

DECISION OF 3735th COUNCIL MEETING HELD ON MONDAY 24 AUGUST 2020

8.6 North Sydney DCP Review 2020 - Post Exhibition Report

Report of Ben Boyd, Executive Strategic Planner & Liam Rogers, Student Strategic Planner

This report provides an analysis of the submissions made in response to the draft amendments to NSDCP 2013 and makes a recommendation as to how Council should proceed.

On 24 February 2020, Council resolved to adopt draft amendments to North Sydney Development Control Plan (NSDCP) 2013 and place those draft amendments on public exhibition. These amendments have principally arisen in response to addressing the actions and recommendations of Council's Local Strategic Planning Statement (LSPS), Local Housing Strategy (LHS) and Planning Proposal 7/19 – North Sydney LEP Review 2019 which seeks to give effect to the actions and recommendations of these strategic planning documents.

The proposed amendments also seek to address the need to undertake a regular review of the DCP in line with best practice principles to ensure the DCP remains clear and contemporary, whilst also addressing a number of issues and anomalies that have arisen since its commencement in 2013.

The extent of the proposed amendments to NSDCP 2013 are detailed in the Background section of this report.

The draft amendments were placed on public exhibition for a period of 29 days from Monday 25 May 2020 to Monday 22 June 2020. These amendments were exhibited concurrently with Planning Proposal 7/19 – *North Sydney LEP Review 2019*.

A total of fourteen (14) submissions were received during the exhibition period, three (3) of which were in support of all or part of the changes made to NSDCP 2013, eight (8) objecting to specific aspects of the amendments to NSDCP 2013 and one (1) which made no comment on or objection to the proposals. The issues raised in the submissions warrant minor amendments to NSDCP 2013 prior to adoption to improve the clarity of the provisions, and include:

- Increasing the number of instances when the pruning or removal of trees and vegetation is exempt from needing to obtain a permit to include the following:
 - Removal of pruning of dead palm fronds;
 - Removal or pruning of Bamboo (*Bambusa* species);
 - Pruning of branches of trees no greater than 100mm in diameter in certain instances without the need for an arborist to undertake the works;
 - Removal or pruning of all trees and vegetation that are an identified biosecurity risk (formerly known as noxious weeds), except certain species located on a site that is a heritage item; and
 - Clarifying that pruning of hedges less than 5m in height does not require lodgement of a permit or approval.
- Additional provisions clarifying when maintenance pruning of trees and vegetation located on public land can be requested;
- Correction of terminology relating to the removal and pruning of “weeds” that are a biosecurity risk and the removal of “Rhus trees” from the exempt species list;
- Addition of new provisions and objectives to Section 1.4.8 to Part B of NSDCP 2013 to clarify that these provisions also apply to the rebuilding of residential accommodation relying on existing use rights;
- Replacing references to the superseded *EPA Industrial Noise Policy 2000* with references to the *EPA Noise Policy for Industry 2017*;
- Amending Section 13 – *Heritage and Conservation* to Part B of the DCP to:
 - Improve clarity of the existing provisions; and
 - Update references to websites and cited documents.
- Correcting minor grammatical errors in Section 10 – *Car Parking and Transport* to Part B of the DCP.

These amendments have been incorporated into NSDCP 2013 forming Attachment 2 to this report.

It is recommended that Council resolves to adopt the amendments to NSDCP 2013 as further amended, in response to the submissions made and give public notice of the endorsement of those changes.

Council staff initially noted that the proposed amendments to the thresholds that trigger the need to obtain a permit to prune or remove trees and vegetation would result in an increase in costs to Council arising from an anticipated increase in the number of permits to be considered. In response to the submissions, it is proposed to incorporate further amendments to NSDCP 2013 to increase the instances when a person is exempt from needing to obtain a permit and thereby reduce Council's financial burden.

Recommending:

1. THAT Council note the submissions made to the public exhibition of the draft amendments to North Sydney Development Control Plan 2013.

2. THAT in response to the submissions made, Council endorse the amendments to North Sydney Development Control Plan 2013, as reflected in Attachment 2 to this report.

3. THAT Council adopt the draft amendments to North Sydney Development Control Plan 2013 as amended (Attachment 2) and that public notice of the amendments be published on Council's website in accordance with clause 21 of the Environmental Planning and Assessment Regulations 2000.

The Recommendation was moved by Councillor Barbour and seconded by Councillor Drummond.

The Motion was put and **carried**.

Voting was as follows:

For/Against 9/1

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi		N	Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

1. THAT Council note the submissions made to the public exhibition of the draft amendments to North Sydney Development Control Plan 2013.

2. THAT in response to the submissions made, Council endorse the amendments to North Sydney Development Control Plan 2013, as reflected in Attachment 2 to this report.

3. THAT Council adopt the draft amendments to North Sydney Development Control Plan 2013 as amended (Attachment 2) and that public notice of the amendments be published on Council's website in accordance with clause 21 of the Environmental Planning and Assessment Regulations 2000.

8.6. North Sydney DCP Review 2020 - Post Exhibition Report

AUTHOR: Ben Boyd, Executive Strategic Planner & Liam Rogers, Student Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS:

1. Attachment 1_Summary of Submissions Table [8.6.1 - 10 pages]
2. Attachment 2_NSDCP 2013 Amendments For Adoption - Post Exhibition [8.6.2 - 370 pages]

PURPOSE:

This report provides an analysis of the submissions made in response to the draft amendments to NSDCP 2013 and makes a recommendation as to how Council should proceed.

EXECUTIVE SUMMARY:

On 24 February 2020, Council resolved to adopt draft amendments to North Sydney Development Control Plan (NSDCP) 2013 and place those draft amendments on public exhibition. These amendments have principally arisen in response to addressing the actions and recommendations of Council's Local Strategic Planning Statement (LSPS), Local Housing Strategy (LHS) and Planning Proposal 7/19 – North Sydney LEP Review 2019 which seeks to give effect to the actions and recommendations of these strategic planning documents.

The proposed amendments also seek to address the need to undertake a regular review of the DCP in line with best practice principles to ensure the DCP remains clear and contemporary, whilst also addressing a number of issues and anomalies that have arisen since its commencement in 2013.

The extent of the proposed amendments to NSDCP 2013 are detailed in the Background section of this report.

The draft amendments were placed on public exhibition for a period of 29 days from Monday 25 May 2020 to Monday 22 June 2020. These amendments were exhibited concurrently with Planning Proposal 7/19 – *North Sydney LEP Review 2019*.

A total of fourteen (14) submissions were received during the exhibition period, three (3) of which were in support of all or part of the changes made to NSDCP 2013, eight (8) objecting to specific aspects of the amendments to NSDCP 2013 and one (1) which made no comment on or objection to the proposals. The issues raised in the submissions

warrant minor amendments to NSDCP 2013 prior to adoption to improve the clarity of the provisions, and include:

- Increasing the number of instances when the pruning or removal of trees and vegetation is exempt from needing to obtain a permit to include the following:
 - Removal of pruning of dead palm fronds;
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 - Clarifying that pruning of hedges less than 5m in height does not require lodgement of a permit or approval.
- Additional provisions clarifying when maintenance pruning of trees and vegetation located on public land can be requested;
- Correction of terminology relating to the removal and pruning of “weeds” that are a biosecurity risk and the removal of “Rhus trees” from the exempt species list;
- Addition of new provisions and objectives to Section 1.4.8 to Part B of NSDCP 2013 to clarify that these provisions also apply to the rebuilding of residential accommodation relying on existing use rights;
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- Amending Section 13 – *Heritage and Conservation* to Part B of the DCP to:
 - Improve clarity of the existing provisions; and
 - Update references to websites and cited documents.
- Correcting minor grammatical errors in Section 10 – *Car Parking and Transport* to Part B of the DCP.

These amendments have been incorporated into NSDCP 2013 forming Attachment 2 to this report.

It is recommended that Council resolves to adopt the amendments to NSDCP 2013 as further amended, in response to the submissions made and give public notice of the endorsement of those changes.

FINANCIAL IMPLICATIONS:

Council staff initially noted that the proposed amendments to the thresholds that trigger the need to obtain a permit to prune or remove trees and vegetation would result in an increase in costs to Council arising from an anticipated increase in the number of permits to be considered. In response to the submissions, it is proposed to incorporate further amendments to NSDCP 2013 to increase the instances when a person is exempt from needing to obtain a permit and thereby reduce Council’s financial burden.

RECOMMENDATION:

- 1. THAT** Council note the submissions made to the public exhibition of the draft amendments to North Sydney Development Control Plan 2013.
- 2. THAT** in response to the submissions made, Council endorse the amendments to North Sydney Development Control Plan 2013, as reflected in Attachment 2 to this report.
- 3. THAT** Council adopt the draft amendments to North Sydney Development Control Plan 2013 as amended (Attachment 2) and that public notice of the amendments be published on Council's website in accordance with clause 21 of the Environmental Planning and Assessment Regulations 2000.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment
 - 1.1 Protected and enhanced natural environment and biodiversity
2. Our Built Infrastructure
 - 2.1 Infrastructure and assets meet community needs
 - 2.3 Sustainable transport is encouraged
 - 2.4 Improved traffic and parking management
3. Our Future Planning
 - 3.5 North Sydney is regulatory compliant
4. Our Social Vitality
 - 4.1 North Sydney is connected, inclusive, healthy and safe
 - 4.4 North Sydney's history is preserved and recognised

BACKGROUND

The need to revise NSDCP 2013 has arisen from the need to:

- Implement the recommendations and actions identified in Council's recently adopted Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS);
- Ensure that the DCP supports the Planning Proposal to amend NSLEP 2013 to give effect to the recommendations and actions of the LSPS and LHS;
- Follow industry best practice by undertaking a regular review of the DCP to ensure it remains clear, transparent and contemporary; and
- To incorporate a number of minor housekeeping amendments.

On 24 February 2020, Council resolved to adopt draft amendments to NSDCP 2013 with regard to the above matters and place those amendments on public exhibition concurrently with Planning Proposal 7/19 – *North Sydney LEP Review 2019*.

The extent of the proposed amendments to NSDCP 2013 adopted by Council include:

- Undertaking amendments in order to implement the actions of Council's endorsed LSPS, LHS and *North Sydney Transport Strategy*;
- Undertaking consequential amendments arising from permitting residential flat buildings in the *R3 Medium Density Residential* zone;
- Amending the requirements for residential flat buildings to ensure full consistency with *SEPP 65 – Design Quality of Residential Flat Development* and the *Apartment Design Guide*;

- Amending the approval processes relating to tree and vegetation management;
- Amending the provisions for child care facilities to incorporate the recommendations of the *Best Practice Guidelines for Above Ground Child Care Centres* (Dec 2019) prepared by KU Children’s Service and to reflect the requirements of *SEPP (Educational Establishments and Child Care Facilities) 2017*;
- Adding a new Construction Management section to NSDCP 2013 which outlines the standardised construction hours for developments, details as to when out-of-hours permits may be issued and the issues that need to be addressed and complied with in Construction Management Plans;
- Addressing a variety of outstanding heritage matters including contributory and uncharacteristic items, dormer windows, gardens and landscaped settings and uncharacteristic elements for several conservation areas;
- Ensuring that the DCP applies to development in the *E4 Environmental Living* zone;
- Adding new provisions to ensure there are separate entrances for residential and non-residential uses in mixed use buildings;
- Amending Council’s provisions for accessibility and adaptable housing to align with industry best practice in this area;
- Revising acoustic amenity requirements to ensure full consistency between NSDCP 2013 and Council’s standard conditions of consent;
- Revising the controls for views and view sharing in line with an outstanding Council resolution to reference a Planning Principle from the Land and Environment Court;
- Amending site coverage, unbuilt area and landscape area controls to exclude access handles and rights of way from site calculations;
- Deletion of site-specific controls for 2 Thomas Street, McMahons Point within Part C of NSDCP 2013 to align with the proposed removal of the clauses within NSLEP 2013 permitting a restaurant or café at 2 Thomas Street under the LGA wide Planning Proposal;
- Revising references to Legislative Acts, Regulations, planning instruments and relevant council and planning policies;
- Correcting minor grammatical and typographical errors;
- Removal of redundant clauses, due to ceasing operation or duplication under other planning instruments; and
- Correcting errors in relation to street addresses and property descriptions.

On 23 March 2020, Council resolved to adopt further draft amendments to NSDCP 2013 as it related to Section 16 – *Tree and Vegetation Management* to Part B of the DCP.

The draft amendments to NSDCP 2013 were placed on public exhibition from Monday 25 May 2020 to Monday 22 June 2020.

CONSULTATION REQUIREMENTS

Community engagement has been undertaken in accordance with Council's Community Engagement Protocol.

DETAIL

1. Public Exhibition

The draft amendments to NSDCP 2013 were placed on public exhibition for 29 days, from Monday 25 May 2020 to Monday 22 June 2020. This occurred concurrently with the public exhibition of Planning Proposal 7/19 – North Sydney LEP Review 2019.

All property owners and occupiers to all properties within the LGA (approximately 55,000) were notified by letter of the public exhibition of the draft amendments to NSDCP 2013 and associated Planning Proposal. Council also notified other various stakeholders, including but not limited to, relevant public authorities, Precinct Committees, neighbouring councils, local chambers of commerce and heritage organisations reflective of the changes proposed.

In addition, formal notices were placed on Council's website in accordance with the Environmental Planning and Assessment Act, 1979 and Council's Community Engagement Strategy.

Electronic copies of the exhibition documentation were made available on Council's website for the entirety of the exhibition period. A hard copy of the exhibition documents were made available at Council's Customer Service Centre for the entirety of the exhibition period and a further hard copy made available at Stanton Library approximately 2 weeks in once COVID-19 matters had eased.

2. Consideration of Submissions

A total of fourteen (14) submissions were received with regard to the public exhibition of the Planning Proposal, of which:

- Nine (9) submission were made by the general public;
- One (1) submission was made by one of Council's Precinct Committees:
 - Willoughby Bay;
- Two (2) submissions were made by public authorities
 - Transport for NSW;
 - Heritage NSW; and
- Two (2) submissions were made by other Councils.

A summary and response to all submissions received are located in the attached Submissions Summary Table (refer to Attachment 1). It is recommended that the recommendations outlined in the Submissions Summary Tables be adopted as part of this report.

A complete copy of all submissions has been made available to Councillors via the submissions folder placed on the Hub.

The proposed amendments that are supported in the submissions include the following:

- proposed changes to heritage controls relating to dormer windows, garden settings, horticultural features and tree management, as well as the additional information included on Aboriginal cultural heritage;
- new thresholds triggering the need to apply for a tree and vegetation management permit;
- maximum parking provisions and encouragement to provide less than the maximum parking rates in close proximity to public transport;
- updating references to legislation;
- the revision of waste management guidelines;
- increasing the requirement for the provision of adaptable housing and incorporating provisions of the Liveable Housing Design Guidelines into NSDCP 2013;
- excluding access handles from site coverage/landscape area calculations; and
- introduction of the group term ‘child care facility’.

The proposed amendments that are not supported by submitters include:

- proposed changes to the thresholds triggering the need to obtain a permit to prune or remove trees and vegetation.

Some submissions requested that some of the proposed amendments require further clarification or correction or requested amendments beyond what was originally proposed. These include the following:

- Correction of grammatical errors relating to loading facilities;
- Updating of references to Heritage NSW’s website;
- Incorporating new controls to regulate security cameras and surveillance devices.
- Requesting amendment to parking rates in the vicinity of public transport and in the *R3 Medium Density Residential* zone;
- Strengthening built form provisions relating to residential development relying on existing use rights;
- Request to downgrade the heritage significance of 12 Fifth Avenue, Cremorne from a “Contributory item” to a “Neutral item”; and
- Amending the extent of the Montague Road Conservation Area.

There was some overlap between some of the issues raised in submissions to the draft amendments to NSDCP 2013 and Planning Proposal 7/19 – *North Sydney LEP Review 2019*. These include the proposed amendment to allow residential flat buildings in the *R3 Medium Density Residential* zone and the request amend the boundaries of the Montague Road Conservation Area.

The key issues raised in the submissions are discussed in detail in the following subsections.

2.1. Tree and Vegetation Management

A total of seven (7) submissions were received in response to the proposed amendments to Section 16 – *Tree and Vegetation Management* to Part B of NSDCP 2013, of which six (6) specifically objected to the proposed change in the thresholds for which a permit would be required to prune or remove trees and vegetation and one which did not specifically object nor support the proposed amendments.

Despite three (3) submissions not specifically identifying why they objected to the proposed changes to the thresholds for when a permit is required, the remaining three objected on the following grounds:

- no justification has been provided with respect to the proposed changes;
- the reductions in thresholds are too onerous and would create unnecessary over-regulation;
- it would prevent residents from undertaking maintenance pruning to preserve light, ventilation and ensure residential amenity; and
- it would create an additional strain and cost on Council resources with the possibility of increased delays in obtaining necessary permits as a result of increases in workload for Council staff.

2.1.1. Comment

Copies of the submissions were referred to relevant officers in Council's Open Space and Environmental Services (OSE) Division for further comment. In particular, they raised the following points:

- *There appears to be a lack of understanding of the tree protection dimensions in other local government areas. (the industry standard)*
- *Council has strong evidence to demonstrate that there is significant canopy loss occurring across the LGA, particularly on private land. The latest statistics will be reported to Council's August meeting.*
- *While more trees will require inspection under the new height controls, permits will be issued for any reasonable pruning or removal requests. There appeared to be a misconception that all trees over 5m must now be 'protected'.*
- *Some pruning will now be permitted without requiring consent.*
- *A much larger list of exempt species will allow certain species to be pruned or removed without requiring consent*

The OSE comments have been incorporated into the responses below.

Justification for amendments

The justification for the proposed changes was clearly set out in three reports considered by Council on 24 February 2020 (two reports) and 23 March 2020 (one report) prior to the adoption of the draft amendments to the DCP. All three reports were included as part of the public exhibition documentation. Therefore, the justification for the amendments was adequately addressed and made publicly available. In summary, there has been a clear loss in the level of total canopy cover within the LGA over the last 10 years, the majority of which has occurred on private lands. This loss has resulted in Council no longer meeting its canopy cover targets as set by the state government. This position is reinforced in a report being considered by Council concurrently with this report at the same meeting. That report provides an update on the performance of Council's *Urban Forest Strategy* which notes that there have been further reductions in the LGA's canopy cover and the majority of that loss has been over private property. This clearly shows that there is a need to increase the monitoring and approval of canopy loss on private property.

In order to negate this loss, Council has resolved to adopt a policy position within its LSPS to increase the LGA's canopy cover to better align with the State targets and best practice. In order to achieve this, it is proposed in part, to amend the tree and vegetation protection policy to increase the instances where a permit is required to prune or remove trees and vegetation. Despite the changes to these thresholds, it does not automatically mean that trees and vegetation cannot be pruned or removed, but merely requires there to be an assessment of the need to prune or remove certain trees and vegetation.

Reduced rights of residents to maintain gardens

The primary reason for objecting to the proposed reduction in the thresholds related to the perception that people will no longer be able to maintain their own gardens without first obtaining approval.

Many of these objections have been made with little to no regard to the exemptions contained within P1 to section 16.2.2 to Part B of the amended DCP. In particular, the exemptions as exhibited apply to:

- Non-declared trees or vegetation (i.e. those generally less than 5m in height, a canopy diameter or less than 5m and a trunk of less than 500mm);
- Trees or vegetation that have been confirmed by Council in writing as being dead and are not required for fauna habitat;
- Pruning of deadwood from a tree or vegetation;
- Weeds posing a biosecurity risk (except those located on heritage items);
- Trees and vegetation located inside a building (within an atrium or garden bed); and
- For a range of specific species that have been deemed to have a low amenity or biodiversity value.

The proposed amended provisions under NSDCP 2013 as exhibited also exempt maintenance pruning to declared trees and vegetation to be undertaken without a permit, provided no more than 10% of the existing crown volume is removed, branches no more than 100mm in diameter are removed and all work is undertaken in accordance with relevant standard by a qualified arborist. These provisions provide a level of flexibility to residents and allow for a reasonable level of maintenance to be undertaken to ensure adequate light, ventilation and protect residential amenity, whilst balancing the need to maintain certain level of canopy cover across the LGA.

Council's OSE Division and Conservation Planners from City Strategy Division have considered the extent of the exemptions as proposed and has identified additional criteria that will increase the situations where residents will be exempt from needing to obtain Council approval to prune or remove trees and vegetation. In particular, the following additional works will be exempt:

- Removal of pruning of dead palm fronds;
- Removal or pruning of Bamboo (*Bambusa* species);
- Pruning of branches of trees located within 1m of a house up to 100mm in diameter;
- Pruning of branches of trees less than 100mm in diameter up to 2.4m above ground level as measured at the trunk;
- Removal or pruning of all trees and vegetation that are an identified biosecurity weed except certain species located on land that are identified as a heritage item; and
- Clarifying that pruning of hedges less than 5m in height does not require lodgement of a permit or approval.

It is also proposed to remove "Rhus trees" from the exempt development list as they already captured as a type of weed that has an identified biosecurity risk under the Biosecurity Act and rarely reach 5m in height.

Increase workloads and costs on ratepayers

With respect to increased workloads and potential costs to Council and potentially to ratepayers, these issues were discussed in the reports previously considered by Council. It was acknowledged that there would be an increase in the number of permits being required to be lodged and assessed, thereby increasing council workloads. Council resolved not to introduce fees for lodgement of tree permits or increase staff numbers to address these issues until it first had a handle on what quantum of applications were likely to be lodged. Council could consider a review of the permit system after the proposed revised thresholds have been in place for 1 year. This would allow sufficient time to determine if fees should be introduced to lodge a permit (which are currently free) or some other means of recouping processing and management costs.

Increased litigation

One submission suggested that the proposed change in thresholds would result in an increase in litigation between neighbours and Council with respect to the removal of trees and vegetation without a permit.

Such an issue will remain regardless of what the thresholds are used to determine when a permit is required or not. It will ultimately come down to the relationship between neighbours and how well the community is informed of the proposed changes.

Whilst it is acknowledged that there may be an increase in instances at the commencement of the changes, this will reduce over time once the new thresholds are more widely understood.

Council's OSE Division has advised that they are preparing additional educational information to be disseminated to the community upon the commencement of the new thresholds and approval processes.

Pruning of trees on neighbouring properties

One submission queried the ability to undertake pruning for trees and vegetation which was located on adjoining private properties but encroached onto their own.

Under common law, nothing prevents a person from pruning a neighbour's tree which overhangs their property, as long as they are not required to access the neighbour's property to do so. However, such pruning would still be subject to obtaining approval from Council first, if the works are proposed to a declared tree or vegetation, unless the works were specifically identified as not being exempt from obtaining a permit.

Notification of proposed amendments

Several submissions suggested that Council was trying to hide the extent of the proposed amendments amongst a large number of other amendments hoping that it could be undertaken by stealth.

The EP&A Act and EP&A Regulations stipulate what information must be included within notification documentation to proposed amendments to a Council's LEP and DCP. In particular, the primary purpose of the notification documentation is to advise of the public exhibition of the proposed amendments, give a high level overview of the changes proposed and advise where the recipient can view more information on the proposal/s. The onus is then on the recipient to inform themselves as to the extent of those amendments. Incorporating specific details of every single amendment to an LEP or DCP would be cost prohibitive and could overwhelm the reader where hundreds of individual amendments are being proposed.

Council distributed over 55,000 notification letters to residents and property owners within the LGA advising of the public exhibition of both the draft DCP amendments and the associated Planning Proposal to amend NSLEP 2013. The letter advised of the proposed key amendments to both the NSLEP 2013 and NSDCP 2013 in accordance with the Act and Regulation. In particular, the notification specifically highlighted that there were proposed changes to the tree and vegetation management section of the DCP. The letter also advised that the full extent of the proposed amendments to NSLEP 2013 and NSDCP 2013 could be found on Council's website.

Council has been proactive in advising of the proposed changes to the wider community.

Clarification of requirements

Council's OSES division have re-reviewed the proposed amendments to the DCP and determined that further amendments should be incorporated to improve clarity as to when certain aspects of the DCP should apply. These clarifications relate to:

- Making it clear than maintenance pruning to trees and vegetation less than 5m in height on private property does not require approval;
- Providing more guidance on when residents can request maintenance pruning of trees and vegetation on public land.

Weed terminology

The DCP as proposed to be amended makes references to "noxious weeds". Council's OSE Division has advised that this term has been superseded with the introduction of the NSW Biosecurity Act 2015. Therefore, to improve clarity and ensure that customers do not become confused, it is recommended that the DCP be further amended to reflect both current and former terminology such that residents can easily transition from one legislative regime to the next.

2.1.2. Recommendation

That the DCP is further amended to:

- Increase the instances when the pruning or removal of trees and vegetation is exempt from needing to obtain a permit;
- Further clarifying when maintenance pruning of trees and vegetation located on public land can be requested;
- Correct terminology relating to "weeds" that pose a biosecurity risk.

It is further recommended that:

- a comprehensive educational campaign be implemented to advise the wider community of the changes to tree and vegetation management processes;
- that a review be undertaken of the tree management process once the new thresholds have been in place for 1 year.

2.2. Parking Rates

Two (2) submissions were generally supportive of the further travel demand measures proposed to be incorporated into NSDCP 2013. However, one submission acknowledged that whilst Council currently has lower car parking rates than many other local government areas, it indicated that parking rates for some development types in close proximity to the forthcoming Metro stations are quite high. It was suggested that lower parking rates be applied for residential flat buildings and shop top housing on sites within 1km of a train or Metro station. One submission also suggested that Council

should consider amending its parking rates for residential flat buildings within the *R3 Medium Density Residential* zone to align with the current rates for residential flat buildings in the *B4 Mixed Use* zone.

2.2.1. Comment

NSDCP 2013 already contains provisions which seek to limit the provision of on-site car parking in all areas of the LGA through the application of maximum parking rates. This is further achieved by incorporating different parking rates dependent upon accessibility to frequent public transport services.

In addition, the proposed amendments to NSDCP 2013 seek to encourage the provision of parking under the maximum rates where a development has good access to public transport. Accordingly, there is already an ability to request further reductions in parking provision in close proximity to high frequency public transport modes.

Whilst Council's on-site parking rates are already lower than many other local government areas, further reductions could be considered by Council in future, as part of precinct-based, strategic planning studies or as part of an LGA wide approach to parking provision.

It is noted that the DPIE is close to finalising the 2036 Plan for St Leonards Crows Nest Planned Precinct. Based on the draft documents exhibited, there is likely to be a requirement to review and amend parking rates within the Precinct to account for the delivery of new mass transport. It would be best to wait until this Plan has been finalised before making any changes to the DCP, to ensure that the endorsed desired outcomes are ultimately achieved.

Council has identified the need to prepare an integrated parking strategy under the *North Sydney Transport Strategy* to better manage the demand for both on and off street parking with the view to reduce traffic congestion and maximise mode shift away from using private vehicles. It would be more appropriate to address these issues as part of this future strategy to ensure an LGA wide approach to parking management is delivered as opposed to an ad-hoc approach.

2.2.2. Recommendation

That the parking rates within NSDCP 2013 are not further amended.

2.3. Residential Flat Buildings in the R3 Medium Density Residential Zone

One submission raised concerns about the proposed DCP controls related to permitting residential flat buildings in the *R3 Medium Density Residential* zone. This submission focused more on the proposed changes to NSLEP 2013 but did suggest that the provisions of NSDCP 2013 could be strengthened to reinforce Council's controls for existing use rights developments. This submission suggested a minor addition to Provision P4 to Section 1.4.8 to Part B of NSDCP 2013 to include "Where alterations, additions *and rebuilding* are proposed to any residential accommodation relying on

existing use rights”. The submitter suggested that this would aid Council in removing any ambiguity and inconsistency from current planning controls for existing use rights.

2.3.1. Comment

Section 1.4.8 to Part B of NSDCP 2013 relates to the built form character of new development. In particular it states:

Objectives

O1 To ensure that the design of new buildings reflects and reinforces, or is complementary to, the existing character of the locality.

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 are proposed to any residential accommodation 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 site coverage is already above the requirements of this DCP.*

The draft amendments to NSDCP 2013 that were exhibited did not contain any proposed amendments to this section of the DCP.

Whilst this section of the DCP would not apply to residential flat buildings if permitted in the *R3 Medium Density Residential* zone, it would apply to other residential accommodation types relying on existing use rights within other zones (e.g. residential flat buildings in the *R2 Low Density Residential* zone).

It is agreed that P4 to this section is limited by only referring to alterations and additions and that it should be expanded to also refer to the rebuilding of residential developments relying on existing use rights. In addition, to further strengthen the provisions to this section, an additional objective should be incorporated to demonstrate the intent of

provision P4. It is suggested that the following objective be added following Objective O1:

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 neighbouring dwellings.

2.3.2. Recommendation

That Provision P4 to Section 1.4.8 to Part B of NSDCP 2013 be amended to clarify that it also applies to the rebuilding of residential accommodation relying on existing use rights. In addition, that a new objective be added to Part B of NSDCP 2013 to reinforce the intent of Provision P4.

2.4. Regulation of surveillance devices on private property

One submission raised the issue of security cameras and surveillance devices on private property monitoring public spaces or neighbouring properties. The submission claimed that there have been an increasing number of security cameras being installed in residential development in North Sydney. This submission referred to a 2014 report from the Australian Law Reform Commission which suggested local government could play a greater role in regulating the installation of these devices to ensure that they do not monitor adjoining properties or the public domain through development consent or potential complying development codes. The submission suggested such amendments be incorporated into Council's planning controls.

2.4.1. Comment

The report referred to in the submission is a Discussion Paper called 'Serious Invasions of Privacy in the Digital Era' from the Australian Law Reform Commission on proposal for reforms and innovative ways which the law might prevent or redress serious invasions of privacy. The issue of regulating surveillance devices used by private individuals is discussed, and the paper suggests that surveillance devices, such as closed circuit television (CCTV) cameras installed in homes and office may also record the activities of neighbours or adjoining private properties. The paper suggests that local councils regulate the use private surveillance devices through development consent or exempt or complying development provisions.

When Council commenced the preparation of NSLEP 2013, it initially sought to allow CCTV cameras on private property to be installed as exempt development under the LEP, subject to meeting several criteria, which included the orientation of the cameras. However, these provisions were removed at the request of Parliamentary Counsel as CCTV cameras were not considered to be "development" for the purposes of the EP&A Act. Therefore, there is no ability for Council to control the installation of CCTV cameras nor their operation at a general level. Hence, anyone may install a CCTV camera on their property with no control over how they are used.

Whilst Council has the ability to consider the installation of CCTV cameras in some development types such as late night trading venues, to ensure the safety of patrons, it can't mandate conditions relating to potential future use of CCTV cameras on developments where the safety of occupants within private residential allotments is not typically an issue.

If controls were to be imposed, this should be undertaken by the State government to ensure that a consistent set of controls are imposed.

2.4.2. Recommendation

That no additional amendments to NSDCP 2013 be made in relation to CCTC.

2.5. Internal Staff Comments

During the public exhibition period, Council staff noted identified a number of minor issues with the draft amendments to NSDCP 2013 as exhibited. These include:

- Outdated references to superseded industrial noise policies;
- Outdated references to heritage policies and websites;
- Minor amendments to improve the clarity of the heritage provisions.

2.5.1. Comment

Noise Policies

In 2017, the *EPA Noise Policy for Industry* replaced the former *EPA Industrial Noise Policy*, 2000. Sections 2.2.2 *Noise* and 3.2.5 *Noise* to Part B of NSDCP 2013 which contain provisions relating to noise management for commercial and mixed-use development, and for non-residential development in residential areas make reference to the now superseded EPA Industrial Noise Policy 2000. The current DCP provisions state that development must comply with the EPA requirements for acceptable noise levels. The *EPA Noise Policy for Industry 2017* maintains the same acoustic requirements currently found in NSDCP 2013 and therefore updating this reference would not impose more onerous standards than those currently in place.

This alteration to NSDCP 2013 is a minor update to reflect current policy and aligns with the intent of the exhibited amendments to maintain a clear and contemporary DCP.

Heritage Matters (Section 13 – Heritage and Conservation)

The DCP makes reference to the Burra Charter as an important document to consider when addressing heritage matters. The DCP currently refers to the 1999 version of the Burra Charter. However, this document was most recently revised in 2013. Updating the reference will ensure that the most current document is referred to. To improve clarity, it is also proposed to include additional text to advise that this documentary be amended from time to time.

It was proposed to make numerous changes to weblinks through Section 13 – *Heritage and Conservation* to Part B of the DCP. During the exhibition of the draft DCP amendments, Heritage NSW amended its website under a different domain name which

has effectively made all the proposed changes redundant. To ensure increased clarity, it is recommended that these links be updated to reflect their current location.

One of the principle aims of the proposed amendments to the DPC was to ensure that its provisions were easy to interpret and implement. Council's Conservation Planners have identified a number of minor amendments to improve clarity of the existing provisions and include:

- Providing increase advice as to why heritage is important (Sections 13.1.1 and 13.1.4);
- Advising where residents and applicants are able to obtain heritage information (Sections 13.1.5 and 13.1.7, 13.1.8);
- Providing increased explanations as to what information should be submitted with an application (sections 13.1.8);
- Minor revision of wording to various provisions to provide increased clarity (section 13.2, 13.5.1, 13.5.2, 13.5.3, 13.5.5, 13.5.6, 13.6.1, 13.6.2, 13.6.3, 13.6.4,13.9.5,13.9.7, 13.2);
- Correcting obvious errors

2.5.2. Recommendation

That the draft amendments to NSDCP 2013 be further amended to:

- Update outdated references and websites;
- Improve the clarity of the heritage provisions.

3. Additional Amendments

During the assessment of the submissions, Council staff identified a number of minor additional matters which should be addressed prior to the adoption of the amendments. These additional identified amendments are consistent with part of the original intent of the proposed amendments to improve clarity and transparency. The additional amendments comprise:

- Correction of spelling and grammar errors;
- Correction of heading titles in the DCP;
- Minor formatting corrections to ensure consistency throughout the document;
- Repositioning diagrams within the DCP to improve pagination;
- Reinstatement of the residential parking standards as currently endorsed to reflect Council's initial position to not amend these rates.

These additional amendments are incorporated within the revised draft amendments to NSDCP 2013 as depicted in Attachment 2.

4. Adoption of Amendments

Once Council resolves to adopt amendments to NSDCP 2013 following its public exhibition, it has 28 days within which it is to publish those amendments on its website in accordance with clause 21 of the EP&A Regulation. The amendments will not take effect until they are published on Council's website. All submitters will be advised of the adoption of the DCP amendments once they are published on Council's website.

5. Conclusion

The draft amendments to NSDCP 2013 as publicly exhibited sought to give effect to the recommended actions of the LSPS, LHS and associated Planning Proposal 7/19 – *North Sydney LEP Review* as well as incorporating a number of minor housekeeping amendments to ensure that NSDCP 2013 remains clear, transparent and contemporary.

In response to the submissions made, it is recommended that the following changes be incorporated into the draft amendments to NSDCP 2013:

- Increasing the number of instances when the pruning or removal of trees and vegetation is exempt from needing to obtain a permit to include the following:
 - Removal of pruning of dead palm fronds;
 - Removal or pruning of Bamboo (*Bambusa* species);
 - Pruning of branches of trees without the need for an arborist to undertake the works;
 - Removal or pruning of all trees and vegetation that are an identified biosecurity risk (formerly known as noxious weeds), except certain species located on a site that is a heritage item; and
 - Clarifying that pruning of hedges less than 5m in height does not require lodgement of a permit or approval.
- Additional provisions clarifying when maintenance pruning of trees and vegetation located on public land can be requested;
- Correction of terminology relating to the removal and pruning of “weeds” and the removal of “Rhus trees” from the exempt species list;
- Addition of new provisions and objectives to Section 1.4.8 to Part B of NSDCP 2013 to clarify that these provisions also apply to the rebuilding of residential accommodation relying on existing use rights;
- Replacing references to the superseded *EPA Industrial Noise Policy 2000* with references to the *EPA Noise Policy for Industry 2017*;
- Amending Section 13 – *Heritage and Conservation* to Part B of the DCP to:
 - Improve clarity of the existing provisions;
 - Update references to websites and cited documents.

It is therefore recommended that Council resolve to adopt the proposed amendments to NSDCP 2013 and give public notice in accordance with clause 21 of the EP&A Regulation.

It is also recommended that further investigation be undertaken with respect to:

- The creation of a comprehensive educational campaign be implemented to advise the wider community of the changes to tree and vegetation management processes; and
- A review of the tree management process once the new thresholds have been in place for 1 year.

