnant of the early development of the area prior to the clearances for the construction of the Sydney Harbour Bridge.

8.5.4 Significant elements

Topography

P1 Sloping towards west and south.

Subdivision

P2 Regular grid pattern overlying topography.

Streetscape

P3 Sandstone retaining walls.

P4 Houses at street level or raised above it.

P5 Consistent scale of housing faces the street in urban setting.

P6 Narrow verges, sandstone and concrete kerbing, brick walls, no street gardens.

P7 Street trees.

Views

P8 Sweeping view of Sydney Harbour from Kirribilli Avenue to Broughton Street.

P9 Views from Jeffreys Street to the south and Pitt Street to the west.

8.5.5 Characteristic buildings

P1 Two and three storey mid to late Victorian and Federation attached dwellings.

8.5.6 Characteristic built elements

Siting

P1 Dwellings to the front of the lots or at the street with gardens/yard to the rear.

Form, massing and scale

P2 Two and three storey attached dwellings.

P3 Reduced bulk and scale to the rear.

P4 Simple forms articulated with verandahs to front and skillion wings to the rear.

Roofs

P5 Gabled roofs pitched between 20 and 35 degrees.

P6 Gabled ends for side elevations.

P7 Skillion roofs to rear wings.

P8 Brick and rendered chimneys.

Materials

P9 ***Walls:*** Painted and face brick; rendered masonry on some sandstone bases.

P10 ***Roofs:*** Slate, terra cotta and concrete roof tiles; corrugated metal on rear wings.

Windows and doors

P11 Mid to late Victorian and Federation.

P12 French doors to first floor verandahs.

Fences

P13 Low height front fences and walls.

P14 Masonry fences to rear and side.

P15 Face and rendered brick; metal palisade.

Car accommodation

P16 Garages and carports to side and rear.

P17 No garages or carports in front of the building line.

8.5.7 Uncharacteristic Elements

P1 Over-scaled dormers; roof decks and terraces; 'Juliette balconies'; enclosed balconies and verandahs; extensive glazing and glazed balustrades; flat roofs to service wings; painted face brick; removal of garden setting.

SECTION 9 LAVENDER BAY PLANNING AREA

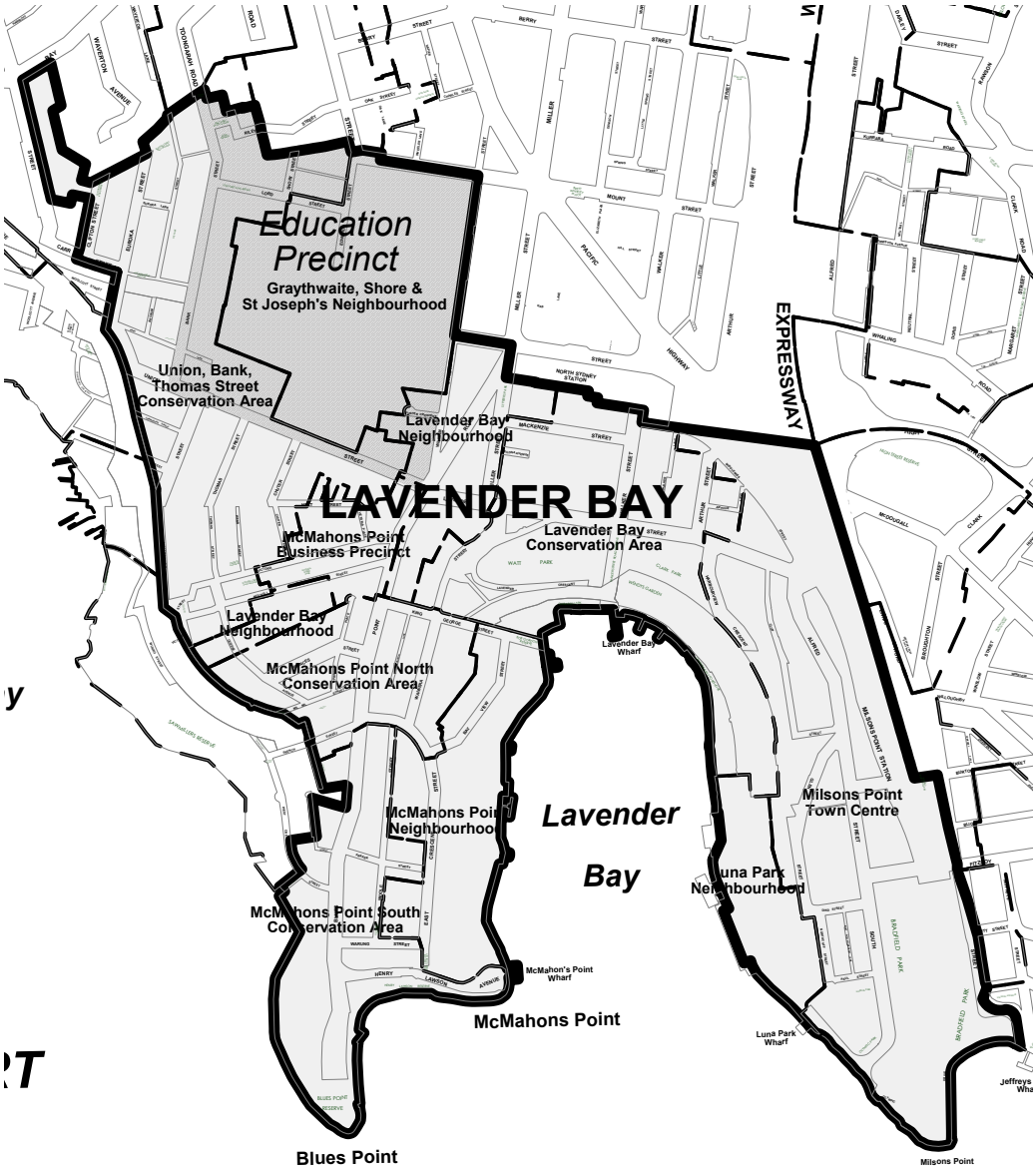
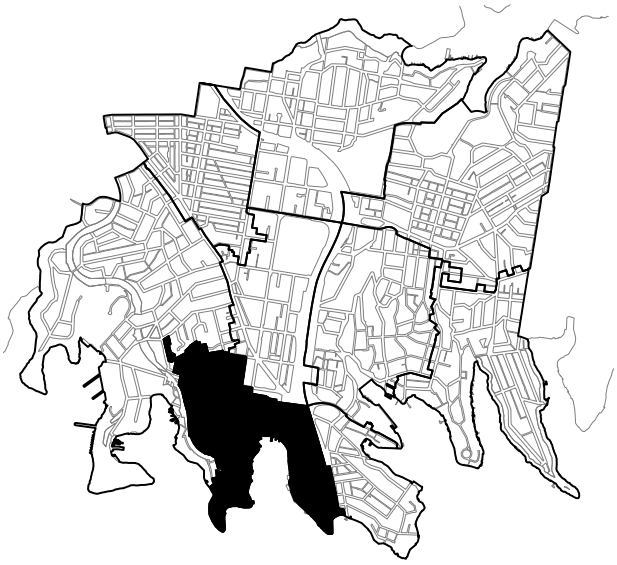


Figure F-9.1: Lavender Bay Planning Area and associated Locality Areas

9.0 LAVENDER BAY PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the Lavender Bay Planning Area.

The Lavender Bay Planning Area is a diverse area reflected by the very wide range of land uses occurring within the Area, including a mixture low, medium and high density residential accommodation, commercial premises, light industry, education establishments, places of worship and public recreational facilities. Many of these land uses are located in a leafy setting with strong links to Sydney Harbour and are often associated with landmark buildings such as Graythwaite, the Shore School and St Peter's Church.

The Planning Area is noted for its historical character arising from the retention of much of its original subdivision pattern and good examples of largely intact mid 19th century and early 20th Century buildings. Blues Point Road in McMahons Point is a popular village centre enjoyed by local residents and visitors to the area with its outdoor cafes, galleries and small specialty shops.

A large portion of the Education Precinct is located in the Planning Area, which consists of landmark educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School and supports a growing student population and workforce of teaching and support staff.

Milsons Point is on the shores of Sydney Harbour and consists of a large concentration of mixed residential and commercial towers located at the base of the Sydney Harbour Bridge, surrounded by landmarks such as Luna Park, Bradfield Park and North Sydney Pool.

Development within the Planning Area should result in:

- any residential growth being in accordance with the North Sydney Local Housing Strategy, with high density residential accommodation mainly being accommodated within the mixed use zone at Milsons Point, with no substantial change in the other residential and productivity support areas.
- a wide range of single household residential types being distributed in a number of distinctive built forms/landscape areas, including purpose-built student accommodation to support the functioning of the Education Precinct.

- any retail premises being of a scale to cater to the local community and which provide a balance between basic (e.g. food and groceries) and recreational (e.g. cafes and galleries) needs.
- the conservation of features which positively contribute to the local identity.
- a vibrant and engaging Education Precinct with high quality built form, safe pedestrian networks and a range of formal and informal public spaces for students to study, socialise and engage with the local community.

and where:

Function

- the community centre is in an accessible location and provides a meeting place for the local community and is part of North Sydney's network of community and cultural centres.
- non-residential uses such as public recreation, schools, light industrial, places of public worship, railway and shops coexist peacefully with the residential character.
- public open space areas are utilised by local residents and the wider regional population for a variety of social and recreational activities.
- access to the Harbour foreshores is improved with pedestrian links from Luna Park to the public reserve in Munro Street, Waverton Park and Smoothey Park.
- public transport, cycling, and walking are the preferred means of transport.
- through traffic is discouraged from using the already overloaded road network and commuter parking managed through parking schemes.
- local identity, icons and heritage are conserved.
- Luna Park is a public recreational and amusement park, enjoyed by local, regional and international users, that is easily accessed by public transport.
- the boardwalk adjacent to Luna Park on the foreshore is always accessible to the general public maintaining links to the wharf, other landing facilities and adjoining foreshore land.
- local identity, icons and heritage are preserved.
- man-made features such as the railway and pedestrian cuttings through the approach to Sydney Harbour Bridge are maintained as local landmarks that are important to the community.

Environmental Criteria

- the remaining natural foreshores are conserved with improved pedestrian access to the foreshore.
- public open space is protected from the adverse effects of development – such as stormwater runoff, spread of introduced plants and weeds, and visual impact of structures.
- both residential and non-residential land uses minimise noise and air pollution.
- solar access is maximised to open space areas in public and private domains.
- natural features (rock formations, trees) are conserved and maintained.
- major views from Luna Park, lookouts, and other vantage points are not obscured by structures or landscaping.

Quality Built Form

- any development that occurs reflects and reinforces the existing distinctive built form/landscape areas and distribution of accommodation types.

- buildings in Milsons Point are designed to preserve views and prevent wind tunnels.
- there is adequate open space within Luna Park for passive recreation and free movement within the park.
- the character, bulk and scale of new development within Luna Park complement the original features of Luna Park and enhance its appearance when viewed from within and Sydney Harbour.
- development within Luna Park is complementary to redevelopment of adjacent SRA land.
- there is an appropriate built form on the foreshore to maintain the significance of Sydney Harbour.

Quality Urban Environment

- traffic flows are managed to promote pedestrian amenity and there are improved pedestrian links between Kirribilli and Milsons Point.
- through traffic is discouraged to prevent traffic congestion.
- development promotes the safety of people that is enhanced by good street lighting.
- public open space provides recreational opportunities and acts as a buffer to the high density development.
- the demand for on-street parking is managed by allowing only appropriate levels of development.
- backyards are used for a variety of activities particularly for families with children and for practical and recreation needs of residents in residential flat buildings.

Efficient Use of Resources

- stormwater is retained for reuse on site.
- existing buildings are maintained and adaptively reused to prevent unnecessary waste of building materials.

Public Domain

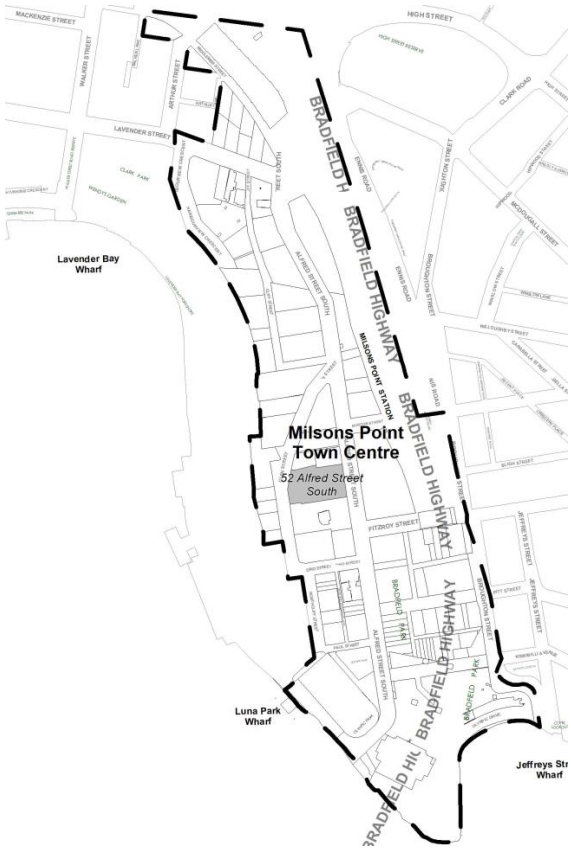
- buildings and street furniture are compatible with unique features of Milsons Point including Luna Park, the Olympic Pool and Sydney Harbour.
- street furniture and landscaping, outdoor advertising in McMahons Point and Kirribilli respect the historical character of the area.
- educational establishments are oriented to the public domain to provide increased surveillance and activation.
- streetscape improvements within the Education Precinct occur in accordance with the *North Sydney Centre Public Domain Strategy* and *Education Precinct Public Domain Masterplan.*

The Lavender Bay Planning Area includes the following Locality Areas in which development is subject to the relevant provisions below:

Section 9.1:	Milsons Point Town Centre
	Section 9.1.4: 52 Alfred Street
Section 9.2:	McMahons Point Business Precinct
Section 9.3:	Luna Park Neighbourhood
Section 9.4:	Graythwaite, Shore & St Joseph's Neighbourhood

Section 9.5: Lavender Bay Neighbourhood
Section 9.6: McMahons Point Neighbourhood
Section 9.7: McMahons Point North Conservation Area
Section 9.7.8: Blues Point Village
Section 9.8: McMahons Point South Conservation Area
Section 9.8.8: 1 Henry Lawson Avenue
Section 9.9: Lavender Bay Conservation Area
Section 9.10: Union, Bank, Thomas Street Conservation Area

9.1 MILSONS POINT TOWN CENTRE



9.1.1 Significant Elements

Land Use

P1 Predominantly mixed commercial and residential development.

P2 Passive and active recreational spaces.

P3 Major road and railway infrastructure.

Topography

P4 Generally falls to the south and south west from the Sydney Harbour Bridge down to Sydney Harbour.

P5 Steep falls and cliffs adjacent to and along the western boundary of the Area.

Natural Features

P6 Interface with Sydney Harbour.

Views

P7 Major views from Luna Park, lookouts, and other vantage points are not obscured by structures or landscaping.

P8 The following views and vistas are to be preserved and where possible enhanced:

(a) District views from streets and reserves to Sydney Harbour and beyond.

(b) Views to Lavender Bay from Luna Park Lookout (71), Harbour View Crescent.

(c) Views to Sydney Harbour from Bradfield Park No. 1 Lookout (69), Olympic Park Lookout (70); Alfred Street, Paul Street.

Identity / Icons

P9 Luna Park.

P10 North Sydney Pool.

P11 Sydney Harbour Bridge and approaches.

P12 Bradfield Park.

P13 Sydney Harbour.

Subdivision

P14 Large consolidated allotments reflective of the Area's previous commercial nature.

P15 Heritage items have small rectilinear lots, reflecting original subdivision patterns.

Streetscape

P16 Narrow footpaths and streets, except to Alfred Street which has wide fully paved verges incorporating street trees.

P17 Buildings built to street and laneway frontages.

Public transport

P18 Development should capitalise on the Area's high level of accessibility to high frequency public train, bus and ferry services.

9.1.2 Desired Future Character

Diversity

P1 Medium to high-rise mixed residential and commercial development, built boundary to boundary, with setbacks at laneways, above podium and to public spaces.

P2 Variety of different sized non-residential spaces and land uses which serve the local needs of residents (including convenience stores, cafes, medical centres etc).

P3 Development for residential accommodation should be in accordance with Council's Local Housing Strategy, with limited growth envisaged for the area.

P4 Ground floors of mixed use development to operate land uses that promote pedestrian activity.

P5 Existing heritage items shall be protected and retained where practical.

P6 Provide a balance between the working and resident populations of the town centre, to ensure an active environment throughout the day.

P7 Where existing commercial buildings are to be refurbished, retention of the existing level of commercial floor space is encouraged.

Through-site pedestrian links

P8 Pedestrian access is provided from Alfred Street to Glen Street:

(a) between 68 and 72 Alfred Street,

(b) along the southern boundary of 52 Alfred Street.

Traffic Management

P9 Existing one-way vehicular movements are maintained along Cliff Street.

9.1.3 Desired Built Form

Subdivision

P1 Minimum frontage of 30m.

Form, massing and scale

P2 Buildings step down from maximum LEP heights on the ridge of the peninsula (along Alfred Street from Lavender Street to Dind Street) to 10m on the shores of Lavender Bay.

Setbacks

P3 Buildings are built to the street boundary at ground level, except as specified below:

(a) Setback of 1.5m from a laneway at ground level.

P4 Preserve and create spaces between buildings above podium height that will offer views of the Harbour and its foreshore areas to help break up the wall of development along Alfred Street.

Podiums

P5 Podium of 13m (four storeys) to all buildings fronting Alfred Street, with a setback of 3m of all parts of the building located above the podium.

P6 Podium of 10m (three storeys) to all buildings fronting Cliff or Glen Streets, Harbourview Crescent or railway land with a setback of 3m of all parts of the building located above the podium.

P7 Podium of 10m (three storeys) to all buildings fronting any laneway with a setback of 3m of all parts of the building located above the podium.

Building design

P8 Materials used are painted render, masonry, concrete with natural colours.

P9 Buildings address every street frontage with no blank walls to streets, lanes, public space or railway land.

Skyline

P10 Ancillary equipment, plant rooms are not visible from Sydney Harbour.