ATTACHMENT 1

Draft amendment to North Sydney Development Control Plan 2013 - North Sydney DCP Review 2020 Summary of public submissions received during public exhibition period (25 May 2020 – 22 June 2020)

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The proposed draft amendments to North Sydney Development Control Plan 2013 **would be** amended if issues raised in the submission:
 - a provided additional information of relevance.
 - b indicated or clarified a change in government legislation, Council's commitment or management policy.
 - c proposed strategies that would better achieve or assist with Council's objectives.
 - d was an alternate viewpoint received on the topic and is considered a better option than that proposed amendment to the DCP or;
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The proposed draft amendments to North Sydney Development Control Plan 2013 **would not be** amended if the issues raised in the submission:
 - a addressed issues beyond the scope of the development control plan.
 - b was already in the development control plan or will be considered during the development of a subordinate plan (prepared by Council).
 - c offered an open statement, or no change was sought.
 - d clearly supported the draft amendments.
 - e was an alternate viewpoint received on the topic but the draft amendments were still considered the best option.
 - f was based on incorrect information.
 - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – NORTH SYDNEY DCP REVIEW 2020 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
1	Withheld	Tree & Vegetation Management	Objects to the proposed changes to the thresholds where a Tree/Vegetation Management Permit is required. Requested that current thresholds are maintained.	Refer to section 3.1 of the main report No justification was provided to support the request. Sufficient flexibility is maintained within the proposed controls to enable residents to maintain their gardens whilst considering the need to protect and improve the LGA's tree canopy cover. It is proposed to further increase the exemption criteria to reduce the instances when a permit will be required to prune or remove trees and vegetation.	Amend NSDCP 2013 to reduce the requirement to lodge a permit to prune or remove trees and vegetation.	1C 1E
2	Withheld	Tree & Vegetation Management	Objects to the proposed changes to thresholds where a Tree/management Permit is required. Requested that current thresholds are maintained.	Refer to section 3.1 of the main report No justification was provided to support the request. Sufficient flexibility is maintained within the proposed controls to enable residents to maintain their gardens whilst considering the need to protect and improve the LGA's tree canopy cover. It is proposed to further increase the exemption criteria to reduce the instances when a permit will be required to prune or remove trees and vegetation.	Amend NSDCP 2013 to reduce the requirement to lodge a permit to prune or remove trees and vegetation.	1C 1E
			Expressed disapproval of the inclusion of this change among a comprehensive suite of other changes.	The notification documentation distributed to residents and property owners highlighting the proposed changes to the tree and vegetation management policy and no attempt was made to hide the proposed changes		

ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – NORTH SYDNEY DCP REVIEW 2020 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
3	Withheld	Tree & Vegetation Management	<p>Objected to the proposed changes to the thresholds where a Tree/Vegetation Management Permit is required.</p> <p>Claimed that such a change would impede their ability to undertake pruning to ensure sufficient natural light in their property and cause them financial stress.</p>	<p>Refer to section 3.1 of the main report</p> <p>No justification was provided to support the request.</p> <p>Sufficient flexibility is maintained within the proposed controls to enable residents to maintain their gardens whilst considering the need to protect and improve the LGA's tree canopy cover.</p> <p>It is proposed to further increase the exemption criteria to reduce the instances when a permit will be required to prune or remove trees and vegetation.</p>	Amend NSDCP 2013 to reduce the requirement to lodge a permit to prune or remove trees and vegetation.	1C 1E
4	Withheld	Tree & Vegetation Management	<p>Objects to the proposed changes to the thresholds where a Tree/Vegetation Management Permit is required.</p> <p>Claimed this change would impose unacceptable additional costs on ratepayers and unnecessary additional work for Council.</p>	<p>Refer to section 3.1 of the main report</p> <p>Council acknowledged the potential increase in workloads and potential costs to Council and potentially ratepayers, in the background reports previously considered by Council.</p> <p>Council resolved not to introduce fees for lodgement of tree permits or increase staff numbers to address these issues until it first had a handle on what quantum of applications were likely to be lodged. Council could consider a review of the permit system after the proposed revised thresholds have been in place for 1 year. This would allow sufficient time to determine if fees should be introduced to lodge a permit (which are currently free) or some other means of recouping processing and management costs if required.</p>	Council to review the Tree and Vegetation Management permit system after the new thresholds have been in place for one year.	2E 2G
5	Willoughby City Council	No objection	No objection was raised with respect to the proposed amendments.	Noted.	Nil.	2C

ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – NORTH SYDNEY DCP REVIEW 2020 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
6	Lane Cove Council	General support or no objection	Offered general support for the DCP amendments and specifically support or raised no objection to: <ul style="list-style-type: none"> • Non-prescriptive parking provisions encouraging below maximum parking rates in close proximity to public transport. • Updating references to legislation. • Revision of waste management guidelines. • Raising the required rate of adaptable housing and incorporating provisions of the Liveable Housing Design Guidelines into NSDCP 2013. • Excluding access handles from site coverage/landscape area calculations. • Introduction of the group term 'child care facility'. • Recognised other amendments as administrative and raised no objections. 	Noted.	Nil.	2D
		Tree & Vegetation Management	Supported proposed changes to thresholds where a Tree and Vegetation Management Permit is required. Noted that Lane Cove Council's threshold is lower at 4m.	Refer to section 3.1 of the main report Noted.	Nil.	2D
7	Withheld	Tree & Vegetation Management	Objected to the proposed changes to the thresholds where a Tree/Vegetation Management Permit is required. Claimed that this would mean that the most trees and large shrubs would now fall under these criteria.	Refer to section 3.1 of the main report Council acknowledges that there will be an increase in permits required. However, it would better to review the performance the permit system after 1 year of operation to determine the best way to effectively manage workloads and associated costs.	Amend NSDCP 2013 to reduce the requirement to lodge a permit to prune or remove trees and vegetation.	1C 1E
			Claimed that sufficient weight was not given to trees on public land, and therefore the proposed changes to those on private lands were too onerous.	The DCP contains more restrictive controls for the management of trees and vegetation on public land compared to private land. Furthermore, all works to trees and vegetation on public land are undertaken by qualified arborists and subject to internal assessments before works are commenced.	Nil.	2B
			Sought further justification for the proposed changes.	Justification for the proposed changes were outlined in detail in three Council reports all of which formed part of the exhibition documentation.	Nil.	2F

ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – NORTH SYDNEY DCP REVIEW 2020 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
8	Heritage NSW	General support	Offered general support for the following changes: <ul style="list-style-type: none"> The inclusion of additional information in relation to Aboriginal cultural heritage. Heritage considerations related to dormer windows, garden settings, horticultural features and tree management. 	Noted.	Nil.	2D
		Heritage NSW website	Requested that the references to Heritage NSW website be updated to reflect current website address.	These references can be updated to ensure greater clarity.	Correct references to Heritage NSW and weblinks.	1E
9 9A	Withheld	Heritage - Montague Road Conservation Area	Requested that the boundaries of the Montague Road Conservation Area be amended to exclude numbers 12-22 Fifth Avenue in Cremorne for the following reasons: <ul style="list-style-type: none"> Most dwellings which are recommended to be removed are not classified as contributory and those which are have undergone significant alteration; The northern side of the street is outside of the conservation area and accommodates significant unsympathetic development; This section of the conservation areas appears to be detached from the remainder of the Conservation Area; The adoption of the Local Strategic Planning Statement outlines the vision for North Sydney and justifies its removal. 	The extent of the Montague Road Conservation Area as illustrated within Part C to NSDCP 2013 are reflective of the conservation areas established under NSLEP 2013. This submission has also been considered with respect to the public exhibition of Planning Proposal 7/19, which is being considered under separate cover to this report. That report recommends that there is no change to the extent of the conservation area and that the matter be considered for inclusion in Council's forthcoming heritage review, as identified in the North Sydney Local Strategic Planning Statement.	Nil.	2A 2B 2E
		Heritage - Contributory item	If the conservation area boundaries cannot be changed, it was requested that 12 Fifth Avenue be downgraded from a contributory item to a neutral item.	Insufficient information has been provided to demonstrate that the subject site should be downgraded to neutral status. This matter may be considered for inclusion in Council's forthcoming heritage review, as identified in the North Sydney Local Strategic Planning Statement.	Nil.	2B 2E

ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – NORTH SYDNEY DCP REVIEW 2020 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
10A 10B	Transport for NSW	Parking Rates	Supports travel demand management measures and use of maximum parking rates. Notes that while Council currently has lower parking rates than many other LGAs, the rates under NSDCP 2013 for some development types in close proximity to forthcoming Metro stations are quite high. Suggests that Council consider lowering the maximum parking rates for RFBs and shop top housing for development on sites within 1km of a train or Metro station.	Refer to section 3.2 of the main report The issue is noted, however would be better addressed through a future integrated parking strategy or in response to a finalised 2036 Plan for the St Leonards Crows Nest Planned Precinct.	Nil.	2E
			Suggests that parking rates for residential flat buildings in the <i>R3 Medium Density Residential</i> zone and align those rates with those applicable for residential flat buildings in the <i>B4 Mixed Use</i> zone.	Refer to section 3.2 of the main report It is questioned why the same would not apply to residential flat buildings in the <i>R4 High Density Residential</i> zone which have higher rates than the <i>B4 Mixed Use</i> zone. However, this issue would be better addressed through a future integrated parking strategy.	Nil.	2E
		Vehicular access provisions	Supported the provision stating that parking areas must be designed to enable vehicles to enter and leave in a forward direction.	Noted.	Nil.	2D
		Loading and Servicing Facilities	Pointed out a grammatical error in relation to the word “deliver” within objective O1 to Section 10.4 <i>Loading and Servicing Facilities</i> of NSDCP. Suggested it should be “delivery”.	The grammatical error is noted and its correction would improve clarity.	Correct the grammatical error in Objective O1 to Section 10.4 to Part B of NSDCP 2013	1A 1E
11	Willoughby Bay Precinct Committee	Tree & Vegetation Management	Opposed the reduction in thresholds where a Tree/Vegetation management permit is required for the following reasons: <ul style="list-style-type: none"> Not included in text of Council resolution, and therefore Councillors may not be aware of the proposed changes. 	Refer to section 3.1 of the main report The proposed changes have been clearly set out in three previous reports considered by Council prior to the adoption of the draft amendments to NSDCP 2013. This included two stand alone reports which specifically identified amending the thresholds and approval processes to the permit system. Accordingly, the Councillors are well informed of the proposed changes.	Nil.	2A

ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – NORTH SYDNEY DCP REVIEW 2020 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			<ul style="list-style-type: none"> The proposal has not been considered by Council's Legal and Planning Committee (L&PC) or Environment Reference Groups. 	<p>There are no requirements that mandate the subject matter to be considered by Council's Legal and Planning Committee (L&PC) or Environment Reference Group.</p> <p>Notwithstanding, these matters have been considered in three Council reports which have been made publicly available and subject to comment before their consideration and subsequent resolution.</p>	Nil.	2A
			<ul style="list-style-type: none"> Reduces a resident's right to maintain their own private property with regard to guttering obstruction, pruning for light/air flow, obstruction of views, root damage to paths and walls. 	<p>Sufficient flexibility is maintained within the proposed controls to enable residents to maintain their gardens whilst considering the need to protect and improve the LGA's tree canopy cover.</p> <p>It is proposed to further increase the exemption criteria to reduce the instances when a permit will be required to prune or remove trees and vegetation.</p>	Amend NSDCP 2013 to reduce the requirement to lodge a permit to prune or remove trees and vegetation.	1C 1E
			<ul style="list-style-type: none"> Increased bureaucratic actions causes delay for residents and additional costs to Council and ratepayers. 	<p>Council acknowledges that there will be an increase in permits required. However, it would better to review the performance the permit system after 1 year of operation to determine the best way to effectively manage workloads and associated costs.</p> <p>Council has not proposed to introduce fees for tree permits under the current proposal. Fees may be considered in future, and this will depend on the quantum of applications lodged under the new controls.</p>	Council to review the Tree and Vegetation Management permit system after the new thresholds have been in place for one year.	2E 2G
			<ul style="list-style-type: none"> Increased potential for 'grudge informants'. 	<p>Council's Open Space Division will prepare additional education material for the community, which will provide clarity over the new thresholds and procedures. Provided the community is well informed around tree management procedures, an increase in litigation is unlikely. Also, this matter depends on the relationship between neighbours and is not necessarily related to the thresholds themselves</p>	Nil.	2E

ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – NORTH SYDNEY DCP REVIEW 2020 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			<ul style="list-style-type: none"> Costs of increased involvement of private tree contractors will fall on ratepayers. 	The requirement to employ a qualified arborist may in some circumstances impose an additional cost on residents undertaking tree pruning and removal work. However, there is still scope under these provisions to undertake maintenance pruning or the removal of exempt species without the need to employ a qualified arborist.	Nil.	2E
			Argued that the present Tree and Vegetation Management policy has served Council and community well and that 10m is an appropriate threshold.	<p>The justification for amending the thresholds is to ensure Council can continue to ensure that it meets best practice of the delivery of an appropriate tree canopy across the LGA to maximise environmental benefits. Reports consider by Council in relation to Council's Urban Tree Strategy clearly demonstrate that the current loss is greatest over privately owned property.</p> <p>The change to the thresholds also does not automatically mean that you can't prune or remove a tree. It merely means that an assessment is required first.</p>	Nil	2E
12	Withheld	Residential Flat Buildings in R3 Zone	Recommended that Provision P4 to Section 1.4.8 Built Form Character to Part B of NSDCP 2013 be amended to read "Where alterations, additions <i>and rebuilding</i> are proposed to any residential accommodation relying on existing use rights".	<p>Refer to section 3.1 of the main report</p> <p>The proposed amendment would increase clarity. However, the amendment should also be accompanied by a new objective to the section.</p>	<p>Amend P4 to s.1.4.8 to Part B of NSDCP 2013 to include rebuilding of residential accommodation relying on existing use rights</p> <p>Include a new objective to s.1.4.8 to Part B of NSDCP 2013 to support Provision P4.</p>	1A 1E

ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – NORTH SYDNEY DCP REVIEW 2020 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
<i>Submissions received after closing of exhibition period</i>						
13	Withheld	Tree & Vegetation Management	<p>Objected to the proposed changes to the thresholds where a Tree/Vegetation Management Permit is required. The objection was based on the following reasons:</p> <ul style="list-style-type: none"> Attributed the loss in tree canopy to high rise residential development rather than actions of residents. Criticised Council's current provisions for only allowing the owner of a tree to apply for pruning/removal permit, suggested Council consider letting anyone affected by a 'nuisance tree' apply for a permit. Criticised the reduced thresholds for giving neighbours less time to seek a solution to 'nuisance trees' Claimed that the tree canopy is not part of the character of North Sydney Claimed residents have a right to maintain their gardens so as to ensure solar amenity. 	<p>Refer to section 3.1 of the main report</p> <p>The justification for amending the thresholds is to ensure Council can continue to ensure that it meets best practice of the delivery of an appropriate tree canopy across the LGA to maximise environmental benefits. Reports considered by Council in relation to Council's Urban Forest Strategy clearly demonstrate that the current loss is greatest over privately owned property.</p> <p>Under common law there is nothing to prevent a person from pruning a neighbours' tree which overhangs their property, provided they are not required to access the adjoining property to do so.</p> <p>The changes to NSDCP 2013 introduce new thresholds where a permit is required before work is undertaken. There are no proposed requirements related to the time frame for tree-related disputes. This matter comes down to the relationship between neighbours and is not related to the thresholds themselves.</p> <p>The tree canopy and green, leafy character of many parts of the LGA is highly valued by the local community.</p> <p>Sufficient flexibility is maintained within the proposed controls to enable residents to maintain their gardens whilst considering the need to protect and improve the LGA's tree canopy cover.</p> <p>It is proposed to further increase the exemption criteria to reduce the instances when a permit will be required to prune or remove trees and vegetation.</p>	<p>Nil.</p> <p>Nil.</p> <p>Nil.</p> <p>Nil.</p> <p>Amend NSDCP 2013 to reduce the requirement to lodge a permit to prune or remove trees and vegetation.</p>	<p>2E</p> <p>2F</p> <p>2A 2F</p> <p>2E 2F</p> <p>1C 1E</p>

ATTACHMENT 1: DRAFT AMENDMENT TO NSDCP 2013 – NORTH SYDNEY DCP REVIEW 2020 PUBLIC SUBMISSIONS TABLE (EXHIBITION PERIOD 25 MAY 2020 – 22 JUNE 2020)						
No.	Name and Address	Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			<ul style="list-style-type: none"> Suggested that requiring a DA for tree planting would be a more appropriate solution. 	The proposed changes to NSDCP 2013 build on existing controls and longstanding procedures. In order to ensure clarity and the continuation of current high levels of service, these matters are more appropriately managed through Council's OSE Division.	Nil.	2E
14	Withheld	Regulation of security cameras	Raised concerns around the lack of regulation of security cameras and surveillance devices. Expressed concern that the lack of regulation had implications for neighbourhood privacy and residential amenity as surveillance devices could overlook public spaces and neighbouring properties. Referred to a 2014 report from the Australian Law Reform Commission. Suggested Council put regulation of surveillance devices in place to protect the privacy of third parties.	Refer to section 3.4 of the main report Noted. Such changes, though beyond the scope of the current DCP Review may be appropriately incorporated into future amendments to NSDCP 2013.	Nil.	2A

IT IS RECOMMENDED THAT COUNCILLORS REFER TO THE COMPLETE SUBMISSIONS MADE AVAILABLE TO THEM, AND TO THE REPORT TO COUNCIL, WHICH EXPANDS ON THE ISSUES RAISED IN THE SUBMISSIONS.



NORTH SYDNEY
DEVELOPMENT CONTROL PLAN 2013

DRAFT AMENDMENTS
– 2020 REVIEW

Please note, this document only includes those sections of the DCP which are proposed to be amended

North Sydney Development Control Plan (NSDCP) 2013 was adopted by Council on 2 September 2013 and came into force on the 13 September 2013.

North Sydney Council adopted draft amendments to NSDCP 2013 on [INSERT ADOPTION DATE] for the purposes of public exhibition.

This document only includes those sections which are proposed to be amended, as follows:

PART /APP	Section
Part A	1 - Introduction
Part A	2 - Context
Part A	3 - Submitting and Application
Part B	1 - Residential Development
Part B	2 - Commercial and Mixed Use Development
Part B	3 - Non-residential development in Residential Zones
	5 - Child Care Centres
	8 - Outdoor Dining and Display of Goods on the Footpath
Part B	10 - Car Parking and Transport
Part B	11 - Traffic Guidelines for Development
Part B	12 - Access
Part B	13 - Heritage and Conservation
Part B	14 - Contamination and Hazardous Building Materials
Part B	15 - Bushland
Part B	16 - Tree and Vegetation Management
Part B	19 - Waste Management
Part C	2 - North Sydney Planning Area
	6 - South Cremorne Planning Area
	8 - Kirribilli Planning Area
	9 - Lavender Bay Planning Area
Dictionary	
App	1 - Heritage - Contributory, Neutral and Uncharacteristic Items
	3 - Waste Handling Guide



SECTION 1 INTRODUCTION

1.1 NAME OF THIS DEVELOPMENT CONTROL PLAN

This plan is known as North Sydney Development Control Plan (DCP) 2013. The DCP was adopted by Council on 2 September 2013 and came into effect on 13 September 2013.

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 OTHER PLANS AND POLICIES

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

This DCP repeals the following DCPs pursuant to cl.22 of the Environmental Planning and Assessment Regulation 2000:

- (a) North Sydney DCP 2002;
- (b) North Sydney Development Control Plan No. 1;
- (c) D.C.P No. 25 Child Care in Commercial Zones;
- (d) D.C.P. No 31 - Outdoor Advertising;
- (e) D.C.P. No 34 - Brothels and Adult Services;
- (f) D.C.P. No 35 – Notification;
- (g) D.C.P. No 36 – Telecommunications;
- (h) D.C.P. No 39 - Access and Mobility;
- (i) D.C.P. No 40 - Boarding Houses; and
- (j) D.C.P. No 41 - Contaminated Land.

This DCP is also to be read in conjunction with the following:

- (a) Environmental Planning and Assessment Act, 1979 ([EP&A Act 1979](#));
- (b) Environmental Planning and Assessment Regulation 2000 ([EP&A Regulation 2000](#));
- (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) Building Code of Australia (BCA);
- (f) Relevant Australian Standards as identified throughout this DCP;
- (g) Land and Environment Court Planning Principles (refer to Part A: Section 1.4011); and
- (h) Any other policy or document identified for consideration throughout this DCP.

1.4 SAVINGS PROVISION

North Sydney DCP 2002 continues to apply if one or more of the following instances occurs:

- (a) if a development application was lodged with Council, but had not finally been determined before this DCP came into effect, or



- (b) if a development application applies to land deferred from NSLEP 2013.

1.5 PURPOSE OF THIS DEVELOPMENT CONTROL PLAN

The purpose of this DCP is to supplement North Sydney 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.

The DCP has been prepared in accordance with s. ~~723.43~~ of the [EP&A Act 1979](#) and Part 3 of the [EP&A Regulation 2000](#).

Pursuant to s. ~~4.1579C~~ of the [EP&A Act 1979](#), ~~Council~~ [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 ~~4.1579C~~ of the [EP&A Act 1979](#) contains other matters that must be considered in determining a development application including:

- Any relevant ~~draft or~~ 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. ~~7.493F (this provision may change in the near future to Part 5B Division 4)~~, of the [EP&A Act 1979](#);
- Any relevant prescribed matters in the [EP&A Regulation 2000](#);
- 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 2000](#); and
- The public interest.

In addition, ~~Council~~ [the consent authority](#) will assess each development application according to its merits and in the context of the site and its locality.

1.6 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; and



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(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.

~~(g)~~(h) Ensure that the Directions Outcomes and Strategies of ~~aims of Council's 2020 Vision~~ the North Sydney Community Strategic Plan are achieved.

1.7 STRUCTURE OF THE DEVELOPMENT CONTROL PLAN

The DCP comprises 5 parts as follows:

- (a) General Requirements;
- (b) Development Controls;
- (c) Character Statements;
- (d) Dictionary; and
- (e) Appendices.

Each of these parts is described in the following subsections.

1.7.1 Part A – General Requirements

Part A of the DCP comprises 5 sections containing information relating to the status and use of the DCP in the development assessment process.

1.7.2 Part B – Development Controls

Part B of the DCP comprises 21 sections, each containing provisions relating to a specific type of development or issue.

Each section to this Part commences with a general explanation of what the issues are and what Council is trying to achieve. This is supported by a number of objectives and provisions for each particular issue that needs to be considered in the assessment of a proposed development when it applies.

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 will 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 control. Subsection 1.8 to this Part provides further details as to when additional information is required.

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. To further assist applicants in determining which Sections of the DCP may be relevant to a particular development, each section makes reference to other Sections of the DCP that may also need to be considered.



1.7.3 Part C – Area Character Statements

The LGA comprises a number of neighbourhoods which display distinct characteristics. This Part of the DCP identifies the desired future outcomes for each of these neighbourhoods. In addition, this Part of the DCP contains additional provisions which relate to development within these neighbourhoods. The provisions within this Part take precedence over the provisions within Part B of the DCP.

1.7.4 Dictionary

Definitions for the interpretation of the provisions of the DCP are contained in the Dictionary at the end of this DCP. The definitions contained within dictionary to NSLEP 2013 are adopted for the purposes of this DCP.

1.7.5 Appendices

This part contains useful information that is referred to throughout the DCP.

1.8 VARIATIONS TO KEY DEVELOPMENT CONTROLS

To ensure the consistent application of key development standards 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 standards:

- Setbacks, contained within provisions P2 and P6 to s.1.4.6, P6 and P7 to s.1.4.3 and P3 and P7 to s.3.3.6 to Part B of the DCP,
- Site coverage controls, contained within provisions P1 to s.1.5.5 and P1 to s.3.4.4 to Part B of the DCP, and
- Landscaped area and unbuilt upon area controls contained within provisions P1 to s.1.5.6 and P1 to 3.4.5 to Part B 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 has considered the following matters:

- (a) the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (i) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (ii) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (b) the consent authority is satisfied that:
 - (i) **the applicant's** written request has adequately addressed the matters required above, and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (c) the consent authority has considered:
 - (i) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (ii) the public benefit of maintaining the development standard.



1.9 REQUIREMENTS FOR SUBMISSION OF INFORMATION WITH DEVELOPMENT APPLICATIONS

Part A: Section 3 – *Submitting an Application* provides a checklist of information to be included when submitting a development application.

For further advice on the information required to be submitted with a development application, please contact **Council's Customer Service Centre**.

1.10 MONITORING AND REVIEW

Consent authorities are required to keep LEPs and DCPs under regular and periodic review under [Section 73 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 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 the desired future character of North Sydney is maintained and the amenity of residents protected.

1.11 LAND AND ENVIRONMENT COURT PLANNING PRINCIPLES

The Land and Environment Court have produced a number of Planning Principles to provide guidance on how the decision making process might be applied to the facts and circumstances for a particular type of case or issue.

Planning Principles deal with a broad range of topics and generally fall into one of two categories:

- Descriptive and Prescriptive Principles: These types of Planning Principles include describing what may/might be regarded as the answer when a planning instrument proposes that an undefined performance criterion must be achieved.
- Process Orientated Principles: These types of principles provide guidance for decision makers on how to consider an issue where there is no detailed approach in the relevant planning instrument.

When preparing a development application, applicants are advised to consider the Land and Environment Court Planning Principles. The Planning Principles can be viewed on the Land and Environment Court's [website \(www.lawlink.nsw.gov.au/lec\)](http://www.lawlink.nsw.gov.au/lec) website.

New Planning Principles may be introduced at any time and are also subject to amendment without notice. Accordingly, applicants are advised to always check the Land and Environment Court website for the most current Planning Principle that applies when preparing a development application.



SECTION 2 CONTEXT

This Section provides a general description of the North Sydney LGA and details of its composition. More detailed information regarding North Sydney's demographic profile (including past present and projected data) can be obtained from Council's website (refer to www.northsydney.nsw.gov.au/www/html/4126-community-profile.asp https://www.northsydney.nsw.gov.au/Community_Services/About_North_Sydney/Community_Profiles).

2.1 GENERAL PROFILE OF NORTH SYDNEY

North Sydney Council serves an area of 10km², which incorporates thriving business districts and diverse residential areas.

Suburbs in the North Sydney area include Cammeray, Cremorne, Crows Nest, Kirribilli, McMahons Point, Milsons Point, Neutral Bay, North Sydney, St Leonards, Waverton and Wollstonecraft.

Almost ~~Around~~ half of North Sydney's ~~7262,150~~²⁸⁹¹ residents are aged between ~~250~~ and ~~494~~ years. ~~There is a comparatively low proportion of households with children~~ Proportionally there are more couples without children and single person households.

The population is highly mobile. Just ~~under over~~ half of all residents rent, and of those who rent, approximately half moved to a new address in the last Census period.

The dwelling density is higher than in most other parts of Sydney and is increasing. ~~Four in five residents live in medium to high density housing~~ Around 89% of total dwellings in the North Sydney LGA are medium-high density (generally comprising apartments, ~~multi-dwelling housing, attached dwellings and semi-detached dwellings~~ townhouses and terraces).

North Sydney has a high level of visitors - some ~~50,791~~^{62,112}² people travel to North Sydney for work, and of the ~~over 17,000~~^{16,526}³ students attending schools and tertiary institutions, only one in five lives in the area.

The principal commercial activities in the North Sydney Central Business District (CBD), one of the largest in Australia, are advertising, marketing, retail, information technology, finance, telecommunications and property development.

2.2 RESIDENTIAL POPULATION

These statistics are derived from information reported in the Australian Bureau of Statistics ~~2011~~²⁰¹⁶ Australian Census.

- Just over half (~~55~~⁵⁴%) of North Sydney residents are Australian born ~~whilst the remainder were born overseas~~. This represents a substantial reduction (11%) in the overall portion of Australian born residents since 2001, with the portion consistently dropping by approximately 5% since 1996.
- ~~The total number of people born overseas is 22,733~~ In 2016 38% of North Sydney's population was born overseas. 57% of rResidents who had arrived in Australia between 2006 and 2016 from spoke a -English language other than English at home, speaking countries (ESC) (9,664 persons) indicating that a majority of new residents came ~~is less than new residents from non-English speaking countries (NESC) (13,069 persons).~~

¹ ABS Australian Census 201~~1~~⁶

² ABS Australian Census ~~2006~~²⁰¹⁶

³ ~~The Educational Institutions in North Sydney Study 2007~~ Education Precinct Planning Study 2013, prepared by North Sydney Council



- The three ~~largest most common countries of birth outside Australia~~ ~~overseas born groups~~ are ~~from the United Kingdom~~ ~~England~~ (4,926.6% persons), New Zealand (2,059 persons 3.0%), and China (1,382 persons 2.9%, ~~not including SARs and Taiwan~~) ~~despite reductions in the level of migration~~. The three largest groups from ~~ESC~~ ~~English speaking countries~~ are from the United Kingdom, New Zealand and South Africa.
- The three largest overseas born groups from NESCS are from China, ~~Japan~~ ~~India~~ and ~~Hong Kong~~ ~~Japan~~. The dominant non-English speaking country of birth in the LGA was China, where ~~2.92-2%~~ of the population, ~~or 1,382 people~~, were born.
- Between the 1996 and ~~2011~~ ~~2016~~, there has been a consistent reduction in the number of residents born overseas from ESC and consistent increases in the number of residents from NESCS.
- The ~~number~~ ~~proportion~~ of residents born in New Zealand and Japan decreased between ~~2006~~ ~~2011~~ and ~~2011~~ ~~2016~~, while ~~the number of~~ residents born in China, ~~Hong Kong~~ ~~India~~ and the United Kingdom have increased. There are also ~~notable~~ increases in ~~the number of~~ residents born in ~~India~~, ~~South Africa~~, Malaysia, Korea and the Philippines.
- In 2016, ~~12,231 residents (19.6%)~~ ~~24.7% of households~~ spoke a language other than English ~~at home~~. ~~The largest NES language group is Chinese.~~ The main languages spoken in North Sydney other than English are ~~Cantonese~~, Mandarin (3.4%), ~~Cantonese (2.5%)~~ and ~~Japanese (1.8%), Spanish (1.4%) and French (1.1%).~~ ~~Approximately 70% of the population speak English only.~~
- North Sydney has a low proportion of residents ~~with low English language proficiency who speak little or no English (1,269 2.2%).~~⁴ The largest numbers of residents ~~with little or no English speak~~ ~~with low proficiency in spoken English spoke~~ ~~Japanese (253 persons)~~, Mandarin (231-372 persons), ~~Japanese (223 persons)~~ and Cantonese (164-182 persons), ~~and~~ ~~The majority most of these~~ of residents ~~with~~ ~~were aged between~~ ~~little or no English are between 25-55 and 54-64~~ years of age.
- ~~Cantonese speakers increased by the largest number between 1996 and 2011~~ ~~Between 2011 and 2016 the number of Mandarin speakers increased from 1,495 to 2,276 residents, overtaking Cantonese as the most common language other than English.~~
- North Sydney has a higher proportion of people born overseas than Sydney as a whole but a lower proportion of people born in a ~~Non-English~~ ~~non-English~~ ~~s~~ Speaking Countries (NESCS). Overall, ~~38.5%~~ of the population was born overseas, and ~~17.520.1%~~ were from a non-English speaking background, compared with ~~336.84.2%~~ and ~~2246.43%~~ respectively for the ~~Sydney Statistical Division~~ ~~Greater Sydney Area~~.

2.3 WORKING POPULATION

These statistics are derived from information reported in the Australian Bureau of Statistics ~~2006~~ ~~2016~~ Australian Census.

- ~~In 2006~~ ~~2018~~, there were ~~72,245~~ ~~60,053~~ ~~people~~ ~~local working jobs~~ in the North Sydney LGA, including 32,768 males and 27,285 females. ~~The working population decreased by 5.1% between 2001 and 2006, making a contribution of \$18.53 billion, to the Gross Regional Product (GRP) of NSW.~~
- ~~The North Sydney CBD is the focus of economic activity in the LGA, containing 60,400 jobs as of 2017.~~
- The LGA has a younger working population, with ~~45.6~~ ~~39.8%~~ of the working population under 35 years of age, ~~compared~~ ~~similar to the average for Greater~~

⁴ ~~ABS Australian Census 2016, refers to those who spoke English 'not well' or 'not at all'~~



Context

~~Sydney of 38.8% of workers are under 35 with 36.2% for the Sydney Statistical Division. 13.849% of North Sydney's working population is aged 55 years or over compared with 17.326.0% for the Sydney Statistical Division Greater Sydney Area.~~

- ~~59.751% of the working population was born in Australia. 17.8% of the working population was born overseas in an ESC. There were large proportions and numbers of workers who were born in the United Kingdom and New Zealand. 15.5% of the working population was born overseas in a NES. 34.4% of local workers speak a language other than English at home, and 12.1% of local workers arrived in Australia between 2011 and 2016.~~
- ~~The main cultural groups of workers born in a NES were are from India (5.9%), China (4.4%), Philippines (2.1%) and Hong Kong (1.5%). There are also significant groups of workers from the UK (7.7%), New Zealand (3.0%) and South Africa (1.8%).~~ China, Japan and India.
- ~~The main languages spoken by workers in North Sydney other than English were are Cantonese, Japanese and Mandarin. The number of workers in the LGA who spoke a language other than English increased by 32.4% between 1996 and 2006.~~

2.4 EDUCATIONAL CENTRES POPULATION

~~In 2006-2013 there were were over 16,52617,000⁵ students attending North Sydney schools or tertiary institutions, of which only one in five are residents of North Sydney. The majority of students are at primary or secondary level, with 35% of students in primary school, and 57% in secondary school. In 2016 4.8% of the residential population were attending primary school, 3.1% were attending secondary school, 6.1% were enrolled in university and 1.3% were enrolled in TAFE. The majority of the residential population (74.5%) are not attending an educational institution.⁶~~

2.5 RELIGIOUS AFFILIATION

~~The major religious affiliations in North Sydney are Anglicanism Catholicism and Catholicism Anglicanism, with six times as many adherents as the next most numerous being Uniting Church with 21.3% and 13% of North Sydney's population adhering to these religions in 2016. The other most common religious affiliations are Buddhism (2.7%) and Hinduism (2.3%). 37.8% of people The number of Buddhists outnumbers those professing Orthodox Christianity, Hinduism, Islam and Judaism. 29% of people in North Sydney profess to have no religion.~~

2.6 THE ECONOMY

North Sydney residents, workers, students and visitors have access to a broad range of services, facilities and activities that are an integral part of North Sydney's identity and contribute to quality of life in the area.

North Sydney is an important economic centre with strong industry links to the global economy. There is a diversity of industry in the very large and predominantly commercial office centre in the CBD, the mixed commercial and retail centres of St. Leonards/Crows Nest and Neutral Bay/Cremorne, the smaller predominantly retail suburban centres, harbour services and related industries, and individual businesses in local neighbourhoods.

The major commercial centres have an important role in facilitating and supporting economic development and job creation and providing access to goods and services. Their character and function are integral to economic vitality. The smaller centres have a similar role on a smaller scale.

⁵ ~~Education Precinct Planning Study 2013, prepared by North Sydney Council The Educational Institutions in North Sydney Study 2007, prepared by North Sydney Council.~~

⁶ ~~ABS 2016 Australian Census~~



North Sydney has been identified in the ~~State Government's~~ Greater Sydney Commission's Metropolitan Strategy, North District Plan, as ~~a Global City~~ part of the 'Eastern Economic Corridor', a series of interconnected employment hubs stretching from Macquarie Park to Sydney Airport. The North Sydney CBD is also identified by the Greater Sydney Commission as a component of the 'Harbour CBD', with a thriving office market complementary to the Sydney CBD, whose workforce is larger and growing faster than its resident population.

Approximately ~~86.5%~~ 86.5% of the ~~workforce~~ local workers ⁷ ~~lives~~ live outside the LGA. ⁸ ~~The~~ Both the resident and workforce ~~working~~ populations are relatively young with relatively high education and skill levels, with 53.5% of residents and 58.3% of local workers having attained a Bachelor qualification or higher. ~~but~~ However, there are significant numbers of people with no post-school qualifications, 18.9% of residents and 18.5% of local workers. ⁹

The largest employers are "Professional, Technical and Scientific services" (~~27.516%~~ 27.516%), then "Finance and Insurance" (~~10.955%~~ 10.955%) and then "Information Media and Telecommunications" (~~6.75%~~ 6.75%). The proportion of local workers employed in all three of these sectors is higher than the average across Greater Sydney. ~~These~~ These employers are followed by (employing significantly fewer numbers) wholesale and retail trade, accommodation, restaurant, recreation and personal services, health care, education and community services.

North Sydney Council encourages development opportunities which support specialist businesses whilst maintaining diversity and balancing commercial and residential interests.

2.7 LAND USE

Land use in North Sydney predominantly comprises high and medium density residential and commercial development interspersed with some open space areas. ~~Regional Metropolitan~~ planning issues to consolidate urban development enhance North Sydney's status as a major commercial centre and its contribution role within the Eastern Economic Corridor and Harbour CBD, to a Global City as identified within ~~the NSW Government's~~ the Greater Sydney Commission's Metropolitan Strategy A Metropolis of Three Cities.

Residential and commercial population growth continues to put pressure on existing infrastructure facilities and the natural environment, including the bushland, foreshores and open spaces. The State Government's strategy for further growth within the LGA is causing some community concern about the rate and type of growth which in turn is affecting quality of life.

The ~~NSW Government's Draft Inner North Subregional Strategy (July 2007)~~ Greater Sydney Commission's North District Plan, identifies key strategic centres, ~~and~~ employment corridors along and major city-shaping and city-serving transport corridors within which the most ~~Strategy's~~ future anticipated growth is ~~to be anticipated to predominantly located~~ occur.

~~Council's~~ Council's Residential Development Strategy 2009 focuses development in and round existing town centres that have good access to transport, services, community facilities, employment and recreation and away from more sensitive areas such as foreshores, bushland and conservation areas.

North Sydney LEP 2013 provides the main mechanism for controlling land use in the LGA. The LEP ~~has aligns with~~ has aligns with ~~been informed by~~ been informed by the desired outcomes of the ~~Draft Inner North Strategy~~ North District Plan and ~~Council's~~ Council's Residential Development Strategy. The DCP also contains additional provisions to ensure that conflicts between incompatible land uses are minimised.

⁷ ~~ABS 2006 Australian Census~~ ABS 2006 Australian Census

⁸ ~~ABS 2016 Australian Census~~ ABS 2016 Australian Census

⁹ ~~ABS 2016 Australian Census, figures based on percentage of population aged 15+~~ ABS 2016 Australian Census, figures based on percentage of population aged 15+



2.8 TRANSPORT AND CONNECTIVITY

The North Sydney LGA is highly accessible and is well-served by both road and public transport networks. This high level of accessibility is directly related to the LGA's central location within the Sydney Metropolitan Area and much of its commercial activity occurring the North Sydney Centre being situated within the Eastern Economic Corridor ~~Global Area~~ and identified as part of a ~~Global City~~ the Harbour CBD under the ~~2036 Metropolitan Strategy~~ Metropolis of Three Cities strategy. Due to its physical location within the Sydney Metropolitan Area and the restricted number of access points across Sydney Harbour to its centre, the LGA ~~acts as a large funnel for the movements of~~ accommodates large amounts of through-traffic and regional trips from the northern regions of the Metropolitan Area. Accordingly, substantial movements are merely just passing through the LGA, rather than being generated or ~~an end destination~~ there.

2.8.1 Vehicular Movements

The LGA is effectively split into two by the Warringah Expressway, which provides a major north-south arterial route for vehicles travelling to and through the area. A number of sub-arterial roads also feed into the Warringah Expressway.

In ~~2006~~ 2016, ~~32.56-7%~~¹⁰ of residents used private vehicles to travel to work, representing a ~~20-8% increase~~ decrease since ~~2001~~ 2011.¹¹ However, in the same time ~~frame~~ car ownership rose ~~substantially~~ from ~~0.76-98~~ cars per ~~dwelling-household~~ to 0.891-03 cars per ~~dwelling-household~~ in ~~2010~~ 2016. This increase in car ownership is placing additional demands on on-street parking and traffic efficiency.

Council has been proactive in reducing traffic and parking congestion through the promotion of the use of public transport, car-share schemes, and other alternative means of transport.

2.8.2 Public Transport

The LGA has a high level of accessibility to public transport including train, bus and ferry services.