P11 Existing buildings are recycled to accommodate mixed use developments.

Street furniture, landscaping works, public art

P12 Street furniture, landscaping and/or public art adjacent to Luna Park and the Olympic Pool are compatible with their role as centres of entertainment and recreation.

P13 Man-made features such as the railway and pedestrian cuttings through the approach to Sydney Harbour Bridge are maintained as local landmarks that are important to the community.

Noise

P14 Elevations of buildings facing the Sydney Harbour Bridge and its approaches are to be designed and incorporate features to minimise traffic and railway noise transmission (e.g. using design features such as cavity brick walls, double glazing, minimal glazing, solid core doors and concrete floors etc).

Wind Speed

P15 Buildings are designed not to create wind tunnel effects along Alfred, Glen, Paul, Dind, Northcliff Streets and Harbourview Crescent.

Reflected Light

P16 Reflected light for motorists on the Sydney Harbour Bridge and the Bradfield Highway is no greater than 20% nor is there excessive artificial light from outdoor advertising.

Solar access

P17 There is no increase in overshadowing of Bradfield Park, Luna Park, and North Sydney Pool between 12 noon and 3pm.

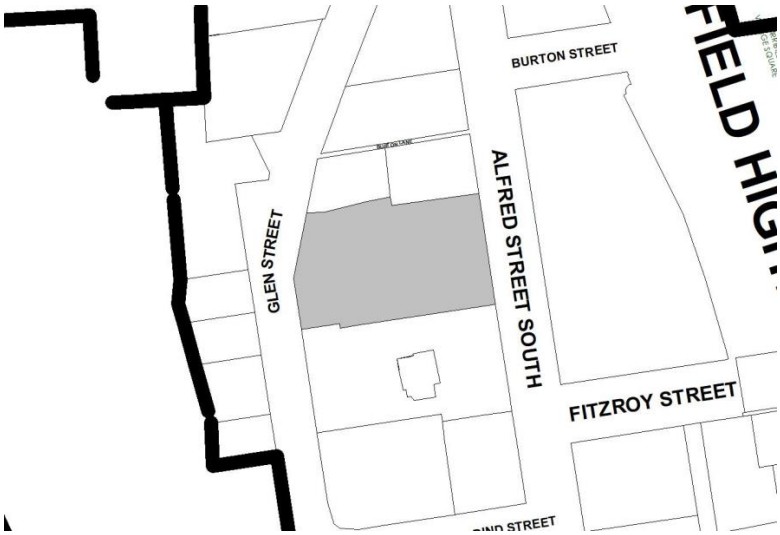
Views

P18 Spaces between buildings preserve views to Sydney Harbour, Sydney Opera House and Lavender Bay.

P19 Buildings step down in height from ridge of the peninsula to a lower height on the foreshore to maintain views.

P20 Preserve existing views of Lavender Bay and Sydney Harbour along the railway track from the north side of the Sydney Harbour Bridge to North Sydney Station.

9.1.4 52 Alfred Street, Milsons Point



9.1.4.1 Desired Future Character, Design Objectives and Key Principles

P1 Development is to respond to the scale and character of existing development and desired future character of the surrounding area.

P2 Built form, scale and massing is to reflect the dual frontage character of the block and residential building typologies.

P3 Deliver a mixed-use development with active frontages to Alfred Street and Glen Street.

P4 Development is to ensure that view loss, overshadowing and other amenity impacts on neighbouring residential buildings and impacts on heritage and the public domain are minimised.

P5 Development is to maximise solar access to Bradfield Park.

P6 An improved pedestrian through-site link between Alfred Street and Glen Street with active frontages.

9.1.4.2 Desired Built Form

Objectives

O1 To provide for increased opportunity for height and density in the Milsons Point Town Centre, in close proximity to public transport and services.

O2 To ensure that solar access to Bradfield Park is maximised.

O3 To ensure appropriate separation distances between existing and proposed buildings and ensure reasonable privacy, solar access and views are maintained to surrounding dwellings.

O4 To positively relate to the heritage context surrounding the site.

O5 To maximise view sharing across the site, particularly view protection to the south from 37 Glen Street.

Provisions

Solar access

P1 Any development at 52 Alfred Street must not result in a net increase in overshadowing to Bradfield Park between 12 noon and 3pm.

Street and Side Setbacks

P2 Buildings must be setback:

(a) 0m to Alfred Street and Glen Street, and

(b) A minimum 6m to the southern boundary, and

(c) A minimum 3m setback to the northern boundary where the site directly adjoins 37 Glen Street.

Podium Height

P3 Despite any other provision of this DCP, a podium must:

(a) maintain a consistent overall height across the entirety of the site; and

(b) be 2 storeys in height along its southern boundary and positively relate to the height of the heritage listed Camden House at 56 Alfred Street to its south; and

(c) be 2 storeys in height fronting Alfred Street; and

(d) not exceed 4 storeys fronting Glen Street.

Above Podium Setbacks

P4 The following minimum setbacks must be provided above the podium:

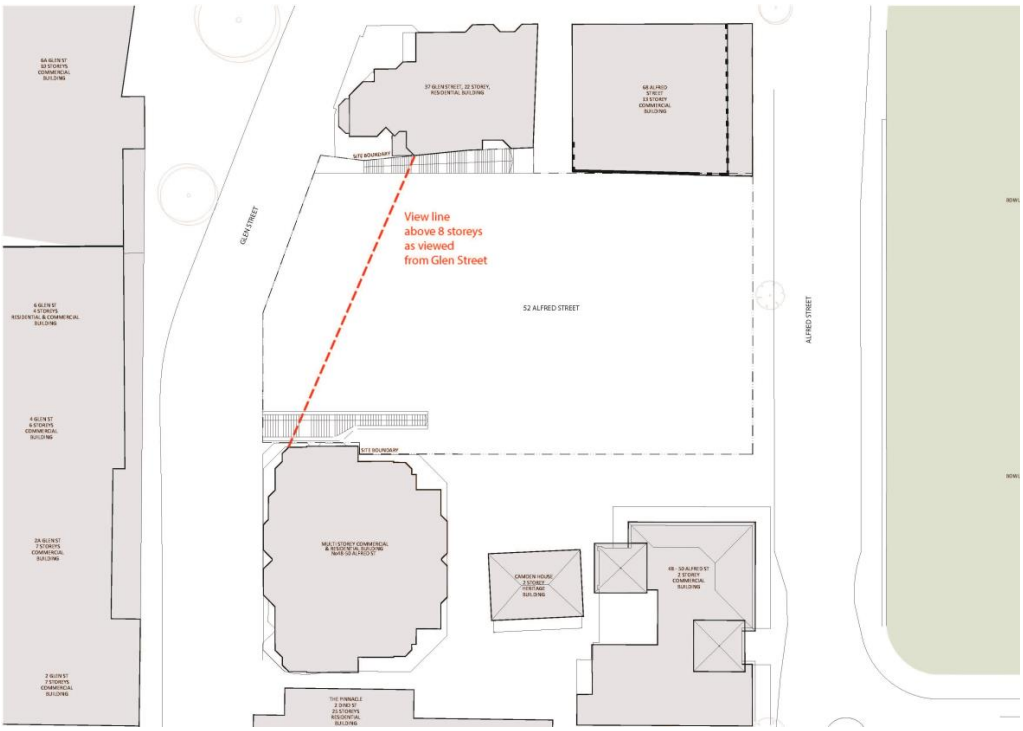
(a) 3m to the site's Alfred Street frontage, and

(b) 3m to the site's Glen Street frontage, and any part of a building located above RL 44 (approximately 8 storeys) as viewed from Glen Street, must not be constructed westwards of a view line established from the eastern edge of living area windows to 37 Glen Street (located approximately 12.8m east of the Glen Street boundary projecting southwards across 52 Alfred Street site to the north-western corner of the residential flat building known as "The Milson" fronting Glen Street at 48-50 Alfred Street (approximately 3m east from the Glen Street boundary); and

(c) 9m to the site's southern boundary up to 8 storeys in height and 12m for any storeys located above; and

(d) 9m to the site's northern boundary up to 8 storeys in height and 12m for any storeys located above, for that part of the site located directly adjacent to 37 Glen Street.

P5 Despite provision P4 (c) and (d), increased setbacks may be required to achieve adequate building separation in accordance with SEPP 65, protect views from adjacent residential buildings (37 Glen Street) and help break up the wall of development along Alfred Street.



Through-site pedestrian link

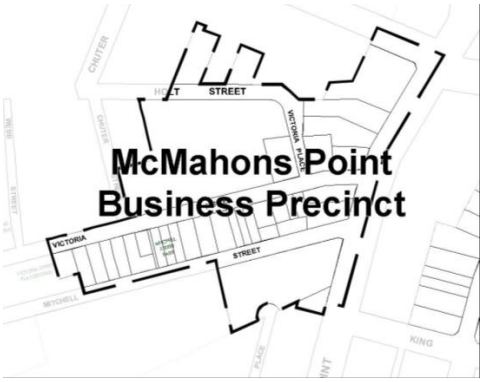
P6 The following through-site link is to be provided, retained or enhanced:

(a) An east-west link from Alfred Street to Glen Street adjacent to the southern boundary of 52 Alfred Street. This link must be a minimum of 6m wide.

Parking & Access

P7 The development must ensure existing levels of vehicular access, servicing and parking provision required for the effective operation of the adjoining development at 48-50 and 56 Alfred Street South are maintained.

9.2 McMahons Point Business Precinct



9.2.1 Significant Elements

Land Use

P1 Diverse range of residential accommodation, home occupation, light industrial, commercial and retail activities.

Topography

P2 Generally falls to the south.

Views

P3 The following views and vistas are to be preserved and where possible enhanced:

(a) Views to Balls Head Bay along Mitchell and Victoria Streets.

Identity / Icons

P4 Commodore Hotel.

P5 McMahons Point Community Centre.

Subdivision

P6 A mixture of large consolidated lots in single ownership and small lots in individual ownership.

P7 Irregular subdivision pattern.

Streetscape

P8 Street tree plantings on Blues Point Road and Lavender Street complement mature plantings and landscaping at the front of residential premises.

P9 Narrow streets and lanes with narrow footpaths predominate off Blues Point Road

P10 A mixture of tall and low brick and sandstone fences.

P11 Buildings built to the boundary, interrupted by garage / vehicular access openings.

Public transport

P12 Development is to take advantage of the high levels of accessibility to public train and bus services.

9.2.2 Desired Future Character

Diversity

P1 Mix of modern 2-3 storey industrial and commercial buildings, 2-3 storey Victorian terraces that cater for residential and light industrial purposes, modern medium

density attached dwellings and some 3-4 storey inter-war and post-war residential flat buildings according to zone.

P2 Mitchell Street Park provides recreation/green space for workers and residents.

P3 McMahons Point community centre is in an accessible location and provides a meeting place for the local community and is part of North Sydney's network of community and cultural centres.

P4

Traffic Management

P5 Existing one-way vehicular movements are maintained along Victoria and Mitchell Streets.

9.2.3 Desired Built Form

Form, massing and scale

P1 Attached dwellings have symmetrical facades.

P2 Site coverage of buildings on Mitchell and Victoria Streets is more than 80% of the allotment.

Siting

P3 Buildings on Victoria and Mitchell Streets are predominantly located towards the front boundary of the allotment.

Setbacks

P4 ***Front:*** Between 0m - 2m on Victoria and Mitchell Streets.

P5 ***Side:*** Between 0m – 2m on Victoria and Mitchell Streets.

Materials, colours

P6 Materials include face brick, sandstone, masonry, timber and/or painted render.

P7 Materials, architectural detail and colours of modern residential development are sympathetic to heritage items and character of Victoria and Mitchell Streets.

Car accommodation

P8 Locate all car spaces, garages or carports at the rear of the property if rear lane access is available.

P9 Short term metered on-street parking for commuters and visitors.

9.3 LUNA PARK NEIGHBOURHOOD



9.3.1 Significant Elements

Land Use

P1 Entertainment and recreational activities.

P2 Luna Park is a public recreational and amusement park, enjoyed by local, regional and international users, that is easily accessed by public transport.

Topography

P3 Generally flat with steep cliff along the eastern boundary of the Area.

Natural Features

P4 Foreshores of Sydney Harbour, Cliffs on the eastern boundary of Luna Park with fig and coral trees above.

Views

P5 The following views and vistas are to be preserved and where possible enhanced:

(a) Views to Sydney CBD, Sydney Opera House, Sydney Harbour Bridge, Sydney Harbour and Lavender Bay.

Identity / Icons

P6 Coney Island.

P7 Crystal Palace.

P8 Luna Park Face and Towers at front entry.

P9 Wild Mouse.

P10 Luna Park Gateway.

P11 Fig and coral trees on cliff top.

P12 Mirror Maze.

P13 Palais de Danse.

P14 Sea Walls.

P15 Cliff Tunnel and Chamber.

P16 Sydney Harbour.

Subdivision

P17 Large consolidated allotments.

Streetscape

P18 Open paved areas to the Face of Luna Park.

P19 Strong physical and visual connection with Sydney Harbour.

Public transport

P20 Development should capitalise on the Area's high level of accessibility to high frequency public train, bus and ferry services.

P21 The primary mode of travel to the Area by public train, bus and ferry services.

9.3.2 Desired Future Character

Diversity

P1 Amusements, recreational facilities, shops, take-away food shops, multi storey mixed use buildings, temporary structures and kiosks, street furniture, weather shelters and boardwalks.

9.3.3 Desired Built Form

Access

P1 Olympic Drive is main entry to Luna Park.

P2 "Midway" pedestrian street provides access to recreational facilities.

P3 The boardwalk adjacent to Luna Park provides 24 hour public access to the foreshores of Lavender Bay maintaining links to the wharf, other landing facilities and adjoining foreshore land.

P4 There is adequate open space within Luna Park for passive recreation and free movement within the park.

P5 The character, bulk and scale of new development within Luna Park complement the original features of Luna Park and enhance its appearance when viewed from within and Sydney Harbour.

P6 Development within Luna Park is complementary to redevelopment of adjacent SRA land.

P7 There is an appropriate built form on the foreshore to maintain the significance of Sydney Harbour.

Siting

P8 A service area (6m width) is provides at the base of the cliff.

P9 Buildings are independent of the cliff face.

Form, massing and scale

P10 Low scale development to Northcliffe Street to preserve views to Sydney Harbour.

P11 Low buildings (approximately 2-3 storey) are provided on the foreshores, except for structures for amusements, turrets, flagpoles.

P12 Buildings including plant facilities are no higher than the cliff face.

P13 The footprint of buildings are no greater than the footprint of Coney Island.

P14 The bulk and scale of buildings complement the heritage items and its role as an amusement park.

P15 Views of Luna Park to and from Sydney Harbour and vistas within Luna Park are maintained.

P16 At least 50% of the site is public area.

P17 New amusement rides are located within building envelope up to 100% if rides are "open" structures.

Fences

P18 Fences are transparent (up to 90%) in materials sympathetic to the character of Luna Park.

Materials, colours

P19 Materials, architectural details and colours of new structures complement heritage items.

Detail

P20 New developments in accordance with the Management Plan for Luna Park adopted by Minister for Land and Water Conservation on 12 March 1998.

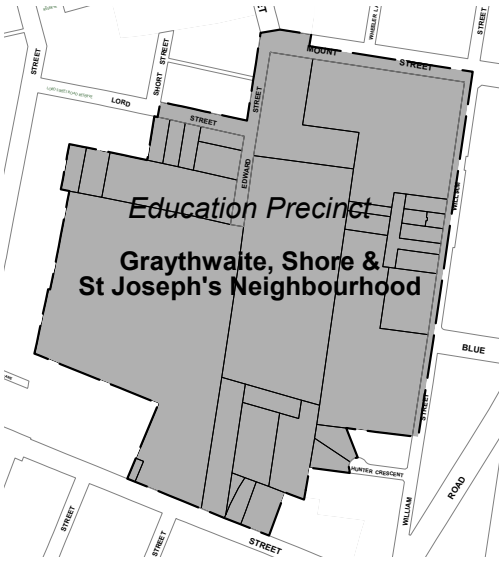
P21 Geo-technical and structural reports are submitted with any application for development to evaluate impact on heritage, cliff face, sea walls.

Car accommodation

P22 Car parking is provided underground.

P23 Parking does not affect stability or appearance of cliff or cliff face.

9.4 GRAYTHWAITE, SHORE & ST JOSEPH'S NEIGHBOURHOOD



9.4.1 Significant Elements

Land Use

P1 Educational establishments.

P2 Place of public worship.

Topography

P3 Generally flat across the northern portion of the Area and falls to the south across the southern portion of the site.

P4 Terraced lands across the Graythwaite site.

Natural Features

P5 Shrubberies and trees in the grounds of Graythwaite (Giant Bamboo, Moreton Bay and Port Jackson Figs, Washington Palms, Small fruit fig; Cook Pine; Firewheel tree; Jacaranda; English Oak; Monterey pine; Coral trees, Camphor laurels; Brush Box).

P6 On the Graythwaite site:

(a) Pond, well and underground cistern.

(b) Three natural springs.

(c) Areas above former air raid shelters.

(d) Embankment.

Views

P7 The following views and vistas are to be preserved and where possible enhanced:

(a) Distant views of Sydney CBD, Sydney Harbour Bridge and Sydney Harbour.

(b) Views of the mansion and substantial landscaping from Union Street.

Identity / Icons

P8 Graythwaite Mansion and grounds.

P9 Sydney Church of England Grammar School (Shore).

P10 St Joseph's Convent.

Subdivision

P11 Large consolidated land holdings.

Streetscape

P12 Fully paved verges with street trees to Union, Edward and Lord Streets.

P13 Buildings setback from the boundary and aligned to the street on Edward and Lord Streets with low open fences.

P14 Buildings built to the boundary along William and Mount Streets.

Public transport

P15 Development is to take advantage of the high levels of accessibility to public train and bus services.

9.4.2 Desired Future Character

Diversity

P1 Predominantly educational establishments.

P2 Places of public worship and associated activities.

P3 The intensity of development reduces the further away from William Street it is located.

P4 The open landscaped setting of the Graythwaite site is retained.

P5 Consideration is given to making some of the buildings on the Graythwaite site available for community use.

P6 Provide a range of high quality, purpose-built student accommodation in and around the Education Precinct, within 400m to a tertiary institution, 800m to a railway station, and 400m to a bus stop used by a regular bus service.

P7 Educational establishments are oriented to the public domain to provide increased surveillance and activation.

P8 Streetscape improvements within the Education Precinct occur in accordance with the North Sydney Centre Public Domain Strategy and Education Precinct Public Domain Masterplan.

Accessibility and permeability

P9 Provide a student pick up and drop off route through the Sydney Church of England Grammar School (Shore), between Union Street and William Street.

Archaeology

P10 Archaeological relics on the Graythwaite site are protected and can be used to shed light on its development or add to understanding of past uses.

9.4.3 Quality Built Form

Subdivision

P1 The grounds of Graythwaite form the curtilage to the mansion and should not be subdivided. The landscaped terraces should not be broken up or separated from the mansion.

Siting

P2 New buildings on the Graythwaite site are located to the north, north east and north west of Graythwaite Mansion.

P3 New buildings are to maintain view corridors to Sydney Harbour, Parramatta River and Parramatta.

Form, massing and scale

P4 Graythwaite, a grand Victorian Italianate mansion on a large prominent urban property is to be conserved and reused in accordance with the Conservation Management Plan for the site. Any future use must be non-intrusive and maintain the heritage fabric of the site. An interpretive feature or explanation may be incorporated into the site.

P5 Scale of development reduces in intensity the further away from William Street it is located.

P6 New buildings are subordinate to massing and scale of Graythwaite Mansion, are lower in height and have a smaller footprint.

Roofs

P7 Roofs are pitched between 30 - 45 degrees made of either slate or terracotta tiles.

Windows and doors

P8 Windows are timber framed with traditional vertical proportions.

Materials, colour, detail

P9 Buildings are constructed of either face brick, masonry, timber and/or sandstone.

P10 Colours used are browns, greens, grey for infill buildings. Colour scheme to heritage buildings in traditional schemes.

P11 Architectural detail, external finishes of any new building are compatible with the Graythwaite collection of building but not a copy.

Fences

P12 Fences to Graythwaite frontages to be based on historical evidence.

P13 Fencing includes open timber picket fences, low brick or stone wall or a hedge.

Gardens

P14 Historic plantings and significant trees are retained, including giant bamboo, figs, pines and remnant vineyards.

P15 The lower, middle landscaped terraces on the Graythwaite site are retained as open space for recreational purposes.

P16 Historic cultural features including sandstone stairs, pond, well, cistern and WWII bunkers are retained and interpreted.

P17 Natural springs retained.

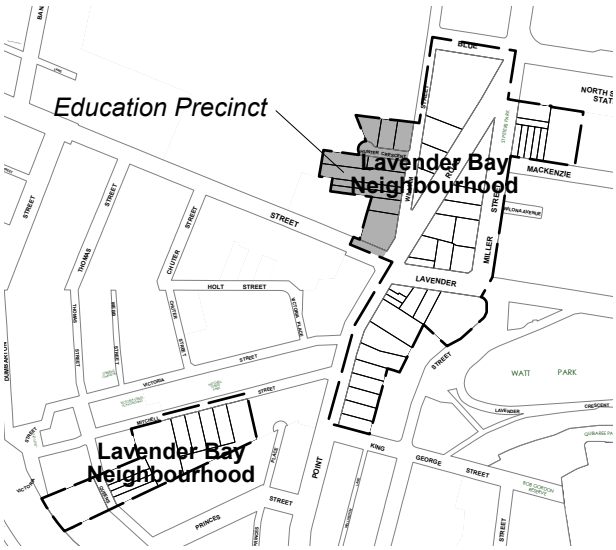
Car accommodation

P18 Car spaces or underground parking is available to accommodate cars.

Design Principles

P19 Educational establishments must address and activate public domain areas including streets, pedestrian links, laneways and public spaces.

9.5 LAVENDER BAY NEIGHBOURHOOD



9.5.1 Significant Elements

Land Use

P1 Predominantly residential development.

P2 Places of public worship.

P3 Mixed commercial and residential development.

Topography

P4 Generally falls to the south from Blue Street.

P5 Steep falls occur to the east of Blues Point Road.

Views

P6 The following views and vistas are to be preserved and where possible enhanced:

(a) Views of Lavender Bay and Sydney Harbour Bridge from intersection of Miller and Lavender Streets.

(b) Views of Harbour Bridge from St Peter's Park Lookout (79).

Identity / Icons

P7 St Peter Church.

P8 Sydney Church of England Grammar School (Shore School).

Subdivision

P9 Irregular subdivision pattern due to the streets following the irregular topography.

Streetscape

P10 Low masonry fences and retaining ways to the street frontage.

P11 Fully paved verges with street trees.

P12 Buildings generally setback a minimum from the boundary with a skewed alignment to respective street frontages.

Public transport

P13 Development is to take advantage of the high levels of accessibility to public train and bus services.

9.5.2 Desired Future Character

Diversity

P1 Predominantly a mixture of medium and high density residential accommodation comprising attached dwellings, multi dwelling housing and residential flat buildings, according to zone.

P2 Limited mixed commercial and residential development with small scale shops at the ground level and residential above.

P3 Provide a range of high quality, purpose-built student accommodation in and around the Education Precinct, within 400m to a tertiary institution, 800m to a railway station, and 400m to a bus stop used by a regular bus service.

9.5.3 Desired Built Form

Form, massing and scale

P1 Development is to generally conform with the provisions contained within Part B – *Development Controls* of the DCP.

P2 Development in the *E1 Local Centre* zone is to:

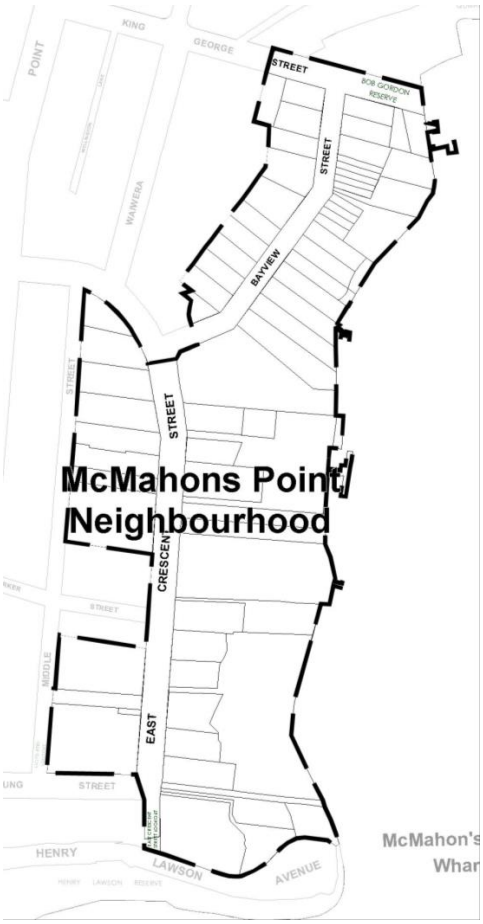
(a) have symmetrical facades fronting the primary street frontage.

(b) Maintain the nineteenth century two storey shopfronts incorporating parapets and awnings to the primary street frontages.

Design Principles

P3 Educational establishments must address and activate public domain areas including streets, pedestrian links, laneways and public spaces.

9.6 McMahons Point Neighbourhood



9.6.1 Significant Elements

Land Use

P1 Predominantly residential accommodation.

Topography

P2 Steep falls from Middle Street down to the foreshores of Lavender Bay.

P3 Terraced land adjacent to foreshore.

P4 Vertical sandstone cuttings to Henry Lawson Avenue Steep falls occur adjacent to Forsyth Park.

Natural Features

P5 Lavender Bay frontage.

Views

P6 The following views and vistas are to be preserved and where possible enhanced:

(a) District views from most properties to Sydney Harbour and beyond.

(b) Views to Lavender Bay from King George Street Lookout (80), Extensive views to Sydney Harbour from East Crescent Reserve Lookout (81), Lloyd Rees Lookout (82).

Identity / Icons

P7 Lavender Bay.

P8 Continuous sea wall to Lavender Bay.

Subdivision

P9 Residential flat buildings: Site areas of 700m^2 - 800m^2.

P10 Other residential accommodation: Site areas of 230m^2 to 450m^2.

Streetscape

P11 Split carriageways separated by sandstone walls and double rail timber fences.

P12 Low rendered masonry fences to the lower side of the street.

P13 Sandstone retaining walls to the high side of the street interrupted by garages built to the boundary.

P14 Buildings generally setback a minimum from the boundary with a skewed alignment to respective street frontage.

P15 Fully paved verges with limited landscaping.

Public transport

P16 Development should capitalise on the Area's high level of accessibility to high frequency public train, bus and ferry services.

9.6.2 Desired Future Character

Diversity

P1 Medium density residential accommodation comprising attached dwellings and multi-dwelling housing within the northern portion of the Area, according to zone.

P2 High density residential accommodation comprising of residential flat buildings concentrated within the southern portion of the Area, according to zone.

9.6.3 Desired Built Form

Form, massing and scale

P1 Development is to generally conform with the provisions contained within Part B – *Development Controls* of the DCP.

Setback

P2 Properties located on the foreshore have setbacks of 15m or greater from the shore line.

Materials, colours

P3 Buildings are constructed of timber, sandstone, face brick, masonry and/or painted render.

9.7 McMahons Point North Conservation Area



9.7.1 History

Land in the McMahon's Point North Conservation Area was granted to William Blue in 1817 and remained in the family until the 1850s. The estate was then progressively subdivided, with the earliest developments occurring at the eastern end.

Blues Point Road was one of the earliest roads in the district, being gazetted from 1839 as a thoroughfare from the ferry wharf to the St Leonard's township (now North Sydney).

The middle and southern sections of the peninsula were subdivided by the 1870s. The foreshores were used for boat and ship building from Blues and McMahon's Point. A tramway was extended to McMahon's Point in 1909, further stimulating development, particularly along Blues Point Road.

9.7.2 Description

The topography of the locality slopes down from North Sydney towards Blues Point. Blues Point Road runs down the ridge to the Blues Point peninsula with the landform falling away on either side. A steep escarpment runs parallel to the western side of Waiwera Street.

The subdivision pattern is not strongly related to the topography with irregular lots and street patterns.

The area is characterised by Victorian, Federation and Inter-war period residential and retail development. Buildings are characteristically small to moderate sized group developments of attached dwellings and semi-detached dwellings.

Characteristic building materials include dark brick, painted or rendered brick and weatherboards. Roofs are tiled, corrugated iron and sometimes slate. Details include use of sandstone in retaining walls and timber and plaster façade detailing.

Princes Street is an intact example of a Federation subdivision and Blues Point Road is a significant commercial strip in North Sydney.

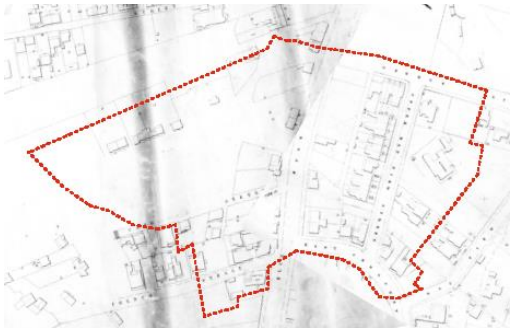


Figure F-9.2 (left):
Circa 1890

Figure F-9.3 (below left):
Circa 1943

Figure F-9.4 (below right):
Circa 2008





9.7.3 Statement of Significance

The McMahon's Point North Conservation Area is significant:

(a) For its consistent character and unity that derives from its dense urban subdivision pattern and history and which is still clearly seen in the development of the area.

(b) As a predominantly early 20th century precinct with a mix of Federation and 1920's one and two storey housing and a very fine grouping of early 20th century buildings along Blues Point Road.

(c) For the streetscape qualities of the Blues Point Road shops.

(d) For its high quality streetscapes, particularly in Princes and Waiwera Streets.

9.7.4 Significant elements

Topography

P1 Sloping down from North Sydney towards Blues Point, Blues Point Road follows the ridge of the peninsula.

Subdivision

P2 Irregular subdivision to the outer streets with boundary to street frontage. Regular subdivision along Blues Point Road.

Streetscape

P3 Many streets are split with stone kerbing and walls.

P4 Formal street plantings are located within the road reserve in Princes Street.

P5 Double rail timber fences.

Views

P6 King George Street lookout: views to Lavender Bay. Views to Berry's Bay via Mil Mil Street Lookout and French Street.

P7 Slot views over and between buildings throughout area.

9.7.5 Characteristic buildings

P1 Detached and semi-detached dwelling houses, commercial buildings along Blues Point Road. Victorian Filigree, Federation Queen Anne, Free Style, Bungalow, Californian Bungalow, workers cottages.

P2 Two storey, Victorian Italianate/Filigree attached dwellings with verandahs to the street.

P3 Single storey and two storey Victorian and Edwardian commercial buildings.

9.7.6 Characteristic built elements

Siting

P1 Forward on lot with larger rear garden.

P2 Consistent setbacks.

Form, massing and scale

P3 Single storey detached and attached dwellings.

P4 Two storey, attached dwellings.

P5 Two storey, commercial development with parapets to the street.

Roofs

P6 Pitched between 30 and 45 degrees with some use of parapets to the street, skillion roofs to rear extensions.

Materials

P7 ***Walls:*** Timber weatherboards, sandstone face brick, rendered brick.

P8 ***Roofs:*** Slate, terracotta tiles, corrugated metal.

Windows and doors

P9 Mid to late Victorian, Federation and Edwardian. Timber.

Fences

P10 Low sandstone, brick and timber palisade. Metal palisade on sandstone plinths.

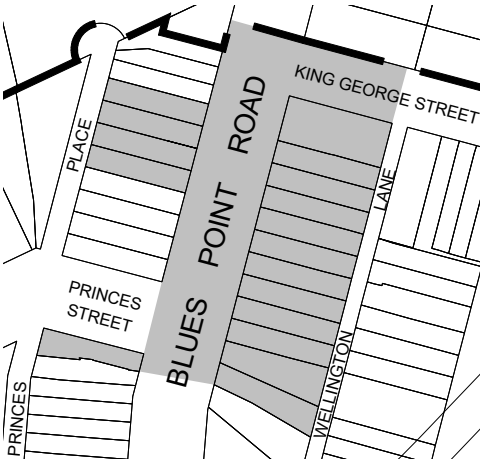
Car accommodation

P11 Located off rear lanes.

9.7.7 Uncharacteristic elements

P1 Modern infill development; painting of face brickwork; high fences to street; modern awnings to shops removal of traditional details, verandah infill, modernised facades, roof decks, over-scaled dormers, alterations to original roof form, advertising signage, garden paving.

9.7.8 Blues Point Village



Diversity

P1 Predominantly mixed commercial and residential development.

P2 Small scale shops or small scale shops with shop top housing at first floor level.

P3 Development should be limited with no substantial increases in density.

P4 Ground floor should be retained as shops or a similar use, to provide street level activity.

Subdivision

P5 Site areas of 160m^2 – 350m^2

Streetscape

P6 Wide pavements to accommodate outdoor dining.

P7 Awnings to street frontage elevations over footpaths.

Form, massing and scale

P8 Generally 2-storey attached dwelling style buildings with ground floor shopfronts, gabled roof and first floor balcony.

P9 Buildings have symmetrical facades.

Windows and doors

P10 Buildings have double hung sash windows with a vertical emphasis.

P11 Doors have two or four panels.

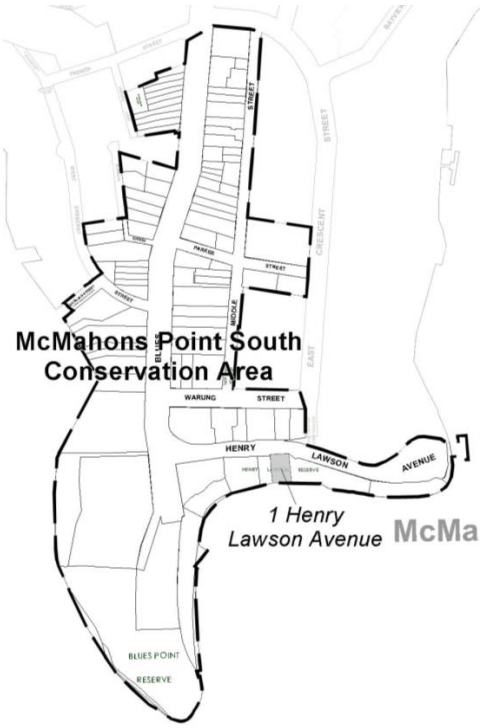
Materials, colours

P12 Materials include face brick, sandstone or timber.

Car accommodation

P13 Car spaces, garages, or carports are located at the rear of the property where rear lane access is available.

9.8 McMahons Point South Conservation Area



9.8.1 History

Land in the McMahons Point South Conservation Area was granted to William Blue in 1817 and remained in the family until the 1850s. The estate was then progressively subdivided, with the earliest developments occurring at the northern end.

Blues Point Road was one of the earliest roads in the district, being gazetted from 1839 as a thoroughfare from the ferry wharf to the St Leonards township (now North Sydney).

The middle and southern sections of the peninsula were subdivided by the 1870s. The foreshores were used for boat and ship building from Blues and McMahons Point. A tramway was extended to McMahons Point in 1909, further stimulating development, particularly along Blues Point Road.

9.8.2 Description

The topography of the locality slopes down from North Sydney towards Blues Point. Blues Point Road runs down the ridge to the Blues Point peninsula with the landform falling away on either side. There are expansive views down Sydney Harbour and towards the Sydney CBD, Berry's Bay and Balmain from the foreshore that is defined by an escarpment along the northern side of Henry Lawson Avenue.

Lot sizes in the area are generally large. There is a mix of architectural periods and styles in the mainly residential building stock. There are buildings from 1840s stone cottages to Federation dwelling houses and residential flat buildings and Inter-war buildings.

The buildings are typically small to moderate size with taller buildings on the higher ground and at the point and include group developments of attached dwellings and semi-detached dwelling houses. Some have rear lane access.

Street trees include Jacarandas, mixed native species and the occasional palm, and are mature and substantial on the major streets. Front gardens supplement street plantings and give a sense of continuity between the side streets and Blues Point Road. Other urban elements such as stone retaining walls and rocky outcrops combine with avenue plantings to create a sense of place.