Train

The North Shore Railway Line runs through the south-western portion of the LGA with stations located at Wollstonecraft, Waverton, North Sydney and Milsons Point. This line provides direct services to Hornsby via Chatswood and the Blue Mountains. Parts of the LGA are also in close proximity to St Leonards railway station.

North Sydney Railway Station has been upgraded to provide additional capacity to the subregion. This upgrade was completed in late 2008 and was expected to improve commuter capacity by 30%.

Construction of the Sydney City and Southwest Metro lines ~~City and Southwest~~ has commenced, being a continuation of the North-west Metro line between Schofields and Chatswood which commenced operation in mid 2019. ~~with~~ The first stage of the continuation comprises ~~ing~~ a new metro line running from ~~between Chatswood to and Sydenham~~ Bankstown, due to open in 2024- The Metro line extension will run through the North Sydney LGA with two new stations to be located at Victoria Cross and Crows Nest. This stage of the Metro is expected to be completed and operational by 2024.

In ~~2006~~ 2016, ~~21.814-9%~~¹² of residents travelled by train to work, which represents a ~~4.70-5% decrease~~ increase since ~~2001~~ 2011. ~~However,~~ the level of train patronage has risen ~~more~~ dramatically in recent years in response to rising fuel costs.¹³ In ~~2003-2014~~

¹⁰ ABS 2006-2016 Australian Census

¹¹ ABS 2016 Australian Census

¹² ABS 2006-2016 Australian Census

¹³ ABS 2016 Australian Census



North Sydney station had a daily through-put (in/out) of approximately ~~23,000~~ 26,220 passengers.¹⁴ ~~86.4%~~ 6% of the working population live outside of the LGA, ~~the majority of which with 48.3% of local workers catch public transport to the LGA using public transport as a method of travel.~~

Bus

The LGA is well serviced by buses, with most parts of the LGA located in close proximity to a bus stop. Most bus services provide access to the Sydney CBD to the south and northern parts of the Sydney Metropolitan Area.

There was a ~~notable small~~ increase in the number of ~~people~~ workers travelling to work by bus from ~~9.315%~~ 6% to ~~10.46%~~ 6% of local workers between 2011 and 2016. For North Sydney residents there was a small decrease in the number of residents travelling to work by bus, from 17.3% to 16.5% of the LGA's population.

Ferry

There are 9 public ferry wharfs within the LGA, all of which are located on Sydney Harbour. They provide access to east as far as Manly, to the west as far as Parramatta and to a large number of suburbs on the southern foreshores of Sydney Harbour.

There was a notable decrease in the number of people travelling to work by ferry from ~~3.214%~~ 1.52% of the resident population between 2011 and 2016. This decrease was primarily as a result of a reduction in ferry services being provided. The number of local workers travelling to work by ferry remained constant between 2011 and 2016 at 0.4%.

2.8.3 Walking and Cycling

The LGA also has some well established pedestrian and cycle networks, especially within the North Sydney CBD, and to the surrounding areas.

The North Sydney CBD suffers heavily from through-traffic, which impacts on pedestrian and cyclist accessibility, amenity and safety. A series of public domain works and new dedicated cycle routes are being implemented through the LGA to help improve the amenity and safety of cyclists and pedestrians.

There was a marginal ~~increase~~ decrease in the number of ~~people~~ residents walking to work from ~~11.9%~~ 10.92% of the LGA's population. For local workers the trend was similar, with a decrease from 6.3% to 5.8% of the LGA's working population walking to work.

With regard to cycling, Council has installed approximately 21.9 kilometres of a planned total of 26.2 kilometres of on and off-road bike paths. As well as the marked cycle routes, a cycling map was developed to compliment **Council's North Sydney Bike Plan**, which has identified existing bicycle paths and prioritised funding for the construction of new bike paths.

2.9 BIODIVERSITY

There are approximately ~~493~~ hectares of bushland in North Sydney supporting ~~129~~ 347 native ~~fauna~~ flora species and ~~344~~ 190 native fauna species including 4 frog species, 20 reptile species, 148 bird species and 18 mammal species, in an area of 10km². Most of this bushland is located on the foreshores of Middle Harbour or Port Jackson. These areas generally comprise narrow strips bordering urban development, with larger areas of bushland at Balls Head, Berry Island Reserve and Tunks Park.

Altered natural fire regimes have caused changes to vegetation patterns and native wildlife. Bushwalking and picnicking can also impact on bushland areas.

Pesticides and herbicides, increased nutrients, oils and detergents, chemicals, weed material, leaf litter and sediments all contribute to stormwater runoff that damages aquatic

¹⁴ TfNSW Train Statistics 2014



Context

ecosystems. In addition, high levels of phosphates and nitrates in stormwater encourage weed growth in the bush areas.

Non-native plants and animals, habitat loss and urbanisation all put pressure on bushland areas.

Community involvement and education can help protect our remnant bushland. Volunteers in the Bushcare program undertake bush regeneration in eleven sites throughout the LGA. Council provides bush regeneration training for volunteers and specialist workshops on Plant Propagation, Creating Wildlife Habitat Gardens, Wildlife Watching and Aboriginal Site Awareness.

2.10 CULTURAL RESOURCES

2.10.1 Aboriginal Heritage

The Cammeraygal people of the Eora nation are the traditional custodians of the North Sydney area. North Sydney contains significant Aboriginal cultural heritage, with 60 known sites of Aboriginal heritage significance within the LGA.

A general lack of knowledge and understanding of Aboriginal culture and heritage sites has resulted in the unintentional damage of sites within North Sydney. It is currently the greatest threat to the effective conservation of Aboriginal Heritage sites.

Other factors putting pressure on the preservation of Aboriginal Heritage sites include excavation and construction work, more visitors, vandalism and pollution.

Council has developed a strategy for the conservation and management of approximately sixty the Aboriginal sites within North Sydney. The sites, which are registered with the National Parks and Wildlife Service, include middens, occupation sites, rock engravings and rock art and date back at least 7,000 years.

The strategy includes a comprehensive register of all sites and provides specific recommendations on their conservation and management. It also outlines opportunities for the community to become involved in the care and management of sites.

Since 2000 North Sydney Council has been a member of the Aboriginal Heritage Office (AHO), a partnership Together with Lane Cove, Willoughby, and Warringah Strathfield, Ku-ring-gai and Northern Beaches Councils. The AHO provides advise and expertise to its partner organisations in order to protect Aboriginal sites and promote Aboriginal heritage.

North Sydney Council funds the position of an Aboriginal Heritage Manager to take a regional approach to the protection of Aboriginal sites and cultural heritage in the four participating Council areas.

2.10.2 Non-Aboriginal Heritage

North Sydney contains a rich and diverse cultural heritage of structures and places, industrial sites, lookouts, streetscapes, urban patterns, parks and reserves. These elements contribute to community cultural life and a sense of place and identity. They form important tangible **links to North Sydney's past that need to be conserved** for future generations. Much of this valuable heritage is privately owned.

Increases in population and development puts pressure on Council to **maintain each area's** heritage and as a result building, demolition and alteration works pose significant threats to North Sydney's cultural heritage. A lack of awareness and appreciation of cultural heritage can also pose threats to its presence in an area.

New heritage provisions have been incorporated into both NSLEP 2013 and NSDCP 2013 to allow more effective assessment of development applications, whilst helping to remove a number of previous hurdles which appeared to unfairly restrict the development potential of affected sites.

New character statements have been prepared for each conservation area to help inform the design of future redevelopment of land within those conservation areas. In particular, they



identify the characteristic elements of these areas which Council would like to see retained and an explanation of their significance.

Part B: Section 13 – *Heritage and Conservation* to the DCP provides the context for maintaining what is physically and socially valuable to the community.

2.11 NOISE

Noise complaints in North Sydney are mainly associated with noise from commercial premises, social events and barking dogs. Transport corridors through North Sydney are also a source of noise, particularly the Pacific Highway and the Warringah Freeway corridor.

Special events such as New Years Eve celebrations at Bradfield Park and sporting events at North Sydney Oval pose temporary concerns for residents. Longer term problems are associated with increased traffic in North Sydney.

Council continues to use its powers under the [Protection of the Environment Operations Act 1997](#) to enforce noise controls in the community. In addition, Council utilises the NSW Industrial Noise Policy in regulation and planning matters. This Policy covers noise from a range of sources including industrial and commercial premises and is used in the assessment of new developments, modification to existing developments and noise associated with existing development.

Commercial and residential noise guidelines are incorporated within the DCP, with specific controls for late night trading premises (i.e. those premises which usually operate beyond 10.00pm.

2.12 AIR QUALITY

Air quality is both a local and global problem. On a local scale North Sydney experiences photochemical smog and fine particle emissions which can cause health and visibility problems. Major air quality issues globally are 'climate change' and 'ozone depletion'. It is now accepted that changes in climate and depletion of the ozone layer is being caused by human activity and Australia's per capita greenhouse gas emissions are the second highest in the world.

The greatest pressures on air quality in North Sydney are from motor vehicles, fires and energy consumption. Motor vehicles emit a range of gases and fine particles that can have harmful health and environmental effects. Fossil fuels burnt to produce electricity release greenhouse gases that cause climate change.

The Energy Smart Installers program is a free electricity and water audit offered to residents that can reduce electricity and water use in the home. Council is also a partner in the Energy Smart Business program that requires Council to reduce its greenhouse gas emissions by improving its day-to-day operations.

In July 2019 North Sydney Council became the 30th Australian Council to declare a 'climate emergency', as a response to the serious risk which climate change poses to the community. Council ~~recently~~ has also joined the international Cities for Climate Protection campaign, which involves conducting a greenhouse gas emissions audit, committing to an emissions reduction goal, developing and implementing an action plan and monitoring and reviewing performance.

Additionally, Council now purchases 25% of its electricity from renewable sources through Green Power and has a number of policies and plans to reduce motor vehicle use and fire emissions.

Council promotes energy efficient design through development controls for commercial, mixed use and residential development.



2.13 WATER QUALITY AND CATCHMENT MANAGEMENT

The LGA comprise two primary water catchments, that draining to Middle Harbour and that draining to Sydney Harbour. These catchments are divided into 16 sub-catchments, each draining into a major trunk system before discharging into Sydney or Middle Harbours. These catchments are severely degraded, with natural streams being replaced by concrete drains, increased impervious surfaces, litter, sediments, nutrients, bacteria, toxic organics and heavy metals can all affect water quality.

Water catchments in the LGA are under enormous pressure from increased urbanisation, drainage works, littering, erosion, construction sites, fertilisers, sewer overflows, garden waste, street trees, animal droppings, herbicides, pesticides and car emissions. These affect the natural water cycle, destroying the natural characteristics of creeks and polluting the water draining into Sydney and Middle Harbours.

Council has put in place planning, educational, capital works and enforcement activities to address the pressures being placed on North Sydney's water catchments.

North Sydney Council is a member of the Sydney Coastal Council Group, a collaborative regional organisation which seeks to advance sustainable management of Sydney's coastal and estuarine environment. Council as part of this group is participating in the establishment of a Coastal Management Plan (CMP), which comprises a long-term strategy for the co-ordinated management of land within the coastal zone. Any actions and recommendations from the CMP will be implemented through amendments to Council's planning controls.

Council has prepared and is implementing two Stormwater Management Plans for the Port Jackson North and Middle Harbour catchments. Council has installed gross pollutant traps, restored natural drainage lines, increased stormwater education and conducts inspections of commercial outlets.

Council continues monthly water quality monitoring of five of the larger catchments of North Sydney. The monitoring includes physical, chemical and biological tests used to assess the condition of the water. Results are used to focus management practices.

To address the issue of tree leaves and litter, Council has increased and improved street sweeping in the area, preventing the litter and leaves from entering the creeks and harbour.

2.14 WASTE

Waste is increasing and causing greater problems for the environment. Until recently the common way to manage waste was to bury it. Governments at all levels have realised that this is unsustainable and have begun initiatives to ensure improvements in waste handling practices, and a significant reduction in waste quantity and toxicity. Landfill is now viewed as a last resort, after waste has been avoided, reused or recycled.

The LGA's weekly waste and recycling collections increased from approximately 28,000 services in 1990 to ~~32,500~~ 33,678 services in 2015¹⁵. An average of ~~11.9~~ 40kg per week of waste was generated ~~per by each~~ household in the LGA in ~~between the year 2014 and 2015~~¹⁵. North Sydney has a relatively high recycling rate, with over 68% of domestic waste recycled.

Increased waste disposal costs and restrictions placed on existing landfill sites is a further incentive to reduce landfill.

Council is a leader in local government for waste management by minimising the amount of waste taken to landfill sites and introducing efficient, cost effective and convenient collection and disposal methods has become a priority.

Council ~~is~~ has also reduced ~~ed~~ landfill waste by ~~using~~ undertaking effective education campaigns and offering a comprehensive recycling service. This ~~has~~ had resulted in approximately a 70% reduction of domestic waste going to landfill since 1990. However, a

¹⁵ NSW EPA, NSW Local Government Waste and Resource Recovery Data Report 2014-15, 2016



recent EPA decision to limit the destination outputs from the waste treatment facility at Eastern Creek has significantly affected Council's ability to meet EPA landfill diversion targets.

Waste education initiatives include information brochures, advertising, talks, composting and worm farm demonstrations, waste minimisation displays and advice to developers and real estate agents on best practice design of garbage storage areas and effective recycling systems. Development controls contained within the DCP promote recycling and waste avoidance.



SECTION 3 SUBMITTING AN APPLICATION

3.1 INTRODUCTION

The NSLEP 2013 states what types of proposed development or works that are:

- permitted without development consent (i.e. no consent required from Council);
- permitted as “*exempt development*” (i.e. no consent required from Council);
- permitted as “*complying development*” (i.e. consent is required from either Council or a private certifier);
- permitted with development consent (i.e. consent is required from Council); or
- prohibited.

It should be noted that the permissibility and approval requirements of some types of developments are also affected by the provisions of other environmental planning instruments, such as State Environmental Planning Policies (SEPPs).

Where required, a development application or a complying development application must be made to in order to obtain development consent. Failure to lodge an application when development consent is required is a breach against the [EP&A Act 1979](#) and may be subject to prosecution, demolition and/or fines. Applicants are advised to refer to the LEP or to **contact Council’s Customer Service Centre or one of Council’s Planning Advisors** to confirm consent requirements.

Application forms are **available from the Customer Service Centre, or on Council’s website** (www.northsydney.nsw.gov.au) together with advice on the details, number and type of plans and supporting information required, fees and procedures.

3.2 PRE-DEVELOPMENT APPLICATION PROCESS

When preparing a development application, applicants are advised to first access the **planning and development information located on Council’s website** (www.northsydney.nsw.gov.au). However, should applicant have any further queries regarding their proposal, **or clarification of Council’s planning and development controls**, they are welcome to contact Council on Monday to Friday during business hours by phoning (02) 9936 8100.

Council’s Planning and Development Advisors can provide further advice prior to the lodgement of a development application. This advice is informal and is normally conducted over the telephone. However, short scheduled meetings (approximately 30 minutes and free of charge) can be held where the applicant would like to discuss a complex issue or has firm plans about what they are proposing.

Where an applicant seeks detailed feedback, a more formal pre-application meeting is also available. These meetings are held with **Council’s technical advisors and an executive planner** or assessment team leader. A fee is charged for this service (**refer to Council’s Fees and Charges Schedule** available on **Council’s website**).

A pre-application meeting form is available from the Customer Service Centre, or on **Council’s website** (www.northsydney.nsw.gov.au). At least 10 days prior to the meeting, detailed sketches, **plans, photographs and applicant’s assessment of compliance** should be made available to Council officers. This will enable a more comprehensive analysis of your proposal and the provision of constructive feedback.

Within 10 days of the meeting, Council will provide minutes to the applicant, highlighting the **main issues discussed and the meeting’s outcome**.

Note: The outcome provided within the minutes is not an authoritative statement as to the likely success of an application. A determination can only be made following the lodgement of an application and the completion of the assessment process.



Applicants are strongly encouraged to discuss their proposals with adjoining property owners or occupants prior to the lodgement of a development application. The purpose of this is to determine issues that a neighbour may have early on and to try and have these issues resolved prior to the development application being assessed by Council. Resolving these issues early can help to reduce the amount of time that an application needs to be assessed (i.e. no need to submit revised plans).

3.3 APPLICATIONS FOR DEVELOPMENT CONSENT

A development consent is issued to enable building works or the use of land to be undertaken as permitted under the provisions of NSLEP 2013 or any other relevant SEPP. Development consent in most instances will be determined and issued by Council. However, in some limited circumstances, a development consent will be determined by the Minister for Planning or one of their delegates, ~~or by a Joint~~ the Sydney North Regional Planning Panel (i.e. development captured by SEPP (State and Regional Development) 2011 ~~or Schedule 4A of the EP&A Act 1979~~), or the North Sydney Local Planning Panel on behalf of Council (i.e. those developments which are required to be referred to the local planning panel by Ministerial Direction under s.4.8(3) of the EP&A Act 1979).

An application for development consent must be made in accordance with cl.50 and Part 1 to Schedule 1 of the EP&A Regulation 2000. The specific information and documents required to be submitted are reproduced on Council's development application form, copies of which are available from Council's Customer Service Centre or website (www.northsydney.nsw.gov.au). The documents that are generally required to be submitted with development applications are listed in the following subsections. These lists do not apply to applications for Tree Management Permits, for which specific requirements are set out in Part A: Section 3.65 of the DCP.

Council may waive some of these requirements for some applications, such as a change of use or minor alterations to a building, where the provision of such information is not deemed relevant. Applicants are encouraged to contact Council for more information if they are unsure. Where all relevant documentation is not provided the application may be rejected or put on hold for a limited period until such documentation is supplied.

Development consents issued by Council will last a maximum of 3 years in accordance with Council's policy. This time period may be varied by the provisions of the EP&A Act 1979.

3.3.1 General Requirements

The following documents are generally required to be submitted with all development applications:

- (a) A full *survey plan* of the site, prepared by a registered surveyor which must indicate at a minimum the following information:
 - (i) location, boundary dimensions, site area and north point;
 - (ii) location of any easements and rights of way;
 - (iii) location and uses of existing buildings on the site;
 - (iv) the existing levels of the site in relation to buildings and roads;
 - (v) the location of existing trees and vegetation on the site;
 - (vi) the location and uses of buildings on land adjoining the subject site.
- (b) *Site Analysis Diagram* (refer to Part A: Section 5 – *Site Analysis*).
- (c) *Plans or drawings* generally comprising a site plan, floor plans, elevations and sections, and where relevant subdivision plans. Council also encourages the submission of photomontages to illustrate the proposed development in its context.
- (d) *Shadow diagrams* for all new buildings or significant alterations to existing buildings, showing shadows at 9.00 am, 12 noon, and 3.00 p.m. on 21 June



Submitting an Application

(Winter Solstice), 21 September / March (Equinox) and 21 December (Summer Solstice). Some applications within the North Sydney CBD will also require the provision of shadow diagrams at 10.00am and or 2.00pm on 21 June, 21 September/March and 21 December. Shadow diagrams must be certified on the appropriate form by a surveyor, architect, or other competent person.

- (e) *Statement of Environmental Effects* or an *Environmental Impact Statement*, depending upon the type of development proposed.
- (f) A *table of compliance* demonstrating how the proposal complies with the relevant development standards contained within the LEP and DCP.
- (g) An *Efficient Use of Resources Commitment Table* demonstrating compliance with / consideration of (as relevant) provisions within the *Efficient Use of Resources* sub-sections of this DCP.
- (h) A *model*, for proposed residential development containing 4 or more dwellings, or for non- residential development with a floor area of 500m² or more.

3.3.2 Applications Involving Heritage Items or Conservation Areas

In addition to the requirements within s.3.3.1 to this Part, the following information is required with all development applications relating to heritage items, properties within the vicinity of a heritage item or land within a conservation area:

- (a) All sets of plans clearly indicating, in colour, existing walls to be removed and those to remain;
- (b) Measured drawings of the existing building including elevations;
- (c) A *statement of heritage impact*, or, if required, a *conservation management plan*;
- (d) Where a proposal involves demolition, a *structural engineers report* demonstrating why the building is not capable of restoration or reconstruction;
- (e) Details of external materials, finishes and colour schemes and in the case of heritage items, a list of internal features to be affected by the proposal.

3.3.3 Other additional Information for Development Applications

In addition to the requirements within s.3.3.1 to this Part, applicants may be required to submit additional information relating to specific issues to ensure that Council can make an informed decision when determining a development application. The instances when additional information is required are outlined throughout various Sections to Part B of this DCP. The information requirements are set out in the relevant Section. It should be noted that Council has concurrence powers to determine applications otherwise integrated under the NSW [Heritage Act 1977](#).

Where applicable, applicants should supply the following information:

- (a) Any information as appropriate to satisfy the relevant Integrated Development authority for development deemed to be Integrated Development pursuant to s. ~~91~~ [4.46](#) of the [EP&A Act 1979](#).
- (b) A BASIX Certificate for developments affected by [SEPP \(Building Sustainability Index: BASIX\) 2004](#).
- (c) One or a combination of the following in accordance with Part B: Section 14 - *Contamination and Hazardous Materials* of this DCP:
 - (i) A Preliminary Investigation;
 - (ii) A Detailed Investigation;
 - (iii) A Remedial Action Plan.



- (d) A ~~Green~~ Travel Plan in accordance within Part B: Section 10 – *Car Parking and Transport*.
- (e) A Hazardous Building Materials Survey Report, prepared in accordance with Part B: Section 14 - *Contamination and Hazardous Materials* of this DCP.
- (f) Applications for child care ~~centres~~ facilities also require the submission of:
- (i) A Landscape Plan; ~~and~~
 - (ii) An Environmental Risk Assessment Report. The Environmental Risk Assessment Report must be prepared by a suitably qualified consultant and should cover aspects relating to air pollution, land contamination and noise; ~~and~~
 - (iii) Written advice from the NSW Department of ~~Community Services~~ Education indicating that no objection, in principle, is raised to the proposal; ~~and~~
 - ~~(iv)~~ (v) An Emergency Evacuation Plan for child care facilities that are located above ground level.
- (g) Applications for non-residential development also require the provision of the following:
- (i) existing and proposed hours of operation; and
 - (ii) full details of the anticipated volume and frequency of deliveries or collections made to a site; and
 - (iii) the type and size of vehicles likely to be used to make any deliveries or collections to the site.
- (h) Applications for late night trading premises also may require the provision of a:
- (i) Plan of Management; or
 - (ii) Management Checklist.
- (i) Applications that involve excavation or ground penetration of greater than 2m in depth and within 25m of a rail corridor require the provision of the following:
- (i) Geotechnical and Structural report; and
 - (ii) Construction/Excavation Methodology
- (j) An Erosion and Sediment Control Plan prepared in accordance with Part B: Section 17 - *Erosion and Sediment Control* of this DCP.
- (k) A Waste Management Plan prepared in accordance with Part B: Section 19 - *Waste Management* of this DCP.
- (l) A Stormwater Management Plan prepared in accordance with Part B: Section 18 – *Stormwater Management* of this DCP. The plan must include the:
- (i) proposed method of stormwater disposal to be used until the inter-allotment system becomes functional.
 - (ii) approximate location of pits and pump-outs and site drainage system.
 - (iii) any site constraints such as trees, services, or structures that may affect the viability of the system.



3.4 APPLICATIONS FOR COMPLYING DEVELOPMENT CERTIFICATES

3.4.1 General Requirements

A Complying Development Certificate (CDC) is issued for works which satisfy set criteria as outlined in NSLEP 2013 or [SEPP \(Exempt and Complying Development Codes\) 2008](#). These certificates can be issued by Council or an independent accredited certifier. The onus is on the applicant to satisfy themselves that their proposal is one that is capable of being dealt with as complying development (i.e. the proposal must comply with all the set criteria). If in doubt, the applicant should err on the side of caution and lodge a Development Application (DA).

An application for a CDC must be made in accordance with cl.126 and Part 2 to Schedule 1 of the [EP&A Regulation 2000](#). The specific information and documents required to be submitted are reproduced on Council's CDC application form, copies of which are available from Council's Customer Service Centre, or website (www.northsydney.nsw.gov.au). The documents that are generally required to be submitted with all CDC applications include the following:

- (a) Survey plan;
- (b) Detailed plans, generally comprising a site plan, floor plans, elevations and sections, and where relevant subdivision works plans;
 - Where the proposed works involve any alteration or addition to, or rebuilding of an existing building, the general plan is to be coloured or otherwise marked to the satisfaction of the principal certifying authority to adequately distinguish the proposed alteration, addition or rebuilding.
- (c) Specifications, to describe the construction and materials of which any building is to be built and the method of drainage, sewerage and water supply;

In addition to the above, the following documents may be required:

- (d) Fire Safety Statement detailing existing and proposed fire safety measures;
- (e) BASIX Certificate for BASIX affected buildings;
- (f) Detailed Engineering Plans for subdivision;
- (g) Where the application involves an alternative solution to meet the performance requirements of the BCA relating to fire safety (refer to cl.130 of the [EP&A Regulation 2000](#)):
 - (i) details of the performance requirements that the alternative solution is intended to meet, and
 - (ii) details of the assessment methods used to establish compliance with those performance requirements
- (h) If relevant, evidence of any certified component, process or design.

3.4.2 Home Building Act

In the case of an application for building work that involves residential building work (within the meaning of the [Home Building Act 1989](#)) the following information is to be attached to a CDC application:

- (a) in the case of work by a licensee under the [Home Building Act 1989](#):
 - (i) a statement detailing the licensee's name and contractor licence number, and



- (ii) documentary evidence that the licensee has complied with the relevant requirements of the [Home Building Act 1989](#)¹, or
- (b) in the case of work done by any other person:
 - (i) a statement detailing the person's name and owner-builder permit number, or
 - (ii) a declaration signed by the owner of the land, to the effect that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in s.29 of the [Home Building Act 1989](#).

3.4.3 Long Service Levy

Pursuant to s. ~~4.28~~^{95A}(10A) of the [EP&A Act 1979](#) a CDC cannot be issued by either Council or an accredited certifier until any long service levy payable under s.34 of the [Building and Construction Industry Long Service Payments Act 1986](#) (or where such a levy is payable by instalments, the first instalment of the levy) has been paid. The local council may be authorised to accept payment.

3.5 APPLICATIONS FOR TREE MANAGEMENT PERMITS

This sub-section only applies to applications to remove, lop, top or prune one or more ~~prescribed~~ ~~declared~~ trees or vegetation, as identified under ~~cl.5.9(2) of NSLEP 2013 and~~ Part B: Section 16 - *Trees and Vegetation Management* of this DCP and where no other development is involved.

The following information must be provided for applications to which this section applies:

- (a) **Applicant's name and address;**
- (b) Address and legal description of the property on which the subject tree/s are located;
- (c) Consent of all property owners;
- (d) Other approvals necessary (if any);
- (e) Description of proposed work to be done;
- (f) Whether the proposed works involves tree removal, lopping, topping or pruning;
- (g) Site plan illustrating the site, the position of tree/s affected and any buildings in the proximity of the tree/s;
- (h) Statement of environmental impact (i.e. a statement which explains why the tree/s need to be removed, lopped, topped or pruned); and
- (i) Any other information requested by the Council that is relevant to the special circumstances of the case (e.g. an arborist report).

All relevant documentation must be supplied with the application. Where all relevant documentation is not provided the application may be rejected or put on hold for a limited period until such documentation is supplied.

¹ A certificate purporting to be issued by an approved insurer under Part 6 of the [Home Building Act 1989](#), to the effect that a person is the holder of an insurance contract issued for the purposes of that Part, is sufficient evidence that the person has complied with the requirements of that Part.



SECTION 1 RESIDENTIAL DEVELOPMENT

1.1 INTRODUCTION

The North Sydney LGA has the second highest dwelling density in NSW. This is reflected in the high proportion of medium (25%) and high density (55.64%) dwellings accommodated within the LGA. The demand for housing in the LGA is driven by a number of factors, including:

- The aesthetic and cultural characteristics of the LGA such as parks, bushland, foreshore areas and heritage retention;
- The proximity to employment areas, including Sydney City and North Sydney CBDs, both of which lie within the Sydney global economic corridor of industry and business, located between Sydney Airport and Macquarie Park;
- Access to a range of retail, recreational, educational and health services; and
- The extent and accessibility of transport infrastructure.

This demand for housing has seen increases in property and rental values, resulting in pressures for the redevelopment of housing for medium and high density accommodation and high cost housing. Additional pressure also comes from the need to accommodate additional dwellings in line with the State government's [Metropolitan Strategy Regional Plan for Sydney](#).

This pressure to accommodate more housing can sometimes result in adverse impacts on the amenity of existing residents in terms of overshadowing, visual and acoustic privacy, traffic congestion and access to open space. Accordingly, development controls are required to ensure that any amenity impacts are minimised.

Council is also wary of the need to provide adequate housing choice to reflect the LGA's future residential demographic profile (refer to Part A: Section 2 – *Context* to the DCP). In particular, there is a need to provide a mixture of dwellings in terms of their type, size, adaptability and affordability.

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 [Residential Development Strategy 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 adverse impacts on residential amenity or environmental quality;

[O6](#) is in context with surrounding development;

[O7](#) contributes to the garden setting and lower scale 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



~~010~~011 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 residential accommodation, including:

- (a) Attached dwellings;
- (b) Boarding houses;
- (c) Dual occupancies;
- (d) Dwelling houses;
- (e) Group homes;
- (f) Multi dwelling housing;
- (g) Residential flat buildings;
- (h) Secondary dwellings;
- (i) Semi-detached dwellings; and
- (j) Seniors housing.

However, this Section of the DCP does not apply to any of the residential accommodation types listed above, if they are proposed within the B4 Mixed Use zone. Residential accommodation proposed in the B4 Mixed Use zone is subject to the relevant provisions under Part B: Section 2 – Mixed Use and Commercial Development of the DCP.

Non-residential development which is proposed within residential zones is covered by Part B: Section 3 - *Non-residential Development in Residential Zones* of the DCP.

1.1.3 Relationships to other sections

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

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 10 – Car Parking and Transport;
- (c) Part B: Section 11 – ~~Traffic Guidelines for Development~~ Construction Management;
- (d) Part B: Section 12 – Access;
- (e) Part B: Section 13 – Heritage and Conservation;
- (f) Part B: Section 16 – Tree and Vegetation Management;
- (g) Part B: Section 15 – Bushland;
- (h) Part B: Section 17 – Erosion and Sediment Control;
- (i) Part B: Section 18 – Stormwater Drainage;
- (j) Part B: Section 19 – Waste Minimisation and Management; and
- (k) Part B: Section 20 – Public Infrastructure.

1.1.4 Relationships to other documents and planning policies

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

- (a) ~~SEPP 65 – Design Quality of Residential Flat Development~~ SEPP 65 – Design Quality of Residential Apartment Development;



- (b) The DoP's Residential Flat Design Code Apartment Design Guide;
- (c) SEPP (Affordable Rental Housing) 2009;
- (d) SEPP (Coastal Management) 2018;
- (e) Liveable Housing Australia's Liveable Housing Design Guidelines;
- ~~(f)~~ (f) SEPP (Housing for seniors and people with a disability) 2004;
- ~~(g)~~ (g) The DoP's Seniors Living Policy – Urban Design Guidelines for Infill Development;
- ~~(h)~~ (h) SEPP (Building Sustainability Index: BASIX) 2005;
- ~~(i)~~ (i) SEPP (Infrastructure) 2007;
- ~~(j)~~ (j) The DoP's Development Near Rail Corridors and Busy Roads – Interim Guideline (19 December 2008);
- ~~(k)~~ (k) SREP (Sydney Harbour Catchment) 2005;
- ~~(l)~~ (l) The DoP's Sydney Harbour Foreshores and Waterways Area DCP (2005); and
- ~~(m)~~ (m) The Rural Fire Service's Planning for Bush Fire Protection (2006).

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.
- ~~O3 To encourage the provision of adaptable housing in new developments so that residents can age in place.~~
- ~~O4 To enable residents to age in place.~~



Provisions

~~P1~~ Developments should aim to achieve a dwelling yield that is generally consistent with Council's Residential Development Strategy (2009)¹, being approximately:

- ~~(a)~~ 240m² gross site area per attached dwelling or multi-dwelling housing, or
- ~~(b)~~ 90m² gross site area per apartment within a residential flat building.

~~P2~~^{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.

~~P3~~^{P2} Despite ~~P1~~² above, no more than 55% of all dwellings must comprise a combination of both studio and 1-bedroom dwellings.

~~P4~~^{P3} Residential flat buildings containing 20 or more dwellings should provide a mix of dwelling sizes in accordance with Table B-1.1.

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

~~P4~~ Variations to the dwelling mix within ~~P3~~^{P2} or ~~P3~~^{P4} 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.²

¹ ~~Dwelling yield will be ultimately determined through a development's compliance with other relevant controls contained within the LEP and DCP.~~

² ~~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.~~



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Note: For details on the universal design features and performance requirements of the Livable Housing Design Guidelines visit <http://www.livablehousingaustralia.org.au/>.

~~P5~~P2 A minimum of ~~20~~15% of dwellings in multi-dwelling housing and residential flat buildings that contain more than 5 dwellings must comprise adaptable housing³, and be designed and constructed to a minimum Class C Certification under AS 4299 – Adaptable Housing.

~~P6~~P3 Where adaptable housing is required to be provided, the adaptable housing components must:

- (e) be integrated into the overall design of the development, and not be isolated; and
- (f) not use a different standard of materials and finishes to the remainder of the building.

~~P4~~ Where universally designed and adaptable dwellings are proposed, those dwellings must be clearly identified as such on the submitted development application plans.

~~P7~~P5 Developments requiring adaptable housing must also satisfy the provisions of Part B Section 12.5 of this DCP.

~~P8~~ Provide indoor and outdoor spaces that meet the needs of different population groups and build flexibility into communal space to meet changing needs.

4.2.21.2.3 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).

4.2.31.2.4 Affordable housing

Housing is considered affordable when households that are renting or purchasing are able to pay their housing costs and still have sufficient income to meet other basic needs such as food, clothing, transport, medical care and education.

Individuals working in key services on low-to-moderate incomes are finding it increasingly difficult to find affordable housing close to their work places. Over time, these individuals may choose not to work in high cost areas that are too far from their accommodation. By increasing access to affordable housing, we work towards integrated and sustainable communities that function in a way that benefits the whole community.

Affordable housing can be provided by both the government and private sectors. More information about affordable housing can be obtained from the Department of Planning's website (www.planning.nsw.gov.au) and Housing NSW's website (www.housing.nsw.gov.au).

Objectives

O1 To prevent the loss affordable housing within the LGA and displacement of socially disadvantaged groups.

³ *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.*



O2 To encourage the provision of adaptable housing in new developments

Provisions

P1 Development must avoid the loss of low cost accommodation in accordance with the provisions of the [Affordable Rental Housing SEPP](#). Where a loss occurs, the applicant will be required to pay a monetary contribution for the replacement of affordable housing.

P2 New affordable housing may be provided in accordance with the provisions of the [Affordable Rental Housing SEPP](#).

4.2.41.2.5 Housing for Seniors and Persons with a Disability

Objectives

O1 To ensure housing for seniors and persons with a disability are appropriately designed to cater for the needs of the community.

Provisions

P1 Development must be provided in accordance with the provisions under of the [SEPP \(Housing for seniors and people with a disability\) 2004](#) and where relevant, the *Seniors Living Policy – Urban Design Guidelines for Infill Development*.

P2 Residential care facilities and hostels must provide at least one communal open space configured and designed in accordance with the provisions of the Department of Planning's [Residential Flat Design Code](#) [Apartment Design Guide](#).

1.3 ENVIRONMENTAL CRITERIA

The quality and amenity of the residential environment 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.

1.3.1 Topography

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

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- (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.
- ~~P4~~P3 Development should not result in the ground level (finished) being altered greater than 500mm above or below ground level (existing).
- ~~P2~~P4 Habitable rooms (~~not ex~~cluding bathrooms, laundries and storerooms) should not be located more than 1m above/below ground level (existing) or more 50% of the room's floor area.
- ~~P3~~ New development should not result in the removal or covering of rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls.
- ~~P4~~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.
- ~~P5~~P11 Basement car parks, where permitted, must not extend to the full width of a site.



1.3.2 Properties in proximity to bushland

Objectives

- O1 To ensure that development located within proximity of land zoned *E2 Environmental Conservation* is compatible with long term conservation and management of Council's Bushland reserve system in accordance with Council's Bushland Plan of Management and other relevant legislation and policies.

Provisions

- P1 Development on properties in proximity to bushland must be consistent with the requirements of Part B: Section 15 - *Bushland* of the DCP.

Note: Refer to the *Bushland Buffer Map* in Appendix 4 to this DCP to determine if the subject property is located in proximity to bushland.

- P2 Maintain existing ground levels on land adjoining land zoned *E2 Environmental Conservation*.

1.3.3 Properties on Bush Fire Prone Land

Objectives

- O1 To minimise the risk of harm to persons and property in the event of a bush fire.

Provisions

- P1 Where relevant, new development on Bush Fire Prone Land must comply with the relevant requirements of the [NSW Rural Fire Service's Planning for Bush Fire Protection \(2006 as amended\) guidelines](#).

- P2 Bush fire 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.

1.3.4 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 must be on land adjacent to the foreshore must be designed with regard to the provisions of [SREP \(Sydney Harbour Catchment\) 2005](#) 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.



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- P6 Minimise disturbance of existing, surface and underground drainage to minimise run-off into the water.
- P7 In accordance with Part B: Section 15 – *Bushland* and Part B: 16 – *Tree and Vegetation Management* of the DCP, preserve existing trees and vegetation wherever 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.

P9P6 Buildings or structures must respect the topographical features of the site.

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

1.3.5 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 inclimators.
- P2 Structures such as inclimators should be recessed below the ground level (existing).
- P3 The use of pathways and graded ramps is preferable to the use of inclimators for access. Where inclimators are to be used, they must be minimised in length.

1.3.6 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.

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 opportunities for vistas and views from streets and other public places.
- O2 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 area character statement (refer to Part C of the DCP), are not unreasonably obstructed.
- P2 Development should be designed to maximise the sharing of views from surrounding properties and public places.
- P3 Ensure that existing and proposed dwellings will have an outlook onto trees and sky.

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P4 Where a proposal is likely to adversely affect views from ~~either public or either~~ private ~~or public~~ 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 ~~is~~ are available to view on the Land and Environment Court's website (http://www.lec.justice.nsw.gov.au/planning_principles) (~~www.lawlink.nsw.gov.au/lecwww.lec.justice.nsw.gov.au/~~).