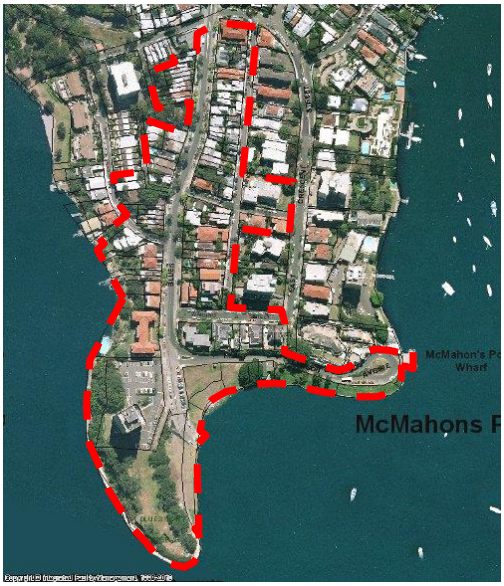


Figure F-9.5 (left):
Circa 1890

Figure F-9.6 (below left):
Circa 1943

Figure F-9.7 (below right):
Circa 2008





9.8.3 Statement of Significance

The McMahons Point South Conservation Area is significant:

(a) For its connection to the early grant to William Blue and the Harbour crossing point at Blues Point, the early waterfront industry of Sydney Harbour, both of which can be interpreted by physical remnants.

(b) As a mid 19th to early 20th century residential area with a mix of Victorian, Federation, 1920's and 1930's housing mixed with some Inter-war residential flat buildings.

9.8.4 Significant elements

Topography

P1 Sloping down from the north towards Blues Point.

Subdivision

P2 Mostly rectilinear subdivision with boundary to street frontage.

Streetscape

P3 Sandstone kerbing and walls.

P4 Street trees are a key feature in Waiwera, Miller and Lavender Streets.

P5 Double rail timber fences.

Views

P6 Blues Point Reserve and Lloyd Rees lookouts: views to Lavender Bay and Sydney Harbour.

P7 Views to Berry's Bay via Dowling Street Lookout.

9.8.5 Characteristic buildings

P1 Detached dwelling houses, semi-detached dwellings, attached dwellings, 20th Century residential flat buildings according to zone. Victorian, Federation and Inter-war period detailing.

9.8.6 Characteristic built elements

Siting

P1 Forward on lot with larger rear garden.

P2 Consistent setbacks.

Form, massing and scale

P3 Detached and attached dwellings vertically proportioned with massing determined by historic subdivision pattern.

Roofs

P4 Pitched between 30 and 45 degrees with some use of parapets to the street, skillion roofs to rear extensions.

Materials

P5 High proportion of masonry or solid surfaces to glazed surfaces.

Windows, doors and joinery

P6 Timber frames windows and doors have traditional styles and proportions according to architectural style of the building.

P7 Face brick, terracotta tiles, corrugated metal, slate, timber joinery, sandstone base courses.

Fences

P8 Low, 900mm max. height (timber) or 1m (iron palisade).

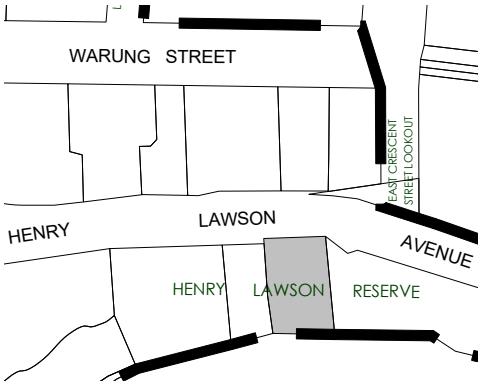
Car accommodation

P9 Car spaces or carports located off rear lanes.

9.8.7 Uncharacteristic elements

P1 Post-war residential flat buildings and modern infill development; garages to front setback, roof lights and dormers in front and side roof pitches, removal of original detail, garden paving, verandah infills.

9.8.8 1 Henry Lawson Avenue



Diversity

P1 To be integrated into the regional public open space network created along the entire southern foreshore of McMahons and Blues Points.

P2 The site is redeveloped with cognisance of the former use of the site.

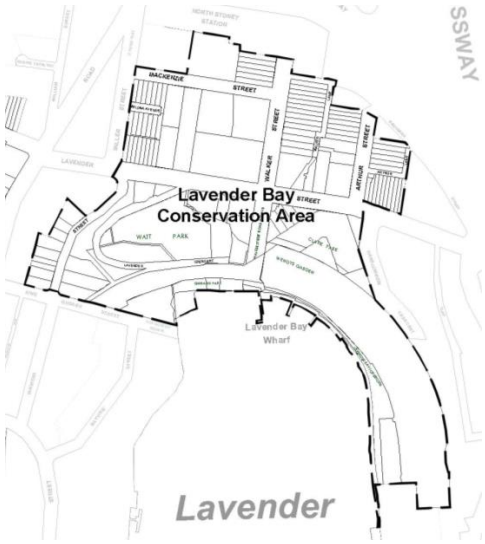
Form, massing and scale

P3 Heritage listed slipways and sea walls to be retained.

Colours and materials

P4 Development uses muted colours and non-reflective materials, such as brick and timber to ensure that the scenic and environmental qualities are preserved.

9.9 LAVENDER BAY CONSERVATION AREA



9.9.1 History

The Lavender Bay Conservation Area includes land that was granted to William Blue in 1817 (south of Lavender Street), the Milson's grant (east of Walker Street) and the Crown's Township subdivision.

Land in the township area was dedicated to Christ Church, St Leonards in 1872, and to the Catholic Church and school, St Francis Xaviers that opened in 1881. Milson's land was mainly used as the grounds of "Brisbane House" and a section on the east side of Walker Street was subdivided in the 1870s.

John Carr acquired most of the land at the head of Lavender Bay from the Blue family in the 1850s. A number of large mansions were built including "Quiberee", "Neepsend" and "Hellespont". Some was later reserved for the construction of the railway in 1883, after which it was given over for parkland. Watt Park includes remnant plantings from the former gardens of these homes.

A public bathing reserve on the east side of the end of Walker Street became Clark Park in the early 20th century. A large portion of the waterfront was used as boat building and repair yards from the late 19th century to the late 20th century.

9.9.2 Description

The Lavender Bay Conservation Area is bounded by the commercial development to the north, the Sydney Harbour Bridge approaches and Lavender Bay.

The landform is level to the north with a rock escarpment along Lavender Bay Road and a steep slope to the water. To the upper plateau the subdivision is determined by a grid pattern of wide streets and narrow rear lanes. Lot sizes vary and many are developed for attached dwellings. To the centre of the plateau are landscaped church sites. Below the escarpment the pattern is determined by the steep landform with its remaining Victorian estates overlaid with a network of steep, pedestrian steps and irregular cross paths.

The area is characterised by the Victorian development of Gothic and Romanesque churches and detached mansions down the centre of the area. There is an overlay of single, two and three storey attached dwellings to the upper level in the Victorian Free Classical, Victorian Italianate and Federation Arts and Crafts style. There are single storey cottages and Inter-war, Spanish Mission style flats. The railway viaduct and boardwalk provides a strong edge to the water side reserve.

The elevated site provides extensive views to the south over Sydney Harbour and there are views up and down the pedestrian steps.

Front gardens contribute to the landscaping of the street. Gardens follow the slope of the site with stone walls to the street. There are street trees and a band of remnant Victorian plantings to the parks and gardens across the centre of the site.

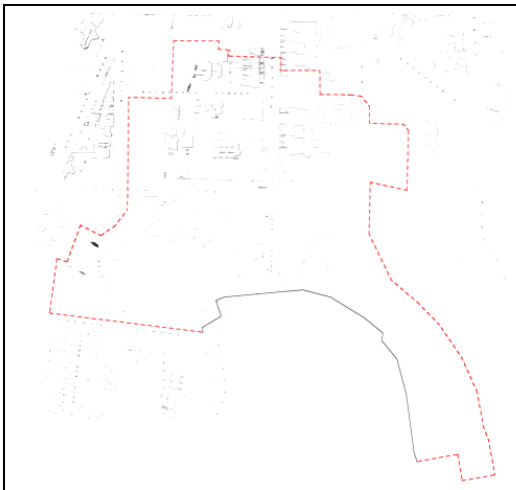


Figure F-9.8 (left):
Circa 1890

Figure F-9.9 (below left):
Circa 1943

Figure F-9.10 (below):
Circa 2008





9.9.3 Statement of Significance

The Lavender Bay Conservation Area is significant:

(a) As a late 19th Century residential area with rare groupings of high quality, stepped terrace style housing on the slopes above Lavender Bay overlaid on religious and Victorian Mansion estates.

(b) For the quality and collective significance of the buildings within the area.

(c) For the natural topography of rock escarpments modified with steep pathways and sandstone retaining walls and the remnant Victorian plantings.

(d) For the fine and extensive open space area along the foreshore of Lavender Bay which incorporates public walking paths around the waterfront and the railway viaduct constructions.

(e) For the impressive and important views to Sydney Harbour from Watt and Clark Parks.

9.9.4 Significant Elements

Topography

P1 Upper plateau with slight falls to the south, rock escarpment and natural basin sloping down to Lavender Bay.

Subdivision

P2 Large church sites and former mansion estates.

P3 Rectilinear subdivision to upper level with long narrow lots with detached and semi-detached dwelling houses and attached dwellings.

P4 Irregular subdivision to the lower slopes.

P5 Unique subdivision pattern and private road in Wilona Avenue.

Streetscape

P6 Street trees and stone walls align streets and paths.

P7 Lanes have a low scale and service character.

P8 Public parks to the lower slops with sandstone features and walling.

Views

P9 Harbourview Crescent Lookout, Clark Park Lookout, Arthur Street Lookout, Lower Walker Street Lookout, Waiwera Street Lookout.

P10 Views to Sydney Harbour, Sydney CBD, Sydney Harbour Bridge from Lavender Street, Lavender Crescent, Waiwera Street, Watt and Clark Parks.

9.9.5 Characteristic buildings

P1 A mixture of:

(a) Detached Victorian mansions;

(b) Victorian and Federation religious buildings; and

(c) Victorian and Federation detached, semi-detached dwelling houses and attached dwellings.

9.9.6 Characteristic built elements

Siting

P1 Forward on lot with larger rear garden.

P2 Consistent setbacks.

Form, massing and scale

P3 Two storey detached houses.

P4 Single, two and three storey with gabled roofs.

P5 Skillion wings and reduced height and scale to rear.

P6 Open verandahs to front. Houses in groups of identical design.

P7 Strong skyline of simple, pitched roofs and chimneys visible from the street and rear lanes stepped along the sloping streets.

Roofs

P8 Pitched between 30 and 45 degrees with some use of parapets to the street.

P9 Skillion roofs to rear extensions.

P10 Brick and rendered chimneys.

External Materials

P11 Rendered brick and face brick on sandstone base.

P12 Slate, terracotta tiles, corrugated metal roofs.

P13 Original timber windows doors and decorative joinery.

Windows and doors and external joinery

P14 Victorian Federation and Edwardian. Timber.

Fences

P15 Original front fences.

P16 Timber fences rear and side.

P17 Sandstone plinths, sandstone piers, metal palisade and gates, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.

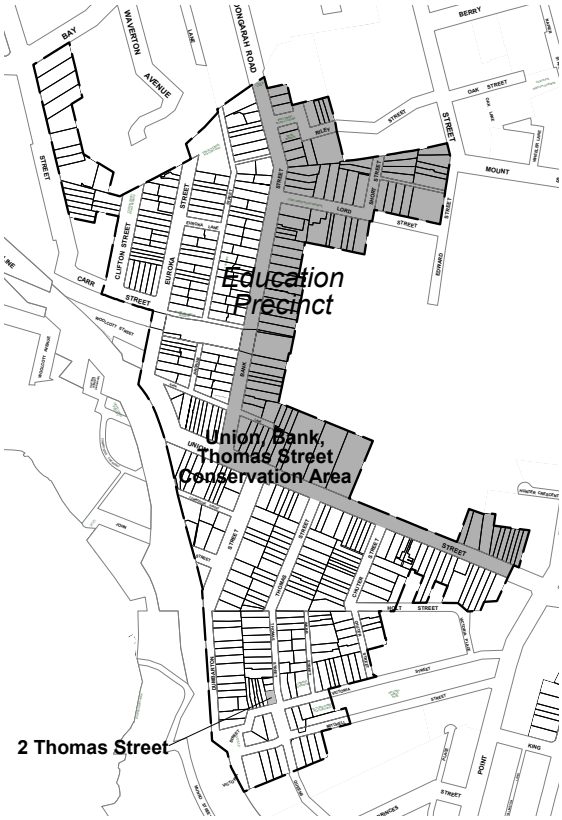
Car accommodation

P18 Located off rear lanes.

9.9.7 Uncharacteristic elements

P1 Inter-War residential flat buildings; modern infill development; over-scaled additions; contemporary buildings with laneway frontages; over-scaled and poorly detailed carports and garages; front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

9.10 UNION, BANK, THOMAS STREET CONSERVATION AREA



9.10.1 History

The Union/Bank/Thomas Street Area is loosely contained within two residential subdivisions of the mid-nineteenth century. The land on the south side of Union Street was part of the William Blue grant, inherited by his daughter Susannah, and subdivided c. 1859 by her husband, William Chuter.

Land on the northern side of Union Street was granted to Thomas Walker who later sold it to Edwin Sayers. Sayers built *Euroka Villa* on the Graythwaite site in Union Street. The western facing slopes of Sayer's land was subdivided during the 1860s as the Euroka Estate.

The area experienced significant upheaval during the construction of the railway in two phases, first during the 1890s and again in the 1930s. Despite the railway intrusion, the area retains its nineteenth century buildings and streetscape form.

9.10.2 Description

The Union, Bank Thomas Street Conservation Area is bounded to the east by the North Sydney Commercial area where the land rises to the crest of North Sydney and to the west by the railway line along the foreshore of Berry's Bay.

The areas on either side of Union Street have distinct characters within the Conservation Area. The subdivision pattern is irregular to the south of Union Street reflecting the topography and street pattern with various street widths reflecting different phases of development. The subdivision pattern is more regular to the north of Union Street reflecting the flatter topography. The area has a close subdivision pattern, with cross streets and

laneways that give a dense, urban texture. The area is characterised by long north/south streets, with streets north of Union Street running mostly across the steeply graded contours.

Characteristic buildings of the area include 19th and early 20th century cottages, including attached, semi-detached and detached houses. The buildings are typically one to two storeys on small lots interspersed with pockets of larger, two storey Victorian terraces, early 20th century housing, and three storey Inter-war residential flat buildings.

A range of architectural styles are represented in the Conservation Area, including Victorian Georgian, Victorian Regency, Victorian Filigree, Victorian Italianate, Federation Queen Anne and Federation Arts and Crafts, most of which are interpreted in a simplified manner.

There are pocket parks and lookouts distributed throughout the area. The townscape character is also defined by regular, processional planting in the street reserves, and by extensive use of stone elements within streets and street formations.

The topography of the locality facilitates expansive views down streets running south off Union Street, including Dumbarton and Thomas Streets.

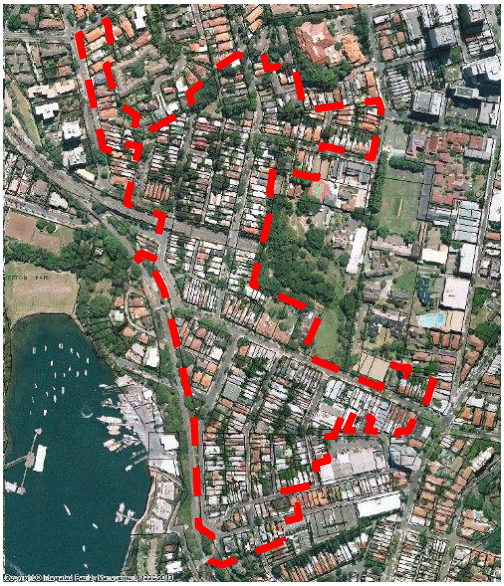


Figure F-9.11 (left):
Circa 1890

Figure F-9.12 (below left):
Circa 1943

Figure F-9.13 (below right):
Circa 2008





9.10.3 Statement of Significance

The Union, Bank, Thomas Street Conservation Area is significant:

(a) As the largest area of mid to late Victorian buildings in the North Sydney area including a substantial number of individually significant buildings, groups of buildings and unique streetscapes in the local context.

(b) For the clarity of its subdivision history that is still clearly seen in variations of road widths between sections of streets and changes of directions of the subdivision pattern in response to the subdivision of earlier estates.

(c) For the way development has responded to the topography through stepped building forms and excavation in some locations.

(d) For its fine streetscapes with intact rows of Victorian residences, especially in Thomas, Union and Chuter Streets.

(e) For its relatively large number of surviving timber residences.

9.10.4 Significant elements

Topography

P1 Area slopes to the west with escarpments to the north.

Subdivision

P2 Irregular subdivision to the south of Union Street with boundary to street frontage.

P3 Mostly rectilinear subdivision to the north of Union Street with boundary to street frontage.

P4 Restricted lot sizes.

Streetscape

P5 Varying width streets following the contours or slopes.

P6 Sandstone retaining walls and kerbing.

P7 Double rail timber fences.

Views

P8 Dumbarton Street lookout, Commodore Crescent lookout, Lord Street lookout.

P9 Dumbarton Street, Commodore Street, John Street: views to Berry's Bay.

P10 Slot views over and between buildings throughout area.

9.10.5 Characteristic buildings

P1 A mixture of:

(a) 19th and early 20th Century cottages, including attached, semi-detached and detached single storey dwellings in the Victorian Georgian, Victorian Regency, Victorian Filigree, Victorian Italianate.

(b) Two storey, Victorian Filigree, Victorian Italianate attached dwellings.

(c) Early 20th Century single and two storey Federation Queen Anne and Federation Arts and Crafts housing.

(d) Three storey Inter-war residential flat buildings.

9.10.6 Characteristic building elements

Siting

P1 Forward on lot with larger rear garden.

P2 Consistent setbacks.

Form, massing and scale

P3 Single and two storey, detached and semi-detached dwellings with verandahs.

P4 Two and three storey attached dwellings with front verandahs.

P5 Rear additions behind and below the ridge line, submissive in scale.

Roofs

P6 Pitched between 30 and 45 degrees with some use of parapets to the street, skillion roofs to rear extensions.

P7 Hipped and gabled roofs to cottages; projecting gables to street.

P8 Stone, brick and rendered brick chimneys.

Materials

P9 ***Walls:*** Sandstone; weatherboards; face brick and rendered masonry on sandstone bases.

P10 ***Roofs:*** Slate; corrugated metal; terracotta tiles.

Windows and doors

P11 Original Victorian, Federation and Edwardian.

Fences

P12 Low stone, brick and rendered walls.

P13 Metal palisade on low stone plinths.

P14 Timber picket fences.

Car accommodation

P15 Located off rear lanes.

P16 Single car parking in modest structures.

9.10.7 Uncharacteristic elements

P1 Over-scaled additions; Carports and garages to front of lot; dormers and conditions to front and side roofs; removal of original details; painting and rendering of face brickwork; high fences to street; inappropriate fence details; paving of gardens.

9.10.8 Future built elements

P1 Provide a range of high quality, purpose-built student accommodation in and around the Education Precinct, within 400m to a tertiary institution, 800m to a railway station, and 400m to a bus stop used by a regular bus service.

P2 Educational establishments must address and activate public domain areas including streets, pedestrian links, laneways and public spaces.

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SECTION 10 WAVERTON / WOLLSTONECRAFT PLANNING AREA

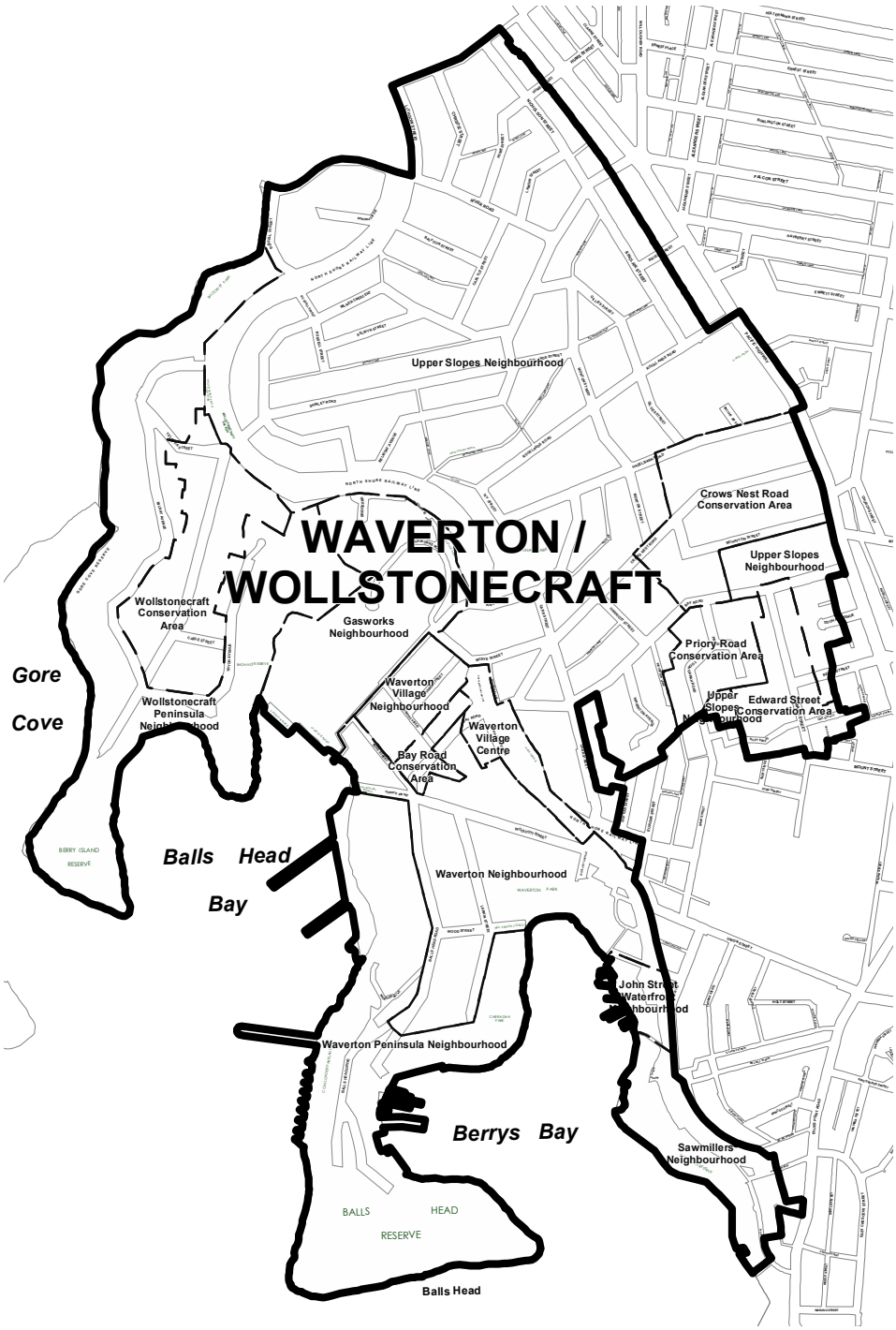


Figure F-10.1: Waverton / Wollstonecraft Planning Area and associated Locality Areas

10.0 WAVERTON / WOLLSTONECRAFT PLANNING AREA CHARACTER STATEMENT



The Planning Area generally comprises a diverse residential neighbourhood ranging from low density residential development adjacent to the foreshore areas of Sydney Harbour to high density residential development generally on the upper slopes and in close proximity to railway stations. The suburbs of Waverton and Wollstonecraft essentially align with the two ridges/peninsulas that project out into Sydney Harbour. The Area is also physically divided by the North Shore Railway line. Both neighbourhoods are in a pleasant setting, as a result of buildings being setback from boundaries, onsite landscaping, street trees and strong links to Sydney Harbour.

A large portion of the Education Precinct is located in the Planning Area, which consists of landmark educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School and supports a growing student population and workforce of teaching and support staff.

The foreshores of the Planning Area are generally protected from development by recreational and bushland buffers, with the minor exception of maritime industrial activities which are reliant on a land-water interface.

Development within the Planning Area, should result in:

- residential growth being provided in accordance with Council's Local Housing Strategy, predominantly comprising attached dwellings, multi dwelling housing and residential flat buildings in the appropriate zones
- redevelopment of sites respects the existing built form and maintains the character of the area. This includes any alterations and additions to existing buildings
- a wide range of residential types being distributed in a number of distinctive built forms and landscape areas, including purpose built student accommodation to support the functioning of the Education Precinct.

- local shops cater to the local community and are balanced between basic needs of food and grocery, and social needs- such as cafes and galleries
- a vibrant and engaging Education Precinct with safe pedestrian networks, high quality built form and a range of formal and informal public spaces for students to study, socialise and engage with the local community.
- future maritime uses having a minimal impact on residential amenity
- features contributing to local identity are promoted and conserved

and where,

Function

- a community centre being provided in an accessible location in the Waverton Neighbourhood, provides a meeting place for the local community and is part of North Sydney's network of community and cultural centres
- a limited number of non-residential uses such as maritime industrial, defence, hospital and educational establishments coexist peacefully with the residential character without adverse effect
- large areas of open space are used by local residents and the wider regional population for a variety of social and recreational needs
- comfortable and safe pedestrian routes are maintained and extended to achieve a continuous route from Smoothey Park to Waverton Park and on to McMahons Point
- public transport, cycling and walking are the preferred means of transport
- through traffic is discouraged from using the already overloaded road network and commuter parking managed through parking schemes

Environmental Criteria

- the remaining natural foreshores and water courses are conserved and protected, and pedestrian access to these is extended and improved
- bushland is protected from the adverse effects of development – such as stormwater runoff, spread of introduced plants and weeds, and visual impact of structures
- use of local flora extends habitats for native birds and other fauna
- mechanical noise and other industrial noise is controlled, to protect the ambience of natural features

Quality Built Form

- any development reflects and reinforces the existing distinctive built form/landscape areas and distribution of accommodation types
- cohesiveness is achieved in the area and through landscaping and street tree planting
- development in foreshore areas is carefully designed to consider the existing topography and not disrupt views from neighbouring properties
- significant views from lookouts and other vantage points are not obscured by structures or landscaping
- man-made features such as the railway cutting at Waverton Station and the tank cuttings on the BP site are maintained as local landmarks important to the community
- educational establishments are oriented to the public domain to provide increased surveillance and activation

Quality Urban Environment

- backyards are used for a variety of activities particularly for families with children and for the practical and recreation needs of residents in apartments

Efficient Use of Resources

- existing buildings are maintained to prevent unnecessary waste of building materials
- stormwater is retained for reuse on-site

Public Domain

- streetscape improvements within the Education Precinct occur in accordance with the *North Sydney Centre Public Domain Strategy* and *the Education Precinct Public Domain Masterplan*

The Waverton / Wollstonecraft Planning Area includes the following Locality Areas which are subject to the relevant provisions further below:

Section 10.1: Waverton Village Centre

Section 10.2: Upper Slopes Neighbourhood

Section 10.2.4 Newlands Lane Open Space Area

Section 10.3: Wollstonecraft Peninsula Neighbourhood

Section 10.3.4 12 Shirley Road

Section 10.4: Gasworks Neighbourhood

Section 10.5: Waverton Village Neighbourhood

Section 10.6: Waverton Neighbourhood

Section 10.7: Waverton Peninsula Neighbourhood

Section 10.7.4 HMAS Waterhen – Upper Terrace

Section 10.7.5 Former Quarantine Depot

Section 10.7.6 Former Woodleys Boatyard

Section 10.8: John Street Waterfront Neighbourhood

Section 10.9: Sawmillers Neighbourhood

Section 10.10: Wollstonecraft Conservation Area

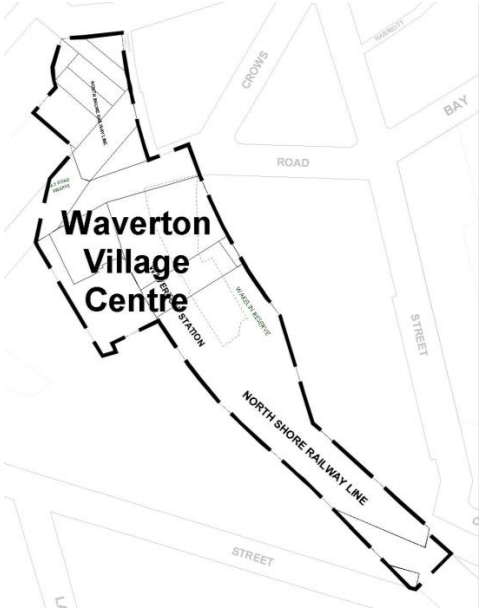
Section 10.11: Crows Nest Road Conservation Area

Section 10.12: Edward Street Conservation Area

Section 10.13: Priory Road Conservation Area

Section 10.14: Bay Road Conservation Area

10.1 WAVERTON VILLAGE CENTRE



10.1.1 Significant Elements

Land Use

P1 Predominantly mixed commercial and residential development.

Topography

P2 Moderate falls to the south.

P3 Large vertical cutting through sandstone to accommodate railway line.

Natural Features

P4 Wakelin Reserve maintained as public park.

P5 Creekline into Wakelin Reserve is conserved.

Views

P6 The following views and vistas are to be preserved and where possible enhanced:

(a) Unobstructed views, from the Bay Road Bridge, of the railway cutting, tunnel and cliff face.

(b) Vistas towards Balls Head and water views along Balls Head Road.

(c) Views toward Railway Station building from Bay Road and Crows Nest Road.

(d) Views from Wakelin Reserve towards Sydney Harbour.

Identity / Icons

P7 North Shore railway line.

P8 Waverton Railway Station.

Subdivision

P9 Irregular subdivision pattern.

Streetscape

P10 Paved street verges.

P11 Buildings built to the boundary.

P12 Continuous awnings to the southern side of Bay Road.

Public transport

P13 Development is to take advantage of the high levels of accessibility to public train and bus services.

10.1.2 Desired Future Character

Diversity

P1 Predominantly mixed-use development with retail and commercial premises on ground floor (fronting Bay Road), non-residential or residential accommodation on the first floor, and residential above.

P2 A community centre is established over the SRA land to the south of the Bay Road.

P3 Development to the north of Bay Road is to comprise a small commercial building set back from Bay Road in a large landscaped open area and used for a plant nursery, café, or childcare.

P4 Man-made features such as the railway cutting at Waverton Station are maintained as local landmarks important to the community.

Access

P5 Pedestrian access is provided from Bay Road through to Carr Street.

10.1.3 Desired Built Form

Subdivision

P1 No further subdivision of land north of Bay Road.

Form, massing and scale

P2 One storey to the north of Bay Road.

P3 To the south of Bay Road:

(a) One to two storeys at the Bay Road frontage.

(b) Any additional storeys are set back at least 6m from the Bay Road frontage above the second storey with little impact on views, overshadowing and privacy.

P4 Building bulk and facades are articulated providing gaps for natural light and direct sunlight to penetrate onto Waverton Station platforms.

P5 Where possible, the building to the north of Bay Road should be retained in its current form.

Siting

P6 Building sited to maintain access to North Shore Railway.

P7 Views from Wakelin Reserve, surrounding residential properties, and solar access (particularly to Waverton Station platforms), considered when siting building.

P8 Development to the north of Bay Road is to be located towards the street frontage of the block, with large side and rear yards.

Setback

P9 To the north of Bay Road:

(a) ***Front:*** 5m.

(b) ***Side:*** 3m.

(c) ***Rear:*** 20m.

P10 To the south of Bay Road:

(a) ***Front:*** 0m.

(b) ***To Wakelin Reserve:*** 3m minimum.

(c) Setbacks from boundaries that adjoin or are near residential properties and areas of open space land, are maintained to protect the amenity of that land.

Solar Access

P11 Dwellings and ground level retail plaza of Waverton Station north east side of 100 Bay Road have good solar access.

Fences

P12 Buildings and front gardens to the north of Bay Road are seen through and over front fences.

Car accommodation

P13 Emergency vehicle access is provided to the North Shore railway line.

P14 Parking is located underground.

P15 Only one access point is provided from Bay Road adjacent to Wakelin Reserve to the SRA Land south of Bay Road.

10.2 THE UPPER SLOPES



10.2.1 Significant Elements

Land Use

P1 Diverse range of low, medium and high density residential accommodation.

P2 Passive and active recreational spaces.

P3 Educational establishments.

P4 Health services facilities.

Topography

P5 Generally falls from the ridge following the Pacific Highway down to the south-west.

Natural Features

P6 Remnant bushland in Smoothey Park.

Views

P7 The following views and vistas are to be preserved and where possible enhanced:

(a) Vistas to Sydney Harbour along Crows Nest Road are maintained.

(b) Remaining views from Brennan Park are maintained.

Identity / Icons

P8 Mater Hospital.

P9 Bradfield College.

P10 North Sydney Demonstration School.

P11 Pacific Highway, a major regional thoroughfare.

P12 North Shore railway line.

P13 Brennan Park.

P14 Smoothey Park.

Subdivision

P15 A diverse mixture of allotment sizes and shapes reflective of the street alignments which follow the undulating topography of the land.

Streetscape

P16 Wide streets with trees set into the carriageway.

P17 Grass verges and concrete paths.

P18 Buildings setback and generally aligned with the street frontage.

P19 Low masonry fences.

P20 Garages built to the boundary along the southern side of Rocklands Road and set into the slope of the land.

Public transport

P21 Development is to take advantage of the high levels of accessibility to public train and bus services.

10.2.2 Desired Future Character

Diversity

P1 Predominantly residential accommodation, comprising:

(a) Residential flat buildings on garden lots, according to zone.

(b) Attached dwellings and multi dwelling housing, according to zone.

(c) Dwelling houses and dual occupancies, particularly in the Balfour and Carlyle Street area.

(d) Rows of semi-detached housing in Sinclair Street.

P2 Supporting community facilities such as educational establishments and health care facilities.

P3 A vibrant and engaging Education Precinct with safe pedestrian networks, high quality built form and a range of formal and informal public spaces for students to study, socialise and engage with the local community.

P4 Provide a range of high quality, purpose-built student accommodation in and around the Education Precinct, within 400m to a tertiary institution, 800m to a railway station, and 400m to a bus stop used by a regular bus service.

P5 Streetscape improvements within the Education Precinct occur in accordance with the North Sydney Centre Public Domain Strategy and the Education Precinct Public Domain Masterplan.

10.2.3 Desired Built Form

P1 Development in the form of residential flat buildings and multi dwelling housing in the relevant zones.

P2 Educational development on the Bradfield College land is residential in scale, similar to attached dwellings and smaller residential flat buildings – with bulk and scale of larger buildings broken down into a number of elements.

P3 Educational establishments must be oriented and designed to address, surveil and activate the public domain areas including streets, pedestrian links, laneways and public spaces.

10.2.4 Newlands Lane Open Space Area



Objectives

O1 Development should maintain the established open landscaped setting provided by the area.

O2 Development should maintain the established scenic, environmental and cultural qualities of Newlands Lane.

O3 Restrict development within the open space area subject area to works relating to the provision of landscaping or open space.

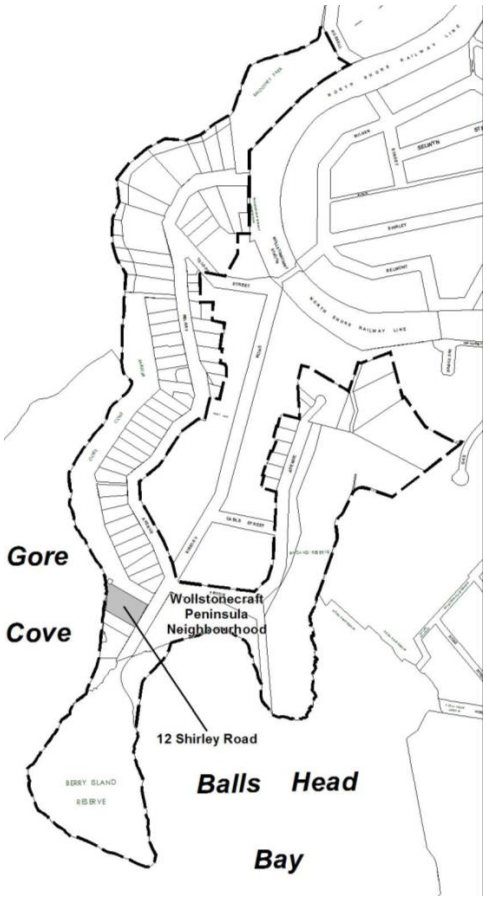
O4 Development should encourage a native bushland setting.