1.3.7 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.

located on the subject property and any adjoining residential properties.

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

P2 Despite P1 above, living rooms and private open spaces for at least 70% of dwellings within a residential flat building 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).

P3 Avoid providing apartments that have a sole orientation to the south. Where south facing apartments can not 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.

P4 The use, location and placement of photovoltaic solar panels should take into account the potential permissible building forms on adjacent properties.

1.3.8 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 B-1.2 for all noise intrusion from external noise sources (including mechanical services noise from within the development itself), with windows and doors closed:

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



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Notes: 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 B-1.3 regarding acoustic insulation of walls and floors.

Item	Criteria
Field Sound Reduction Index R _w of walls, floors services and ducts	BCA as amended. Except that Field Noise Reduction Index of all inter-tenancy walls shall be designed to achieve $\geq R'_{w55}$ and the intent of the BCA requirements.
Field Sound Reduction Index R _w of Doors	Any door (including the effects of its frame and any edge gaps) in a wall between a dwelling and a stairwell or other internal common area shall be designed to achieve an $\geq R'_{w28}$.
Field Impact Isolation Class (FIC) 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 Field Impact Isolation Class of FIC ≥ 55 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 can not 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 Mechanical equipment, such as pumps, lifts or air conditioners should not be located adjacent to bedrooms or living rooms of dwellings on adjoining properties.
- P10 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:
- cavity brick walls;
 - double glazing;
 - solid core doors;
 - concrete floors; and
 - recessed balconies.
- P11 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 dwelling entries, reduce amenity for pedestrians and reduce casual surveillance of the street. Try to reduce acoustic impacts through other acoustic reduction measures.

- P12 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 RMS) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.87(2) and cl.102(2) of [SEPP \(Infrastructure\) 2007](#). An acoustic report may be required to be prepared to demonstrate compliance with this Guideline and the acoustic requirements within cl.87(3) and cl.102(3) of the [SEPP \(Infrastructure\) 2007](#).

1.3.9 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 RMS) must consider the requirements of the DoP's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (19 December 2008) in accordance with cl.87(2) and cl.102(2) of [SEPP \(Infrastructure\) 2007](#). In particular, consideration should be given to the vibration criteria contained within the [Department of Environment Climate Change and Water's 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.

1.3.10 Visual privacy

Objectives

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

Provisions

Building Separation

- P1 Provide visual separation between any non-residential use and dwellings.
- P2 Residential flat buildings are to provide adequate separation between habitable rooms, balconies and non-habitable rooms, consistent with [SEPP 65](#). The relevant building separation distances are reproduced in Table B-1.4. Increased setbacks may be required to ensure that adequate solar access to be provided to neighbouring dwellings.

Building height (metres)	Separation to Between habitable rooms and balconies	Separation to Between habitable balconies & non-habitable rooms	Separation to Between non-habitable rooms
Up to <u>4 storeys (approx. 12m)</u>	12m	9m	6m



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

Windows

- P3 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.
- P4 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.
- P5 Provide suitable screening structures to minimise overlooking from proposed dwellings to the windows, balconies or private open space of adjacent dwellings, to windows, balconies or private open space of dwellings within the same development.

Decks, Patios and Terraces

- P6 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.
- P7 Private or communal open spaces such as terraces, patio, gardens and the like are not permitted on rooftops or garage roofs.
- P8 Despite P7 above, private or communal open spaces on roofs may be considered, but only if:
- the space is designed such that there is no potential for existing or future overlooking of the space and subsequent noise and privacy issues;
 - the space is setback at least 1m from the extent of the external enclosing walls to the floor level below; and
 - the space does not exceed 50% of the floor area of the storey immediately below or 18m², whichever is the lesser; and
 - there is no other appropriate ground level space for outdoor recreation off a primary living room.

1.4 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.



1.4.1 Context

Objectives

- O1 To ensure that the site layout and building design responds to the existing characteristics, opportunities and constraints of the site and within its wider context (adjoining land and the locality).

Provisions

- P1 Proposed developments must be designed to respond to the issues identified in the site analysis and in the relevant area character statement (refer to Part C of the DCP).

1.4.2 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 area character statement (refer to Part C of the DCP), or if not identified in the relevant area character statement, that are characteristic of the area.
- P2 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).
- P3 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.
- P4 Residential flat buildings using single-aisle parking should not be constructed on lots with a street frontage of less than 15m. If double-aisle parking is proposed, lots should have a street frontage of not less than 18m.

1.4.3 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 B: Section 20 – *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 16 - *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.



1.4.4 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 one storey building generally provides the most appropriate scale). A two storey building ancillary to the main dwelling may be permitted adjacent to the laneway, but only if:
- the laneway does not comprise the site's primary frontage; and
 - 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.

1.4.5 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 C 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.

1.4.6 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 B-1.5.

TABLE B-1.5 - Side Setback Requirements			
Zone	Development Types	Minimum Setback Requirement	
<u>E4 – Environmental Living</u>	<u>Dwelling houses; Group homes; Seniors housing</u>	<u>1st storey (up to 4m)</u>	<u>900mm</u>
		<u>2nd storey (up to 7m)</u>	<u>1.5m</u>
		<u>3rd storey or higher (greater than 7m)</u>	<u>2.5m</u>
R2 – Low Residential Density	Boarding houses; Dual occupancies; Dwelling houses; Group homes; <u>secondary dwellings</u> ; 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 Residential Density	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
	<u>Residential flat buildings</u>	<u>3m; and</u> <u>The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure B-1.3).</u>	
R4 – High Residential Density	Attached dwellings; <u>Boarding houses</u> ; Dual occupancies; Dwelling houses; Group Homes; <u>Multi dwelling housing</u> ; <u>Residential flat buildings</u> ; Secondary dwellings; Semi-detached dwellings; <u>Seniors housing</u>	<u>On land with a height limit of 12m or less</u> <u>1.5m; and</u> <u>The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure B-1.3).</u> <u>1.5m; and</u> <u>The building must not exceed a building height plane commencing at 3.5m above ground level (existing) from side boundaries and projected internally to the site at 45° (refer to Figure B-1.3).</u>	
		<u>Boarding houses; Multi-dwelling housing; Residential flat building; seniors housing</u>	<u>On land with a height limit of 12m or less</u>

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TABLE B-1.5 - Side Setback Requirements								
Zone	Development Types	Minimum Setback Requirement						
		<p><u>boundaries and projected internally to the site at 45° (refer to Figure B-1.3).</u></p> <table border="1"> <tr> <td>On land with a height limit greater than 12m</td> <td>1st to 3rd storey (up to 10m)</td> <td>4.5m</td> </tr> <tr> <td></td> <td>Above 3rd storey</td> <td>6m</td> </tr> </table>	On land with a height limit greater than 12m	1st to 3rd storey (up to 10m)	4.5m		Above 3rd storey	6m
On land with a height limit greater than 12m	1st to 3rd storey (up to 10m)	4.5m						
	Above 3rd storey	6m						
B1 - Neighbourhood Centre	Boarding houses	<p>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:</p> <table border="1"> <tr> <td></td> <td>1st to 3rd storey (up to 7m)</td> <td>4.5m</td> </tr> <tr> <td></td> <td>Above 3rd storey</td> <td>6m</td> </tr> </table>		1st to 3rd storey (up to 7m)	4.5m		Above 3rd storey	6m
	1st to 3rd storey (up to 7m)	4.5m						
	Above 3rd storey	6m						
B4 - Mixed Use	Boarding houses; Seniors housing	<p>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:</p> <table border="1"> <tr> <td></td> <td>1st to 3rd storey (up to 7m)</td> <td>4.5m</td> </tr> <tr> <td></td> <td>Above 3rd storey</td> <td>6m</td> </tr> </table>		1st to 3rd storey (up to 7m)	4.5m		Above 3rd storey	6m
	1st to 3rd storey (up to 7m)	4.5m						
	Above 3rd storey	6m						
IN2 - Light Industrial	Boarding houses; Dwelling houses; Dual Occupancies; Attached dwellings; Boarding houses; Group homes; Multi dwelling housing; Semi detached dwellings; Seniors housing; Secondary dwelling	<p>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:</p> <table border="1"> <tr> <td></td> <td>1st to 3rd storey (up to 7m)</td> <td>4.5m</td> </tr> <tr> <td></td> <td>Above 3rd storey</td> <td>6m</td> </tr> </table>		1st to 3rd storey (up to 7m)	4.5m		Above 3rd storey	6m
	1st to 3rd storey (up to 7m)	4.5m						
	Above 3rd storey	6m						

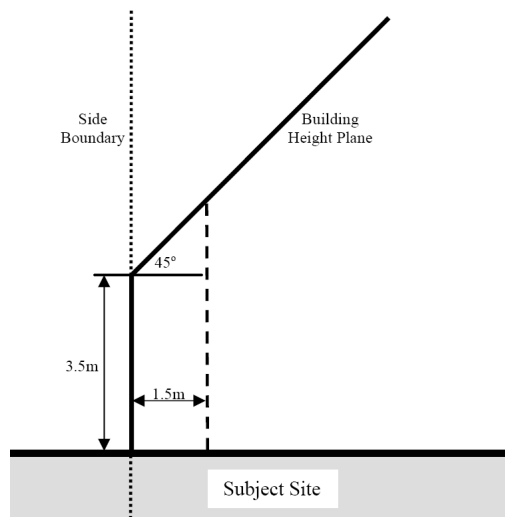


Figure B-1.3: Setback and building height plane controls for the ~~R4 - High Density Residential~~ zone, where the height limit is equal to 12m or less.

Note: The actual setback of the building may need to be increased to satisfy building separation requirements within c.1.3.10 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. 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* [2003] 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** (http://www.lec.justice.nsw.gov.au/planning_principleswww.lawlink.nsw.gov.au/lec).

The relevant questions are summarised as follows:

- (a) Is the street characterised by terrace housing? Building to the boundary is only considered appropriate in streets where the existing form of development is characterised by attached dwellings, semi detached dwellings and multi dwelling housing (e.g. villas and townhouses).
- (b) What is the height and length of the wall on the boundary? The length and height of any wall built to the boundary should be minimised to limit any adverse impacts in terms of overshadowing and visual privacy.
- (c) Has the applicant control over the adjoining site(s) or the agreement of their owners? Unrestricted access should be made to all components of a building which is built to the boundary to ensure that those components can be adequately maintained over its life.
- (d) What are the impacts on the amenity and/or development potential of adjoining sites? It must be adequately demonstrated above all else that building to the boundary will not result in any adverse amenity impacts or development potential of adjoining sites.
- (e) Are there arrangements in place for the maintenance of the wall or gutters? Access and maintenance arrangements should be in place before a development application is assessed by Council to avoid disputes later on.

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° internally to the site (refer to Figure B-1.3); 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 s. 1.3.10 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.

Building Separation

P8 In addition to the setback controls in P1-P7 above, residential flat buildings are required to provide adequate separation between habitable rooms, balconies and non-



Residential Development

habitable rooms, in accordance with the provisions contained within s.1.3.109 to Part B of the DCP.

1.4.7 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 The height of buildings is not to exceed that stipulated within cl.4.3 to NSLEP 2013.
- P2 Where applicable, the number of storeys within a building should be consistent with that identified in the relevant area character statement (refer to Part C of the DCP).
- P3 The finished floor height of the ground floor level should not exceed 1m above ground level (existing), measured vertically at any point.
- P4 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).
- P5 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).
- P6 Ancillary buildings (e.g. garages, carports, garden sheds, etc) are a much smaller scale than the residential building.
- P7 Residential flat buildings should use a pitched roof form to reflect the prevailing roof typology or that identified in the relevant area character statement (refer to Part C of the DCP).
- P8 Despite P7 above, Council may consider approval of a residential flat buildings with a flat roof, but only where:
 - (a) the development complies with the height requirements under P1 above; and
 - (b) where the top-most storey has been setback to comply with a 36 degree angle back from the top edge of the storey located immediately below (refer to Figure B-1.4).

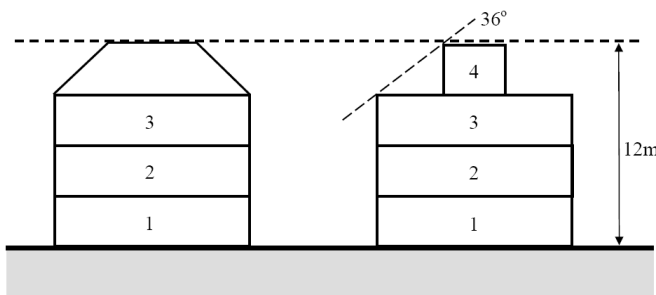


Figure B-1.4:
Residential flat building height controls



1.4.8 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 are proposed to~~ any residential accommodation relying on existing use rights are proposed, they must not result in the:
- material loss of views from other properties or public places, or
 - material overshadowing of other properties or public places, or
 - material loss of privacy to other properties, or
 - increasing of the overall building height, or
 - 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
 - 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.



1.4.9 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 B: Section 12 – Access of the DCP.

1.4.10 Roofs

Objectives

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

Provisions

- P1 Buildings should incorporate a pitched roof, except where another roof form is identified in an area character statement (refer to Part C 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 C of the DCP), or if not identified in the relevant area character statement that positively relates 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 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.
- P8 Minimise roof projections and internalise roof access.
- P9 If an attic is proposed, it must not exceed more than 50% of the floor area of the storey, immediately below.



P10 Wherever possible, buildings are designed to include a north facing roof where a solar hot water system or photovoltaic solar panel may be installed.

1.4.11 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.

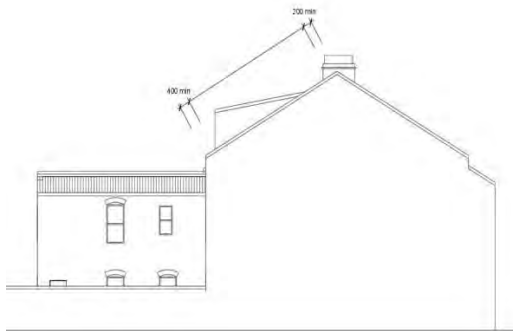


Figure B-1.31
Dormers are to be set below the main ridge line.



Figure B-13.32
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~~attached, and their style should reflect that which is characteristic of the neighbourhood.

~~P2 Dormers must not be placed on the street elevation of a building.~~

~~P3 Despite P1, 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 significant impacts on privacy to adjoining properties;~~

~~(b) it will not detract from the coherence of the streetscape;~~

~~(c) surrounding properties have dormers visible from the street; and~~

~~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.~~



~~(d) it will not result in any adverse impacts to significance of any heritage item of heritage conservation area.~~

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 B-1.31 and B-1.32.

~~P4 A dormer's style should reflect that which is characteristic in the neighbourhood.~~

~~P5 Dormers must not have a roof pitch exceeding 36 degrees.~~

~~P6~~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.

~~P7~~P6 Dormers must not exceed a height of more than 1.5m from its base to its ridge where it faces the street.

~~P8 Dormers must not comprise more than 1/3 of the width of the roof plane upon which they are placed.~~

~~P9~~P7 Dormers must be contained within the relevant building envelope applying to the land.

~~P10 Dormers must not project above any part of the ridge of the roof plane to which the dormer is attached.~~

~~P11~~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.

~~P12~~P9 The sides of dormers must not contain glass.

1.4.12 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 C 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.

P5 Solar panels should be integrated into dwelling design where possible.



1.4.13 Balconies - Apartments

Objectives

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

Provisions

P1 Apartments must be provided with at least one balcony with a minimum depth of 2m and a minimum area of 8m² (n.b. best practice standard for balcony size is 15% of the floor area⁴ of the apartment).

P2 If an apartment is not provided with a balcony, the size of the apartment should be increased by a minimum of 8m² (i.e. the apartment size being increased by the minimum balcony size).

P3 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.

P4 Balconies should be integrated into the overall architectural form and detail of the building.

P5 No balconies, verandahs or the like are to project over the public domain.

P6 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.

P7 Balconies should not be enclosed.

P8 Notwithstanding P7, 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.

P9 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.

1.4.14 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.

⁴ Balconies are not included within total floor area of an apartment.



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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 C 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.

Part	B
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- P8 Must not reduce the significance of any heritage item or heritage conservation area.
- P9 Soften the appearance of solid fences by:
- providing a continuous landscaped area of not less than 600mm wide on the street side of the fence or
 - 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.

1.5 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.

1.5.1 High quality residential accommodation

Objectives

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

Provisions

- P1 Dwellings within multi dwelling housing or residential flat buildings must be designed to provide the following minimum internal areas⁵:
- Studio ~~40m²~~35m²
 - 1 bedroom 50m²
 - 2 bedrooms ~~80m²~~70m²
 - 3+ bedrooms ~~100m²~~90m²
- P2 Include courtyards, balconies and gardens as the principal open space area for residents.
- P3 Communal corridors must have a minimum width of 2m to facilitate movement (i.e. no right angled corners).
- P4 No more than ~~10-8~~ dwellings are to be accessible from a single common lobby space.
- P5 Avoid the use of double loaded corridors.
- P6 The depth of a habitable room from a window, providing light and air to that room, must not exceed 10m.
- P7 Apartments must provide a minimum width of 4m. An apartment's width should increase relative to an increase in its depth.
- P8 The depth of a single aspect apartment must not exceed 8m from a window.
- P9 The habitable space serviced by a window is no more than 10 times the glazed area of the window.
- P10 At least 60% of apartments are to be provided with cross ventilation (i.e. window openings that face different directions. Refer to Figures B-1.5 – B-1.8). For apartments with no cross ventilation, ceiling fans must be provided.

⁵ 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.



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P11 The amount of glazing on eastern and western elevations is to be minimised and incorporate external shading devices.

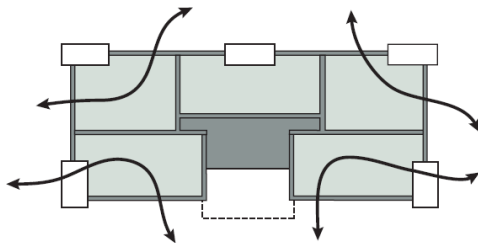


Figure B-1.5:
Corner apartments can achieve effective natural cross ventilation

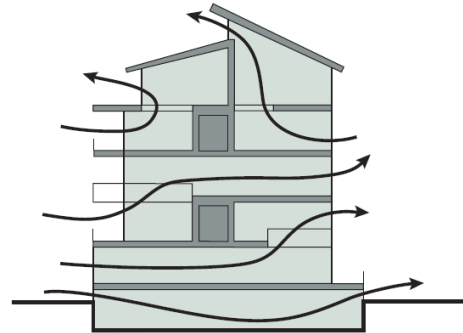


Figure B-1.6:
Good cross ventilation can be achieved with cross over apartments, maisonette apartments and semi-basement car parks

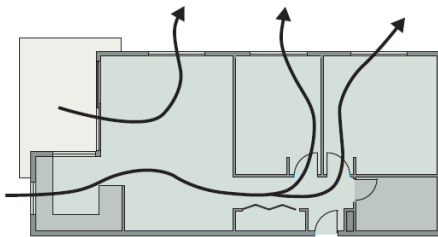


Figure B-1.7:
Natural ventilation in this corner apartment is drawn through windows having different orientation. This layout works well in upper floor apartments

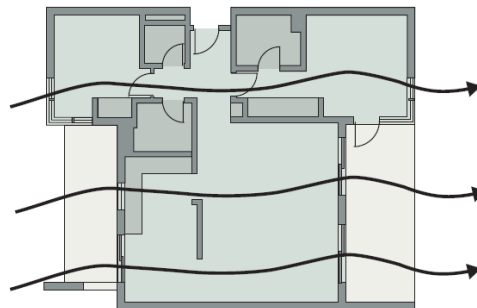


Figure B-1.8:
This optimal layout allows air flow directly from one side of the apartment to the other

1.5.2 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 P5 to s.1.3.10 to Part B of the DCP (e.g. if non-habitable rooms face into a lightwell under 12m in height, the lightwell should measure 6m x 6m in plan); and
 - (c) the lightwell is directly connected at ground level to streets or lanes in buildings greater than 30m in height to allow air movement in the lightwell; and
 - (d) all building services (e.g. utility installations, pipes, cabling and the like) are concealed and not overlooked by principal living rooms or bedrooms; and
 - (e) the lightwell is fully open to the sky.
- P2 Despite P1(b) above, a lesser dimension may be considered, but only if it can be satisfactorily demonstrated that acoustic privacy, visual privacy and daylight access to all dwellings can be provided.
- P3 Alternative methods of ventilation of dwellings may be considered, but only if it can be satisfactorily demonstrated that there is no impact on privacy, noise, and fire safety.
- P4 If an alternative method of ventilation is proposed, submit a ventilation report by a certified ventilation consultant in accordance with the AS 1668, which recommends that the minimum natural cross ventilation rate of airflow should be 60L/s and the minimum removal of excess heat should be 10 air changes per hour, to provide reasonable comfort to occupants.

1.5.3 Safety and security

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.

1.5.4 Vehicular Access & Car Parking

Objectives

- O1 To provide adequate on-site car parking for residents.
- O2 To ensure adequate access for all vehicles.
- O3 To maintain garden settings.
- O4 To minimise adverse visual impacts on the appearance of the street or building.



Residential Development

Provisions

Quantity

P1 Comply with the parking requirements within Part B: Section 10 – *Car Parking and Transport* of the DCP.

Location

P2 All parking associated with multi dwelling housing and residential flat buildings must be provided underground (i.e. within a basement).

P3 All parking for attached dwellings, detached dwellings, dual occupancies or semi-detached dwellings must not be provided underground, unless site conditions dictate that this is the only or most appropriate solution for parking provision.

P4 Where security doors/gates are proposed, an intercom system to facilitate visitor/service access to underground parking areas must be provided.

P5 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 s.20.4 to this Part of the DCP.

P6 Parking areas must be designed to enable cars to enter and leave the site in a forward direction.

P7 Driveway and pedestrian access must be separated.

P8 The use of car spaces within a development is restricted to the occupiers of that development.

P9 Visitor car parking spaces must be designated as common property.

P10 Garages, carports or other like parking structures must not be located between the primary street frontage and the primary street façade of the building.

P11 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 RMS 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 s.1.5.5 to this Part of the DCP, or if it is already less than the minimum requirement, the landscaped area is not further reduced;

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- (i) adequate space to fit vehicles within the property boundary exists to avoid overhang onto the footpath;
- (j) it complies with AS 2890.1.

Access

- P12 Provide vehicular access, directly from a public road, to any allotments to be created by subdivision.
- P13 Where site has frontages to both a street and a rear laneway, vehicular access should be provided from the laneway rather than the street.
- P14 Do not compromise streetscape, building form and landscaped area, or heritage significance through the provision of vehicle access.
- P15 Where there is no parking on an original lot, and on-site parking is not characteristic, do not introduce vehicle access from the street.
- P16 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.
- P17 Provide a minimum of 5.5m between gates or doors to parking areas and the boundary to allow a car to stand within the property boundary while the gates/doors are opening.
- P18 If security gates/doors are to be used, provide an intercom to allow access for visitors.
- P19 Set back any development, including fences, at least 1.2m from a boundary with a laneway to provide adequate turning space.
- P20 Widen the laneway, as required, for attached dwelling development or residential flat buildings.

1.5.5 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 B-1.6.

Residential Development Type	Lot Size (m ²)	Site Coverage (max)
Detached dwelling, semi detached dwelling, attached dwelling <u>(including any secondary dwelling if provided)</u>	0-229	60%
	230-499	50%
	500-749	40%
	750-999	35%
	1000+	30%
Dual Occupancy	All	45%
Multi-dwelling housing	All	50%



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TABLE B-1.6: Maximum Site Coverage Requirements		
Residential Development Type	Lot Size (m ²)	Site Coverage (max)
Residential Flat Building	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 1979](#);
- (b) garages and carports;
- (c) sheds;
- (d) enclosed / covered balconies, 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 balconies⁶, decks, pergolas and the like;
- (k) paving and patios (porous and non-porous);
- (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.

1.5.6 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;

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.



- (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 maximum un-built upon areas in accordance with Table B-1.7.

TABLE B-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 <u>(including any secondary dwelling)</u>	0-229	20%	20%
	230-499	30%	20%
	500-749	40%	20%
	750-999	45%	20%
	1000+	50%	20%
Dual Occupancy	All	40%	15%
Multi-dwelling housing	All	30%	20%
Residential Flat Building	All	40%	15%

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 area⁷; ~~and~~

~~(a)~~(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

~~(b)~~(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 balconies⁸, decks, pergolas and the like;
- (iii) paving and patios (porous and non-porous);

⁷ Landscaping located above a basement or on the roof of a building does not constitute "landscaped area".

⁸ 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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- (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.

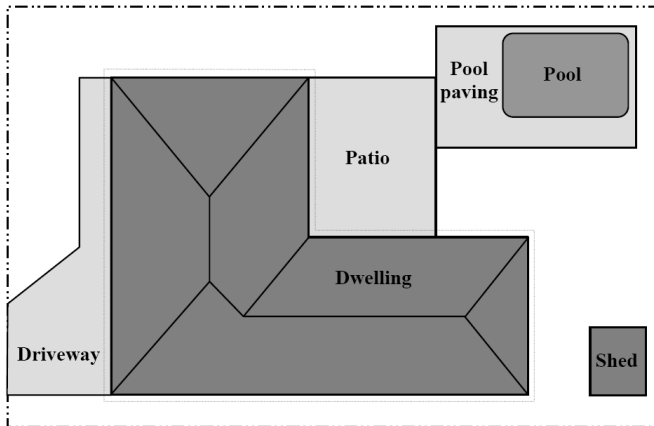


Figure B-1.9:
Areas of "landscaped area", "site coverage" and "unbuilt upon area".

LEGEND

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

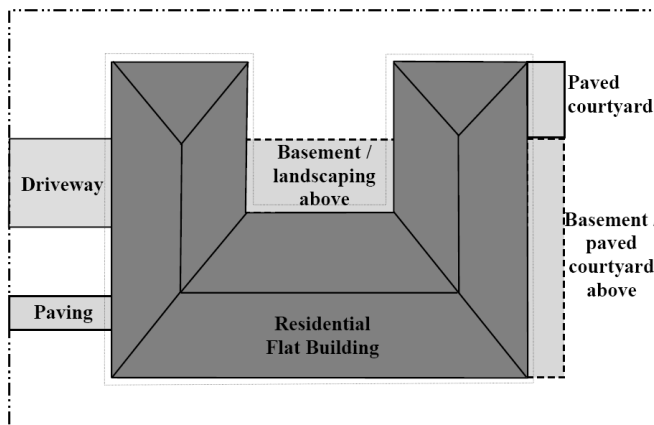


Figure B-1.10:
Areas of "landscaped area", "site coverage" and "unbuilt upon area".

LEGEND

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

- P3 Avoid creating landscaped areas that are broken into a series of small fragmented unusable areas.
- P4 Establish a significant landscaped setting for pathways and paved areas.
- P5 Use planting to create a buffer against cold winter winds (generally westerly), or to direct cooling breezes in summer (generally north easterly), into living areas of dwellings.
- P6 Locate driveways and pathways at least 500mm from common boundaries.
- P7 Provide screen planting, including trees, within the 1.5m setback from the common boundary.
- P8 Retain existing mature vegetation and trees and show what measures are to be implemented to protect this vegetation during construction (refer to Part B: Section 16 – *Trees and Vegetation Management* of the DCP).



- P9 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.
- P10 Use pervious materials or stepping stones where pathways are incorporated within side setbacks.

1.5.7 Excavation

Objectives

- ~~O1 To retain existing vegetation and allow for new substantial vegetation and trees.~~
- ~~O1 To minimise the adverse effects of excavation on the amenity of neighbouring properties.~~
- ~~O1 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.~~
- ~~O1 To ensure the structural integrity of adjoining properties.~~
- ~~O1 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.~~
- ~~P1 Consent must not be granted to a development for the purposes of attached dwelling, dual occupancy, dwelling house or semi-detached dwelling where any associated garage or car parking is located in a basement.~~
- ~~P1 Notwithstanding P2, 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.~~
- ~~P1 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.~~
- ~~P1 Where practical,~~
- ~~(a) a minimum of 50% of the unexcavated 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.~~

~~P1 Basement car parks where permitted, must not extend to the full width of a site.~~

~~4.5-8~~ **1.5.7 Landscaping**

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 on properties in proximity to bushland must be consistent with the requirements of Part B: Section 15 - *Bushland* of the DCP.

Note: Refer to the Bushland Buffer Map in Appendix 4 to this DCP to determine if the subject property is located in proximity to bushland.

- P2 Retain existing trees wherever practical.
- P3 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.
- 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 fertilizer 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.

~~4.5-9~~ **1.5.8 Front gardens**

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 Allow private gardens to merge with those adjoining 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 (refer to Part B: Section 16 – *Tree and Vegetation Management* of the DCP).
- P6 Design front gardens that will soften and complement the view of buildings from the street and surrounding properties.
- P7 Avoid medium height, dense planting around dwelling entries.

1.5.10 1.5.9 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 B-1.8.

Residential Development Type	Lot Size (m ²)	Minimum area at ground level (m ² /dw)	Minimum area above ground level (m ² /dw)
<i>Detached dwelling, semi detached dwelling, attached dwelling</i>	0-229	40m ²	NA
	230-499	40m ²	NA
	500-749	50m ²	NA
	750-999	50m ²	NA
	1000+	70m ²	NA
<i>Dual occupancy</i>	All	40m ²	NA
<i>Multi-dwelling housing</i>	All	35m ²	8m ²
<i>Residential flat building</i>	All	25m ²	Studio 4m ²
			1 - Bed 8m ²
			2 - Bed 12m 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 Private open spaces should be located such that they are directly accessible off a main living area of the dwelling.



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P5 In addition to the requirements of P1, multi-dwelling developments are encouraged to provide communal open space areas to encourage social interaction.

Notes: 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.

~~4.5.11~~ **4.5.10 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 manufacturer's recommended level without the need to rely on potable water supplies. This requirement is over and above any additional requirements associated with P3, P4 and P5 to s.1.6.9 to this Part of this DCP relating to water conservation and water tanks. The tank must be fed by down pipes from a minimum of 50m² of roof area of the dwelling on the site. The size of the water tank must be provided in accordance with that specified in Table B-1.9.

TABLE B-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.

~~4.5.12~~ **4.5.11 Tennis courts**

Objectives

- O1 To minimise adverse affects 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).

1.5.13 1.5.12 Garbage storage

Objectives

- O1 To minimise any adverse affects 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~~ 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~~ 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 B-1.10.

TABLE B-1.10: Waste bin requirements		
No. of dwellings	No. of garbage bins required	No. of recycling bins required
1-3 dwellings	1 x 60 80 litre bin / dw*	1 x 140 litre <u>commingled mobile</u> bin / dw
4- 12 dwellings	<u>1 x 80 litre bin / dw or</u> 1 x 240 litre bin / 3 4 dws or part thereof	<u>2 x 240 L commingled mobile recycling bin</u> <u>each colour coded and dedicated specifically for paper and co-mingled glass/plastic bottles and cans</u> 1 x 140 litre bin / 2 dws or part thereof or 1 x 240 litre bin / 4 dwellings or part thereof
<u>13 or more</u>	<u>1 x 240 litre bin / 3 dws</u> <u>660 lite bins permitted</u>	<u>2 x 240 litre mobile bins / 15 dws or part thereof</u> <u>660 lite bins permitted</u> <u>colour coded and dedicated specifically for paper and co-mingled glass/plastic bottles and cans</u>

* dw = dwelling



~~P2~~P3 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~~P4 All multi-dwelling 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, which is provided with ~~either:~~

~~shelving appropriate to hold a minimum of 4 x 50 litre recycling crates; or~~

~~(c)~~ space to accommodate 1 x ~~2~~140 litre bin;

~~(d)~~ (b) for the separate collection of recyclable materials.

~~P4~~P5 Multi-dwelling developments which do not contain a lift, but propose to incorporate a garbage chute, must comply with the requirements of ~~P3~~P4(a) and ~~P3~~P4(b).

~~P5~~P6 A garbage storage area should be located within 2m of the street boundary.

~~P6~~P7 Notwithstanding ~~P6~~P5 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 boundary.

Location

~~P7~~P8 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.

~~P8~~P9 Ensure that the garbage storage area is easily accessible from all parts of the building and from the collection area.

~~P9~~P10 Locate and design garbage storage areas to complement the streetscape.

~~P10~~P11 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.

~~P11~~P12 Where possible integrate garbage storage areas with the building.

~~P12~~P13 Do not place structures for garbage storage areas that are more than 1m high on the boundary or within the front building line.

~~P13~~P14 Garbage facilities are to be designed and constructed in accordance with Council's Waste Facility Management Guide (refer to Appendix 3 of this DCP).

~~1.5.14~~1.5.13 **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 at the rates outlined in Table B-1.11 and linked to each dwelling through provisions of the relevant Strata Plan (at least 50% within the apartment).

Dwelling Size	Minimum Storage Rate
Studio	6m ³ 4m ³
1 bedroom dwelling	6m ³
2 bedroom dwelling	8m ³
3+ bedroom dwelling	10m ³

~~1.5.15~~ 1.5.14 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.

1.6 EFFICIENT USE OF RESOURCES

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.

All development applications for residential development, including mixed-use development, must submit an *Efficient Use of Resources Commitment Table* in order to demonstrate the proposed development will achieve an efficient use of resources.

1.6.1 Energy efficiency

Objectives

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

Provisions

- P1 A BASIX Certificate is required to be submitted with all residential development types nominated under [SEPP \(Building Sustainability Index: BASIX\) 2004](#).
Note: BASIX assessments and certificates can be obtained on-line at www.basix.nsw.gov.au
- P2 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 s.1.6 to this Section of the DCP for the whole of the building.
- P3 Development should be designed, such that it does not reduce the energy efficiency of buildings on adjoining lands.
- P4 Incorporate on-site renewable energy sources to supplement energy needs during daily peak energy use.



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- P5 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.
- P6 Timers and movement sensors should be used to minimise energy consumption, particularly for lighting and mechanical ventilation in public areas.
- P7 Energy efficient lighting and technology should be used to reduce energy consumption. Consider the use of solar powered illumination.
- P8 Use solar powered lighting for external areas
- P9 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;
 - (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.
- P10 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 3.5 stars.

1.6.2 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 Locate the main daytime living areas (e.g. family, dining and meal rooms) on the northern side of dwellings.
- P4 Orient the long axis or length of the building to the northerly aspect.
- 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.

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- P6 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.
- 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 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).
- P9 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°.
- P10 Angle louvres to correspond to the lowest altitude angle the sun reaches at noon in winter (31° in Sydney).
- P11 Provide adjustable awnings, shutters and external louvres on east and west facing windows.
- P12 Where main living areas are oriented northwards, aim to achieve a glazed area of 30% of the dwelling's floor area in this direction.
- P13 East and west facing glazing should be minimised and fully shaded at the summer solstice.
- P14 South facing glazing should be kept to a minimum to reduce winter heat losses.

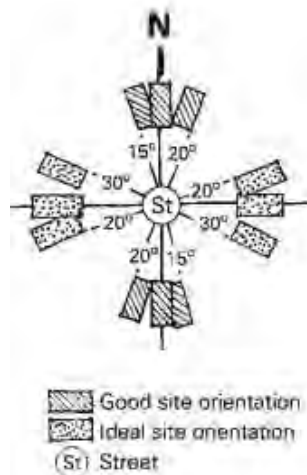
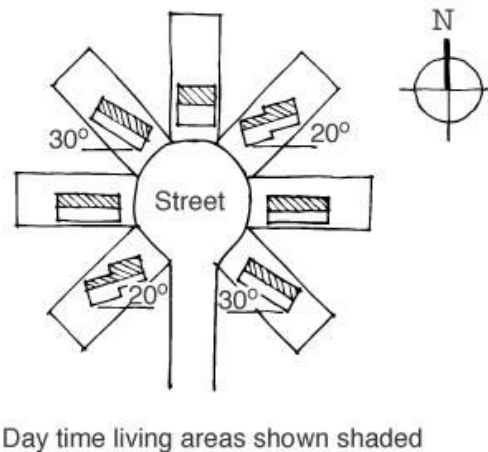


Figure B-1.10: Good passive solar performance can be achieved at minimal cost if the development is appropriately oriented.



Day time living areas shown shaded

Figure B-1.11: Where possible, orient the development such that daytime living areas and outdoor spaces are north-facing.

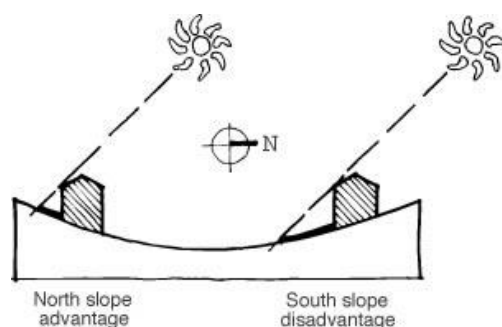


Figure B-1.12:

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

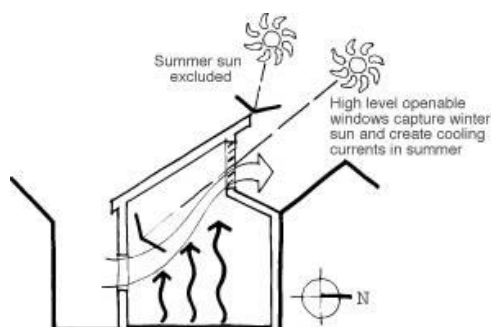


Figure B-1.13:

Poor orientation can exclude winter sun, and cause overheating in summer by allowing low angle east or west sun to strike glass surfaces

1.6.3 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.

1.6.4 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.

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).

1.6.5 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.

1.6.6 Hotwater systems

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.



Residential Development

- P4 Locate solar cells, heat pumps or any associated structures so as to 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.

1.6.7 Water conservation

Objectives

- O1 To minimise the use of potable water.

Provisions

- P1 A BASIX Certificate is required to be submitted with all residential development types nominated under [SEPP \(Building Sustainability Index: BASIX\) 2004](#).

Note: BASIX assessments and certificates can be obtained on-line at www.basix.nsw.gov.au

The following provisions only apply to residential developments that do not require a BASIX Certificate.

- 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:
 - shower roses;
 - taps for use over a basin, ablution trough, kitchen sink or laundry tub;
 - flow restrictors;
 - toilets;
 - white goods, such as clothes washers or dishwashers;
 they must have the highest WELS star rating available at the time of development.
- P4 Rainwater tanks are to be installed in accordance with the exempt development requirements under [SEPP \(Exempt and Complying Development Codes\) 2008](#).
- P5 Install a stormwater tank where this will not affect amenity, views and other requirements of this section of the DCP.