Provisions

P1 Development should not be undertaken in the open space building line area identified by shading in the figure to this section.

P2 Fences of a height of no more than 900mm may be permitted.

10.3 WOLLSTONECRAFT PENINSULA NEIGHBOURHOOD



10.3.1 Significant Elements

Land Use

P1 Residential accommodation.

P2 Passive and recreational spaces.

Topography

P3 Generally falls from the ridge following Shirley Road down to the foreshores of Balls Head Bay and Gore Cove.

P4 Steep topography in the vicinity of the shoreline.

Natural Features

P5 Wetlands in the form of Coastal Saltmarsh along the foreshores of Gore Cove (refer to Section 15 – *Bushland* to Part B of the DCP).

P6 Remnant natural shorelines.

P7 Remnant bushland adjacent to the foreshore.

Views

P8 The following views and vistas are to be preserved and where possible enhanced:

(a) District views to Sydney Harbour.

(b) Bridge End Lookout (110), Tryon Avenue Lookout (111), Berry Island Lookouts (112-114), Gore Cove Track Lookouts (115).

Identity / Icons

P9 Berry Island Reserve.

P10 Badangi Reserve.

P11 Gore Cove bushland and wetlands.

P12 Former Gas Works site.

P13 Gore Cove.

P14 Balls Head Bay.

Subdivision

P15 Irregular grid subdivision reflective of the streets following the topography.

Streetscape

P16 Buildings setback from the boundary with a skewed alignment to respective street frontages.

P17 Split carriageways, raised verges and double rail timber fences.

P18 Remnant sandstone guttering.

P19 Brick and sandstone retaining walls built to the street alignment on the high side.

Public transport

P20 Development is to take advantage of the high levels of accessibility to public train services.

10.3.2 Desired Future Character

Diversity

P1 Predominantly low density residential accommodation comprising of detached dwelling houses.

P2 Development should generally not result in any significant increase in dwelling density.

P3 Maintaining and enhancing existing public foreshore spaces.

Access

P4 Providing continuous public access along the foreshores of Gore Cove and Balls Head Bay.

10.3.3 Desired Built Form

Form massing and scale

P1 Bungalow style to some large "mansion" style dwellings.

P2 Buildings generally of brick and tile construction within a landscaped setting.

P3 Development on sloping sites to follow topography of the land.

P4 Development should be designed to not water disrupt the views from neighbouring properties.

10.3.4 12 Shirley Road



Objectives

O1 To provide continuous public foreshore access along the length of Wollstonecraft Peninsula.

Provisions

P1 Once the entire site ceases to be used by the State government as a research station for fisheries purposes, land directly adjacent to the foreshore of Gore Cove is to be handed back to the general public to enable continuous public access across the entire length of the Gore Cove foreshore.

10.4 GASWORKS NEIGHBOURHOOD



10.4.1 Significant Elements

Land Use

P1 High density residential accommodation.

P2 Passive and active recreational spaces.

Topography

P3 Steep falls south-west to the foreshore, with flatter areas adjacent to the foreshore.

P4 Vertical man-made sandstone cliffs.

Natural Features

P5 Balls Head Bay.

Views

P6 The following views and vistas are to be preserved and where possible enhanced:

(a) Views to Balls Head Bay and beyond.

(b) Bridge End Lookout (110), Tryon Avenue Lookout (111), Berry Island Lookouts (112-114), Gore Cove Track Lookouts (115).

Identity / Icons

P7 Former gasworks buildings.

P8 Balls Head Bay.

P9 Sandstone cliffs.

Subdivision

P10 Large consolidated allotments and strata subdivision.

Streetscape

P11 Wide streets, with no on-street parking.

P12 Grassed verges.

P13 Buildings setback from the boundary with a skewed alignment to respective street frontages.

Public transport

P14 Development is to take advantage of the high levels of accessibility to public train services.

10.4.2 Desired Future Character

Diversity

P1 Predominantly residential flat buildings.

Foreshore

P2 Retain and enhance public access across foreshore areas.

10.4.3 Desired Built Form

P1 Future development of should maintain the existing character of the area with no substantial increase in density.

P2 Development to step down to follow topography of the land.

P3 Development should be designed to not disrupt water views from neighbouring properties.

10.5 WAVERTON VILLAGE NEIGHBOURHOOD



10.5.1 Significant Elements

Land Use

P1 Predominantly residential development.

P2 Limited mixed commercial and residential development and community facilities.

Topography

P3 Gentle falls to the south-west between McKye Street and Whatmore Street.

P4 Steep falls to the south-west between Whatmore Street and Ross Street.

Views

P5 The following views and vistas are to be preserved and where possible enhanced:

(a) From the end of Tunks Street to Sydney Harbour and beyond.

(b) McKye Street Lookout (95), King Street Lookout (96).

Identity / Icons

P6 Former gas works site.

Subdivision

P7 Site areas of 400 - 460m^2.

P8 Long narrow allotments.

Streetscape

P9 Tall sandstone retaining walls built to street alignment.

P10 Low masonry, stone and picket fences.

P11 Buildings setback from the boundary with a skewed alignment to respective street frontages.

P12 Grass verges, concrete footpaths and street trees.

Public transport

P13 Development to take advantage of high levels of access to public train and bus services.

10.5.2 Desired Future Character

Diversity

P1 Predominantly low density residential accommodation comprising dwelling houses, semi-detached dwellings, dual occupancies.

P2 Development should generally not result in any significant increase in dwelling density.

10.5.3 Desired Built Form

Form, massing and Scale

P1 Generally one storey with potential for a second storey set into the fall of the land.

P2 Where possible, any extensions should be contained within a one storey roof-line.

Car accommodation

P3 On-street or to the side where width of lot permits.

P4 No onsite parking structures forward of front building line, except along the northern side of Ross Street, but only where it is set into the fall of the land and hidden from view.

10.6 WAVERTON NEIGHBOURHOOD



10.6.1 Significant Elements

Land Use

P1 Diverse range of residential accommodation.

P2 Passive and active recreational spaces.

Topography

P3 Gentle falls to the foreshores of Berrys Bay.

P4 Wide flat areas adjacent to Berrys Bay.

P5 Steep falls from Ross Street to Balls Head Bay.

P6 Flat areas following the ridge along Balls Head Road.

Natural Features

P7 Berrys Bay.

P8 Balls Head Bay.

P9 Natural shoreline topography and bushland adjacent Balls Head Bay.

P10 Significant stands of mature trees within Waverton Park.

P11 Carradah Park.

P12 HMAS Waterhen.

Views

P13 The following views and vistas are to be preserved and where possible enhanced:

(a) District views to Sydney CBD, Sydney Harbour and beyond.

(b) Views to Iron Cove Bridge from Balls Head Road.

(c) Waverton Park Lookout (98), Will Ashton Lookout (99), Balls Head Lookouts (100 -109).

Identity / Icons

P14 North Shore railway line.

P15 Coal Loader and former BP oil tank cut outs.

P16 Waverton Park.

P17 Berrys Bay.

P18 Balls Head Bay.

Subdivision

P19 Irregular grid pattern reflective of the streets aligning with the topography.

Streetscape

P20 Low fences to Balls Head Road, with high fences to other road frontages.

P21 Buildings setback from the boundary with a skewed alignment to respective street frontages.

Public transport

P22 Development is to take advantage of the high levels of accessibility to public train and bus services.

10.6.2 Desired Future Character

Diversity

P1 Dwelling houses on the upper portions of the ridge of Waverton Peninsula.

P2 Multi dwelling housing and residential flat buildings on Woolcott and Ross Streets.

P3 A community centre being provided in an accessible location in the Waverton Neighbourhood, provides a meeting place for the local community and is part of North Sydney's network of community and cultural centres.

P4 Man-made features such as the tank cuttings on the former BP site are maintained as local landmarks important to the community.

Access

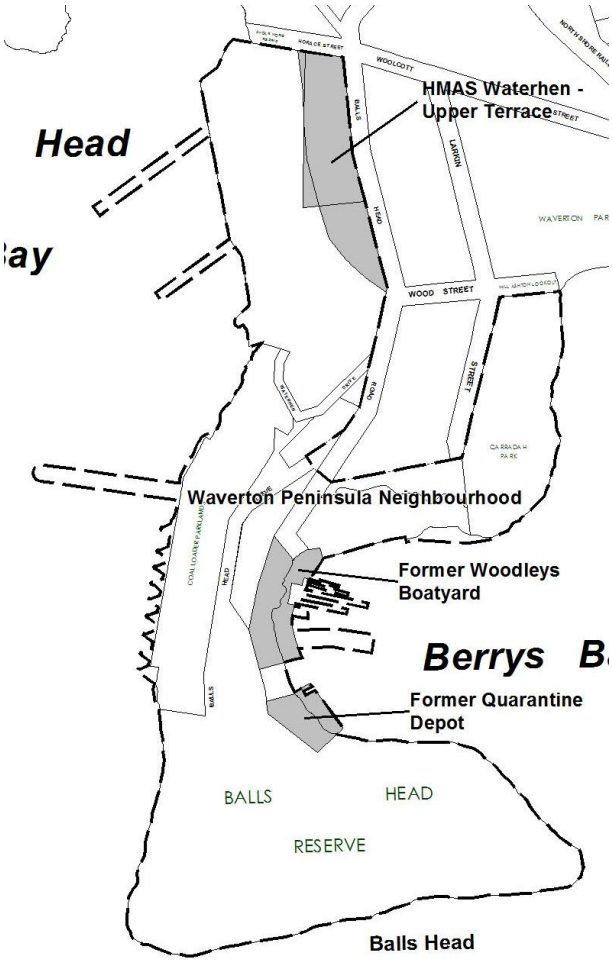
P5 Providing continuous public access along the foreshores of Balls Head Bay and Berrys Bay.

10.6.3 Desired Built Form

Form, massing and scale

P1 Low density and scaled development located along the ridge tops of the Area with higher density development located elsewhere.

10.7 WAVERTON PENINSULA NEIGHBOURHOOD



Where relevant, consideration needs to be given to the requirements of the Waverton Peninsula Masterplan, prepared under the provisions of Chapter 6 -Water Catchments to SEPP (Biodiversity and Conservation) 2021. The provisions under the Masterplan take precedence over the provisions contained within the LEP and DCP.

10.7.1 Significant Elements

Land Use

P1 Passive and active recreation.

P2 Community facilities and services.

P3 Maritime based industrial development.

Topography

P4 Steep falls from the ridge along Balls Head Road and Balls Head Drive down to the foreshores of Sydney Harbour.

P5 Substantial terracing in the vicinity of former and current maritime industrial activities.

Natural Features

P6 Remnant natural shoreline areas.

P7 Remnant bushland in Balls Head Reserve.

Views

P8 The following views and vistas are to be preserved and where possible enhanced:

(a) Views from the end of Larkin Street, from the rock outcrop towards the Sydney CBD, Sydney Harbour and Parramatta River.

(b) Views through the Area from streets, adjoining open space and nearby residences.

(c) Horace Street Lookout (97).

(d) Significant public views of Iron Cove and the Parramatta River from Horace Street, Balls Head Road and the cliff top.

Identity / Icons

P9 Tank cuttings on the former BP site.

P10 Balls Head Reserve.

P11 HMAS Waterhen.

P12 The Coal Loader.

P13 Carradah Park.

P14 Berrys Bay.

P15 Balls Head Bay.

Subdivision

P16 Generally 1ha or greater.

Streetscape

P17 Remnant sandstone guttering.

P18 Informal streetscapes.

P19 Buildings setback from the boundary with a skewed alignment to respective street frontages.

Public transport

P20 Development is to take advantage of the high levels of accessibility to public train and bus services.

P21 Potential to accommodate new ferry services.

10.7.2 Desired Future Character

Diversity

P1 Maintained and enhanced passive recreational spaces.

P2 Community based activities within existing recreational spaces.

P3 Maintaining a working harbour with maritime based industrial, commercial and recreational buildings and structures, hard stand, wharves and jetties, administrative buildings, car parking.

P4 Future maritime uses having a minimal impact on residential amenity.

P5 Man-made features such as the tank cuttings on the former BP site are maintained as local landmarks important to the community.

Access

P6 Enhanced continuous public access along the foreshores.

10.7.3 Desired Built Form

Siting

P1 Maritime buildings are predominantly located against the cliff with a setback from the cliff for access and maintenance.

P2 Areas adjacent to the foreshore are generally free of buildings.

P3 Buildings are sited to avoid obstructing public view corridors to Iron Cove and the lower reaches of the Parramatta River and views to Sydney Harbour.

Form, massing and scale

P4 Generally 1-3 storeys.

P5 The height of buildings is generally kept below cliff lines where possible on low terraces adjoining the foreshore.

P6 Building height is minimised to preserve public and private views.

P7 Generally monolithic structures.

P8 Large open areas including landscaping and hard stand areas.

P9 Buildings follow the natural topography of the land enhancing the scenic qualities of the foreshores.

P10 Power lines are underground minimising visual clutter.

Colours and Materials

P11 Modern, lightweight materials.

P12 Muted colours to minimise the visual impact when viewed from the Harbour.

Roof

P13 Flat or curved.

P14 Flat roofs to preserve views where appropriate.

P15 Buildings on the upper terrace to HMAS Waterhen fronting Balls Head Road have a similar roof form to those on the eastern side of Balls Head Road.

Fences

P16 Retention of existing sandstone fences and walls.

P17 Transparent fences (minimum 80%) screened with landscaping.

Car accommodation

P18 Onsite parking area close to Balls Head Road, to be screened from public view with landscaping.

Traffic management

P19 A traffic report is to be submitted with all development applications which are likely to result in an increase in vehicular traffic. The report is to demonstrate that:

(a) additional traffic flows from the development is safely accommodated on existing local streets.

(b) the environmental capacity of roads west of the Pacific Highway (including Bay, Crows Nest Hazelbank Roads and Woolcott Street) leading to the Waverton Peninsula has been satisfactorily investigated.

10.7.4 HMAS Waterhen - Upper Terrace



The site is currently used by Defence as a secure car park and storage compound. The community is opposed to the intensification of any other Defence functions onto this site and desires a buffer between the primary Defence functions adjacent to the foreshore and residential development on the opposite side of Balls Head Road. The community would prefer that the site ultimately becomes future public open space to provide that buffer. However, if the site is redeveloped for Defence purposes, the following provisions outline the preferred outcome if the site is redeveloped. The principle aim is to ensure that any development is appropriate in scale to the site and nearby homes.

Diversity

P1 Low intensity Defence purposes which do not affect the amenity or safety of adjoining residential premises (e.g. defence accommodation).

Siting

P2 Buildings are to address Horace Street and Balls Head Road.

Setbacks

P3 Incorporate similar front setbacks to dwellings on eastern side of Balls Head Road.

P4 Incorporate similar separation distances between buildings to dwellings on eastern side of Balls Head Road.

Form, massing and scale

P5 Maximum of 1 storey.

P6 Small scale consistent with the built form on the eastern side of Balls Head Road.

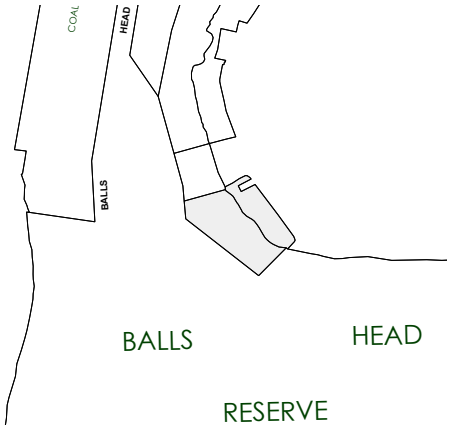
Colours and Materials

P7 Incorporate similar building materials and colours to the residential buildings on the eastern side of Balls Head Road.

Roof

P8 Incorporate similar roof form to those on the eastern side of Balls Head Road.

10.7.5 Former Quarantine Depot



Planning Policies

P1 In accordance with Council's resolution made on 28 May 2012, the principles of the *Waverton Peninsula Masterplan* are to be applied to this site.

Diversity

P2 Low intensity maritime related industrial, commercial and recreational activities having a minimal impact on residential amenity.

P3 Community facilities.

Form, massing and scale

P4 Maintain the scale of existing buildings and structures.

P5 Any alterations and additions to be minimal in scale.

P6 No increase to the length of adjacent wharves.

P7 Reductions in landscaped area will generally not be supported, unless addressing accessibility issues across the site.

Heritage

P8 Development must conform with the Conservation Management Strategy that applies to the site.

Access

P9 Public access across the foreshore portions of the site should be encouraged where practical.

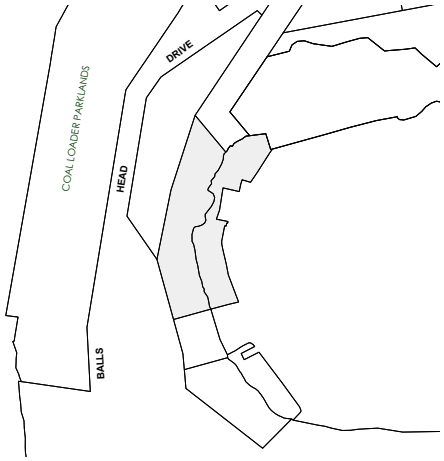
P10 Travel lifts to access the site will not be permitted.

P11 Public access.

Car parking

P12 There shall be no increase in on-site car parking provision.

10.7.6 Former Woodleys Boatyard



Planning Policies

P1 In accordance with Council's resolution made on 28 May 2012, the principles of the *Waverton Peninsula Masterplan* are to be applied to this site.

10.8 JOHN STREET WATERFRONT NEIGHBOURHOOD



10.8.1 Significant Elements

Land Use

P1 Maritime industrial and commercial activities.

Topography

P2 Generally flat below a large man-made sandstone cliff.

Natural Features

P3 Berrys Bay.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

(a) views to Sydney Harbour and beyond.

Identity / Icons

P5 Berrys Bay.

P6 Sandstone cliff.

P7 North Shore railway line.

Subdivision

P8 Large consolidated parcels.

Streetscape

P9 Munro street is narrow with no on-street parking and fully paved verges.

P10 John Street is narrow with fully vegetated verges and double rail timber fences.

P11 Buildings built close to the boundary with a low masonry wall and cycle fencing above.

10.8.2 Desired Future Character

Diversity

P1 Waterfront industrial buildings and structures, hard stand, wharves and jetties, administrative buildings, car parking.

P2 Future maritime uses having a minimal impact on residential amenity.

Access

P3 Providing continuous public access along the foreshores of Berrys Bay via railway lands.

10.8.3 Desired Built Form

Form, massing and scale

P1 Large scale industrial buildings reflective of their foreshore location.

P2 Building height is minimised to preserve public and private views.

P3 The height of buildings generally kept below cliff lines where possible on low terraces adjoining the foreshore.

P4 Large open areas including landscaping and hard stand areas.

Siting

P5 Buildings are generally located against the cliff with a setback from the cliff for access and maintenance.

P6 Areas adjacent to the foreshore are generally free of buildings.

Fences

P7 Open fencing screened with landscaping.

Colours and materials

P8 Modern, lightweight materials.

Roof

P9 Flat or curved.

P10 Flat roofs to preserve views where appropriate.

Car accommodation

P11 To be screened from public view with landscaping.

10.9 SAWMILLERS NEIGHBOURHOOD



10.9.1 Significant Elements

Land Use

P1 Residential accommodation.

P2 Passive and active recreational spaces.

Topography

P3 Steep falls to the foreshores of Berrys Bay with flat areas directly adjacent to the shoreline.

Natural Features

P4 Berrys Bay.

P5 Remnant natural shoreline areas.

P6 Re-established bushland areas to the foreshore.

Views

P7 The following views and vistas are to be preserved and where possible enhanced:

(a) District views to Sydney Harbour and beyond.

Identity / Icons

P8 North Shore railway line.

P9 Sawmillers Reserve.

P10 Berrys Bay.

Subdivision

P11 Large consolidated lots to the north of the Area and smaller lots to the south.

Streetscape

P12 Narrow streets with concrete paths on one side of the street.

P13 High stone and masonry fences.

P14 Buildings setback from the boundary with a skewed alignment to respective street frontages.

Public transport

P15 Development is to take advantage of the reasonable levels of accessibility to public train, bus and ferry services.

10.9.2 Desired Future Character

Diversity

P1 Predominantly a mixture of multi dwelling housing, attached dwellings and residential flat buildings according to zone.

P2 Development should not result in any significant increase in dwelling density.

P3 Maintaining and enhancement of passive recreational spaces with continual foreshore access.

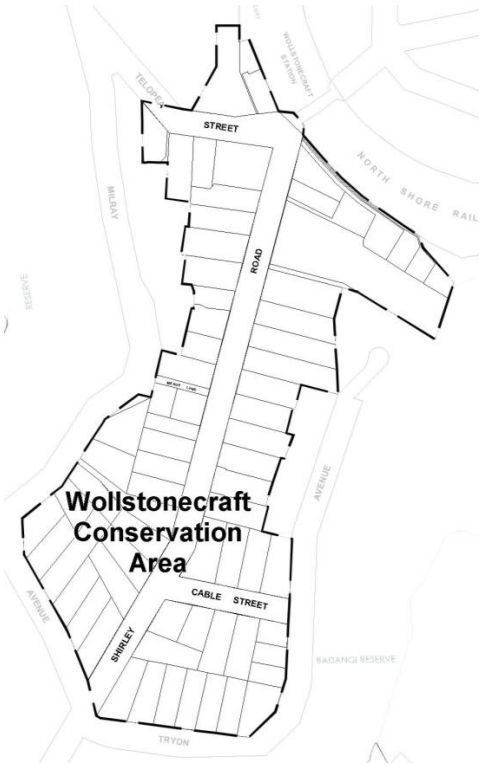
10.9.3 Desired Built Form

Form, massing and scale

P1 Development is to step down with the topography to ensure the retention of views to the waters of Sydney Harbour.

P2 Development to be setback from the foreshore to enable continuous public foreshore access.

10.10 WOLLSTONECRAFT CONSERVATION AREA



10.10.1 History

The Wollstonecraft Conservation Area was part of the land granted to Edward Wollstonecraft in 1825 and subsequently known as the Berry Estate. Berry and Wollstonecraft were business partners and related by marriage.

The Wollstonecraft peninsula was one of the last areas of the Wollstonecraft/Berry Estate to be developed. It was subdivided from 1912 and the prime building land, near the railway, was developed with large Federation style homes.

The major phase of development was after World War One, when Federation or Californian Bungalow and Inter-war residential flat building styles were common. A number of uncharacteristic residential flat buildings and multi-dwelling housing were built on the fringes of the peninsula after World War II when further subdivisions along Milray and Tyron Avenues occurred.

10.10.2 Description

The Wollstonecraft Conservation Area is part of the Wollstonecraft peninsula that lies between Gore Cove and Balls Head Bay. The area has bushland reserve to the east, south and west and is separated from the areas to the north by the North Shore railway line.

Shirley Road runs along the ridge and the landform falls to the south and away to east and west off the ridge. Shirley Road and Milray Avenue incorporate level changes across their width. The subdivision pattern is irregular and partly determined by the topography with no rear lanes. Milray and Tryon Avenues are subordinate circuit streets that run with the contours around the peninsula.

The Conservation Area is characterised by detached residential development on large garden lots in a mix of Federation, Federation Queen Anne, Arts and Crafts, Olde English and

Californian bungalow styles and, interspersed with some Inter-war art deco residential flat buildings. The houses are typically large, and set well back from the street in established gardens, some with tennis courts. Most are on original lots. Houses to the high side of the street are often set on plinths.

Street verges are typically 3.5 m wide and include grass and concrete footpaths and crossings to off street parking. There is low shrub and tree planting in the street reservation and on the grass verge. The street lines are reinforced by the stone and brick fences that follow the slope of the streets.

The vista along Shirley Road terminates dramatically at Berry Island, an area of regenerated bushland. There are also expansive views of Sydney Harbour and Berry Island from the end of Shirley Road.

Planting in front gardens contributes to the landscape.

Uncharacteristic elements include modern residential flat buildings; over-scaled, two storey additions; over-scaled and poorly detailed carports and garages; front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; rendered high walls and fences to the street.

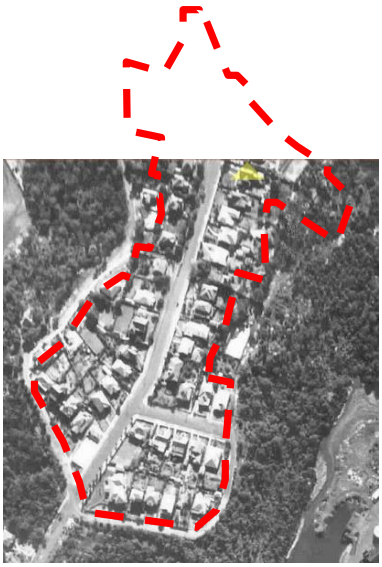


Figure F-10.2 (above):
Circa 1943

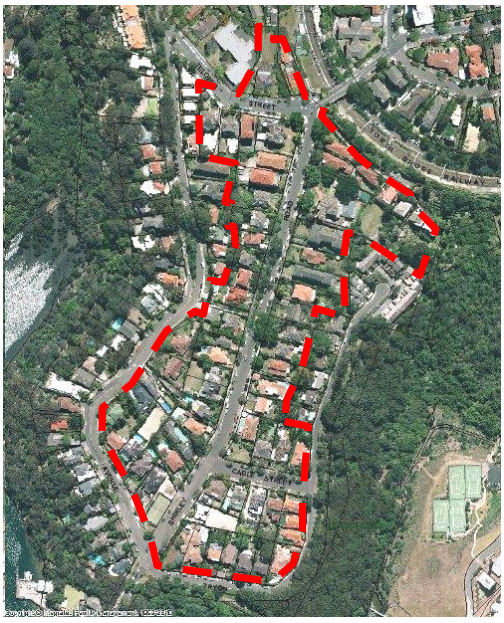


Figure F-10.3 (above):
Circa 2008

10.10.3 Statement of Significance

The Wollstonecraft Conservation Area is significant:

(a) As a substantially intact residential subdivision from the early 20th century that retains much of it urban detail and fabric in gardens, street fencing and use of sandstone.

(b) As a consistent and largely intact early 20th century residential area with a mix of high quality buildings and particularly the Federation and Inter-War housing on large lots.

(c) For its unity that is derived from its subdivision history and which is evident in the development and built form.

10.10.4 Significant elements

Topography

P1 Peninsula form, falling away on either side of the ridge to Gore Cove and Balls Head Bay.

Subdivision

P2 Rectangular blocks with narrowest boundary to street.

Streetscape

P3 Changes in level, split road and path formations. Sandstone and brick street fences reinforce road layout. Post and rail fencing.

Views

P4 Tryon Avenue lookout. Views along Shirley Road and from the lower end over Berry Island and the harbour. Views through bush to the harbour from Cable Street and Tryon Avenue. Slot views to the harbour and foreshore over and between buildings.

10.10.5 Characteristic buildings

P1 Single storey and two storey dwelling houses on garden lots.

P2 Inter-war residential flat buildings.

10.10.6 Characteristic built elements

Siting

P1 Middle of lot (or slightly forward), generous front and side gardens with trees, lawns and shrubs.

P2 Consistent setbacks.

Form, massing and scale

P3 Single and two storey with hipped and gabled roofs with rear extensions.

P4 Reduced height and scale to rear.

P5 Complex massing, roof form and detail to larger houses.

P6 Strong skyline of pitched roofs and chimneys visible from street and stepped along the streets.

Roofs

P7 Pitched and hipped between 30 and 45 degrees with slate and terracotta tiled roofs, without dormers or openings that can be seen from the street.

P8 Gabled ends for projecting bays to the street.

P9 Skillion roofs to rear extensions.

P10 Brick and rendered chimneys with terracotta chimney pots.

External Materials

P11 Sandstone, face brick, roughcast render sandstone foundations.

P12 Textured brick to Inter war residential flat buildings.

P13 Slate and terracotta tiled roofs.

P14 Timber windows, doors and joinery in a Federation, Edwardian and Inter War style.

P15 Leadlight windows. Original front and side garden landscaping.

Fences

P16 Original low front fences.

P17 Low sandstone walls, timber pickets, timber rails and mesh, pipe and mesh gates, original face brick with piers.

Car accommodation

P18 Side drives with garages and parking located behind the building line.

10.10.7 Uncharacteristic elements

P1 Over-scaled additions; Carports and garages to front of lot; dormers and rooflights to front and side roofs; removal of original details, painting and rendering of face brickwork; high walls and fences to street; inappropriate fence details, paving of gardens

10.11 CROWS NEST ROAD CONSERVATION AREA



10.11.1 History

The Crows Nest Road Conservation Area was part of the land granted to Edward Wollstonecraft in 1825 and subsequently known as the Berry Estate when it passed to Alexander Berry. Wollstonecraft named the estate Crows Nest Farm and built a large house there, Crows Nest House. The Conservation Area extends across what was the 1890s curtilage of the 1850s residence.

Parts of the estate and the house were bought by Sir John Hay in 1897 and parts of the estate were subdivided. The subdivisions progressively alienated the land around the house. Crows Nest House dwelling remained the residence of Hay and then his widow, Lady Jessie Hay.

Residential building covenants applied over the subdivision proscribing siting, type and quality of houses to be approved by the Trustees of the Estate or their architects. Lady Hay's will made provision for a school, shown on the 1932 subdivision plan and now known as the North Sydney Demonstration School.

The final subdivision occurred in 1934 after the death of Lady Hay and Crows Nest House was demolished. A land parcel known as the "Branthwaite Estate" was subdivided in 1935 separately to the rest of the Crows Nest House grounds.

10.11.2 Description

The Crows Nest Road Conservation Area is a residential area characterised by medium to large detached houses on garden lots and is bounded to the east by the Pacific Highway, the multi-storey units to the north and the North Sydney Demonstration School to the south.

The area is relatively level, sloping slightly from the ridge of the Pacific Highway towards the west, though the lower end of Crows Nest Road is terraced. Street layout and subdivision is determined by the Estate boundaries with a linear pattern of large, regular and rectangular lots with wide street frontages and no rear lanes.

The area is characterised by its single and two storey individual (often architect designed) houses in a range of Inter-war styles intended to be viewed from at least three sides. Facades are modulated by strong, recessed and projecting geometrical forms consistent with each building style. The house styles are unified by the regular subdivision pattern, building materials, massing and setbacks and by the high quality of construction and design. The earlier houses to the periphery tend to be smaller and less distinct.

Street verges are typically 3.5m wide grass nature strips and concrete footpaths with crossings for off street parking. Hazelbank Road is on the slope and houses to the high side of the street are set above the footpath.

Introduced and native species are planted on grass verges and within roads, most dating from the 1920/1930 subdivision, forming avenues that unify the streetscape. The large plane trees planted along Hazelbank Road are among the most significant of the area.

Front gardens contribute to the landscaped character of the area with large areas of lawn, introduced plant species, and straight stone-flagged or brick paved paths leading to the house. Gardens are often open at street level or above low retaining walls.

Uncharacteristic elements include over-scaled, two storey additions; over-scaled and poorly detailed carports and garages to the street; front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.



Figure F-10.4 (left):
Circa 1890

Figure F-10.5 (below left):
Circa 1943

Figure F-10.6 (below):
Circa 2008





10.11.3 Statement of Significance

The Crows Nest Road Conservation Area is significant:

(a) As an excellent example of Inter-war garden suburb planning and subdivision for non-speculative residential development.

(b) For its rarity in the locality as a largely intact and consistent residential area from the 1920 – 1930 eras that retains a fine range of Inter-war houses of one and two storeys, built on large lots with intact gardens and single garages.

(c) For its strong landscape qualities that combine from the established trees, grassed verges and large open front gardens that provide unity to the streetscape.

(d) For its association with Crows Nest House, and potential for evidence of the site of the historic house.

10.11.4 Significant elements

Topography

P1 Generally level, sloping away from Pacific Highway to the west.

Subdivision

P2 Detached dwelling houses: approximately 800m^2 lots with 18m to 22m frontage.

P3 Large rectilinear lots, narrowest boundary to street frontage.

Streetscape

P4 Street trees planted in verges and carriageways, mainly Plane Trees, Brushbox and Melaleucas.

P5 Low retaining walls of sandstone and face brick, stepped in height following changes in street level.

P6 Deep grass verges, concrete paths and concrete kerbs.

Views

P7 Street vistas along Hazelbank Road, Crows Nest Road, McHatton Street and Bay Road.

P8 Slot views to harbour along Mc Hatton Street.

10.11.5 Characteristic buildings

P1 Single storey Californian Bungalows, Arts and Crafts and Queen Anne Revival houses, and houses on 1921 subdivision.

P2 Single and two storey houses of Old English, Georgian Revival, Mediterranean, Art Deco and International styles on the later subdivision.

10.11.6 Characteristic built elements

Siting

P1 Dwellings set well back from the front of the block.

P2 Principal building frontage oriented to and parallel to the street alignment.

P3 Consistent setbacks.

Form, massing and scale

P4 Single and two storey buildings with hipped and gabled roofs.

P5 Reduced height and scale to the rear.

P6 Dwelling houses of individual design, well modulated on front and side facades with recessed and projecting geometric forms, such as bays, verandahs and cantilevered balconies, consistent with architectural style of the house.

Roofs

P7 Hipped and gabled with low pitch for Californian Bungalow and Mediterranean styles, steeper pitch (35-45 degrees) for Georgian Revival and Old English styles without dormer or openings viewed from street.

P8 Flat roofs concealed behind parapet walls for International styles.

P9 Face brick chimneys.

Materials

P10 Sandstone bases; face brick; original rendered walls.

P11 Slate; glazed terracotta tiled roofs.

P12 Timber windows, doors and joinery.

P13 Original front garden landscaping stone-flagged driveways and flagging paths.

Windows and doors

P14 Narrow vertical windows and doors within solid masonry walls.

P15 Entrance doors with porches or porticos contained under a separate roof with arched openings.

P16 Casements or double-hung sash windows (except International style houses).

P17 Timber window shutters for the revival house styles of old English/Tudor and Georgian.

P18 Horizontal steel windows and doors for International style houses.

P19 Stripped and relatively heavy Inter-war detailing around window arrangements, the front door and gable ends, such as wrought iron grills to windows, masonry balustrades.

Fences

P20 Low sandstone and brick walls.

Car accommodation

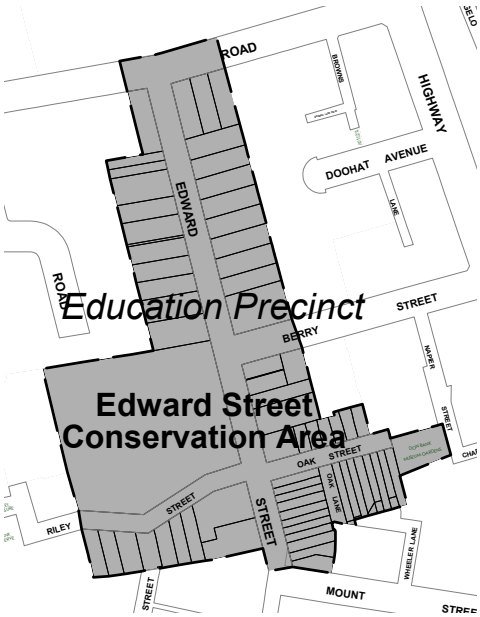
P21 Located to side drives.

P22 Garages and porte-cocheres set back behind the front building line.

10.11.7 Uncharacteristic elements

P1 Over-scaled two storey additions; over-scaled and poorly detailed carports and garages to the street; front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

10.12 EDWARD STREET CONSERVATION AREA



10.12.1 History

The Edward Street Conservation Area includes land from *The Priory* and *Rockleigh Grange*, both of which were sold from the Wollstonecraft Estate in the 1840s. It also includes parts of a later (1850s) subdivision by Alexander Berry, a partner of Edward Wollstonecraft.

The 1850s subdivision was designed for small township building blocks and various small scale dwelling houses and attached dwellings were built at the southern end of Edward Street as a result.

Blocks at the northern end of Edward Street were purchased and consolidated by Capt. RF Pockley who built "Doohat". The three large properties were sold during the 1880s and sections of the estates subdivided and sold during the 1890s. Residential development then followed in the early 20th century.

10.12.2 Description

The Edward Street Conservation Area runs each side of Edward Street with larger areas to the south including the Catholic University site. It is bounded to the east by high rise along the Pacific Highway, the North Sydney School to the north and by the steep slope to the west.