1.6.8 Stormwater management

Objectives

- O1 To mimic pre-development or natural drainage systems through the incorporation of WSUD on-site.
- O2 To protect watersheds by minimising stormwater discharge and maximising stormwater quality.
- O3 To minimise off-site localised flooding or stormwater inundation.

Provisions

- P1 An Erosion and Sediment Control Plan for the construction of the building is required in accordance with Part B: Section 17 - *Erosion and Sedimentation Control* of the DCP.
- P2 A Stormwater Drainage Plan is required demonstrating compliance with this subsection as well as Part B: Section 18 - *Stormwater Drainage* of the DCP.

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- P3 Demonstrate how run-off from the site will be minimised and the quality of water leaving the site will be improved.
- P4 Use site contouring and landscaped areas to increase on-site infiltration of stormwater.
- P5 Rainwater tanks should be installed for all residential 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.
- P6 As a minimum, post-development stormwater discharge rates should be less than pre-development stormwater discharge rates.
- P7 As a minimum, post-development stormwater quality should be improved from pre-development levels.
- P8 Grade land around structures to divert surface water clear of existing and proposed structures and adjoining premises.
- P9 On -site stormwater detention, including the use of grass swales and detention basins, should be pursued where practicable to minimise and filter stormwater runoff.
- P10 Do not construct over any registered easement without the approval of the body benefiting from the easement.
- P11 Do not construct within 3m of a sewer/water main without the prior approval of the relevant service authority.
- P12 Impervious surfaces should be minimised.
- P13 Ensure paved areas are at least 50% pervious.
- P14 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.
- P15 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:
- Litter and vegetation larger than 5mm: 90% reduction on the Baseline Annual Pollutant Load;
 - Total Suspended Solids: 85% reduction on the Baseline Annual Pollutant Load;
 - Total Phosphorous: 65% reduction on the Baseline Annual Pollutant Load;
 - Total Nitrogen: 45% reduction on the Baseline Annual Pollutant Load.

1.6.9 Waste Management & Minimisation

Objectives

- O1 To minimise material usage and waste during building, construction and demolition.
- O2 To minimise the level of waste during operation reduce new building material usage and minimise volume of demolition materials.

Provisions

- P1 A Waste Management Plan for the demolition, construction and operation of the building must be provided in accordance with Part B: Section 19 - *Waste Minimisation and Management* of the DCP.
- P2 The building should be designed to encourage waste minimisation (e.g. source separation, reuse and recycling).



Residential Development

- P3 Adequate recycling systems must be provided in the design of the garbage room.
- P4 Materials with long lives and low maintenance needs are encouraged to be incorporated.
- P5 Contractors and sub-contractors employed to undertake proposed construction works and waste removal should be educated about the waste objectives of the development.
- P6 The storage of any hazardous waste materials must be adequately secured.

1.6.10 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 which are generally flat, must submit a roof plan demonstrating how the new available roof space⁹ 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.

1.6.11 Wind Turbines

Objectives

- O1 To manage the impacts of wind turbines

⁹ "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 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.

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SECTION 2 COMMERCIAL & MIXED USE DEVELOPMENT

2.1 INTRODUCTION

The North Sydney LGA contains a variety commercial centres **ranging from one of Australia’s** largest commercial centres down to small scale neighbourhood centres focusing on one or a small cluster of retail shops and services.

The most significant commercial centre in the North Sydney LGA is the North Sydney Central Business District (CBD), which primarily comprises tall commercial towers with some isolated mixed commercial and residential development. Its close proximity to Sydney Harbour and City of Sydney provides the area with a vibrant and successful commercial centre. The CBD is well serviced by public transport and provides access to a wide range of employment, cultural, social, educational and recreational opportunities. Conversely, the amenity of the CBD is compromised by a general lack of open space, access to solar access and intensively used public walkways. Its good access to public transport and proximity to the Sydney CBD, reinforces the need to encourage high grade commercial floor space to ensure that the CBD **continues to contribute to its status as a “global city” as identified under the Metropolitan Strategy.**

The remaining centres of North Sydney comprise a variety of mixed use areas zoned either *B1 Neighbourhood Business*, *B4 Mixed Use* or *IN2 Light Industrial*. These centres generally provide for a wide range of residential, commercial and high tech industrial floorspace. The proximity of residential and commercial development can create potential conflicts which must be addressed at the design stage such that amenity of residents is maximised while also enabling commercial premises to operate effectively and contribute to a vibrant centre.

2.1.1 General Objectives

The general objectives of this Section of the DCP are to ensure that commercial and mixed use developments:

- O1 can meet the aims and residential and employment population targets as outlined in **the State Government’s Metropolitan Strategy** and *Inner North Subregional Strategy*,
- O2 can meet the aims and dwelling **targets of Council’s Residential Development Strategy**,
- O3 is consistent with the principles contained within the *Integrated Land Use and Transport Policy*;
- O4 provide various grades and sizes of commercial floorspace to accommodate a mix of business, service, high tech industry, retail and recreational uses,
- O5 are designed to contribute positively to their surroundings and particularly to diversity, **vitality, social engagement and ‘a sense of place’**,
- O6 provide active street frontages both during the day and night,
- O7 contribute to maximising public transport usage, walking and cycling,
- O8 provide an acceptable level of amenity to residents living within and adjoining centres,
- O9 are designed to mitigate against the extreme impacts of the sun, wind and rain,
- O10 provide adequate natural light to buildings, public places and streets,
- O11 incorporate innovative sustainable design to reduce energy and water consumption and meets or exceeds sustainability requirements,
- O12 minimise the acoustic impacts on residents from non-residential activities,
- O13 maximise opportunities for the sharing of views,



- O14 creates safe and high quality urban environments through careful design of buildings and use of materials, and a well designed and maintained public domain,
- O15 encourages the provision of adaptable office development which meets the requirements of new office technology and caters for variations in office layout and use,
- O16 soften the highly urbanised landscape by introducing water and greenery,
- O17 minimise stormwater runoff, maintain and improve stormwater quality and encourage recycling where possible, and
- O18 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 purpose on land zoned:
 - (i) *B1 Neighbourhood Centre*,
 - (ii) *B3 Commercial Core*,
 - (iii) *B4 Mixed Use-zone*.
- (b) development for any non-residential purpose on land zoned *IN2 Light Industry*, and
- (c) development for any 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) *E4 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 *E4 Environmental Living*, development applications will be required to comply with Part B: Section 3 – *Non-residential development in residential zones* of the DCP.

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

- (a) *B1 Neighbourhood Centre*,
- (b) *B3 Commercial Core*,
- (c) *B4 Mixed Use-zone*,
- (d) *IN2 Light Industry*,

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 *B1 Neighbourhood Centre* and *B4 Mixed Use*, then the provisions of the *B1 Neighbourhood Centre* would apply.

2.1.3 Relationships to other sections

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

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 8 – Outdoor Dining and Display of Goods on the Footpath;
- (c) Part B: Section 9 – Advertising and Signage;



- (d) Part B: Section 10 – Car Parking and Transport;
- (e) Part B: Section 11 – ~~Traffic Guidelines for Development~~ Construction Management;
- (f) Part B: Section 12 – Access;
- (g) Part B: Section 13 – Heritage and Conservation;
- (h) Part B: Section 14 – Contamination and Hazardous Building Materials;
- (i) Part B: Section 15 – Bushland;
- (j) Part B: Section 16 – Tree and Vegetation Management;
- (k) Part B: Section 17 – Erosion and Sediment Control;
- (l) Part B: Section 18 – Stormwater Drainage;
- (m) Part B: Section 19 – Waste Minimisation and Management; and
- (n) Part B: Section 20 – Public Infrastructure.

2.1.4 Relationships to other documents and planning policies

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

- (a) SEPP No.65 – Design Quality of Residential Apartment Development;
- (b) The DoP's Residential FlatApartment Design CodeGuide;
- (c) SEPP (Affordable Rental Housing) 2009;
- ~~(d)~~ Liveable Housing Australia's Liveable Housing Design Guidelines;
- ~~(e)~~ SEPP (Housing for seniors and people with a disability) 2004;
- ~~(f)~~ SEPP (Building Sustainability Index: BASIX) 2005;
- ~~(g)~~ SEPP (Infrastructure) 2007;
- ~~(h)~~ The DoP's Development Near Rail Corridors and Busy Roads – Interim Guideline (19 December 2008);
- ~~(i)~~ SREP (Sydney Harbour Catchment) 2005; and
- ~~(j)~~ The DoP's Sydney Harbour Foreshores and Waterways Area DCP (2005);
- ~~(k)~~ The St Leonards / Crows Nest Planning Study – Precinct 1 (2012).

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 within the *B1 —Neighbourhood Centre*, *B4 —Mixed Use* or *IN2 —Light Industrial* zones should:
- ensure all residential common areas of the building (including the principal entrance to the building) are accessible to all persons regardless of mobility; and
 - have the retail/commercial uses located on the ground floor, retail/commercial or residential uses on the first floor, and residential uses on upper floors.

2.2.2 Maximise use of public transport

Objectives

- O1 To ensure that developments maximise access to public transport, walking and cycling.
- O2 To try and achieve a modal split of 60% public transport and 30% private car.

Provisions

- P1 Locate pick up and drop off points for public transport and taxi ranks as close as possible to public spaces and activities.
- P2 Locate short stay (ten minute) parking spaces within or as close as possible to meeting places.
- P3 Limit the amount of long stay off street commuter parking ~~on site~~ to that which existed at the time of gazettal of NSLEP 2001 (Amendment No.9 – North Sydney Centre) on the 28 February 2003.
- P4 Minimise any non-residential parking on site.
- P5 Bicycle storage facilities are provided in accordance with Part B: Section 10 - *Car Parking and Transport* of the DCP.
- P6 Provide showers for use by cyclists and people that walk to work.

2.2.3 Mixed Residential Population

Objectives

- O1 To provide a mixed residential population in terms of age, gender, household type and size, education, income and employment, including households with children, households on low to moderate incomes, households with aged or disabled persons.



Commercial & Mixed Use Development

Provisions

~~P1~~ Mixed use developments incorporating residential accommodation should aim to achieve a dwelling yield generally consistent with Council's Residential Development Strategy (2009)¹.

~~P2~~P1 Mixed use developments incorporating residential accommodation 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.

~~P3~~P2 Despite ~~P2~~P1 above, no more than 55% of all dwellings must comprise a combination of both studio and 1-bedroom dwellings.

~~P4~~P3 Mixed use developments incorporating residential accommodation containing 20 or more dwellings should provide a mix of dwelling sizes in accordance with Table B-2.1.

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

~~P4~~ Variations to the dwelling mix within ~~P2~~P3 or ~~P4~~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.

~~P5~~ In mixed use developments containing residential accommodation, 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.²

Note: For details on the universal design features and performance requirements of the *Livable Housing Design Guidelines* visit <http://www.livablehousingaustralia.org.au/>.

~~P5~~P6 A minimum of ~~15~~20% of dwellings in mixed use developments containing more than 5 dwellings must comprise adaptable housing³, and be designed and constructed to a minimum Class C Certification under AS 4299 – Adaptable Housing.

~~P6~~P7 Where adaptable housing is to be provided, the adaptable housing components must:

- (a) be integrated into the overall design of the development, and must not be isolated; and

¹ ~~Dwelling yield will be ultimately determined through a development's compliance with other relevant controls contained within the LEP and DCP.~~

² ~~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.~~

³ 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 AS 4586.



(b) not use a different standard of materials and finishes to the remainder of the building.

~~P8~~ Where universally designed and adaptable dwellings are proposed, those dwellings must be clearly identified as such on the submitted development application plans.

~~P7~~~~P9~~ Developments requiring adaptable housing must also satisfy the provisions of Part B: Section 12 - Access-5 of this DCP.

~~P8~~~~P10~~ Provide services and facilities within the development that meet the needs of different population groups and build flexibility into communal spaces to meet changing needs.

2.2.4 ~~Hotel~~ Design of tourist and visitor accommodation

Objectives

~~O1~~ To ensure that hotels ~~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 A maximum of~~ 50% of rooms to hotel or motel accommodation must ~~not~~ be provided with kitchens or kitchenettes.

P2 Rooms to hotel or motel accommodation ~~are to~~must be provided in accordance with the dimensions indicated in Table B-2.2.

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 ~~C~~common facilities such as conference rooms, restaurants and bars ~~must be provided~~.

~~P4~~ Balconies to hotel ~~or motel accommodation~~ rooms are not permitted.

~~P4~~~~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.

2.2.5 Tourist and visitor accommodation ~~Hotel~~ management

Objectives

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

Provisions

P1 Hotels or motel accommodation ~~is~~are 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

A clean and protected environment is important to the community. It contributes to the comfort and wellbeing of current users and to the sustainability of the environment for future generations.

2.3.1 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.
- P2 Discourage use of the private motor car and encourage walking, cycling and use of public transport.
- P3 Car parking is provided in accordance with Part B: Section 10 - *Car parking and Transport* of the DCP.

2.3.2 Noise

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 must not exceed the maximum 1 hour noise levels (LAeq 1 Hour) specified in Table B-2.3.

Time Period			Max 1 hour noise level (LAeq 1 Hour)
Day	Week	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 In terms of determining the maximum noise levels as required by P1 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.

P3 Despite P1 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.

- P4 Council may require the submission of an Acoustic Report to ensure compliance with P1 above.
- P5 Plant and machinery should incorporate noise reduction measures to minimise their impacts.
- P6 Developments should be designed and / or incorporate features that reduce noise transmission.
- P7 Where practical, development should incorporate adequate measures for tonal, low frequency, impulsive, or intermittent noise.
- P8 Developments must comply with ~~EPA Industrial Noise Policy 2000~~ [EPA Noise Policy for Industry 2017](#) in particular the modification required for acceptable noise level (ANL).

2.3.3 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 public outdoor spaces.
- P2 Development should not result in the wind speed exceeding 13m/s at footpaths and accessible outdoor spaces.
- P3 A Wind Impact Report, prepared by an appropriately qualified person, must be submitted with any application where the proposal results in the building exceeding 33m in height.

2.3.4 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.

2.3.5 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.



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Provisions

- P1 External facades of buildings should not be floodlit.
- P2 Where external artificial illumination is proposed:
- it should be designed and sited to minimise glare.
 - 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-2.4.

Zone	Curfew Time
B3 Commercial Core	1.00am
B1 Neighbourhood Centre B4 Mixed Use IN2 Light Industry	11.00pm

- P4 Entrances must be well lit and do not produce shadows or adverse glare.
- P5 Staff entrances 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 to minimise sky glow.
- P7 Council may require the submission of a Lighting Report for a development prepared by an appropriately qualified person.

2.3.6 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 C of the DCP), using materials that are sun, rain and wind proof.
- P2 Awnings must be provided as required in Table B-2.5.

Requirement	Zone	
	B3 Commercial Core B4 Mixed Use	B1 Neighbourhood Centre
Minimum Width	2m (min)	2m (min)
Setback from kerb -	General	1.1m (or 600mm where walkway is not of sufficient width)
	To accommodate street trees	1.5m
		600mm
		2.0m



TABLE B-2.5 - Awnings		
Requirement	Zone	
	B3 Commercial Core B4 Mixed Use	B1 Neighbourhood Centre
Height above footpath level	3.2m - 4.2m	3.0m - 3.6m

- P3 New awnings should match the height of existing awnings on adjacent sites.
- P4 Weather seals are to be provided between new and existing awnings on adjacent sites and between the awning and the building.
- P5 Where appropriate, temporary shade structures such as retractable blinds, umbrellas and pergolas may be provided (e.g. to outdoor café and gardens).
- P6 Openings with a minimum dimension of 1.5m - 2m (measured from kerb) by 2.5m wide must be provided in awnings located over public footpaths to allow for the accommodation of street trees.

2.3.7 Solar access

Objectives

- O1 To ensure that solar access is maintained to Special Areas, open spaces and publicly accessible outdoor places.
- O2 To maintain solar access to residential areas surrounding the North Sydney Centre.
- O3 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.
- O4 To ensure that all dwellings have reasonable access to sunlight and daylight.

Provisions

- P1 Developments within the North Sydney Centre must comply with the height and overshadowing requirements contained within cl.4.3, and cl.6.4 of NSLEP 2013.
- P2 Developments located outside of the 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:
- any solar panels;
 - the windows of main internal living areas;
 - principal private open space areas; and
 - any communal open space areas.

located on the subject property and any adjoining residential properties.

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

- P3 Despite P2 above, living rooms and private open spaces for at least 70% of dwellings within a residential flat building or shoptop housing 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).
- 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.
- 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.

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- P7 Provide a mix of sun-protected and unprotected areas in public open space, roof top gardens and other outdoor spaces.
- P8 Avoid providing apartments within mixed use developments that have a sole orientation to the south. Where south facing apartments can not 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.
- P9 The use, location and placement of photovoltaic solar panels take into account the potential permissible building form on adjoining properties.

2.3.8 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. However, 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 ~~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.~~ 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 opportunities for vistas and views from streets and other public places.
- O2 To protect and enhance existing views and vistas from streets and other public spaces.
- O3 To provide additional views and vistas from streets and other public spaces where opportunities arise.
- O4 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 Where appropriate, the opening up of views should be sought to improve the legibility of the area.
- P2 Provide public or semi-public access to top floors where possible (e.g. restaurants, roof top gardens and facilities).
- P3 Use setbacks, design and articulation of buildings to maintain street views, views from public areas and those identified in the relevant area character statement (refer to Part C of the DCP).
- P4 Maintain and protect views identified in the relevant area character statement (refer to Part C of the DCP) from future development.
- P5 ~~Where a proposal is likely to adversely affect views from either public or either private or public 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~~ is-are available to view on the Land and Environment Court's website



(http://www.lec.justice.nsw.gov.au/planning_principles), (www.lawlink.nsw.gov.au/lec)

2.3.9 Acoustic privacy

Objective

- O1 To ensure all residents within mixed use developments are provided with a reasonable level of acoustic privacy.

Control

- P1 This subsection only applies to the residential component of any mixed use development.
- P2 New dwellings shall be designed and constructed to comply with the criteria specified in Table B-2.6 for all noise intrusion from external noise sources (including mechanical services noise from within the development itself), with windows and doors closed:

Internal Space	Time Period	Max 1 hr noise level (LAeq 1 Hour)
Living areas	Day or Night	≤ 40 dBA
Sleeping Areas	Day or Night	≤ 35 dBA

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

- P3 Where multiple dwellings are provided within the same building, the residential components of the building shall be designed and constructed to comply with the requirements in Table B-2.7 regarding acoustic insulation of walls and floors.

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 _w 55 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 _w 28
Field Impact Isolation Class (FIIC) of floors Impact Isolation of Floors	Where the floor of a dwelling separates a habitable room of one dwelling and another 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'}w, not more than 55 dB. Where the floor separates a habitable room of one dwelling and another 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 Field Impact Insulation Class of FIIC ≥55.

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- P4 An acoustic report prepared by a certified acoustic consultant must be submitted with all development applications which involves the construction of 4 or more new dwellings and must address the requirements to P2.
- P5 Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings.
- P6 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 P3 above.
- P7 Windows and doors should be located away from external noise sources, or buffers used where separation can-not be achieved.
- P8 Materials with low noise penetration properties should be used where practical.
- P9 Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreation areas.
- P10 Mechanical equipment, such as pumps, lifts or air conditioners should not be located adjacent to bedrooms or living rooms of dwellings within the development or on adjoining properties.
- P11 Where dwellings are located on busy roads incorporate the following 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.
- P12 Development comprising places of public worship, hospitals, educational facilities or child care centres or containing residential uses 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 RMS) must consider **the requirements of the DoP's Development Near Rail Corridors and Busy Roads – Interim Guideline** (19 December 2008) in accordance with cl.87(2) and cl.102(2) of SEPP (Infrastructure) 2007. An acoustic report may be required to demonstrate compliance with this Guideline and the acoustic requirements within cl.87(3) and cl.102(3) of the [SEPP \(Infrastructure\) 2007](#).
- P13 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 dwelling entries, reduce amenity for pedestrians and reduce casual surveillance of the street. Try to reduce acoustic impacts through other acoustic reduction measures.

2.3.10 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 RMS) must consider the requirements of **the DoP's Development Near Rail Corridors and Busy Roads – Interim Guideline** (19 December 2008) in accordance with cl.87(2) and cl.102(2) of [SEPP \(Infrastructure\) 2007](#). In particular, consideration should be given to the vibration criteria contained **within the Department of Environment Climate Change and Water's Assessing**

Part B

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Vibration: a technical guideline. A vibration assessment report may be required to be prepared to demonstrate compliance with these Guidelines.

2.3.11 Visual privacy

Objectives

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

Provisions

- P1 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.
- P2 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.
- P3 Provide suitable screening structures or planting to minimise overlooking from proposed dwellings to the windows, balconies or private open space of adjacent dwellings, to windows, balconies or private open space of dwellings within the same development.
- P4 Provide visual separation between any non-residential use and residential uses within buildings and sites.
- P5 The residential components of mixed use developments are to provide adequate separation between habitable rooms, balconies and non-habitable rooms, consistent with [SEPP 65](#). The relevant separation distances are reproduced in Table B-2.8.

TABLE B-2.8: Building Separation Requirements

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

- P6 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.

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 Context

Objectives

- O1 To ensure that the site layout and building design responds to the existing characteristics, opportunities and constraints of the site and within its wider context (adjoining land and the locality).

Provisions

- P1 Proposed developments must be designed to respond to the issues identified in the site analysis and in the relevant area character statement (refer to Part C of the DCP).
- P2 A Site Analysis is undertaken in accordance with Part A: Section 5 - *Site Analysis* of this DCP.

2.4.2 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 C 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.

2.4.3 Setbacks

Objectives

- O1 To enable a reduction in the impact of scale.
- O2 To ensure adequate ventilation, solar access, 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 C of the DCP).



P2 New development must give consideration to the setbacks of adjacent buildings and heritage items.

Front

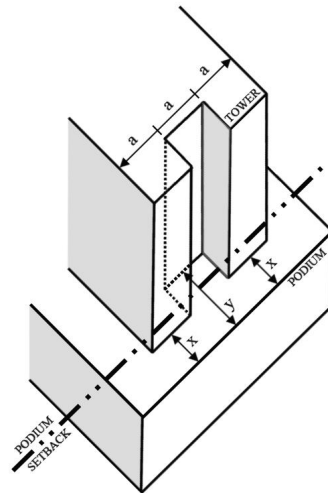


Figure B-2.1:
Weighted average is the average of projections and recesses from setback above podium (i.e. $x = \frac{x + y}{3}$ = podium setback)

P3 A zero metre setback must be provided, unless an alternative setback is identified within the in the relevant area character statement (refer to Part C of the DCP).

P4 That part of the building located above the podium must be setback a weighted average (refer to Figure B-2.1) in accordance with the relevant area character statement (refer to Part C of the DCP).

Side & Rear

P5 A zero metre setback, unless an alternative setback is identified within the relevant area character statement (refer to Part C of the DCP).

P6 Despite P5 above, buildings containing non-residential activities must be set back a minimum of 3m from the property boundary where the adjoining site has balconies or windows to main living areas of dwellings or serviced apartments located at the same level.

Note: Side setbacks may be affected by building separation requirements and or podium level setback requirements.

P7 Despite P5 above, a development proposed on land adjoining or adjacent to a Residential or Recreation zone must not exceed a building height plane commencing:

- (a) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from all boundaries that directly adjoin land zoned R2 —Low Density Residential, R3 —Medium Density Residential, R4 —High Density Residential, RE1 —Public Recreation, or
- (b) at 3.5m above ground level (existing) and projected at an angle of 45 degrees internally to the site from the centre line of any adjoining road or laneway separating the site from land zoned R2 —Low Density Residential, R3 —Medium Density Residential, R4 —High Density Residential, RE1 —Public Recreation.

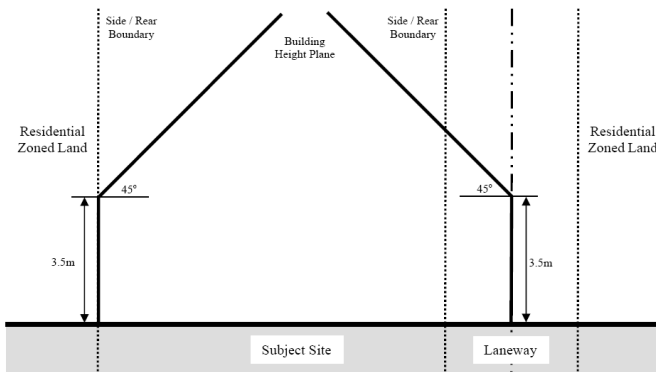


Figure B-2.2:
Building height plane requirements

- 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 *B1 – Neighbourhood Centre* or *B4 – 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.

2.4.4 Podiums

Objectives

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

Provisions

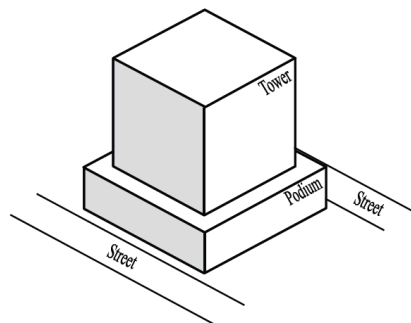


Figure B-2.3:
Podium/tower form of development



- P1 Where required, a podium must be provided along all street frontages including laneways, with a height and setback above the podium, in accordance with the relevant area character statement (refer to Part C of the DCP).
- P2 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.

2.4.5 Building design

Objectives

- O1 To ensure that buildings are designed to reinforce the urban character of a locality.
- O2 That buildings clearly define streets, street corners and public spaces.

Provisions

- P1 Floor to ceiling heights should be provided in accordance with the minimum requirements set out in Table B-2.9.

Zone	Ground Floor	First Floor	Upper Floors
B1 Neighbourhood Business	3.3m	2.7m	2.7m
B3 Commercial Core	3.3m	3.3m	3.3m
B4 Mixed Use	3.3m	3.3m	2.7m
IN2 Light Industrial	3.3m	2.7m	2.7m

- 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 Podiums are to be built to the boundary of the site unless providing a setback for public space at ground level as required by the relevant area character statement (refer to Part C of the DCP).
- P6 Buildings should be built predominantly to setback alignment.
- P7 Building should be articulated and have a positive relationship with the public domain in terms of scale and setbacks.
- P8 Building elements, such as materials, finishes, and window dimensions should relate to neighbouring buildings.
- P9 Buildings are to respect the setting and curtilage of heritage items (refer to Part B: Section 13 - *Heritage and Conservation* of the DCP).
- P10 Buildings should incorporate architectural detailing and ornamentation which provides a rich visual reference for pedestrians.
- P11 Balconies are to be incorporated within the setback or building envelopes.
- P12 Within the *B1 —Neighbourhood Centre* zone, provide a traditional two 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.

2.4.6 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 Buildings located on land within the North Sydney Centre must comply with the building height requirements outlined in cl.4.3 [and cl.6.3](#) of NSLEP 2013.
- P2 The built form should step down from the centre of each commercial or mixed use centre to a comparable scale at the interface of any adjoining residential zone.
- P3 Roofs should be designed such that they are integral with the overall design of the building.
- P4 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.
- P5 If telecommunication aerials are to be provided, they must be incorporated into the roof top design, and not comprise ad-hoc additions.
- P6 With respect to buildings greater than 30m in height, and all buildings within the North Sydney Centre, the roof is to be designed such that consideration is given to the building being seen in a regional view catchment.
- P7 All plant room equipment must not be visible from any location viewed from ground level.

2.4.7 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:
- be designed with increased emphasis to anchor primary vistas and nodal points;
 - 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;
 - where located at a street intersection, incorporate a minimum 1.5m splay measured from the corner of the intersection along each property boundary; and
 - 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.

2.4.8 Balconies - Apartments

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:
- the building is predominantly characterised by enclosed balconies; or
 - 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:
- include details outlining the size, scale and choice of materials of the proposed enclosure/s); and
 - be adopted by the body corporate before being submitted to Council.

2.4.9 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 C 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~~ P8 The extent of natural light to the link should be maximised where possible.
- ~~P9~~ 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~~ P10 Signage must be provided at the entry to the linkage, indicating public accessibility and the street to which the connection links.



~~P10~~P11 Opportunities for integration of public art installations within the link are to be maximised.

~~P11~~P12 The linkage is to be designed to positively respond to the “safer by design” principles.

2.4.10 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 C 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.

2.4.11 Entrances and exits

Objectives

- O1 To enable equitable access to all persons regardless of ability.
- ~~O2~~ O2 To ensure that entrances are clearly visible from the street and convey a sense of address.
- ~~O3~~ O3 [To maximise safety and amenity of occupants to building 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 B: Section 12 – Access 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 non-residential development.

2.4.12 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.

2.4.13 Public spaces and facilities

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**”.

Provisions

- P1 In terms of built form and intensity, new development should respect the scale, character and density of existing development located adjacent to business zoned land.
- 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 Avoid cluttering spaces and changes of level.
- P5 Locate facilities that attract people, such as public phones, seating and information kiosks, in public spaces to reinforce activity at ground level.



P6 Avoid over-management of public spaces by security patrols or through the use of closed circuit television (CCTV).

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 Accessibility

Objectives

O1 To ensure that buildings are made accessible to all persons regardless of their mobility.

Provisions

P1 Buildings are to be designed in accordance with the provisions contained within Part B: Section 12 - Access of the DCP.

2.5.2 Safety and security

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.

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- 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.

2.5.3 Illumination

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 publically 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 Character 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 business 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 **B3-Commercial Core Zone** only.



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- 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.

2.5.4 High quality residential accommodation

Objectives

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

Provisions

- P1 Apartments within mixed use developments, must be designed to provide the following minimum internal areas⁴:
- (a) Studio ~~40m²~~ 35m²
 - (b) 1 bedroom 50m²
 - (c) 2 bedrooms ~~80m²~~ 70m²
 - (d) 3+ bedrooms ~~100m²~~ 90m²
- P2 Include courtyards, balconies and gardens as the principal open space area for residents. These should have solar access for a minimum of 2 hours a day measured at June 21st.
- P3 Communal corridors must have a minimum width of 2m to facilitate movement (i.e. no right angled corners).
- P4 No more than ~~10~~ 8 dwellings are to be accessible from a single common lobby space.
- P5 Avoid the use of double loaded corridors.
- P6 Maximum depth of a habitable room from a window, providing light and air to that room, is 10m.
- P7 Apartments have a **minimum width of 4m. An apartment's width should increase** relative to an increase in its depth.
- P8 Single aspect apartments have a maximum depth of 8m from a window.
- P9 The habitable space serviced by a window is no more than 10 times the glazed area of the window.

⁴ 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.

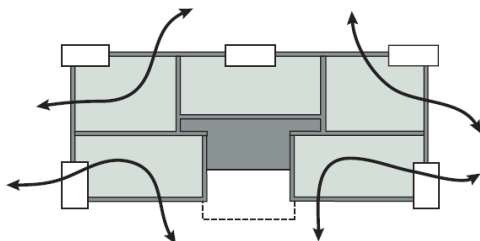


Figure B-2.5:
Corner apartments can achieve effective natural cross ventilation

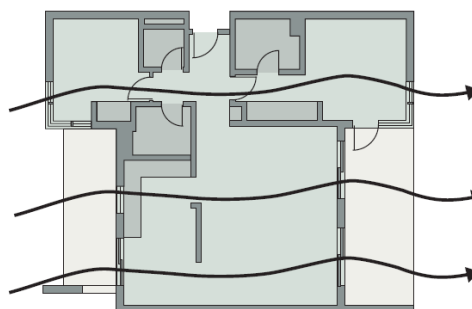


Figure B-1.8:
This optimal layout allows air flow directly from one side of the apartment to the other.

- P10 At least 60% of apartments are to be provided with cross ventilation (i.e. window openings that face different directions). For apartments with no cross ventilation, ceiling fans must be provided.
- P11 Utilise double glazing, awnings or window solar screens to reduce reliance on artificial cooling of buildings.
- P12 The amount of glazing on eastern and western elevations is to be minimised and incorporate external shading devices.
- P13 Amenity and safety of residents is protected from intrusion by users of the non-residential parts of the development (e.g. through the use of security access to lifts and car parking).

2.5.5 Lightwells and Ventilation

Objectives

- O1 To ensure that apartments within mixed use developments 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:
- the lightwell does not provide the primary source of natural daylight and ventilation to any habitable room of a dwelling within the development; and
 - the dimensions of the lightwell comply with the building separation requirements set out in P5 to s.2.3.11 to this Part 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
 - 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
 - all building services (e.g. utility installations, pipes, cabling and the like) are concealed and not overlooked by principal living rooms or bedrooms; and
 - the lightwell is fully open to the sky.
- P2 Despite P2(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.

2.5.6 Private Open Space

Objectives

- O1 To ensure that residents of apartments within mixed use developments are provided with a reasonable level of outdoor amenity.
- O2 To ensure that private open spaces are a sufficient size to be usable.

Provisions

- P1 Apartments within mixed use developments must provide at least one ~~the following minimum~~ private open space ~~areas~~ with the following minimum areas:
- (a) Studio ~~8m²~~ 4m²
 - (b) 1 bedroom 8m²
 - (c) 2 bedrooms ~~12m²~~ 10m²
 - (d) 3+ bedrooms ~~120m²~~

Note: Best practice standard for balcony size is 15% of floor area of the apartment.

- P2 Private open spaces must provide a minimum depth of 2m, or 2.4m where it relates to a 3+ bedroom apartment ~~and area of 8m².~~
- P3 Where apartments are proposed without private open space, the size of the apartment must be increased by ~~a minimum of 8m² (i.e. reflecting the minimum private open space requirement).~~
- P4 Private open spaces should be located such that they are directly accessible off a main living area of the dwelling.
- P5 In addition to the requirements of P1, multi-dwelling developments are encouraged to provide communal residential areas to encourage social interaction.

Notes: It is considered best practice to provide communal 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.

- P6 Communal residential spaces:
- (a) should comprise a mixture of indoor and outdoor spaces (such as gymnasium, pool and meeting rooms for residents);
 - (b) must be provided in developments containing more than 15 bedrooms, with a minimum area of 20m² or 1m² per bedroom, which ever 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 P6(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.

2.5.7 Vehicular access

Objectives

- O1 To enhance pedestrian safety.



O2 To minimise the disruption to the streetscape from vehicle crossovers.

O3 To enhance the visual streetscape.

Provisions

P1 Where available and practical, all vehicle access must be provided from laneways.

P2 Service vehicle access should be combined with parking access.

P3 Vehicular access points should be limited to a maximum of one access point per building.

P4 Where possible, shared or amalgamated vehicle access points with an adjoining building should be provided.

P5 Vehicle entries, walls and ceilings should be finished with high quality materials, finishes and detailing, similar to the overall external facades of the building.

P6 Service ducts and pipes should be concealed when viewed from the public domain.

P6~~P7~~ Parking areas must be designed to enable vehicles to enter and leave the site in a forward direction.

2.5.8 Car Parking

Objectives

O1 Maintain existing on-site car parking provision for employees and visitors.

Provisions

P1 Provide on-site car parking in accordance with Part B: Section 10 – *Car Parking and Transport* of the DCP.

P2 All car parking must be provided underground.

P3 Where security doors/gates are proposed provide an intercom system to facilitate visitor/service access to underground parking areas.

P4 Disabled and visitor parking spaces must be designated common property once the development is subdivided.

2.5.9 Garbage Storage

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

General

P1 Communal on-site waste storage, recycling and collection points must be provided for each development site.

P2 Separate ~~waste garbage~~ storage facilities must be provided where a development contains a mixture of both for the residential and commercial components of the development uses. Access to these separate storage areas is to be restricted to their respective users.

P3 A garbage storage area should be located within 2m of the street or laneway boundary.

P4 Notwithstanding P3 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.



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- P5 Garbage storage facilities should not be located in conjunction with the main pedestrian entrances to a building.
- P6 Garbage bins stored in a collection facility should be located within 3m of the facility's entrance.
- P7 Convenient access for on-site movement and collection should be provided.
- P8 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.
- P9 Garbage storage areas must be screened from streets and laneways to discourage the illegal dumping of rubbish and unsightly mess visible to pedestrians.
- P10 Garbage storage areas must be located and managed to avoid causing a nuisance from smells, insects or animals.
- P11 Sufficient space must be provided to accommodate any on-site treatment facilities (e.g. compaction) proposed to be incorporated.
- P12 Garbage storage areas should be adequately protected from inclement weather. Where appropriate, the area should be enclosed or undercover.
- P13 Storage areas must be well ventilated and drained to a lawfully approved sewerage system.
- P14 Where a garbage chute is provided or required:
- a separate garbage chute must be provided for the residential and commercial components of the building;
 - the garbage chute room must be adequately ventilated and incorporate fire safety and other services in accordance with the BCA.
- P15 Garbage facilities are to be designed and constructed in accordance with Council's Waste [Facility Management](#) Guide (refer to Appendix 3).