Edward Street runs along the top of a ridge and is flat to the east falling steeply to the west along Riley Street. Subdivision is determined by the street layout and topography with rectangular and irregular lot sizes, some developed for attached housing with no rear lanes.

The area is characterised by each phases of development and groupings of identical rows of houses. The early phase of development is represented by the Don Bank Group; small scale, attached, single storey weatherboard and brick houses in the Victorian Georgian and Italianate style. These buildings create an intimate 19th century atmosphere and context for the Victorian Filigree style developments at the southern end and the later detached dwellings at the northern end in the Federation Queen Anne and Inter War styles. There is some two storey Victorian and Federation attached dwellings houses and residential flat

buildings and later infill developments. The Catholic University occupies the west of the conservation area and contains *Rockleigh*, modern buildings and car parking.

Street verges are 3.5 metres wide to Edward and Berry Street with grass and concrete footpaths and crossovers for parking. Houses to the high side of the street are set on brick and sandstone plinths and the houses to Riley Street are set on elevated sites with high, sandstone retaining walls to the street.

There are views from Edward Street to the CBD and to the west to the Harbour. The axial view north along Edward Street looks directly to the stone gateway of the original Lady Hay's Estate.

The land steps across Edward Street with a high side to the east with houses and a low side to the west and there are low street trees. Front gardens contribute to the landscaping of the street and there are remnant trees in the former *Rockleigh Estate.*

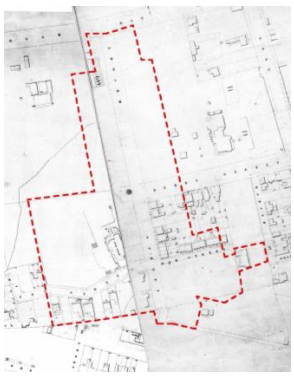


Figure F-10.7 (left):
Circa 1890

Figure F-10.8 (below left):
Circa 1943

Figure F-10.9 (below right):
2008





10.12.3 Statement of Significance

The Edward Street Conservation Area is significant:

(a) As an intact example of early township development in North Sydney.

(b) As a subdivision of the *Priory* and *Rockleigh Grange* Estates.

(c) For its grouping of intact and commonly detailed mid Victorian and Federation houses.

10.12.4 Significant elements

Topography

P1 Top of ridge, flat to the east falling away to west.

Subdivision

P2 Rectilinear subdivision with narrower boundary to street frontage.

P3 Irregular lots to slope.

Streetscape

P4 Split streets and changes in level.

P5 Double rail timber fences.

P6 Strong skyline of simple pitched roofs and tall chimneys without dormers or openings to the street.

Views

P7 Street views along Edward and Riley Streets.

P8 Slot views over and between buildings to western Sydney from Edward Street.

10.12.5 Characteristic buildings

P1 A mixture of:

(a) Single storey semi-detached and attached Victorian Georgian and Filigree dwelling houses.

(b) Single storey Federation and Queen Anne style detached dwelling houses to common detail.

(c) Two storey Federation residential flat buildings.

10.12.6 Characteristic built elements

Siting

P1 Located forward on the lot with large rear gardens.

P2 Consistent setbacks.

Form, massing and scale

P3 Single storey detached, semi-detached and attached dwellings with projecting bays and verandahs to the street.

P4 Skillion rear wings.

P5 Reduced height and scale to rear.

P6 Dwellings in groups of identical design (detached, semi-detached and attached).

Roofs

P7 Gabled and hipped between 30 and 45 degrees.

P8 Gable ends to side.

P9 Skillion roofs to rear extensions. Brick and rendered chimneys.

External Materials

P10 Face brick, original rendered masonry walls.

P11 Slate, corrugated metal, terracotta tiles roofs timber joinery on sandstone base course.

P12 Timber windows with original coloured glass and leadlight, doors and joinery.

P13 Cast iron lacework.

P14 Original front garden landscaping.

Windows, doors and joinery

P15 Victorian, Federation and Edwardian. Timber.

Fences

P16 Original low front fences.

P17 Timber fences to rear.

P18 Sandstone plinths, sandstone piers, metal palisade and gates, timber pickets, original face brick with piers.

Car accommodation

P19 To street with paved hardstand areas. No garages or carports in front of building line.

10.12.7 Uncharacteristic elements

P1 Uncharacteristic elements include modern, multi-storey commercial buildings; over-scaled, two storey additions; carports and garages in front setback, over-scaled and poorly detailed carports and garages; paving of front setback for car parking, front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

10.12.8 Future character and built elements

P1 A vibrant and engaging Education Precinct with safe pedestrian networks, high quality built form and a range of formal and informal public spaces for students to study, socialise and engage with the local community.

P2 Educational establishments must be oriented and designed to address, surveil and activate public domain areas including streets, pedestrian links, laneways and public spaces.

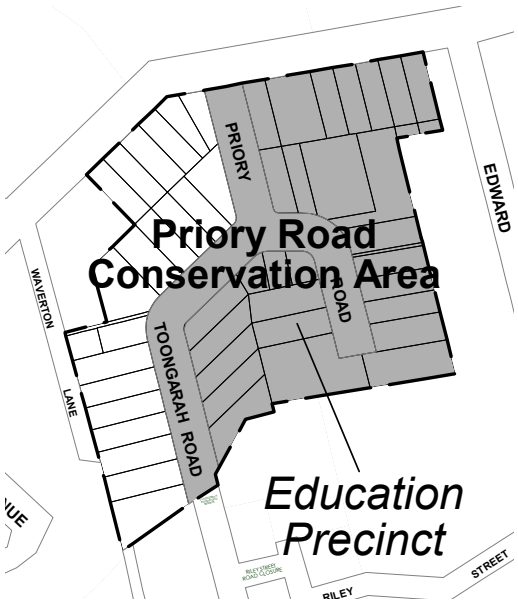
P3 Cluster education-related development along Edward Street between Berry Street and Oak Street.

P4 Where educational establishments provide night classes, these activities should be concentrated along Napier Street and Berry Street, within easy walking distance of public transport.

P5 Provide a range of high quality, purpose-built student accommodation in and around the Education Precinct, within 400m to a tertiary institution, 800m to a railway station, and 400m to a bus stop used by a regular bus service.

P6 Streetscape improvements within the Education Precinct occur in accordance with the North Sydney Centre Public Domain Strategy and the Education Precinct Public Domain Masterplan.

10.13 PRIORY ROAD CONSERVATION AREA



10.13.1 History

The Priory Road Conservation Area was part of the land granted to Edward Wollstonecraft in 1825 and subsequently known as the Berry Estate. Berry and Wollstonecraft were business partners and related by marriage.

Colonel George Barney (Commander of Royal Engineers) leased the Priory Estate from Berry in the mid-1830s. In 1843 he purchased an extra one and a half acres, which included "Toongarah", forming an estate of about 10 acres.

"The Priory" was built in the 1840s at a time when the north shore was becoming more attractive as a residential location for the mansions built between the 1830s and the 1860s

In 1913 the estate was subdivided into 40 lots forming Toongarah Road and Priory Road. At this time both of the original dwelling houses, "Toongarah" and "The Priory" were extant. Further subdivisions occurred in the 1920s and 1930s.

"Toongarah" was purchased by SCEGGS school in 1917. The land was subdivided in 1939 into six blocks, and "Toongarah" was demolished. The original "Priory" building was incorporated into flats.

10.13.2 Description

The Priory Road Conservation Area is a small residential area bounded by Bay Road and the escarpment and reserve to the end of Toongarah Road.

The landform falls to the south with the southern end of strongly defined by the cliff. The subdivision pattern is determined by the wide, horseshoe shaped road and their being cul de sacs. Lot sizes are irregular though generally rectangular. The road system has been affected by the topography with Priory and Toongarah Roads falling down the slight hill and finishing at dead ends. Both ends are relatively wide.

The area is characterised by detached dwelling houses on medium sized lots and a few residential flat buildings on larger lots. The majority of buildings are single storey and were built between 1915 and 1928 soon after subdivision in the Inter-war Californian Bungalow style. There are a few Federation era buildings, 1930s flats and several buildings from the

1940s built after the subdivision of the site of "Toongarah". There are modern infill residential flat buildings.

Streets verges are typically 3.5 m wide and include grass with concrete footpaths and kerbs. Street trees and plantings in the private gardens are important to the character of the area. The area is heavily planted with trees.

There are views to trees and rooftops of the Bank Street valley, and to the Sydney CBD and long views from the lookout at the end of Toongarah Road.

Uncharacteristic elements include modern residential flat buildings; modern dwelling houses; over-scaled, two storey additions; over-scaled and poorly detailed carports and garages; front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; garages and car ports to the street; high walls and fences to the street.

The materials used in the Conservation Area are consistently dark face brick, unglazed terracotta tiled hipped and gabled roofs, and timber framed casement windows. Front fences are generally low and typically in brick to match the house style. Priory Road also features some sandstone retaining walls. The setbacks from the street allow for small front gardens.

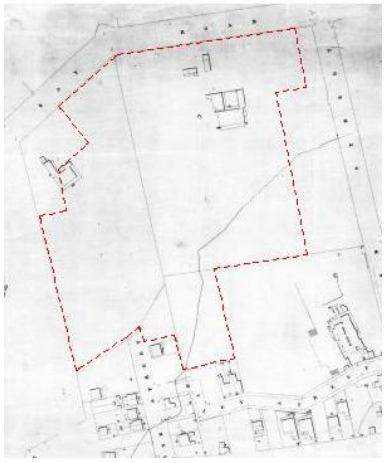


Figure F-10.10 (left):
Circa 1890

Figure F-10.11 (below left):
Circa 1943

Figure F-10.12 (below right):
Circa 2008





10.13.3 Statement of Significance

The Priory Road Conservation Area is significant:

(a) As a subdivision of the 1840s curtilage of the early mansions, "The Priory" and "Toongarah".

(b) As a largely intact and consistent early 20th century residential area that has a mix of Inter-war buildings, including bungalows and residential flat buildings in original condition.

(c) For its quiet landscape setting derived from the mature street plantings, grassed verges, small open front gardens, low front fences and backdrop of trees in the valley below.

(d) For its contained character derived from the cul-de-sac street pattern, the topography and the consistency of building form and materials.

10.13.4 Significant elements

Topography

P1 Sloping southwards to the cliff edge.

Subdivision

P2 Detached dwelling houses: 380m^2 lots with 10m frontage.

P3 Detached, semi-detached houses and attached houses: 180m^2 to 260m^2 lots with 4-6m frontages.

P4 Generally rectangular blocks with irregular shaped blocks on the corners and along the eastern side of Toongarah Road.

Streetscape

P5 Street trees planted in verges, mainly small eucalypts, Plane Trees and paperbarks.

P6 Pedestrian linkages from Priory Road to Edward Street, and from Toongarah Road to Waverton Lane.

Views

P7 Views of trees and houses in the valley below, and limited views to the tops of the higher buildings in North Sydney, mostly from private domain.

P8 Views from Toongarah Street lookout over the valley to Sydney CBD.

10.13.5 Characteristic buildings

P1 Detached, single storey inter-war Californian bungalows on garden lots.

P2 1930s/40s residential flat buildings.

10.13.6 Characteristic built elements

Siting

P1 To the front of block.

P2 Dwellings on the eastern side of Toongarah Road are oriented to side boundaries.

P3 Consistent setbacks.

Form, massing and scale

P4 Single storey with hipped and gabled roofs with skillion rear extensions.

P5 Reduced height and scale to rear.

P6 Open verandahs to front.

Roofs

P7 Hipped and gabled, pitched between 30 and 40 degrees without dormers to front and sides. Brick and rendered chimneys with terracotta chimney pots.

External Materials

P8 Sandstone bases, face brick walls, wall shingles, original render and roughcast render. Textured and dark brick to residential flat buildings.

P9 Slate, terracotta tiles, asbestos cement sheet, corrugated metal roofs.

P10 Original timber windows, doors and decorative joinery.

P11 Original front garden landscaping.

Windows, doors and external joinery

P12 Federation and Inter-war casements and double hung sash. Timber.

Fences

P13 Low timber pickets, timber rails and mesh original face brick with piers.

Car accommodation

P14 Located off street with crossovers and garages and carports at side or rear. No garaged or carports in front of building line.

10.13.7 Uncharacteristic elements

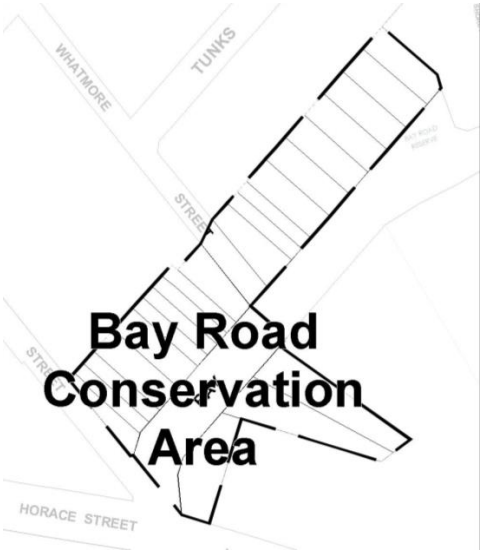
P1 Uncharacteristic elements include modern, multi-storey commercial buildings; over-scaled, two storey additions; carports and garages in front setback, over-scaled and poorly detailed carports and garages; paving of front setback for car parking, front and side dormers and rooflights; removal of original detailing; verandah infill; rendered and painted face brickwork; modernised facades; high walls and fences to the street.

10.13.8 Future built elements

P1 Provide a range of high quality, purpose-built student accommodation in and around the Education Precinct, within 400m to a tertiary institution, 800m to a railway station, and 400m to a bus stop used by a regular bus service.

P2 Educational establishments must address and activate public domain areas including streets, pedestrian links, laneways and public spaces.

10.14 BAY ROAD CONSERVATION AREA



10.14.1 History

The Bay Road Conservation Area was part of the land granted to Edward Wollstonecraft in 1825 and subsequently known as the Berry Estate when it passed to Alexander Berry, a business partner and related by marriage.

The Conservation Area is adjacent to Waverton Station, which opened in 1893 as part of the St Leonard's to Milson's Point line.

The section of Bay Road was originally known as Crows Nest Road as it gave access to the Crows Nest Estate from Berrys Bay.

The western side of Bay Road was subdivided from 1883-1888. It was part of land owned by the Colonial Sugar Refining Company which operated a sugar works, one of the earliest industries along the foreshore. The Sugar Company Estate included Ross Street, Whatmore Street, Tunks Street and McKye Street.

The oldest building in the Conservation Area appears to be the Victorian cottage behind the Uniting Church at 75 Bay Road. The buildings at 116, 118 and 122 Bay Road are part of an area that was subdivided in 1910.

10.14.2 Description

The Bay Road Conservation Area is located at the end of Bay Road and is bounded to the east by the North Shore railway line.

The landform is relatively flat with the land rising to the north east and falling to the south west. It has an enclosed character due to the topography, being located at the base of two hills, and from the narrowing of the street. At the end of Bay Road there are views of Balls Head Bay and the Balmain peninsula beyond.

The subdivision pattern is regular but follows the curve of the street with tapering lots to the south.

The area has a village atmosphere focusing on Waverton Railway Station.

Characteristic buildings in the area are single storey, semi-detached dwelling houses dating from the Federation period. The area also contains a small strip of Federation period commercial buildings.

There are some modern intrusions on the eastern and western side of Bay Road, and some contemporary residential flat buildings.

Street plantings reinforce the village-like atmosphere of the area.

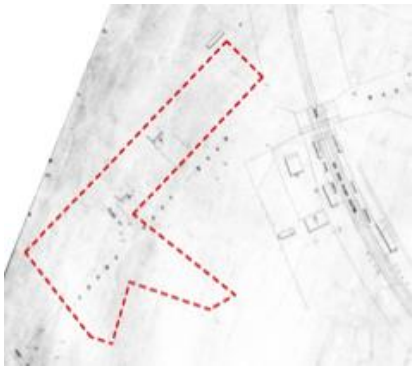


Figure F-10.13 (left):
Circa 1890

Figure F-10.14 (below left):
Circa 1943

Figure F-10.15 (below right):
Circa 2008





10.14.3 Statement of Significance

The Bay Road Conservation Area is significant:

(a) As a Federation period pocket of commercial and residential development, and one of the few intact areas of early development in the Waverton area.

(b) For its enclosed village-like character that is a function of the topography, narrowing of the street.

10.14.4 Significant elements

Topography

P1 At the base of two hills, falling towards Balls Head Bay.

Subdivision

P2 Regular subdivision with tapering lots to the south and irregular shaped blocks at the corners.

Streetscape

P3 Dwellings raised above street level north of Whatmore Street corner. Higher footpath level north of Whatmore Street, with winding steps to street level.

P4 Widened footpath at shops with outdoor seating.

P5 Street trees on footpath and adjacent to narrowed road section and traffic calming devices.

Views

P6 Views to Balls Head Bay from southern end of road.

10.14.5 Characteristic buildings

P1 A mixture of:

(a) single storey Federation detached and semi-detached dwelling houses on garden lots.

(b) two storey, Federation commercial buildings with parapets.

10.14.6 Characteristic built elements

Siting

P1 Detached dwelling houses located towards the front of the block and addressing the street but leaving a small rear yard.

P2 Shops built to street boundary.

P3 Consistent setbacks.

Form, massing and scale

P4 Single storey, detached dwelling houses with simple forms articulated with projecting bays and verandahs to front and a reduced scale and bulk to the rear.

P5 Two storey commercial buildings with parapets and clearly defined "front" of building, oriented to the street.

Roofs

P6 Hipped and gabled between 30 and 45 degrees with overhanging eaves. Skillion roofs to rear wings. Parapets on shops. Variety of chimney designs.

External Materials

P7 Face brick on sandstone bases, roughcast render. Terracotta tiles with corrugated metal on rear wings.

Windows and doors

P8 Federation style. Lead light decorative glazing. Timber.

Fences

P9 Low height front fences in a variety of materials – timber, stone, iron palisade.

P10 Timber fences to side and rear.

Car accommodation

P11 No garages or carports in front of the building line.

10.14.7 Uncharacteristic elements

P1 Carports to front of lot; dormers to front of roofs; over-scaled additions; painting and rendering of face brickwork; removal of original details, alterations to original roof forms high fences to street; inappropriate fence details.

P2 Modern infill development.

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