Commercial components

- P16 On-site garbage storage areas must be provided which are capable of accommodating the number of garbage and recycling bins as indicated in Table B-2.10. 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 B-2.10: 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	0.01-0.03m³ 10L / 100m² GFA / day	10L / 100m² GFA / day
Retail Trading	Shops ≤ 100m²	50-100L 50L / 100m² GFA / day	25L / 100m² GFA / day
	Shops ≥ 100m²	50L / 100m² GFA / day	50L / 100m² GFA / day
	Large s Supermarkets, Family centres	0.1-3m³ 660L / 100m² GFA / day	130L / 100m² GFA / day
	Sho rooms ping malls	40L / 100m² GFA / day Dependant of development. Apply appropriate combination of factors.	10L / 100m² GFA / day

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TABLE B-2.10: Waste bin requirements			
Type of Premises	Sub type of premises	Typical Volume of Waste generated to be stored	
		Waste	Recycling
	Greengrocers	0.2-0.4m³ <u>240L</u> / 100m ² GFA / day	<u>410L / 100m² / day</u>
	Florist / plant shop	0.9m³ <u>900L</u> / 100m ² GFA / day	<u>(combined)</u>
	Butcher / <u>Delicatessen</u>	0.9m³ <u>80L</u> / 100m ² GFA / day	<u>Variable, but average 50L / 100m² GFA / day</u>
	Bakery	0.9m³ <u>295L</u> / 100m ² GFA / day	<u>165L / 100m² GFA / day</u>
	Fish	0.9m³ <u>580L</u> / 100m ² GFA / day. <u>The shop Waste receptacles</u> shall be refrigerated so as to ensure all wastes are kept at a temperature not exceeding 4°C	<u>Variable</u>
<u>Catering Food and drink premises</u>	<u>Take away Food and drink premises</u>	0.3-0.6m³ <u>80L</u> / 100m ² meals GFA / day 0.15m³ for bottle recycling / 100 meals / day	<u>240L / 100m² GFA / day</u>
	<u>Restaurants and cafes</u>	<u>10L / 1.5m² GFA / day</u>	<u>120L / 100m² GFA / day</u>
	Registered clubs <u>Pub</u> <u>Small bar</u>	0.3-0.6m³ <u>50L</u> / 100m ² bar area -meals- / day <u>80L / 100m² restaurant GFA / day</u> 0.05m³ for bottle recycling / 100 meals / day	<u>50L / 100m² bar area / day</u> <u>50L / 100m² dining area / day</u>
Assembly rooms	Social recreational or religious premises	0.6m³ <u>50L</u> / 100m ² GFA / day	<u>10L / 100m² GFA / day</u>
	Entertainment facilities	0.12m³ <u>1L</u> / 400 seats / session <u>screening</u>	<u>0.5L / 4 seats / screening</u>
<u>Tourist and visitor accommodation</u>	<u>Backpacker accommodation</u>	<u>40L / occupant space / week</u>	<u>20L / occupant space / week</u>
	<u>Hotel and motel accommodation</u>	<u>5L / bed space / day</u>	<u>5L / bed space / day</u>
		<u>50L / 100m² bar area / day</u>	<u>50L / 100m² bar area / day</u>
		<u>10L / 1.5m² dining area / day</u>	<u>50L / 100m² dining area / day</u>
<u>Serviced apartments</u>	<u>120L / apartment / week</u>	<u>60L / apartment / week</u>	
Industrial	-	Dependant upon industry type	<u>Dependant upon industry type</u>

P17 Notwithstanding the rates to P16, 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.

P18 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



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- (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, which is provided with shelving appropriate to hold a minimum of 4 x 50 litre bins with the space to accommodate at least 1 x 240 litre recycling bin for the separate collection of recyclable materials.
- P19 The area allocated must accommodate any privately arranged collection (e.g. daily or weekly, etc. collections).
- P20 Source separation must be provided within the garbage storage area to maximise recycling and reduction of waste sent to land fill.
- P21 Food and drink premises and any other premises involved in the storing of perishable goods are required to:
- provide specialised containment for food scraps;
 - Arrange regular/daily collection of food scraps; and
 - Provide refrigerated garbage rooms where large volumes of perishables (such as seafood) and infrequent collection is proposed.
- P22 Grease traps may be required in certain circumstances (refer to Sydney Water may have specific trade waste requirements).
- P23 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.

Residential component

- P24 On-site garbage storage areas must be provided which are capable of accommodating at least the number of garbage and recycling bins as indicated in Table B-2.11.

No. of Apartments	No. of garbage bins required	No. of recycling bins required
1-3	1 x 60 litre bin / dw*	1 x 140 litre bin / dw
4-12	1 x 60 litre bin / dw or 1 x 240 litre bin / 3 dws	1 x 140 litre bin / 2 dws or 1 x 240 litre bin / 4 dws; <u>2 x 240 L</u> <u>comingled mobile recycling bin</u> each colour coded and dedicated specifically for paper and co-mingled glass/plastic bottles and cans
13 or more	1 x 240 litre bin / 3 dws <u>660 litre bins permitted</u>	2 x 140 litre or 1 x 240 litre <u>mobile bins</u> / 15 dws or part thereof; <u>660 litre bins permitted</u> colour coded and dedicated specifically for paper and co-mingled glass/plastic bottles and cans

* dw = dwelling

- P25 Notwithstanding the rates to P24, 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.
- P26 All developments containing a lift must provide:
- 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

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~~(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, which is provided with ~~either:~~

~~(c)~~—shelving appropriate to hold a minimum of 4 x 50 litre recycling crates; or

~~(d)~~—space to accommodate 1 x ~~2~~40 litre bin

~~(e)~~ (b) for the separate collection of recyclable materials.

P27 Developments which do not contain a lift, but propose to incorporate a garbage chute, must comply with the requirements of P26(a) and P26(b).

P28 Each dwelling must be provided with a waste storage cupboard within the kitchen, ~~which is of sufficient size to hold~~ capable of accommodating at least 2 a single day's waste and to enable source separation of garbage, recyclables and compost material in separate containers.

2.5.10 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

General

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.

Commercial

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.

*Residential*

- P11 Open air drying facilities should be provided in a sunny location which are adequately screened from streets and public places.
- P12 Provide a lockable mailbox for each dwelling close to the main pedestrian entry to the dwelling or building.
- P13 Provide ancillary storage facilities at the rate outlined in Table B-2.12 and linked to each dwelling through provisions of the relevant Strata Plan (at least 50% within the apartment).

Dwelling Size	Minimum Storage Rate
Studio	6m³ 4m ³
1 bedroom dwelling	6m ³
2 bedroom dwelling	8m ³
3+ bedroom dwelling	10m ³

- P14 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.96 application to modify a development consent.
- P15 Incorporate car wash bays in mixed use developments where there are more than 4 dwellings within the development.

2.5.11 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:
- in locations that hinder access to power or water access points;
 - within 5m from front and/or side boundaries to facilitate pedestrian movement;
 - which breach traffic signs or hinder pedestrian or vehicular movement (e.g. in driveways or doorway entrances.);
 - in such a way as to impact on informal or formal through site links or areas formally designated for public access; and
 - near fire protection equipment or exits.
- P2 Mobile carts or stalls:
- are not permitted on road shoulders;
 - may be subject to a limited period of consent and hours of operation;
 - must not provide any live or amplified music or other sounds promoting the cart or stall;
 - 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 EFFICIENT USE OF RESOURCES

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.

Applicants must comply with the submission requirements and performance targets set out in Table B-2.13 in order to demonstrate the proposed development will achieve an efficient use of resources.

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 Efficient Use of Resources sub-sections.



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TABLE B-2.13: Non-residential thresholds, submission requirements and performance targets		
Threshold/size	Submission requirement	Performance target
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 2000m ² GFA	An Efficient Use of Resources Commitment Table (to be completed by the applicant).	Compliance with / consideration of (as relevant) DCP provisions within Efficient Use of Resources sub-section.
2000m ² -5000m ² GFA	An Efficient Use of Resources Commitment Table (to be completed by the applicant); AND	Compliance with / consideration of (as relevant) DCP provisions within Efficient Use of Resources sub-section.
	A NABERS Energy Commitment Agreement and associated documentation (see s.2.6.1(P21) 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 Efficient Use of Resources sub-section, particularly regarding on-site detention, discharge rates and quality of discharge; and demonstration that WSUD has been incorporated to the maximum extent practicable.
>5000m ² GFA	A NABERS Energy Commitment Agreement and associated documentation (see s.2.6.1(P21) 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; AND	Compliance with / consideration of (as relevant) DCP provisions within Efficient Use of Resources sub-section, 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	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

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TABLE B-2.13: Non-residential thresholds, submission requirements and performance targets

Threshold/size	Submission requirement	Performance target
	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.	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 the Efficient Use of Resources sub-section and demonstrate that the development will achieve a very high degree of environmental sustainability.

2.6.1 Energy efficiency

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.

Nearly half of energy consumption in buildings is due to heating, cooling, ventilation, office equipment and lighting. 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 main sources of energy use in commercial buildings include heating and cooling (air-conditioning), lighting and the use of office equipment. 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.

BASIX – Building Sustainability Index

Developments involving the construction of a new dwelling and some alterations to existing dwellings will require the submission of a BASIX certificate. For further information, visit www.basix.nsw.gov.au.

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 Department of Environment, Climate Change and Water (DECCW), 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 DECCW'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 CBD⁵ commercial office

⁵ Figures obtained from the Green Building Council of Australia, circa October 2010.

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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.
- 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**General*

- P1 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.
- P2 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.
- P3 Ensure that the development does not reduce the energy efficiency of buildings in the vicinity.
- P4 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.
- P5 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.
- P6 Lighting for streets, parks and any other public domain spaces provided as part of a development should be energy efficient LED lighting.

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- P7 Car parking areas should be designed and constructed so that electric vehicle charging points can be installed at a later time.
- P8 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.
- P9 Improve the efficiency of hot water systems by insulating hot water systems.
- P10 Wherever possible solar hot water systems should be provided.
- P11 Incorporate on-site renewable energy sources to supplement energy needs during daily peak energy use.
- P12 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.
- P13 Timers and movement sensors should be used to minimise energy consumption, particularly for lighting and mechanical ventilation in public areas.
- P14 Energy efficient lighting and technology should be used to reduce energy consumption. Consider the use of solar powered illumination.
- P15 Use solar powered lighting for external areas.

Residential component

- P16 A BASIX Certificate is required to be submitted with all developments incorporating residential development types nominated under SEPP (Building Sustainability Index: BASIX) 2004.

Note: BASIX assessments and certificates can be obtained on-line at www.basix.nsw.gov.au

Commercial components

- P17 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.
- P18 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.
- P19 Locate appliances and equipment that generate waste heat, (such as copiers) in areas separated from the spaces requiring cooling.
- P20 Buildings, or the commercial components of mixed use buildings, that have a gross floor area greater than 2000m² must be capable of achieving a minimum 4.5 star rating under DECCW'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 DECCW, 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 DECCW's *NABERS Energy and Water for Offices Rules for collecting and using data*. This document can be obtained from www.nabers.com.au www.nabers.gov.au/
 - (c) A computer building simulation in accordance with DECCW's *NABERS Energy Guide to Building Energy Estimation*. This document can be obtained from www.nabers.com.au 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.

- P21 Developments involving the provision of more than 5,000m² of office 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.

2.6.2 Passive solar design

Objectives

- O1 To ensure that site layout and building orientation allows for maximum solar access and are adapted to local climatic conditions and prevailing site characteristics.

Provisions

- P1 To achieve maximum solar access for the buildings residential components of a building 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 Locate the main daytime living areas (e.g. family, dining and meal rooms) on the northern side of apartments.
- P4 Orient the long axis or length of the building to the northerly aspect.
- P5 East and west facing glazing should be minimised and fully shaded at the summer solstice.
- P6 Ensure windows of living areas to apartments 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.
- P7 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.
- P8 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).
- P9 If landscaping is proposed as part of the development, a documented landscape design concept shows how the landscaping contributes to energy efficiency by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor living and working areas.
- P10 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).
- P11 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°.
- P12 Angle louvres to correspond to the lowest altitude angle the sun reaches at noon in winter (31° in Sydney).
- P13 Where main living areas are oriented northwards, aim to achieve a glazed area of 30% of the dwelling's floor area in this direction.
- P14 South facing glazing should be kept to a minimum to reduce winter heat losses.
- P15 Buildings are designed, wherever possible, to include a north facing roof where a solar hot water system or collector can be installed.

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2.6.3 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 building more comfortable for occupants 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 through the use of awnings, shutters or high performance glazing (e.g. double glazing).

2.6.4 Natural ventilation

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 are provided with direct access to fresh air and to assist in promoting thermal comfort for occupants

Provisions

P1 Locate windows and openings ~~of apartments~~ 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).

2.6.5 Water Conservation

Objectives

- O1 To minimise the use of potable water .
 O2 To encourage the reuse of greywater, rainwater and stormwater.

Provisions

General

- P1 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.
- P2 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..
- P3 Harvest and use rainwater for garden irrigation and toilet flushing.
- P4 Collect and reuse stormwater runoff for subsurface irrigation.
- P5 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.
- P6 Install water efficient irrigation systems and controls.
- P7 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.
- P8 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.
- P9 Install a pool cover where the proposed development includes an external swimming pool.

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- P10 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.
- P11 Rainwater tanks should be plumbed to appropriate end uses, including toilet flushing, water features, car washing and garden irrigation.



- P12 Separate meters are to be installed on separate units of occupancy in non-residential BCA class 5, 6 and 7 buildings.
- P13 A reporting system should be developed to inform/educate occupants about the building's water consumption.
- P14 Use waterless urinals.
- P15 Install sensor operated taps, or automatic shutoff taps, especially in public areas.

Residential

- P16 A BASIX Certificate is required to be submitted with all buildings incorporating residential development types nominated under SEPP (Building Sustainability Index: BASIX) 2004.

Note: BASIX assessments and certificates can be obtained on-line at www.basix.nsw.gov.au

2.6.6 Waste Management & Minimisation

Objectives

- O1 To minimise material usage and waste during building, construction and demolition.
- O2 To minimise the level of waste during operation reduce new building material usage and minimise volume of demolition materials.

Provisions

- P1 A Waste Management Plan for the demolition, construction and operation of the building must be provided in accordance with Part B: Section 19 - *Waste Minimisation and Management* of the DCP.
- P2 The building should be designed to encourage waste minimisation (e.g. source separation, reuse and recycling).
- P3 Adequate recycling systems must be provided in the design of the garbage room.
- P4 Materials with long lives and low maintenance needs are encouraged to be incorporated.
- P5 Contractors and sub-contractors employed to undertake proposed construction works and waste removal should be educated about the waste objectives of the development.
- P6 The storage of any hazardous waste materials must be adequately secured.

2.6.7 Stormwater management

Objectives

- O1 To mimic pre-development or natural drainage systems through the incorporation of WSUD on-site.
- O2 To protect watersheds by minimising stormwater discharge and maximising stormwater quality.
- O3 To minimise off-site localised flooding or stormwater inundation.

Provisions

- P1 An *Erosion and Sediment Control Plan* for the construction of the building is required in accordance with Part B: Section 17 - *Erosion and Sedimentation Control* of the DCP.
- P2 A *Stormwater Management Plan* for the operation of the building is required demonstrating compliance with this subsection as well as Part B: Section 18 - *Stormwater Management* of the DCP.
- P3 Demonstrate how run-off from the site will be minimised and the quality of water leaving the site will be improved.



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- P4 Rainwater tanks should be installed for all developments, including major alterations and additions and mixed-use developments. Rainwater tanks should 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.
- P5 As a minimum, post-development stormwater discharge rates should be less than pre-development stormwater discharge rates.
- P6 As a minimum, post-development stormwater quality should be improved from pre-development levels.
- P7 On-site stormwater detention, including the use of grass swales and detention basins, should be pursued where practicable to minimise and filter stormwater runoff
- P8 Impervious surfaces should be minimised.
- P9 Ensure paved areas are at least 50% pervious.
- P10 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.
- P11 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:
- Litter and vegetation larger than 5mm: 90% reduction on the Baseline Annual Pollutant Load;
 - Total Suspended Solids: 85% reduction on the Baseline Annual Pollutant Load;
 - Total Phosphorous: 65% reduction on the Baseline Annual Pollutant Load;
 - Total Nitrogen: 45% reduction on the Baseline Annual Pollutant Load.

2.6.8 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:
- materials which are sourced from renewable and abundant resources;
 - materials which are durable;
 - locally manufactured materials and produced;
 - materials with a low embodied energy content;
 - salvaged and/or recycled materials;
 - timber used be obtained from certified sustainable sources;
 - materials with a high recycled content (>50%);
 - low volatile organic compound (VOC) emitting materials;

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- (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.

2.6.9 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.

2.6.10 Waste Management & Minimisation

Objectives

- ~~O1 To minimise material usage and waste during building, construction and demolition.~~
- ~~O2 To minimise the level of waste during operation reduce new building material usage and minimise volume of demolition materials.~~

Provisions

- ~~P1 A Waste Management Plan for the demolition, construction and operation of the building must be provided in accordance with Part B, Section 19 Waste Management of the DCP.~~
- ~~P2 The building should be designed to encourage waste minimisation (e.g. source separation, reuse and recycling).~~
- ~~P3 Adequate recycling systems must be provided in the design of the garbage room.~~
- ~~P4 Materials with long lives and low maintenance needs are encouraged to be incorporated.~~
- ~~P5 Contractors and sub contractors employed to undertake proposed construction works and waste removal should be educated about the waste objectives of the development.~~
- ~~P6 The storage of any hazardous waste materials must be adequately secured.~~

2.6.11 ~~2.6.10~~ Hotwater systems

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 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.

2.6.12.6.11 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 space⁶ contributes to the achievement of at least three of the above objectives.

⁶ "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.



- 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.

2.6.132.6.12 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.

2.7 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*.



2.7.1 Street furniture, landscaping works, utilities and equipment

Objectives

- O1 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 Where present, overhead wires are to be relocated underground along property boundaries, consistent with the North Sydney Council Undergrounding Master Plan.
- P3 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.
- P4 Seating or seating areas should be positioned at the edge of footpaths where through movement is not obstructed.
- P5 Pedestrian sight lines should not be obstructed by landscaping or other street improvements.
- P6 Public areas should be free from clutter and unclear level changes, having particular regard for accessibility.
- P7 Publically accessible areas are to be provided with a high quality of lighting for security and amenity purposes.

2.7.2 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.

2.7.3 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.

2.7.4 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.

2.7.5 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 All works should be designed in accordance with *North Sydney Centre Public Domain Strategy*.
- P2 Water features, utilising non-potable water, should be considered for inclusion within public spaces, building entrances, foyers, facades and rooftops.
- P3 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.
- P4 Trees should be planted where appropriate to provide shade, shelter and fauna.
- P5 Development on properties in proximity to bushland must be consistent with the requirements of Section 15 – *Bushland* to Part B of the DCP.

Note: Refer to the Bushland Buffer Map in Appendix 4 to this DCP to determine if the subject property is located in proximity to bushland.



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:

- Child 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 [4.1110 to Part 4](#) 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;
- O4 **contributes to the garden setting and lower scale character of North Sydney's residential neighbourhoods;**
- O5 is consistent with the character that is described in the relevant area character statements; and
- O6 incorporates innovative sustainable design to reduce energy and water consumption, and meets or exceeds sustainability requirements.



3.1.2 When does this section of the DCP apply?

This Section of the DCP applies to:

- (a) all development within the ~~R2- Low Density Residential, R3- Medium Density Residential and R4- High Density Residential~~ and E4 Environmental Living zones other than for the following:
 - (i) Attached dwellings;
 - (ii) Boarding houses;
 - (iii) Dual occupancies;
 - (iv) Dwelling houses;
 - (v) Group homes;
 - ~~(v)~~ (vi) Multi dwelling housing;
 - ~~(vi)~~ (vii) Residential flat buildings;
 - (viii) Secondary dwellings
 - ~~(viii)~~ (ix) Semi-detached dwellings;
 - ~~(viii)~~ (x) Seniors housing; or
 - ~~(ix)~~ (xi) Shop top housing.
- (b) development for any purpose 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) ~~E4- Environmental Living~~.

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

- (a) ~~R2- Low Density Residential~~,
- (b) ~~R3- Medium Density Residential~~,
- (c) ~~R4- High Density Residential~~, or
- (d) ~~E4- 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.

3.1.3 Relationships to other sections

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

- (c) Part A: Section 3 – Submitting an Application;
- (d) Part B: Section 5 – Child Care Centres;
- (e) Part B: Section 9 – Advertising and Signage;
- (f) Part B: Section 10 – Car Parking and Transport;
- (g) Part B: Section 11 – Traffic Guidelines for Development;
- (h) Part B: Section 12 – Access;
- (i) Part B: Section 13 – Heritage and Conservation;



- (j) Part B: Section 15 – Bushland;
- (k) Part B: Section 16 – Tree and Vegetation Management;
- (l) Part B: Section 17 – Erosion and Sediment Control;
- (m) Part B: Section 18 – Stormwater Drainage;
- (n) Part B: Section 19 – Waste Management; and
- (o) Part B: Section 20 – Public Infrastructure.

3.1.4 Relationships to other documents and planning policies

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

- ~~(a)~~ SEPP (Educational Establishments and Child Care Facilities) 2017;
- ~~(b)~~ SEPP (Infrastructure) 2007;
- ~~(c)~~ The DoP's Development Near Rail Corridors and Busy Roads – Interim Guideline (19 December 2008);
- ~~(d)~~ SREP (Sydney Harbour Catchment) 2005;
- ~~(e)~~ The DoP's Sydney Harbour Foreshores and Waterways Area DCP (2005); and
- ~~(f)~~ The Rural Fire Services Planning for Bush Fire Protection (2006) guidelines.

3.2 ENVIRONMENTAL CRITERIA

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

3.2.1 Topography

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.

~~P1~~P3 Development should not result in the ground level (finished) being greater than 500mm above or below ground level (existing).

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

~~P3~~P4 Excavation should not occur within 1m of any property boundary.

P5 The depth of soil around buildings must be sufficient to sustain trees as well as shrubs and smaller scale gardens.

P6 Consent must not be granted where the excavation for any associated garages, car parking, plant rooms or ancillary storage and access thereto exceeds 70% of the site area.

P7 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.

~~P4~~P8 Basement car parks, where permitted, must not extend to the full width of a site.

3.2.2 Properties in proximity to bushland

Objectives

O1 To ensure that development located within proximity of land zoned ~~E2~~ *Environmental Conservation* is compatible with long term conservation and management of Council's Bushland reserve system **in accordance with Council's Bushland Plan of Management** and other relevant legislation and policies.

Provisions

P1 Development on properties in proximity to bushland must be consistent with the requirements of Part B: Section 15 - *Bushland* of the DCP.

Note: Refer to the Bushland Buffer Map in Appendix 4 to this DCP to determine if the subject property is located in proximity to bushland.

P2 Maintain existing ground levels on land adjoining land zoned ~~E2~~ *Environmental Conservation*.

3.2.3 Properties on Bush Fire Prone Land

Objectives

O1 To minimise the risk of harm to persons and property in the event of a bush fire.

Provisions

P1 Where relevant, new development on Bush Fire Prone Land must comply with the relevant requirements of the NSW Rural Fire Service's Planning for Bush Fire Protection (as amended) guidelines.

P2 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.



3.2.4 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 must be on land adjacent to the foreshore must be designed with regard to the provisions of [SREP \(Sydney Harbour Catchment\) 2005](#) 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 15 – *Bushland* and Part B: [Section 16](#) – *Tree and Vegetation Management* 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.
- P11 Retaining walls must not exceed 500mm in height individually or where more than one retaining wall is proposed, a cumulative height of 500mm.

3.2.5 Noise

Objectives

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

Provisions

- P1 Noise emission associated with the operation of non-residential premises must not exceed the maximum 1 hour noise levels (LAeq 1 Hour) specified in Table B-3.1.



Time Period			Max 1 hour noise levels (LAeq 1 Hour)	
Day	Week	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 B1– Neighbourhood Centre, B3– Commercial Core or B4– Mixed Use.

Suburban Area – Applies to any allotment of land not classified as an urban area.

- P2 In terms of determining the maximum noise levels as required by P1 above, the measurement is to be taken at the property boundary of the nearest residential premises.
- P3 Despite P1 above, the noise emission associated with the operation of non-residential premises 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.
- P4 Council may require the submission of an Acoustic Report to ensure compliance with P1 above.
- P5 Plant and machinery should incorporate noise reduction measures to minimise their impacts.
- P6 Developments should be designed and / or incorporate features that reduce noise transmission.
- P7 Where practical, development should incorporate adequate measures for tonal, low frequency, impulsive, or intermittent noise.
- P8 Developments must comply with ~~EPA Industrial Noise Policy 2000~~ [EPA Noise Policy for Industry 2017](#) in particular the modification required for acceptable noise level (ANL).

3.2.6 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.

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3.2.7 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 affects 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 10pm on any day.
- P4 Entrances must be well lit and do not produce shadows or adverse glare.
- P5 Staff entrances 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 to minimise sky glow.
- P7 Council may require the submission of a Lighting Report for a development prepared by an appropriately qualified person.

3.2.8 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.

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 opportunities for vistas and views from streets and other public places.
- O2 To protect and enhance existing views and vistas from streets and other public spaces.
- O3 To provide additional views and vistas from streets and other public spaces where opportunities arise.
- O4 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 Where appropriate, the opening up of views should be sought to improve the legibility of the area.



P2 Use setbacks, design and articulation of buildings to maintain street views and views from public areas.

P3 Maintain and protect views identified in the relevant area character statement (refer to Part C of the DCP) from future development.

~~P4~~ Where a proposal is likely to adversely affect views from ~~either public or either~~ private ~~or public 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 ~~is~~ are available to view on the Land and Environment Court's website (http://www.lec.justice.nsw.gov.au/planning_principles).

~~P4~~

3.2.9 Solar access

Objectives

O1 To ensure that dwellings on adjoining and neighbouring sites 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.

located on any adjoining residential properties.

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

P2 Despite P1 above, living rooms and private open spaces for at least 70% of any adjacent dwellings within a residential flat building or shoptop housing 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).

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

3.2.10 Acoustic privacy

Objective

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

Control

P1 Materials with low noise penetration properties should be used where practical.

P2 Mechanical equipment, such as pumps, lifts or air conditioners should not be located adjacent to bedrooms or living rooms of dwellings on adjoining properties.

P3 Where buildings are located on busy roads incorporate the following into the design of the development to reduce traffic noise within the building:

- (a) cavity brick walls;
- (b) double glazing;
- (c) solid core doors;



- (d) concrete floors; and
- (e) recessed balconies.

P4 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 RMS) must consider the requirements of the **DoP's Development Near Rail Corridors and Busy Roads – Interim Guideline** (19 December 2008) in accordance with cl.87(2) and cl.102(2) of SEPP (Infrastructure) 2007. An acoustic report may be required to be prepared to demonstrate compliance with this Guideline and the acoustic requirements within cl.87(3) and cl.102(3) of the [SEPP \(Infrastructure\) 2007](#).

3.2.11 Vibration

Objectives

O1 To ensure that workers 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 RMS) must consider the requirements of the **DoP's Development Near Rail Corridors and Busy Roads – Interim Guideline** (19 December 2008) in accordance with cl.87(2) and cl.102(2) of [SEPP \(Infrastructure\) 2007](#). In particular, consideration should be given to the vibration criteria contained within the [NSW Environment and Protection Authority's 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.

3.2.12 Visual privacy

Objectives

O1 To ensure that adjoining residents are provided with a reasonable level of visual privacy.

Provisions

- P1 Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.
- P2 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.
- P3 Provide suitable screening structures or planting to minimise overlooking to the windows, balconies or private open space of dwellings on adjacent land.
- P4 Signage should not be illuminated.
- P5 Open entertaining spaces such as terraces, patio, gardens and the like on roof tops are generally not supported.
- P6 Despite P5 above, 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;
 - (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 18m², whichever is the lesser; and
- (d) there is no other appropriate ground level space for outdoor recreation.

3.3 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.

3.3.1 Context

Objectives

- O1 To ensure that the site layout and building design responds to the existing characteristics, opportunities and constraints of the site and within its wider context (adjoining land and the locality).

Provisions

- P1 A Site Analysis is undertaken in accordance with Part A: Section 5 – *Site Analysis* of this DCP.
- P2 Proposed developments must be designed to respond to the issues identified in the site analysis and in the relevant area character statement (refer to Part C of the DCP).

3.3.2 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 B: Section 20 – *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 16 – *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.

3.3.3 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 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).



Non-Residential Development in Residential Zones

- 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.

3.3.4 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 area character statement (refer to Part C of the DCP), or if not identified in the relevant area character statement, that are characteristic of the area.
- P2 Design and locate buildings to reinforce the characteristic subdivision pattern in the neighbourhood.
- P3 Break down the bulk of larger buildings, where lots have been amalgamated, with bays or indents on the original building line.

3.3.5 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 C 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.

3.3.6 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 B-3.4.

TABLE B-3.2: Side Setback Requirements			
Zone	Minimum Setback Requirement		
R2 Low Residential Density <u>R3 Medium Residential Density</u> <u>E4 Environmental Living</u>	1 st storey (up to 4m)	900mm	
	2 nd storey (up to 7m)	1.5m	
	3 rd storey or higher (more than 7m)	2.5m	
R4 High Residential Density	On land with a height limit of 12m or less	4.5 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 B-1.3).	
	On land with a height limit greater than 12m	1 st to 3 rd storey (up to 10m)	4.5m
		Above 3 rd storey (more than 10m)	6.0m

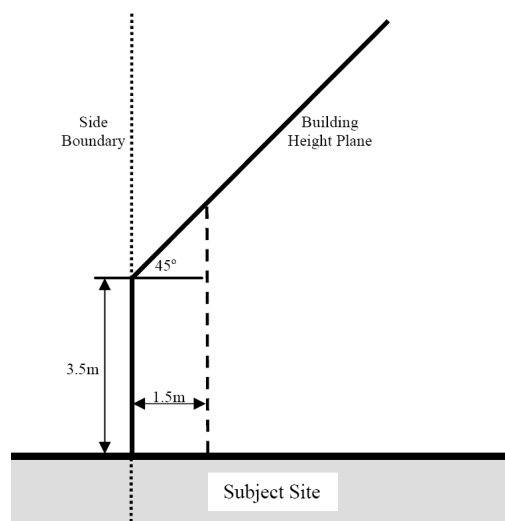


Figure B-3.1:
Setback and building height plane controls for the R4 ~~High Density Residential~~ zone, where the height limit is equal to 12m or less.



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

3.3.7 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 The height of buildings is not to exceed that stipulated within cl.4.3 to NSLEP 2013.
- P2 The number of storeys should be consistent with that identified in the relevant area character statement (refer to Part C of the DCP).
- P3 The finished floor height of the ground floor level should be no higher than 1m, measured vertically at any point, above ground level (existing).
- P4 Finished floor to ceiling heights are a minimum of 3.3m at the ground floor and 2.7m for each floor above the ground 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).
- P5 Where alterations and additions are proposed to a development relying on existing use rights, they must not result in the:
 - (a) material loss of views from other properties or public places, or
 - (b) material overshadowing of other properties or public places, or
 - (c) material loss of privacy to other properties, or
 - (d) increasing of the overall building height, or

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- (e) landscaped area of the development being below the requirements set out in the DCP, or further decrease the landscaped area where the landscaped area is already below the requirements of the DCP, or
- (f) site coverage of the development exceeding the requirements set out in this DCP, or further increase the site coverage where the landscaped area is already above the requirements of this DCP.
- P6 Balconies must be incorporated within the building envelope.
- P7 Ancillary buildings (e.g. garages, carports, sheds etc) should be a much smaller scale than the principle building.
- P8 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.
- P9 Provide smaller door and window openings within masonry walls, so that glass does not dominate the façade.
- P10 Where practical, each tenancy to a building should be provided with an individual entrance from a public street or public place.
- P11 The apparent length of buildings should be broken down through the use of articulation, design and detailing, changes in materials and colours.
- P12 High quality materials should be used throughout the building design.
- P13 Building elements, such as materials, finishes, and window dimensions should relate to neighbouring buildings.
- P14 Buildings are to respect the setting and curtilage of heritage items (refer to Part B: Section 13 - *Heritage and Conservation* of the DCP).

3.3.8 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 B: Section 12 – *Access* of the DCP.



3.3.9 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 C 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.
- P5 Solar panels should be integrated into building design where possible.

3.3.10 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 C 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 any heritage item or heritage conservation area.

3.4 QUALITY URBAN ENVIRONMENT

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

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



3.4.1 Accessibility

Objectives

- O1 To ensure that buildings are made accessible to all persons regardless of their mobility.

Provisions

- P1 Buildings are to be designed in accordance with the provisions contained within Part B: Section 12 - Access of the DCP.

3.4.2 Safety and security

Objectives

- O1 To ensure that a high level of personal safety and security is provided within the development and public domain.

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 Adequate lighting must be provided to open spaces, entrances and pedestrian areas to avoid the creation of shadowed areas.
- P3 Rear service areas and access lanes should either be well secured or easily visible.
- P4 Robust and durable design features should be used where relevant to discourage vandalism.
- P5 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.
- P6 Solid security rollers to shopfronts, building entries and the like are not permitted.
- P7 Fire escapes should not be recessed into the building form. If it is necessary locate them in a recess, then the recess must be shallow to provide for personal security of pedestrians.
- P8 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).
- P9 Rear lanes should be provided with safe and secure lighting.
- P10 Clear sight lines should be maintained around all vehicle access points.
- P11 Street numbering of buildings must be clearly visible from street at all times of the day such that they are easily identifiable.
- P12 Maximise views of the street and building entries and communal areas within the development.
- P13 Maintain sight lines along pathways (i.e. avoid blind corners or hiding places).
- P14 Use design, materials and features (such as street furniture, pavers, fencing and landscaping) to clearly distinguish public, communal and private domains.

3.4.3 Vehicular Access & Car Parking

Objectives

- O1 To provide adequate on-site car parking for residents.
- O2 To ensure adequate access for all vehicles.
- O3 To maintain garden settings.

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O4 To minimise adverse visual impacts on the appearance of the street or building.

Provisions

Quantity

P1 Comply with the parking requirements within Part B: Section 10 – *Car Parking and Transport* of the DCP.

Location

P2 All parking should be provided underground (i.e. within a basement) or where provided at grade, must be adequately screened from the public domain. At grade car parking may only be permitted, where it can be demonstrated that the development can comply with the landscaping and site coverage controls contained within this Section of the DCP.

P3 Where security doors/gates are proposed, an intercom system to facilitate visitor/service access to underground parking areas must be provided.

P4 Design accessways and driveways 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; and
- (d) comply with AS 1428.2 Design for Access and Mobility.
- (e) comply with the requirements of vehicular crossings and driveways as set out in Section 20.4 to this Part of the DCP.

P5 Parking areas must be designed to enable cars to enter and leave the site in a forward direction.

P6 Driveway and pedestrian access must be separated.

P7 The use of car spaces within a development is restricted to the occupiers of that development.

P8 Garages, carports or other like parking structures must not be located between the primary street frontage and the primary street façade of the building.

P9 Despite P8 above, car parking spaces (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 RMS 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 s.1.5.5 to this Part of the DCP, or if it is already less than the minimum requirement, the it is not further reduced;

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- (i) adequate space to fit vehicles within property boundary exists to avoid overhang onto the footpath;
- (j) it complies with AS 2890.1.

Access

- P10 Provide vehicular access, directly from a public road.
- P11 Where the site has frontages to both a street and a rear laneway, vehicular access should be provided from the laneway rather than the street.
- P12 Do not compromise streetscape, building form and landscaped area, or heritage significance through the provision of vehicle access.
- P13 Provide a minimum of 5.5m between gates or doors to parking areas and the boundary of the site to allow a car to be within the property boundary while the gates/doors are opening.
- P14 If security gates/doors are to be used provide an intercom to allow access for visitors.
- P15 Set back any development, including fences, at least 1.2m from a boundary with a laneway to provide adequate turning space within the lane.

3.4.4 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 B-3.3.

Zone	Lot Size (m ²)	Site Coverage (max)
R2 Low Density Housing <u>E4 Environmental Living</u>	0-229	65%
	230-499	50%
	500-749	40%
	750-999	35%
	1000+	30%
R3 Medium Density Housing	All	50%
R4 High Density Housing	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 balconies¹, decks, pergolas and the like;
- (i) paving and patios (porous and non-porous);
- (j) driveways and car stand areas (porous and non-porous);
- (k) water features; or
- (l) anything else defined as landscaped area.

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

3.4.5 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.

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.



Provisions

P1 Provide a minimum landscaped area and maximum un-built upon area in accordance with Table B-3.4.

TABLE B-3.4: Minimum Landscaped Area and Site Coverage <u>Un-built upon Area</u> Requirements			
Zone	Lot Size (m ²)	Landscaped Area (min)	Un-built upon area (max)
R2 Low Density Housing R3 Medium Density Housing <u>E4 Environmental Living</u>	0-229	15%	20%
	230-499	30%	20%
	500-749	40%	20%
	750-999	45%	20%
	1000+	50%	20%
	All	30%	20%
R4 High Density Housing	All	40%	15%

P2 For the purposes of P1:

(a) landscaped area is considered to comprise all parts of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area²; ~~and~~

~~(b)~~ (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

~~(b)~~ (c) the following items are considered to constitute un-built upon area:

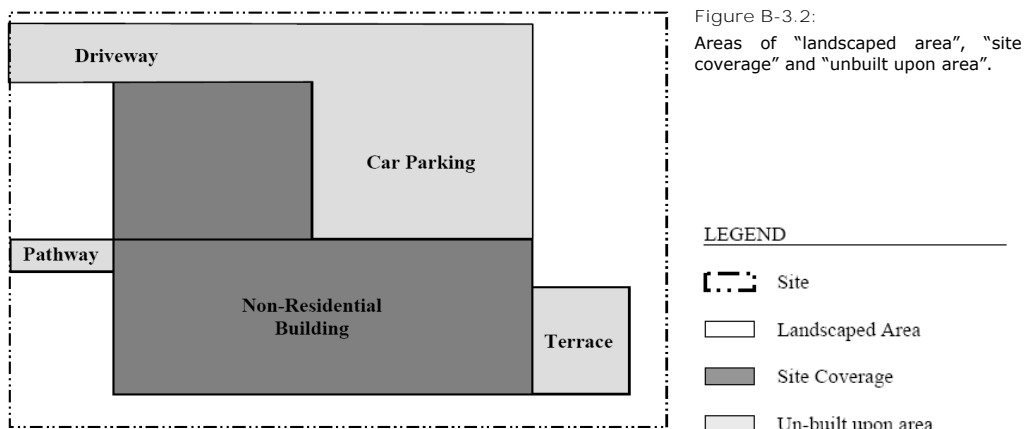
- (i) any part of a basement which does not comprise site coverage;
- (ii) unenclosed balconies³, decks, pergolas and the like;
- (iii) paving and patios (porous and non-porous);
- (iv) driveways and car stand areas (porous and non-porous);
- (v) water features; or

however, un-built upon area excludes:

- (vi) anything else comprising site coverage; or
- (vii) anything else comprising landscaped area.

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

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



- P3 Avoid creating landscaped areas that are broken into a series of small fragmented unusable areas.
- P4 Establish a significant landscaped setting for pathways and paved areas.
- P5 Use planting to create a buffer against cold winter winds (generally westerly), or to direct cooling breezes in summer (generally north easterly).
- P6 Locate driveways and pathways at least 500mm from common boundaries.
- P7 Provide screen planting, including trees, within the 1.5m setback from the common boundary.
- P8 Retain existing mature vegetation and trees and show what measures are to be implemented to protect this vegetation during construction (refer to Part B: Section 16 – *Trees and Vegetation Management* of the DCP).
- P9 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.
- P10 Use pervious materials or stepping stones where pathways are incorporated within side setbacks.

3.4.6 Excavation

Objectives

- ~~01 To retain existing vegetation and allow for new substantial vegetation and trees.~~
- ~~02 To minimise the adverse effects of excavation on the amenity of neighbouring properties.~~
- ~~03 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.~~
- ~~04 To ensure the structural integrity of adjoining properties.~~
- ~~05 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 of this subsection;~~
 - ~~(b) land stability of the site and adjoining land is preserved.~~



~~(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 Consent must not be granted to a development where the excavation for any associated garages, car parking, plant rooms or ancillary storage and access thereto exceeds 70% of the site area.~~

~~P3 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 un-excavated area should be located within the front setback.~~

~~(c) a minimum 1.5m wide strip of soft 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.~~

~~P4 Basement car parks must not extend to the full width of a site.~~

3.4.73.4.6 Landscaping

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 on properties in proximity to bushland must be consistent with the requirements of Part B: Section 15 - *Bushland* of the DCP.

Note: Refer to the Bushland Buffer Map in Appendix 4 to this DCP to determine if the subject property is located in proximity to bushland.

P2 Retain existing trees wherever practical.

P3 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.

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 and reduce water and fertilizer 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.



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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.

3.4.83.4.7 Front gardens

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 (refer to Part B: Section 16 – *Tree and Vegetation Management* of the DCP).

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.

3.4.93.4.8 Garbage Storage

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.

~~O4~~ To ensure developments are designed to maximise resource recovery through waste avoidance, source separation and recycling.

Provisions

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 B-3.5. 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 B-3.5: Waste bin requirements			
Type of Premises	Sub type of premises	Typical Volume of Waste generated to be stored	
		<u>Waste</u>	<u>Recycling</u>
Child care facilities	All types	<u>20 L / child / week</u>	<u>10 L / child / week</u>
Office buildings	General office use	<u>0.01-0.03m³ 10 L / 100m² GFA / day</u>	<u>10 L / 100m² GFA / day</u>



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TABLE B-3.5: Waste bin requirements			
Type of Premises	Sub type of premises	Typical Volume of Waste generated to be stored	
		Waste	Recycling
Retail Trading	Shops to < $\leq 100 \text{ m}^2$	0.1-0.2m³ <u>50 L / 100 m² GFA / day</u>	<u>25 L / 100 m² GFA / day</u>
	<u>Shops > 100 m²</u>	<u>50 L / 100 m² GFA / day</u>	<u>50 L / 100 m² GFA / day</u>
	Large supermarkets, Family centres <u>Supermarkets</u>	0.1-3m³ <u>660 L / 100 m² GFA / day</u>	<u>130 L / 100 m² GFA / day</u>
	Showrooms <u>Shopping malls</u>	Dependant of development. Apply appropriate combination of factors. <u>40 L / 100 m² GFA / day</u>	<u>10 L / 100 m² GFA / day</u>
	Greengrocers	0.2-0.4m³ <u>240 L / 100 m² GFA / day</u>	<u>410 L / 100 m² GFA / day</u>
	Florist / plant shop	0.9m³ <u>900 L / 100 m² GFA / day (combined)</u>	
	Butcher / <u>Delicatessen</u>	0.9m³ <u>80 L / 100 m² GFA / day</u>	<u>Variable, but average 50 L / 100 m² GFA / day</u>
	Bakery	0.9m³ <u>295 L / 100 m² GFA / day</u>	<u>165 L / 100 m² GFA / day</u>
	Fish	0.9m³ <u>50 L / 100 m² GFA / day</u> <u>Waste receptacles shall be refrigerated so as to ensure all wastes are kept at a temperature not exceeding 4°C</u>	<u>Variable</u> <u>The shop shall be refrigerated so as to ensure all wastes are kept at a temperature not exceeding 4°C</u>
Catering <u>Food and drink premises</u>	Take away f <u>Food and drink premises</u>	0.3-0.6m³ <u>80 L / 100 m² GFA / day</u> <u>100 meals / day</u>	0.15m³ for bottle recycling <u>240 L / 100 m² GFA / day</u> <u>100 meals / day</u>
	<u>Restaurants and cafes</u>	<u>10 L / 1.5 m² GFA / day</u>	<u>120 L / 100 m² GFA / day</u>
	Registered clubs <u>Pub</u> <u>Small bar</u>	0.3-0.6m³ <u>50 L / 100 m² bar area / day</u> <u>100 meals / day</u> <u>80 L / 100 m² restaurant GFA / day</u>	<u>50 L / 100 m² bar area / day</u> <u>50 L / 100 m² restaurant GFA / day</u> <u>0.05m³ for bottle recycling / 100 meals / day</u>
Assembly rooms	Social recreational or religious premises	0.6m³ <u>50 L / 100 m² GFA / day</u>	<u>10 L / 100 m² GFA / day</u>
	Entertainment facilities	0.12m³ <u>1 L / 400 seats / session</u> <u>screening</u>	<u>0.5L / 4 seats / screening</u>
Tourist and visitor accommodation	<u>Backpacker accommodation</u>	<u>40 L / occupant space / week</u>	<u>20 L / occupant space / week</u>
	<u>Hotel and motel accommodation</u>	<u>5 L / bed space / day</u>	<u>5 L / bed space / day</u>
		<u>50 L / 100 m² bar area / day</u>	<u>50 L / 100 m² bar area / day</u>
		<u>10 L / 1.5 m² dining area / day</u>	<u>50 L / 1.5 m² dining area / day</u>
<u>Serviced apartments</u>	<u>120 L / apartment / week</u>	<u>60 L / apartment / week</u>	
Industrial	-	Dependant upon industry type	<u>Dependant upon industry type</u>

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* GFA = gross floor area

- 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 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, which is provided with shelving appropriate to hold~~ **with space to accommodate 1 x 240L bin** ~~a minimum of 4 x 50 litre recycling crates~~ for the separate collection of recyclable materials.
- P4 A garbage storage area/s should be located within 2m of the street or laneway boundary.
- P5 Notwithstanding P4 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.
- P6 Garbage storage facilities should not be located in conjunction with the main pedestrian entrances to a building.
- P7 Garbage bins stored in a collection facility should be located within 3m of the facility's entrance.
- P8 Convenient access for on-site movement and collection should be provided.
- P9 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.
- P10 Garbage storage areas must be screened from streets and laneways to discourage the illegal dumping of rubbish and unsightly mess visible to pedestrians.
- P11 Garbage storage areas must be located and managed to avoid causing a nuisance from smells, insects or animals.
- P12 Sufficient space must be provided to accommodate any on-site treatment facilities (e.g. compaction) proposed to be incorporated.
- P13 Garbage storage areas should be adequately protected from inclement weather. Where appropriate, the area should be enclosed or undercover.
- P14 Storage areas must be well ventilated and drained to a lawfully approved sewerage system.
- P15 Where a garbage chute is provided or required the garbage chute room must be adequately ventilated and incorporate fire safety and other services in accordance with the BCA.
- P16 **Garbage facilities are to be designed and constructed in accordance with Council's Waste Facility Management Guide (refer to Appendix 3).**
- P17 Garbage facilities must accommodate any privately arranged collection (e.g. daily or weekly, etc. collections).
- P18 Source separation must be provided within the garbage storage area to maximise recycling and reduction of waste sent to land fill.
- P19 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

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- (c) Provide refrigerated garbage rooms where large volumes of perishables (such as seafood) and infrequent collection is proposed.
- P20 Grease traps may be required in certain circumstances (refer to Sydney Water may have specific trade waste requirements).
- P21 Special arrangements are required for the storage and disposal of any special waste **material, such as medical or hazardous wastes. Applicant's should contact Council and Environment Protection Authority for further information.**
- P22 Locate and design garbage storage areas to complement the streetscape.
- P23 Ensure garbage/recycling bins/green waste bins will not be visible from the street in the garbage storage area.
- P24 Where possible integrate garbage storage areas with the building.
- P25 Do not place structures for garbage storage areas, that are more than 1m high on the boundary or within the front building line.

3.5 EFFICIENT USE OF RESOURCES

The commercial and retail sectors are significant users of electricity and are major contributors to greenhouse gas 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.

Applicants must comply with the submission requirements and performance targets set out in Table B-~~2-13~~3.6 in order to demonstrate the proposed development will achieve an efficient use of resources.

TABLE B-~~2-13~~3.6: 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 <i>Efficient Use of Resources Commitment Table</i> (to be completed by the applicant).	Compliance with / consideration of (as relevant) DCP provisions within the Efficient Use of Resources sub-section.
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.

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Non-Residential Development in Residential Zones

TABLE B-2-193.6: Non-residential thresholds, submission requirements and performance targets		
Threshold/size	Submission requirement	Performance target
Less than 2000m ² GFA	An <i>Efficient Use of Resources Commitment Table</i> (to be completed by the applicant).	Compliance with / consideration of (as relevant) DCP provisions within Efficient Use of Resources sub-section.
2000m ² -5000m ² GFA	An <i>Efficient Use of Resources Commitment Table</i> (to be completed by the applicant); AND	Compliance with / consideration of (as relevant) DCP provisions within Efficient Use of Resources sub-section.
	A <i>NABERS Energy Commitment Agreement</i> and associated documentation (see s.2.6.1(P21) 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 <i>WSUD report</i> from a suitably qualified consultant.	Compliance with / consideration of (as relevant) DCP provisions within Efficient Use of Resources sub-section, particularly regarding on-site detention, discharge rates and quality of discharge; and demonstration that WSUD has been incorporated to the maximum extent practicable.
>5000m ² GFA	A <i>NABERS Energy Commitment Agreement</i> and associated documentation (see s.3.2.5.1(P217+) 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 <i>Energy Efficiency Report</i> is required 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 Efficient Use of Resources sub-section, 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 <i>Sustainability Report</i> including an <i>Efficient Use of Resources Commitment Table</i> (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 <i>Sustainability Report</i> which includes an <i>Efficient Use of Resources Commitment Table</i> is required it must demonstrate compliance with / consideration of (as relevant) DCP provisions within the Efficient Use of Resources sub-section and demonstrate that the development will achieve a very high degree of environmental

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TABLE B-2-193.6: Non-residential thresholds, submission requirements and performance targets

Threshold/size	Submission requirement	Performance target
		sustainability.

3.5.1 Energy efficiency

Nearly half of energy consumption in non-residential buildings is due to heating, cooling, ventilation, office equipment and lighting. A typical energy bill is 25% of a building's total operating costs. 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.

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 Department of Environment, Climate Change and Water (DECCW), 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 DECCW'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 CBD⁴ 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.
- O2 To ensure that buildings are designed such that the air conditioning plant meets performance requirements, while minimising energy usage.

⁴ Figures obtained from the Green Building Council of Australia, circa October 2010.



Non-Residential Development in Residential Zones

- O3 To encourage the use of energy efficient lighting.
- Provisions
- P1 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.
- P2 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.
- P3 Ensure that the development does not reduce the energy efficiency of buildings in the vicinity.
- P4 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.
- P5 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.
- P6 Improve the efficiency of hot water systems by insulating hot water systems.
- P7 Wherever possible solar hot water systems should be provided.
- P8 Fixed heating and cooling systems are not encouraged.
- P9 Incorporate on-site renewable energy sources to supplement energy needs during daily peak energy use.
- P10 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.
- P11 Timers and movement sensors should be used to minimise energy consumption, particularly for lighting and mechanical ventilation in public areas.
- P12 Energy efficient lighting and technology should be used to reduce energy consumption. Consider the use of solar powered illumination.
- P13 Use solar powered lighting for external areas.
- P14 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.**
- P15 Locate appliances and equipment that generate waste heat, (such as copiers) in areas separated from the spaces requiring cooling.

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- P16 Buildings, or the commercial components of mixed use buildings, that have a gross floor area greater than 2000m² must be capable of achieving a minimum 4.5 star rating under DECCW'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:
- Evidence that a Commitment Agreement has been entered into with DECCW, 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.
 - An independent energy assessment report that follows the guidelines in DECCW's NABERS Energy and Water for Offices Rules for collecting and using data. This document can be obtained from www.nabers.com.au www.nabers.gov.au/;
 - A computer building simulation in accordance with DECCW's NABERS Energy Guide to Building Energy Estimation. This document can be obtained from www.nabers.com.au 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.
- P17 Developments involving the provision of more than 5,000m² of office 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.

3.5.2 Passive solar design

Objectives

- O1 To ensure that site layout and building orientation allows for maximum solar access and are adapted to local climatic conditions and prevailing site characteristics.

Provisions

- P1 Buildings should be oriented within 20° west of north to 30° east of north to maximise solar access.
- 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 should be minimised and fully shaded at the summer solstice.
- 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 shading device or eaves 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 shows how the landscaping contributes to energy efficiency by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to 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.



3.5.3 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 building more comfortable for occupants 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 through the use of awnings, shutters or high performance glazing (e.g. double glazing).

3.5.4 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 workers are provided 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.

Provisions

- P1 Locate windows and openings ~~of apartments~~ 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).

3.5.5 Water Conservation

Objectives

- O1 To minimise the use of potable water.
O2 To encourage the reuse of greywater, rainwater and stormwater.

Provisions

- P1 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 the development.
- P2 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.
- P3 Harvest and use rainwater for garden irrigation and toilet flushing.
- P4 Collect and reuse stormwater runoff for subsurface irrigation.
- P5 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.*
- P6 Install water efficient irrigation systems and controls.
- P7 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.
- P8 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.
- P9 Install a pool cover where the proposed development includes an external swimming pool.
- P10 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.
- P11 Rainwater tanks should be plumbed to appropriate end uses, including toilet flushing, water features, car washing and garden irrigation.
- P12 Separate meters are to be installed on separate units of occupancy in non-residential BCA class 5, 6 and 7 buildings.



P13 A reporting system should be developed to inform/educate occupants about the **building's water consumption**.

P14 Use waterless urinals.

P15 Install sensor operated taps, or automatic shutoff taps, especially in public areas.

3.5.6 Waste Management & Minimisation

Objectives

O1 To minimise material usage and waste during building, construction and demolition.

O2 To minimise the level of waste during operation reduce new building material usage and minimise volume of demolition materials.

Provisions

P1 A Waste Management Plan for the demolition, construction and operation of the building must be provided in accordance with Part B: Section 19 - *Waste Management* of the DCP.

P2 The building should be designed to encourage waste minimisation (e.g. source separation, reuse and recycling).

P3 Adequate recycling systems must be provided in the design of the garbage room.

P4 Materials with long lives and low maintenance needs are encouraged to be incorporated.

P5 Contractors and sub-contractors employed to undertake proposed construction works and waste removal should be educated about the waste objectives of the development.

P6 The storage of any hazardous waste materials must be adequately secured.

3.5.7 Stormwater management

Objectives

O1 To mimic pre-development or natural drainage systems through the incorporation of WSUD on-site.

O2 To protect watersheds by minimising stormwater discharge and maximising stormwater quality.

O3 To minimise off-site localised flooding or stormwater inundation

Provisions

P1 An Erosion and Sediment Control Plan for the construction of the building is required in accordance with Part B: Section 17 - *Erosion and Sedimentation Control* of the DCP.

P2 A *Stormwater Management Plan* for the operation of the building is required demonstrating compliance with this subsection as well as Part B: Section 18 - *Stormwater Management* of the DCP.

P3 Demonstrate how run-off from the site will be minimised and the quality of water leaving the site will be improved.

P4 Rainwater tanks should be installed for all developments, including major alterations and additions and mixed-use developments. Rainwater tanks should 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.

P5 As a minimum, post-development stormwater discharge rates should be less than pre-development stormwater discharge rates.

P6 As a minimum, post-development stormwater quality should be improved from pre-development levels.



- P7 On-site stormwater detention, including the use of grass swales and detention basins, should be pursued where practicable to minimise and filter stormwater runoff
- P8 Impervious surfaces should be minimised.
- P9 Ensure paved areas are at least 50% pervious.
- P10 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.
- P11 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:
- Litter and vegetation larger than 5mm: 90% reduction on the Baseline Annual Pollutant Load;
 - Total Suspended Solids: 85% reduction on the Baseline Annual Pollutant Load;
 - Total Phosphorous: 65% reduction on the Baseline Annual Pollutant Load;
 - Total Nitrogen: 45% reduction on the Baseline Annual Pollutant Load.

3.5.8 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.

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:
- materials which are sourced from renewable and abundant resources;
 - materials which are durable;
 - locally manufactured materials and produced;
 - materials with a low embodied energy content;
 - salvaged and/or recycled materials;
 - timber used be obtained from certified sustainable sources;
 - materials with a high recycled content (>50%);
 - low volatile organic compound (VOC) emitting materials;
 - mechanical fixings instead of adhesives and glues, wherever possible;
 - when using Medium Density Fibreboard, ensure that it has a low formaldehyde content;
 - materials which are non-toxic, including toxin-free floor finishes;
- P3 Avoid the use of the following:
- copper, chrome, cadmium, lead, mercury, cyanide, and formaldehyde;
 - materials, sealants and adhesives containing PVC;
 - wood treated with CCA;



(d) solvents.

P4 Use physical termite barriers (made of granite or stainless steel) instead of chemicals where possible.

3.5.9 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.

3.5.10 Hotwater systems

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~~^{P5} 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.

3.5.11 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.

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- 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 space⁵ 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.

3.5.12 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.

⁵ "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.



SECTION 5 CHILD CARE ~~CENTRES~~FACILITIES

5.1 INTRODUCTION

Well located and designed child care ~~facilities centres, 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 centres~~ that enhance the occupants' well being. Services must meet State Government standards and offer a safe, healthy and accessible environment.

The design of ~~a~~ child care ~~facilities centre~~ 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 centre~~.

Child ~~Care Centres~~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 child care ~~centres~~ 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 all development applications for the construction of or alterations and additions to ~~a centre based~~ child care ~~facilities centre~~.

This section does not apply to either home-based child care or school-based child care facilities which satisfy the exempt development or complying development requirements under SEPP (Educational establishments and Child Care Facilities) 2017. However, many of the objectives and provisions for centre based child care facilities may be useful for those wishing to establish such a service.

5.1.3 Relationships to other sections

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

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 1 – Residential Development;
- (c) Part B: Section 2 – Commercial Development and Mixed Use Development;
- (d) Part B: Section 3 – Non-residential Development in Residential Zones;
- (e) Part B: Section 9 – Advertising and Signage;
- (f) Part B: Section 12 – Access;
- (g) Part B: Section 13 – Heritage and Conservation; and
- (h) Part B: Section 15 – Bushland Areas.

Where there is an inconsistency between this Section and Sections 2 and 3 to Part B of the DCP, the requirements under this Section of the DCP prevails.



5.1.4 Relationship to other documents

This Section has been prepared with regard to:

- (a) SEPP (Educational Establishments and Child Care Facilities) 2017;
- (b) The Department of Planning, Industry and Environment's Child Care Planning Guideline;
- ~~(a)~~(c) North Sydney Council's Children Services Guide:-
- ~~(d)~~ North Sydney Council's Child Care Centres Best Practice Guide~~(2010)~~;
- ~~(b)~~(e) North Sydney Council's Best Practice Guidelines for Above Ground Floor Child Care Centres, prepared by KU Children's Services (2019);
- ~~(e)~~(f) NSW Cancer Council's Shade for Early Childhood Services~~(2009)~~;
- (g) the Children and Young Persons (Care and Protection) Act 1998~~Children (Education and Care Services) Supplementary Provisions Act 2011~~;
- ~~(d)~~(h) the Education and Care Services Regulations;
- ~~(e)~~(i) the Children's Services Regulation 2004~~Children (Education and Care services) Supplementary Provisions Regulation 2019~~;
- ~~(f)~~(j) the National Quality Standard for Early Childhood Education and Care and School Age Care ~~(2009)~~2018);
- ~~(g)~~(k) the Association of Australian Acoustic Consultants' Technical Guidelines – Child Care Centre Noise Assessment.

In this manner, and consistent with the requirements outlined within the Education and Care Children's Services Regulations, a License is required from the Department of Community Services~~Education~~ (DoES) prior to operation of the proposed Child Care facility~~Centre~~. Applicants should consult with DoES 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 DoES.

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~~Children's Services Regulation 2004~~, these Regulations and ~~its~~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~~Children's Services Regulation 2004~~ and ~~its~~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.

Note: The Building Code of Australia and National Building Code are currently undergoing review by the Australian Building Code Board with respect to child care facilities located above ground level and may result in more onerous requirements than that outlined in this Section of the DCP~~performance-based standards contained within the Children's Services Regulation 2004, were replaced with the National Quality Standard for Early Childhood Education and Care and School Age Care (2009) in January 2012.~~



5.2 LOCATION

Objectives

- O1 To ensure that the users of child care ~~facilities~~centres are not affected by adverse noise or air quality or by the presence of inappropriate land uses.

Provisions

- P1 ~~Centre based c~~Child care ~~facilities~~centres must not front a state road (as defined under the *Roads Act 1993*).
- P2 Child care ~~facilities~~centres 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 the~~ proposed ~~child care facility~~centre.

5.3 SITING

It is preferable to provide child care ~~facilities~~centres 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~~centres 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 ~~centres~~facilities should be located at ground level wherever possible.
- P2 Council may consider approving a child care ~~facility located~~centre above ground floor level, subject to the following criteria being met:
- ~~(a) Where the centre has no direct access to ground level (i.e. sites where the ground floor level of the building is the only level of the building provided with access to ground level (existing)) an emergency lift, dedicated to the child care centre is to be provided.~~
- ~~(b)(a) Where the centre is located above the ground floor level but also has direct access to ground level (i.e. buildings on sloping sites), it must provide either 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.
- ~~(i) safe haven and dedicated fire stair with hand rail designed to stop children falling through is provided or~~
- ~~(ii) emergency lift dedicated to the centre.~~
- ~~(b) The~~ Where safe haven must s are proposed 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 they need to have storage for evacuation near entrance to the safe haven not included in indoor space controls per child.~~
- ~~(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 e~~Evacuation Plan, prepared by the intended operator of the facility has been 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 ~~centres~~ 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~~ centre 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 ~~are a centre based~~ child care ~~facility~~ centre provides more than 75 child care places, the ~~facility~~ centre must provide for small group care (i.e. provision must be made for separate entrances and playgrounds for different age groups).

P3 Due to ~~a~~ 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 (200918)*.

5.5 ENTRY

Objective

O1 To ensure that patrons can easily identify the entrance to the ~~facility~~ premises and be protected from inclement weather.

~~O2~~ O2 To ensure the safety of children using the facility.

Provisions

P1 Entrances to centre-based and school-based child care ~~facilities~~ centres 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 ~~centre-based~~ child care ~~facility~~centre is located within a building that also accommodates other uses, a separate and clearly marked entrance for the child care ~~centre~~facility must be provided.

5.6 ACCESS AND MOBILITY

Objectives

O1 Safe and easy access within, into and out of the child care ~~centre~~facilities.

Provisions

P1 ~~Centres~~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~~centre 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~~centre.

~~P4 Centres on the first floor at the highest natural ground level of the building shall have a safe haven and dedicated fire stair with hand rail designed to stop children falling through.~~

~~P5 An emergency lift dedicated to the child care centre is to be provided for all centres above first floor level.~~

~~P6~~P4 An Emergency eEvacuation ~~strategy Plan~~ must be ~~submitted~~ activated and provided to Council ~~with any development application~~.

~~P7~~P5 Entry to a child care ~~facility~~ centre 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 ~~E~~child care ~~centre~~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~~centre, 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~~centre ~~site~~.

P2 Child care ~~facilities~~centres 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~~centre.

Provisions

- P1 Must provide car parking in accordance with Part B: Section 10 – *Car Parking and Transport* of the DCP.
- P2 In addition to P1 above, one designated disabled access and one ~~2~~-designated emergency vehicle space must be provided on site in the *R2 Low Density Residential*, *R3 Medium Density Residential* ~~and~~ *R4 High Density Residential*, *SP2 Infrastructure (Educational Establishment)* and *E4 Environmental Living* zones, and within close proximity in the *B1 Neighbourhood Centre*, *B3 Commercial Core* ~~and~~, *B4 Mixed Use and IN2 Light Industrial* zones (e.g. on-street directly adjacent to the centre).
- P3 Provide accessible parking spaces for the set down and pick up of children, no more than 50m from the child care centre.
- P4 Car parking provisions do not substantially modify the streetscape.
- P5 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).
- P6 Where the parking is provided underground, that parking is located within 20 metres of a lift which has access to the child care centre.
- P7 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~~centre. 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~~child care centres, such as ~~within those located in~~ 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

O2 Ensure that adequate indoor space is provided for children and staff to learn and grow.

Provisions

P1 A minimum of 3.25m² of unencumbered indoor floor space per child care place must be provided.

Note: To ensure a reasonable level of amenity is achieved, provision 4.5m² per child care place is considered to be best practice.

P2 In addition to P1, a minimum of 10m² 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 7m² of open space per child care place must be provided.
- Note: To ensure a reasonable level of amenity is achieved, provision 10m² 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 guidelines set out in the NSW Cancer Council's *Shade for Early Childhood Services* publication.
- 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~~centre. The landscape plan must illustrate:
- 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;
 - the separation of outdoor play space into active and quiet zones;
 - the type and placement of any fixed play equipment;
 - 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 facilitycentre, detailing the same variety of elements and design considerations as outdoor spaces (refer to Section 5.10.3).
- 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 Play Equipment

Objectives

- O1 To ensure the safety of children using play equipment.



Provisions

- P1 Any outdoor play equipment must comply with Australian Standards and include appropriate ground surfacing. The surface around and underneath play equipment must comply with Australian and NZ Standard AS/NZS4422:1996.

5.10.6 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~~centres 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.

~~P4~~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~~centres are well integrated within the local context.

While child care ~~centres~~facilities are beneficial within a community, there can be noise issues arising from the operation of the ~~centre~~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 ~~centre~~facility does not adversely impact on the acoustic amenity of adjoining properties.

Provisions

- P1 All applications must be accompanied by an Acoustic Report prepared by a suitably qualified acoustic consultant.



Child Care Facilities~~Centres~~

- P2 Noise levels (measured at any point on the boundary of the site between the proposed Centre and adjoining property) do not exceed 5dB(A) above the L₉₀ 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.



SECTION 8 OUTDOOR DINING AND DISPLAY OF GOODS ON THE FOOTPATH

8.1 INTRODUCTION

Outdoor dining and display of goods can add to the diversity and vibrancy of our urban environment. In the right circumstances, outdoor dining and ~~areas used for the goods display~~ [areas used for the goods display](#) can contribute to street life and draw people to an area. It also improves the amenity of public spaces, provides causal surveillance and assists in business prosperity.

However, careful attention to the location, layout, design and management of outdoor dining ~~and goods display~~ [and goods display](#) and areas ~~used for the display of goods~~ [used for the display of goods](#) is required to ensure that these function effectively and do not interfere with the safety and primary function of the footpath or nearby road.

8.1.1 General Objectives

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

- O1 To enable the appropriate use of footpaths such that they contribute to the diversity and attractiveness of shopping areas;
- O2 To ensure that the use of footpaths contribute to the expression of local character and identity;
- O3 To ensure that any ancillary use of the footpath does not interfere with the safety and functioning of the footpath or any nearby road;
- O4 To create comfortable settings for outdoor dining; and
- O5 To prevent the ad-hoc proliferation of advertising on footpaths.

8.1.2 When does this section of the DCP apply?

This section of the DCP applies to use of the footpath for outdoor dining or for the display of goods ~~whether it that~~ [whether it that](#) requires development consent under the provisions of ~~NSL~~ [NSL](#) ~~LEP 2013 or~~ [LEP 2013 or](#) ~~In some instances, outdoor dining and display of goods on the footpath domain may be permitted without development consent (See Part 2 – Exempt Development Code, Codes SEPP and Schedule 2 – Exempt Development, NSLEP 2013).~~ [In some instances, outdoor dining and display of goods on the footpath domain may be permitted without development consent \(See Part 2 – Exempt Development Code, Codes SEPP and Schedule 2 – Exempt Development, NSLEP 2013\).](#) Despite whether consent is or is not required, a permit will be required from Council for any use of the footpath.

With respect to the term "footpath", this term extends to include all parts of a road reserve which are dedicated to the primary movement of pedestrians, whether permanently constructed as a footpath or on a temporary basis. These controls have been formed with regard to the *North Sydney Outdoor Dining & Goods Display Policy*.

With respect to the term "outdoor dining", this term relates to activities associated with a lawfully approved ~~food and drink premises (which includes a restaurant, or cafe, takeaway food and drink premise, milk bar or tavern / pub or small bar).~~ [food and drink premises \(which includes a restaurant, or cafe, takeaway food and drink premise, milk bar or tavern / pub or small bar\).](#) Furthermore, "outdoor dining area" incorporates the serving of food and or drink in the public domain and any associated furniture such as seating, tables, barriers, planters, umbrellas, heaters and the like.

This ~~s~~ [s](#)Section should be referred to by anyone intending to make a development application to Council for consent to use part of the footpath for outdoor dining or for the display of goods, specifically in the design stage.

Council will ~~also~~ [also](#) use this ~~s~~ [s](#)Section ~~in the assessment of any development application which requires development consent to use part of the footpath for outdoor dining or for the display of goods, specifically in the design stage when issuing a permit for outdoor dining or goods display on the footpath where the proposal is deemed to be exempt development to ensure a consistent approach is applied to the use of the public domain.~~ [in the assessment of any development application which requires development consent to use part of the footpath for outdoor dining or for the display of goods, specifically in the design stage when issuing a permit for outdoor dining or goods display on the footpath where the proposal is deemed to be exempt development to ensure a consistent approach is applied to the use of the public domain.](#)



8.1.3 Relationships to other sections

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

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 2 – Commercial and Mixed Use Development;
- (c) Part B: Section 12 – Access.

8.1.4 Relationship to other documents or planning policies

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

- (a) *North Sydney Outdoor Dining and Display of Goods Policy;*
- (b) *The Office of Liquor Gaming and Racing's Footpath Strategy.*

8.1.5 Additional permits

Where an applicant seeks to provide outdoor dining or ~~an outdoor goods~~ display area on the footpath, they may also be required to obtain one or more of the following:

- (a) an approval under s.68 of the [Local Government Act 1993](#);
- (b) an approval under s.125 of the [Roads Act 1993](#); and
- (c) a consent under s.138 of the [Roads Act 1993](#).

Inquire with Council to ascertain if the permits are required.

8.2 USE OF LANEWAYS FOR OUTDOOR DINING

Pursuant to s.125 of the [Roads Act 1993](#) Council may grant approval to the operator of a "restaurant or café" or adjacent to a footway of a public road to use part of that footway for the purposes of a restaurant. A footway is defined under the [Roads Act 1993](#) as:

footway means that part of a road as is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic).

Council has a long standing policy for the activation of its laneways in the Business zones under its LEP. To encourage the achievement of this policy position, Council will from time to time investigate the potential for the temporary closure of some laneways to vehicular traffic during specified times to enable the carriageway portions of a laneway to be used for pedestrian access, outdoor dining or the display of goods.

Before Council has the power to grant a development consent under s. ~~4.16~~⁸⁰⁽¹⁾ of the [EP&A Act, 1979](#) or an approval under s.125 of the [Roads Act 1993](#), to permit use of the carriageway portions of a laneway for outdoor dining or the display of goods, it needs to be satisfied that the laneway has been appropriately closed to vehicular traffic pursuant to s.116 of the [Roads Act 1993](#). Figure B-8.1 outlines the process to be undertaken in the temporary closing of a laneway to enable Council to approve outdoor dining or the display of goods within a laneway.

The creation of pedestrian access in the road reserve on a temporary basis or otherwise may facilitate the lodgement of a development application for outdoor dining on the display of goods. Development applications will be assessed on their individual merits. The facilitation of a pedestrian area through temporary road closures or restriction of vehicle access must not be construed in any way as to the limiting or fettering the exercise of any statutory discretion or duty.



Outdoor Dining and Display of Goods on the Footpath

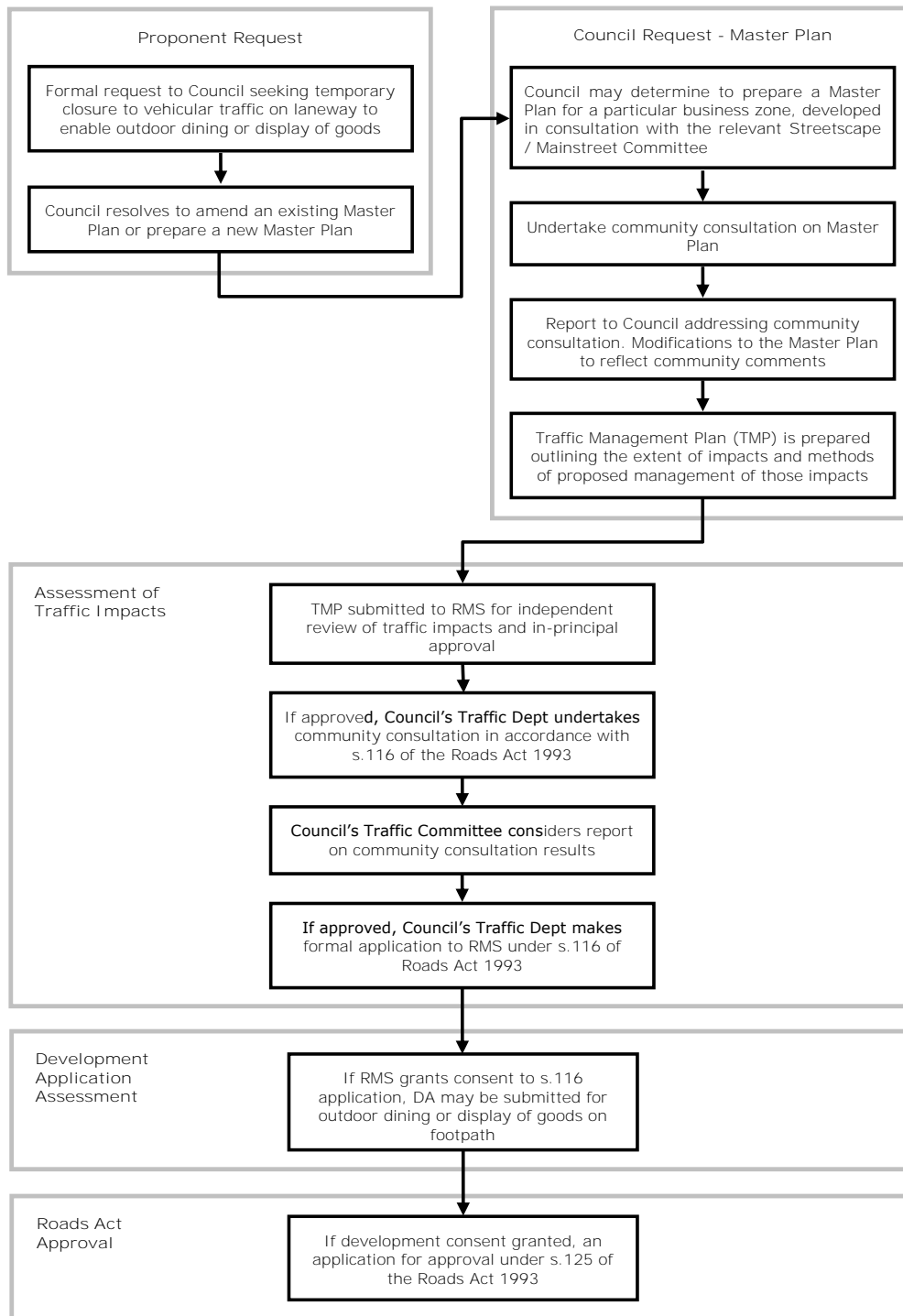


Figure B-8.1: Process for the temporary closure of roads to vehicular traffic to enable pedestrian access, outdoor dining and the display of goods.



8.3 FUNCTION

8.3.1 Location

Objectives

- O1 To create opportunity for the enlivening of existing commercial streets, whilst minimising impacts on residential and pedestrian amenity.

Provisions

- P1 Outdoor dining or goods display areas will only be permitted on a "footway" as defined under the Roads Act 1993, where it is provided in conjunction with a new or an existing food and drink premises or retail premises (i.e. within or adjacent to the B1 —Neighbourhood Centre, B3 —Commercial Core or B4 —Mixed Use zones) for which development consent has been granted.
- P2 Avoid locating outdoor dining or goods display areas on footpaths adjacent to arterial roads or too close to fast moving vehicles, where the safety and comfort of patrons may be compromised by vehicle conflict, noise or air pollution.
- P3 Where possible, cluster outdoor dining or goods display areas to minimise impacts on the pedestrian environment.
- P4 Avoid locating outdoor dining or goods display areas near housing where noise and odours may reduce residential amenity.
- P5 Outdoor dining and goods display areas and any associated structures or equipment must not obscure a driver's or pedestrian's view of advisory and regulatory traffic signs or controls.
- P6 Outdoor dining or goods display areas and any associated structures or equipment must not impede access to any public/private utility or stormwater drainage pit.
- P7 Must be consistent with the objectives of the relevant *Locality Character Statement* contained within the *North Sydney Outdoor Dining and Display of Goods Policy*.

8.3.2 Public transport

Objectives

- O1 To ensure that access to and operation of public transport is not compromised.

Provisions

- P1 Outdoor dining and goods display areas and any associated structures and equipment must not be located in a manner that interferes with the use of public transport or with pedestrian or vehicular access thereto.

8.3.3 Emergency access

Objectives

- O1 To ensure that emergency access to business premises is not compromised.

Provisions

- P1 Outdoor dining and goods display areas must be capable of being cleared of all temporary structures within 1 hour to enable emergency access to repair buildings or critical infrastructure. When access is required, 2 working days notice will be given for routine works and 1 hour notice for emergency works.
- P2 Outdoor dining and display areas and any associated structures and equipment must not be located such that they hinder access by emergency personnel.



8.4 SOCIAL AMENITY

8.4.1 Noise

Objectives

O1 To minimise acoustic impacts on nearby residents.

Provisions

P1 Live or recorded entertainment such as music, broadcast programs or the like is not permitted within outdoor dining or display areas.

8.4.2 Lighting

Objectives

O1 To provide a safe and comfortable environment for pedestrians and patrons, whilst minimising impacts on nearby residents.

Provisions

P1 Provide adequate lighting to ensure the safety and comfort of both patrons and pedestrians alike.

P2 Lighting must be designed such that it does not disturb neighbouring shops or nearby residences.

8.4.3 Solar access

Objectives

O1 To provide a comfortable environment within which to enjoy outdoor dining or shopping.

Provisions

P1 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.

P2 Locate outdoor dining areas that have good solar access and daylight.

8.4.4 Weather protection

Objectives

O1 To provide a comfortable environment within which to enjoy outdoor dining or shopping.

Provisions

P1 Outdoor dining and goods display areas should rely on the use of existing awnings for weather protection. Where awnings are not available, Council may consider, where appropriate, the use of removable umbrellas or retractable blinds.

P2 The use of clear plastic roll down weather screens off umbrellas may be permitted, but only where necessary and only in periods of heavy rain.

P3 Use of weather protection screens which are not attached to an umbrella or an awning are not supported by Council. However, such screens may be permitted by Council, but only where Council is satisfied that the following instances can be met:

- (a) The outdoor dining area to be protected is to be isolated from any other food or drink premises which has an outdoor dining area and is not to be erected in any significant streetscape.
- (b) It can be demonstrated by an appropriately qualified wind consultant that the subject site is subject to adverse wind conditions (i.e. wind tunnel).



- P4 Such structures will be removed from the public domain outside of business hours of the associated premises.
- P5 The structures must be sympathetically designed to integrate with the streetscape.
- P6 Structures should be transparent where possible to maintain pedestrian sightlines.
- P7 Umbrella overhang of the licensed area may be required to achieve the desired streetscape appearance. In such instances the Permit holder shall indemnify the Council.
- P8 Where heaters are proposed, they are to be safely positioned where they do not obstruct the passage of pedestrians or vehicles - ensure that heaters are stable and will not fall or be knocked over.

8.4.5 Cleaning

Objectives

- O1 To ensure that the public domain is maintained to a high standard.

Provisions

- P1 Approved outdoor dining and goods display areas are to be cleaned on a daily basis, including the removal of all litter, food scraps and the like.
- P2 Applicants must take precautions to ensure the prevention of any potential damage to the footpath (such as staining or cracking of surfaces) and other Council property (such as street signage). A management plan is to be submitted to Council outlining the proposed procedures should such an event occur.

8.4.6 Views

Objectives

- O1 To ensure the safety of pedestrians and drivers by not obscuring important sightlines.

Provisions

- P1 Structures and equipment associated with an outdoor dining or display area must maintain a clear view to shop entrances and shop windows so that the business can be clearly identified by pedestrians.
- P2 Structures and equipment associated with an outdoor dining or display area must maintain clear sight lines for drivers and pedestrians.

8.5 BUILT FORM

8.5.1 Structures and designated areas

Objectives

- O1 To ensure that pedestrian movements are not adversely affected after the ceasing of business operations associated with outdoor dining or the display of goods.

Provisions

- P1 Permanent structures to delineate the outdoor dining or display area are not permitted.
- P2 Removable screens/barriers or removable planter boxes, may be used to delineate the designated area to prevent pedestrians stumbling into the area.
- P3 All structures, equipment and materials associated with the outdoor dining or goods display must be removed from the footpath at the end of **each day's trading (includes tables, chairs, display stands and the like, but excludes fixed umbrellas or required markers/planter boxes which has prior approval)**.



Outdoor Dining and Display of Goods on the Footpath

P4 Markers may be placed on the footpath to define the designated area to the satisfaction of Council.

8.5.2 Layout and dimensions

Objectives

O1 To ensure that sufficient space is made available for safe movement of pedestrians during the use of the footpath for outdoor dining or the display of goods.

Provisions

P1 Minimum setback to the kerb is to be provided in accordance with Table B-8.1:

TABLE B-8.1 – Minimum setbacks to street kerbs			
Location	High Traffic Risk*	Medium Traffic Risk [#]	Low Traffic Risk ⁺
High pedestrian traffic [^]	3.0m	2.5m	2.5m
Medium pedestrian traffic [^]	2.5m	2.0m	2.0m
Low pedestrian traffic [^]	2.0m	1.5m	1.2m

* High traffic risk

- high volume
- high speed
- travel lane adjacent to kerb
- requires vehicle protection to separate outdoor dining from traffic lane if outdoor dining is adjacent to kerb

[#] Medium traffic risk

- medium volume
- medium speed
- parking adjacent to kerb
- requires fence to separate outdoor dining from traffic if outdoor dining is adjacent to kerb

+ Low traffic risk

- low volume
- low speed
- parking adjacent to kerb
- requires minor planters to separate outdoor dining from traffic

[^] Pedestrian traffic rates are identified in the on the Area Management System Permit Areas for Outdoor Dining & Goods Display Areas on the Footpath Map contained within the North Sydney Outdoor Dining and Goods Display Policy

P2 Despite the above requirements, each situation shall be assessed on its merits. An increased setback may be required to achieve appropriate levels of safety for pedestrians, patrons and/or drivers. Alternatively a decreased setback may be permitted, but only where a **barrier to Council's** satisfaction is installed that ensures the safety of pedestrians and patrons alike.

P3 Minimum setback to specific street infrastructure and furniture is to be provided in accordance with Tables B-8.2 and B-8.3.

TABLE B-8.2: Minimum setback to street infrastructure and furniture	
Object	Setback
General Items <i>Trees and tree plots; front of public seating; rubbish bins; bicycle hoops, parking signs; parking meters; phone boxes; bus stop shelters</i>	900mm
Essential Services <i>Fire hydrants; hose reel cupboards; fire exit doors; fire equipment stores; substations; communication poles</i>	
Other items <i>Bollards; way finding signs, back of public seating</i>	500mm
Items not listed above	See Table B-8.3



Location	high traffic risk*	medium traffic risk#	low traffic risk+
High pedestrian traffic	2.5m	2.0m	2.0m
Medium pedestrian traffic	2.0m	1.5m	1.5m
Low pedestrian traffic	1.5m	1.0m	1.0m

P4 Minimum setback to intersections, public spaces and other outdoor dining or display areas is to be provided in accordance with Table B-8.4:

Object	Setback
Street intersections, from the building corner	45° sightline angle in accordance with Figure B-8.2 below.
Dining and display areas shared with road (i.e. no kerb or street closure)	4m
Water's edge (i.e. MHWM)	2m
Clearance between adjoining dining or display areas with no separation screen	250mm

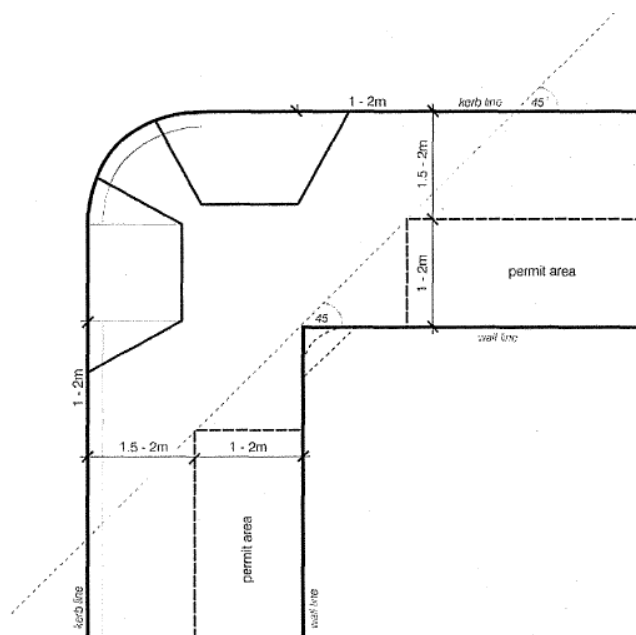


Figure B-8.2: Setbacks from street intersections.

- P5 The designated area must not obstruct any pedestrian entry or exit to any building.
- P6 Minimum setback of 3m from any construction zones occurring on adjacent land. This is a temporary requirement to ensure the safety of patrons during the course of construction works on adjoining properties.
- P7 Where possible, locate the area directly adjacent to the host premises.



Outdoor Dining and Display of Goods on the Footpath

P8 Toilet facilities for patrons are to be provided in accordance with the provisions of the Building Code of Australia (Part F) within the associated premises/business for the total number of seats/patrons accommodated both internally and externally. The total number of patrons to be accommodated is calculated based on 1m²/person or available seating floor area.

8.5.3 Furniture and equipment

Objectives

- O1 To provide a consistent approach to the provision of furniture and equipment within the public domain.
- O2 To ensure the safety and amenity of both patrons using outdoor dining and goods display areas, and pedestrians and drivers passing by.
- O3 To minimise the visual impact upon the character of an area.

Provisions

General Requirements

- P1 Outdoor furniture / equipment is to be provided in accordance with that identified in Schedule 5 of the *North Sydney Outdoor Dining & Goods Display Policy*.
- P2 Outdoor furniture / equipment is to be of a commercial grade, to ensure that the safety of patrons and pedestrians.
- P3 All temporary furniture and equipment must be removed from the footpath and stored within the premises, at all times outside of the approved operating hours of the premises.
- P4 Where temporary screens or barriers are used in conjunction with planter boxes, they must uniform in appearance for the premises that they serve, but only where there is more than one screen or planter proposed.
- P5 Temporary furniture and equipment must be stable and not prone to falling over when knocked over by pedestrians or blown over in high winds.
- P6 All furniture and equipment must be strong, durable, waterproof and weather resistant.
- P7 Furniture and equipment should not contain sharp edges, hinges or other moving parts which could be hazardous to the safety of users.
- P8 Furniture and equipment must be capable of being easily moved and folded or stacked for storage.
- P9 Only purpose made structures will be permitted for the display of goods (i.e. do not use make-shift display stands such as milk crates or packing boxes).
- P10 Payment points or garbage bins must not be located in the outdoor area.

~~P11 Cigarette butt bins must be provided within outdoor dining areas or ashtrays provided on tables.~~

~~P12~~ P11 All furniture and equipment is to be constructed of materials and comprise colours appropriate to outdoor use such as powder coated or polished aluminium, brushed or stainless steel, neutral or painted timber, canvas, non-reflective materials and darker colours (white is not suitable as it deteriorates rapidly in the urban environment).

~~P13~~ P12 Ensure that the display of goods is neat and tidy at all times.

Screens or Barriers

~~P14~~ P13 Must not be a permanent structure. However, Council may consider approving a permanent screen or barrier, but only where the applicant can demonstrate that the structure/s:

- (a) will not reduce the safety of pedestrians using the footpath, and



- (b) will not adversely obstruct emergency access; and
- (c) will not adversely reduce pedestrian flows; and
- (d) are required to provide added safety protection when located along busy roads, and
- (e) will not detract from the urban streetscape.

~~P15~~P14 Maximum height of 900mm. **Screens on sloping sites may be "levelled off" by use of an adjustable telescopic foot or the like.**

~~P16~~P15 Maximum individual length of 1.2m. Where more than one screen or barrier is proposed, they must be joined with a common lift-off pedestal. Screens must not be chained or roped together.

~~P17~~P16 The screen or barrier must comprise a stainless steel, aluminium or painted metal frame, with a fabric or vinyl insert which is either bonded or laced to the frame. Glass or perspex inserts and plastic frames are not permitted. However, Council may consider approving glass or perspex insert screens, but only where the applicant can demonstrate that these types of screens will positively contribute to the streetscape and are consistent with other similar screens in the locality.

~~P18~~P17 The screens or barriers must not contain any advertising other than a logo of the type permitted under Schedule 6 of the *North Sydney Outdoor Dining & Goods Display Policy*.

Planter boxes

~~P19~~P18 Must not be a permanent structure. However, Council may consider approving a permanent planter box, but only where the applicant can demonstrate that the structure/s:

- (a) will not jeopardise the safety of pedestrians, and
- (b) will not adversely obstruct emergency access; and
- (c) will not adversely reduce pedestrian flows; and
- (d) will not detract from the urban streetscape.

~~P20~~P19 Non-permanent planter boxes must be capable of being moved from the footpath to overnight storage by a single person.

~~P21~~P20 Maximum individual length 1.2m.

~~P22~~P21 Maximum height 900mm (excluding plants).

~~P23~~P22 Plants are to be of a hardy pot species or in season flowering species (which are changed when not in season).

Heaters

~~P24~~P23 Heaters must not be a permanent structure. However, Council may consider approving a permanent heater/s, but only where the applicant can demonstrate that the heater:

- (a) **is attached to the host building in accordance with the manufacturer's specifications;** and
- (b) is located a minimum height of 2.7m above the footpath; and
- (c) is located a minimum of **500mm or the manufacturer's specified distance**, whichever is the greater, above and to the side of any combustible materials; and
- (d) is capable of being removed without detrimentally affecting the structure or appearance of the building; and
- (e) must not be attached to a heritage item.



Outdoor Dining and Display of Goods on the Footpath

~~P25~~~~P24~~ Must be located a minimum of 800mm from any kerb (Measured from the edge of the heater canopy reflector).

~~P26~~~~P25~~ Tabletop heaters are not permitted.

~~P27~~~~P26~~ Heaters must comply with the relevant gas association or electricity authority requirements.

~~P28~~~~P27~~ Electric heaters must comply with the relevant Australian Standards and must be connected to a circuit fitted with an earth leakage cut off device.

~~P29~~~~P28~~ Gas heaters must incorporate an integrated gas bottle and must be fitted with a compliant (in service date) gas bottle with a safety shut off valve (in case of tipping over).

Tables and Chairs

~~P30~~~~P29~~ Chairs and tables must not comprise permanent structures.

~~P31~~~~P30~~ Council may consider approving integrated bench tables and seats remaining in place overnight but they are to be fitted with an anchoring device to the building or to the ground.

~~P32~~~~P31~~ **Chairs must not be positioned such that a patron's back is facing the kerb, unless** there is a minimum free space of 1.2m between the chair and the kerb or any safety screen/barrier located between the chair and the kerb.

~~P33~~~~P32~~ Chairs and tables are to be maintained in a serviceable condition.

Umbrellas

~~P34~~~~P33~~ Must not be a permanent structure. However, Council may consider approving a permanent umbrella, but only where the applicant can demonstrate that the structure/s:

- (a) will not jeopardise the safety of pedestrians using the footpath, and
- (b) are required to provide added protection along busy roads, and
- (c) will not detract from the urban streetscape.

~~P35~~~~P34~~ Minimum setback of 600mm from the kerb **and the umbrellas' edges**.

~~P36~~~~P35~~ Must not extend beyond the extent of the designated outdoor dining area, unless it can be demonstrated that an overhang is required to provide adequate weather protection.

~~P37~~~~P36~~ Removable umbrellas must be secured by a stabiliser foot or other restraining device to avoid wind instability, and be capable of being removed in thirty minutes.

~~P38~~~~P37~~ Minimum UV rating of 50 and must be waterproof.

~~P39~~~~P38~~ All umbrellas used by a single premise or a building are to be the same colour and type. Where a locality is predominantly characterised by umbrellas with a single colour or type, then any new umbrellas must be consistent with that characteristic colour or type.

~~P40~~~~P39~~ Gutters may be installed between adjacent umbrellas to provide continuous cover.

~~P41~~~~P40~~ Clear plastic roll down screens may be permitted on umbrellas, but only where they are provided in accordance **with the manufacturer's specifications/instructions and are** only used during inclement weather.

~~P42~~~~P41~~ Umbrellas must not contain any advertising other than a logo of the type permitted under Schedule 6 of the *North Sydney Outdoor Dining & Goods Display Policy*.

Retractable canopies

~~P43~~~~P42~~ Roll out or retractable canopies are to be fitted and operated in accordance with the **manufacturer's specification and must be of commercial grade**.

~~P44~~~~P43~~ Any motorised canopy must be capable of being manually retracted.



~~P45~~~~P44~~ Any retractable canopy must be capable of being retracted in a minimum of 10 minutes.

~~P46~~~~P45~~ Council may require a wind assessment to be carried out by a suitably qualified consultant if it considers that a site is unsuitable for such a structure.

~~P47~~~~P46~~ Canopies are to be fully retracted at all times outside of the approved operating hours of the premises.

~~P48~~~~P47~~ Canopies must not be anchored to the pavement or other structures on the footpath. However, Council may consider the anchoring of a canopy to the footpath, but only where it can be demonstrated in writing by a qualified wind consultant that such a system is required.

~~P49~~~~P48~~ Minimum setback of 600mm from the kerb. Where there is no kerb, a maximum projection of 2.5m applies.

~~P50~~~~P49~~ Minimum clearance of 3.2m above the pavement, or consistent with prevailing retractable blinds in the vicinity of the proposal.

~~P51~~~~P50~~ Minimum UV rating of 50 and must be waterproof.

~~P52~~~~P51~~ All canopies used by a single premises or building are to be the same colour and type. Where a locality is predominantly characterised by canopies with a single colour or type, then any new canopies must be consistent with that characteristic colour or type.

~~P53~~~~P52~~ Clear plastic roll down screens may be permitted off the sides of a canopy (i.e. not fronting the street), but only where they are provided in accordance with the **manufacturer's specifications/instructions and are only** used during inclement weather.

~~P54~~~~P53~~ Canopies must not contain any advertising other than a logo of the type permitted under Schedule 6 of the *North Sydney Outdoor Dining & Goods Display Policy*.

Display stands

~~P55~~~~P54~~ Must not be a permanent structure.

~~P56~~~~P55~~ Display stands are to be fitted with a stabiliser foot or locking wheels/rollers. On sloping sites a tether may be required.

~~P57~~~~P56~~ Mobile trolley tables are to have at least 2 wheels which are capable of being locked to prevent movement.

~~P58~~~~P57~~ Display tables must incorporate weatherproof fitted covers for protection during short periods of inclement weather. If goods are to be stored beneath the table, they are to be stored on storage shelves or drawers integrated into the table and not located on the ground. If materials are to be stored under the table on shelves, the table is to be fitted with a skirt or doors to screen the storage areas from public view.

8.5.4 Advertising

Objectives

O1 To minimise visual clutter on an area.

Provisions

P1 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.

P2 Where logos are proposed, these are to comply with Schedule 6 of the *North Sydney Outdoor Dining & Goods Display Policy*.

P3 Do not display any general advertising.

P4 Do not place sandwich boards on the footpath.



8.5.5 Shared table areas

Objectives

O1 To provide flexibility in the provision of outdoor dining.

Provisions

P1 Council will accept applications for shared dining table areas from cooperative community groups and/or businesses. Careful attention must be given to location, layout, design and management of the proposed areas to be assessed by Council. Should approval be granted, a formal management agreement would be necessary to ensure the area is suitably maintained and operated.



SECTION 10 CAR PARKING AND TRANSPORT

10.1 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 and parking demand leads to reduced levels of service for all modes of transport, public transport through longer journey times, and loss of fleet efficiency. For pedestrians, increased traffic means more difficulty in walking and increased noise levels on major roads. This can result in roads that are intimidating environments for pedestrians.~~

~~This increase in traffic generation and conditions 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.~~

10.1.1 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 limited to minimise impacts on surrounding areas;

~~O8~~ parking is accessible to all user groups;

~~O9~~ minimal impacts occur on the provision of on-street parking;

~~O10~~ ensure consideration is given to the provision of bicycle parking and facilities; and

~~O11 the actions of the Metropolitan Plan for Sydney 2036 are implemented and a development's transport demand is effectively managed through its lifetime.~~

10.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications.

10.1.3 Relationships to other sections

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

- (a) Part A: Section 3 – Submitting an Application;



- (b) Part B: Section 1 – Residential Development;
- (c) Part B: Section 2 – Commercial and Mixed Use Development; and
- (d) Part B: Section 3 – Non-residential development in residential zones;
- (e) Part B: Section 5 – Child Care Centres;
- (f) Part B: Section 4 – Boarding houses; and
- (g) Part B: Section 6 – Sex services and restricted premises.

10.1.4 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 (Infrastructure) 2007:

The Infrastructure SEPP lists the types of developments which are required to obtain the RMS's concurrence prior to the issuing of development consent

~~(d)~~ The Road and Traffic Authority's Maritime Service's Guide For Traffic Generating Developments;

(e) Planning Guidelines for Walking and Cycling (2004) 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.

~~(g)~~ North Sydney Council Resident Parking Permit Policy.

10.2 PARKING PROVISION

10.2.1 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 sufficient on-site car parking is provided on-site to cater for the users of the development, with regard to a site's proximity and access to other sustainable transport modes.

~~O10~~ To minimise the reliance on private car usage.

~~O11~~ To facilitate the use of public and alternative transport modes including walking and cycling.

Provisions

Residential Development

P1 Provide on-site car parking, ~~including visitor parking not exceeding at~~ the maximum rates stated in Table B-10.1.

TABLE B-10.1 – Residential Parking Rates



Car Parking and Transport

Development Type	Zone	Location	Maximum Parking Rate	
<ul style="list-style-type: none"> dual occupancies dwelling houses semi-detached dwellings 	All	All	1-2 bedrooms	1 space / dw*
			3 or more bedrooms	2 spaces / dw
<ul style="list-style-type: none"> 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)
<ul style="list-style-type: none"> residential flat buildings shop top housing 	B4 – Mixed Use	All <u>except in St Leonards Precincts 2 & 3**</u>	Studio, 1 bedroom	0.5 space / dw
			2 or more bedrooms	1 space / dw
			Motorcycle parking	1 space / 10 car spaces
		St Leonards Precincts 2 & 3**	Studio, 1 bedroom	<u>0.25 space / dw</u>
			2 or more bedrooms	<u>0.5 space / dw</u>
			Motorcycle parking	<u>1 space / 10 car spaces</u>
	All zones other than B4 – Mixed Use	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)
<ul style="list-style-type: none"> boarding houses 	All	All	1 / 12 beds	
<ul style="list-style-type: none"> seniors housing 	All	All	1 / 5 dw	

* dw = Dwelling

** For the purposes of applying parking rates, St Leonards Precincts 2&3 relates to all sites within the area bounded by Chandos Street, Oxley Street, Albany Street, the Pacific Highway and the northern railway line

- P2 For residential flat buildings, shop-top housing and attached dwellings, on-site car parking provision ~~significantly~~ below maximum rates specified in Table B-10.1, ~~will generally only be considered if~~ is encouraged where the proposed development has good access to public transport, ~~due to the impact that unmet on-site parking demand may have on surrounding residential streets, if viable alternative transport modes are not available.~~
- 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 ~~disabled and~~ visitor car parking spaces as common property.
- P6 Developments containing adaptable housing must allocate at least one accessible parking space to each adaptable dwelling.

Part B

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*Non-Residential Development*

P7 Provide on-site car parking not exceeding ~~at~~ the maximum rates specified in Table B-10.2.

TABLE B-10.2: Non-residential Parking Rates in Specific Locations			
Development Type	Zone	Location	Maximum Parking Rate
All uses	B3 – Commercial Core	North Sydney Centre	1 space / 400m ² GFA*
All uses not listed in Table B-10.3 - Specific Uses	B1 – Neighbourhood Centre	All	1 space / 100m ² non-residential GFA
	B3 – Commercial Core	All locations except North Sydney Centre	1 space / 400m ² non-residential GFA
	B4 – Mixed Use	North Sydney Centre Milsons Point St Leonards	1 space / 400m ² non-residential GFA
		Crows Nest Neutral Bay Cremorne	1 space / 60m ² non-residential GFA
	IN2 – Light Industrial	All	1 space / 100m ² non-residential GFA

* GFA = gross floor area

P8 For specific non-residential uses, provide on-site car parking not exceeding ~~at~~ the maximum rates specified in Table B-10.3.

TABLE B-10.3 – Parking rates for specific non-residential uses	
Development Type	Maximum Parking Rate
Boat repair facilities	<ul style="list-style-type: none"> 1 space / 200m² Appropriate loading facilities
Child care centres	<ul style="list-style-type: none"> Staff 1 space / 2 employees with a max. of 3 spaces
	<ul style="list-style-type: none"> Parents 2 spaces / < 24 places -- 2 spaces 3 spaces / ≥ 24 places and above 3 spaces
Educational establishments	<ul style="list-style-type: none"> 1 space / 6 staff
Entertainment Facilities	<ul style="list-style-type: none"> 1 space / 100m²
Food and drink premises (excluding Pubs)	<ul style="list-style-type: none"> 1 space / 50m²
Funeral chapels Funeral homes	<ul style="list-style-type: none"> 1 space/ 5 seats
Hospitals	<ul style="list-style-type: none"> 1 space / 6 beds
	<ul style="list-style-type: none"> + 1 space / 4 staff
Hotel and motel accommodation Pubs Registered clubs (excluding residential)	<ul style="list-style-type: none"> 1 space / 100m² (licensed floor area), 1 space / 5 bedrooms
Light industries	<ul style="list-style-type: none"> 1 space / 200m² Appropriate loading facilities

B Part

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Car Parking and Transport

TABLE B-10.3 – Parking rates for specific non-residential uses		
Development Type	Maximum Parking Rate	
Medical centres	North Sydney Centre Milsons Point St Leonards	<ul style="list-style-type: none"> 1 space / 400m²
	All other areas	<ul style="list-style-type: none"> 4 spaces / 100m²
		<ul style="list-style-type: none"> Proposals for medical centres must include traffic report accurately predicting traffic generation based on similar sized medical centres
Places of public worship		<ul style="list-style-type: none"> 1 space / 100m²
Recreational establishments		<ul style="list-style-type: none"> 3 spaces / 100m²
Recreational facilities		<ul style="list-style-type: none"> 1 space / 100m²
Restricted premises Sex service premises		<ul style="list-style-type: none"> 1 space / 205m²
Serviced apartments		<ul style="list-style-type: none"> 1 space / 5 apartments
Service stations Vehicular repair stations		<ul style="list-style-type: none"> 2 spaces / workshop bay
Supermarkets	North Sydney Centre Milsons Point St Leonards	<ul style="list-style-type: none"> 1 space / 400m² of GFA
	All other areas	<ul style="list-style-type: none"> 4 spaces / 100m² of GFA
Vehicular sales or hire establishment		<ul style="list-style-type: none"> 1 space / 100m²

P9 On-site car parking provision ~~significantly~~ below maximum rates specified in Tables B-10.2 and B-10.3 ~~will generally only be considered if~~ **is encouraged where** the proposed development has good access to public transport ~~due to the impact that unmet on-site parking demand may have on surrounding residential streets, if viable alternative transport modes are not available.~~

~~P10~~ Parking within the North Sydney Centre may exceed the requirements in Table B-10.2, but only where the level of non residential parking provided does not exceed the number legally existing on the 28 February 2003.

~~P11~~ 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.

~~P12~~ P11 In addition to P7 and P8 above, parking for motor cycles must be provided at the minimum rate of 1 space per 10 cars or part thereof.

Note: Submit a Traffic and Transport Study prepared by an appropriately qualified person, if required.

10.2.2 Car Share Schemes

Car ~~sharing~~ **share** schemes ~~can be designed to enhance~~ **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 ~~may consider~~ supports the provision of car share parking in residential, mixed use and commercial developments. Where a car share scheme is to be provided but only if:

- (a) The number of car share parking spaces provided does not replace more than 25% of the ~~total~~ 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.

~~Note: The installation of car share parking to replace general off street parking is optional and at the discretion of the developer.~~

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.

10.3 DESIGN AND LAYOUT

10.3.1 General

Objectives

- O1 To ensure that the parking area is adequately designed to enable the manoeuvring and accommodation of the types of vehicles likely to use the site.
- O2 To ensure that parking areas are adequately designed for mobility impaired persons.
- O3 To ensure that the servicing of the site is adequately accommodated for on site.

Provisions

- P1 The size and design of all parking spaces, loading facilities and any associated manoeuvring areas must be in accordance with AS2890.
- P2 1-2% of all non-residential parking spaces are to be designated for use by the disabled.
- P3 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.
- P4 Motor cycle parking must have a minimum dimension of 1.2m x 3m.
- P5 Council does not support the use of use of turntables for vehicular manoeuvring unless there is no feasible alternative.
- P6 Where security doors/gates are proposed, an intercom system is to be provided to facilitate visitor/service access to underground parking areas.
- P7 Where ~~relevant, provide security between~~ resident parking and ~~publicly accessible~~ non-resident parking is to be provided within the same development, vehicular access to



the private residential areas of the parking areas is to be restricted through appropriate security measures.

10.3.2 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.
- 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 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 car stacker system referred to in P2(c) refers to a system which uses a lift and/or horizontal moving platforms.

10.4 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;

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- (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.

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.

P4P5 Height clearances, including access routes to the required loading spaces must comply with Australian Standard AS 2890.2.

10.5 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 B-10.4 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 Class 1 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 B-10.4 as well as those contained in the *NSW Planning Guidelines for Walking and Cycling (2004)*.

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 / 150m ² GFA	1 / 400m ² GFA



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TABLE B-10.4: Minimum Bicycle Parking Rates		
Development Type	Rate	
	Occupants	Visitor / Customer
Bulky goods premises	1 / 600m ² GFA	1 / 1000m ² GFA
Shop, Restaurant or cafe	1 / 250m ² GFA	2 + 1 / 100m ² over 100m ² GFA
Shopping centre	1 / 200m ² GFA	1 / 300m ² sales GFA
Pub	1 / 100m ² GFA	1 / 100m ² GFA
Entertainment facility	-	Greater of 1 / 15 seats or 1 / 40m ² GFA
Place of public worship	-	Greater of 1 / 15 seats or 1 / 40m ² 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 / 200m ² GFA
Tertiary educational institution	1 / 10 staff	1 / 10 students
Swimming pool	1 / 10 staff	2 / 20m ² of pool area
Library	1 / 10 staff	2 + 1 / 200m ² GFA
Art gallery or museum	1 / 1000m ² GFA	1 / 200m ² GFA
Other		
	On merit. Council will give consideration to the rates contained within the <i>Planning guidelines for walking and cycling 2004</i> .	

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:

- [Security Level A Class 1](#) or [2B](#) facilities for occupants ~~or of~~ residential dwellings ([Security Level A Class 1](#) is preferred);
- [Security Level B Class 2](#) facilities for staff/employees of any land use; and
- [Security Level C Class 3](#) facilities for visitors of any land use.

Note: The [security level classes](#) 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:
- on the uppermost level of the basement; and
 - as close to the primary entry point as possible; and
 - subject to security camera surveillance where such security systems exist.

Access

- P8 A safe path of travel from Security Class A and B facilities ~~bike parking areas~~ to entry/exit points is to be clearly marked.
- P9 Access to Security Class A and B facilities ~~bike parking~~ areas are to be:
- 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);
 - accessible via a ramp;
 - clearly identified by signage; and
 - accessible via appropriate security/intercom systems.
- P10 Locate Security Level 3 visitor storage ~~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:
- 1 personal locker for each bike parking space;
 - 1 shower and change cubicle for up to 10 bike parking spaces;
 - 2 shower and change cubicles for 11 to 20 or more bike parking spaces are provided;
 - 2 additional shower and change cubicles for each additional 20 bike parking spaces or part thereof;
 - 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
 - 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.

10.6 GREEN 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. ~~Green Travel Plans (GTP) are a site-specific plan which provides details to visitors/ workers on how to access that site by walking, cycling or public transport and form a key action in the Metropolitan Plan for Sydney 2036.~~ GTP ~~Travel Plans~~ encourages people to consider alternate means to accessing a site rather than by private motor vehicle and may also be known as:

- Workplace Travel Plan (e.g. for commercial premises and industry and the like):



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- (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 within an organisation~~ to make greater use of public transport, cycling, walking and car sharing for commuting, visiting and work related journeys.

Provisions

- P1 ~~A Green~~ Travel Plans 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 2,000m² (approximately 100 employees in an office development).
 - (c) The provision of 50 or more dwellings.
- P2 Components/~~strategies~~ of a ~~Green~~ Travel Plan ~~will likely vary according to the nature of the proposed development and may incorporate~~ 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. More information on development, implementation and publicising TAGs is available on the Roads and Traffic Authority website: www.rta.gov.au/usingroads/traveldemandmanagement/transportaccessguides/index
 - (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~~ workplace 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;

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- (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.

~~(a) The undertakings made in the submitted GTP will be included under the terms of any development consent~~

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.

~~(b)~~ (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 ~~At Council's discretion~~ 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 Green Travel Plan.

P4 The undertakings made in a Green Travel Plan submitted with a development application may be included as conditions to any development consent.

10.7 TRAFFIC & PARKING IMPACT ASSESSMENT

10.7.1 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.

10.7.2 Provisions

P1 A Traffic & Parking Impact Assessment must be submitted with all development applications that are also required to be referred to the Roads and Maritime Services under cl.104 and Schedule 3 of the Infrastructure SEPP, 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.104 and Schedule 3 to the Infrastructure SEPP.

- (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

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- (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.



SECTION 11 ~~TRAFFIC GUIDELINES FOR DEVELOPMENT~~ **CONSTRUCTION MANAGEMENT**

11.1 ~~INTRODUCTION~~

~~In the period between 1996 and 2006 the North Sydney Council LGA experienced increases in population (5,882 people), number of dwellings (3,730 dwellings) and resident car ownership (3,806 cars). In addition, North Sydney is a major employment centre in the Sydney Region providing employment for an estimated 60,053[†] people. In the next 10 years, it is expected that the number of workers in North Sydney will increase by 22,600. As a consequence the North Sydney Council LGA will face additional pressures on parking, and the traffic and transport network.~~

~~Since new development is a primary contributor to population growth in North Sydney, the cost of providing new traffic facilities to service the growing population must be borne by the developer.~~

~~In 1993, Council developed a North Sydney Traffic Strategy in consultation with residents, Precincts and other interested parties. The Strategy, which is updated regularly, outlines a number of objectives with regard to managing traffic and minimising the impact of vehicles on residential amenity.~~

~~The North Sydney Traffic Strategy has several principles to guide action, including safety, access, equity, environment, participation and amenity. To fulfil the overall vision based on these principles, five broad strategies have been proposed:~~

- ~~• The Commuter Strategy,~~
- ~~• The Through Traffic Strategies,~~
- ~~• The Villaging Strategy,~~
- ~~• The "Movement Without Cars" Strategy, and~~
- ~~• The Residential Amenity Strategy~~

~~The Roads and Traffic Authority (now the Roads and Maritime Services - RMS) have developed the Guide to Traffic Generating Developments (2002 Issue 2.2), which provides a guideline to the likely traffic generation associated with various types of development, and the likely impact of this traffic generation on the surrounding road network and residential amenity.~~

~~Generally, Council would expect that new developments would minimise the traffic impacts, in line with the North Sydney Traffic Strategy.~~

11.1.1 ~~General Objectives~~

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

- ~~O1 Provide safe and efficient travel routes for all vehicles in the North Sydney LGA.~~
- ~~O1 Increase driver awareness of existing traffic facilities in North Sydney.~~
- ~~O1 Increase awareness of the developer's traffic management responsibilities.~~
- ~~O1 Encourage compliance with Council's traffic management strategies and standards.~~
- ~~O1 Reduce the number of vehicle and pedestrian incidents.~~
- ~~O1 Assist designers understanding of Council and RMS assessment requirements.~~

~~[†] ABS 2006 Australian Census~~



~~O1—Ensure the safety of cyclists, pedestrians and passing traffic during construction of development.~~

~~O1—Cater for current and future growth of vehicle traffic usage.~~

~~O1—Minimise the disruption to pedestrians and traffic during construction.~~

11.1.2—When does this section of the DCP apply?

~~This Section of the DCP applies to development applications which result in substantial traffic generation.~~

11.1.3—Relationships to Other Sections

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

- ~~(a)——Section 3—Submitting an Application.~~

11.1.4—Relationships to Other Documents

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

- ~~(a)——*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.~~

- ~~(b)——*Infrastructure SEPP*~~

~~The *Infrastructure SEPP* lists the types of developments which are required to obtain the RMS's concurrence prior to the issuing of development consent.~~

11.2—TRAFFIC MANAGEMENT PLAN

11.2.1—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.~~

11.2.2—Provisions

~~P1—A Traffic Management Plan must be submitted with all development applications that are also required to be referred to the Roads and Traffic Authority under cl.104 and Schedule 3 of the *Infrastructure SEPP*, and for all applications which are classified as designated development pursuant to s.77A of the *EP&A Act 1979*.~~

~~P2—Council may require a Traffic Management Plan 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.104 and Schedule 3 to the *Infrastructure SEPP*:~~

- ~~(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~~



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- ~~(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 Management Plan 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 Management Plan 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.~~

~~11.3~~ **CONSTRUCTION MANAGEMENT PLAN**

~~Before starting construction of a development which has been issued development consent, Council will usually require:~~

- ~~(a) — Construction Management Plan,~~
- ~~(b) — Section 138 Permit (issued under the Roads Act, 1992), and~~
- ~~(c) — Construction Certificate~~

~~11.3.1~~ **Objectives**

~~O1 — To ensure that a development approved by Council are constructed and operated in such a way that it minimises the impact upon the surrounding road network and the wider community.~~



11.3.2 Provisions

~~P1—A Construction Management Plan should contain a Safe Work Method Statement and be lodged with Council (as part of the development application) prior to applying for a Section 138 Permit and any subsequent Construction Certificate. Refer to Council's Performance Guide for further details.~~

~~P1—A Construction Management Plan should give consideration to the following (traffic) issues:~~

- ~~(a)—The proposed method of access to and egress from the site for construction vehicles.~~
- ~~(b)—Disruption to traffic flows~~
- ~~(c)—Preferred construction access~~
- ~~(d)—Vehicles leaving the construction site in a forwards direction.~~
- ~~(e)—Through traffic is to be maintained at all times.~~
- ~~(f)—Maintain 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~~

~~P1—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.~~

11.4 MONITORING AND MAINTENANCE

~~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.~~

~~If a bond applies, Council must inspect the completed work for any damage to Council's infrastructure before returning the bond.~~



~~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.~~

11.1 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.

11.1.1 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.

11.1.2 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.

11.1.3 Relationship to Other Sections

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

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 14 – Contamination and Hazardous Building Materials;
- (c) Part B: Section 17 – Erosion and Sediment Control;
- (d) Part B: Section 19 – Waste Minimisation and Management; and
- (e) Part B: Section 20 – Public Infrastructure.

11.1.4 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 2000 (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

11.2 OPERATING HOURS, NOISE AND VIBRATION

11.2.1 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.

11.2.2 Provisions

Primary Construction Hours

- P1 Building works must not occur outside the time periods outlined in Table B-22.1.

<u>TABLE B-22.1 – Primary Construction Hours</u>		
<u>Location</u>	<u>Day</u>	<u>Hours</u>
<u>B3 Commercial Core</u> <u>B4 Mixed Use</u>	<u>Monday – Friday</u>	<u>7.00am – 7.00pm</u>
	<u>Saturday</u>	<u>8.00am – 1.00pm</u>
	<u>Sunday</u> <u>Public holiday</u>	<u>No work permitted</u>
<u>All other zones</u>	<u>Monday – Friday</u>	<u>7.00am – 5.00pm</u>
	<u>Saturday</u>	<u>8.00am – 1.00pm</u>
	<u>Sunday</u>	<u>No work permitted</u>

TABLE B-22.1 – Primary Construction Hours

<u>Location</u>	<u>Day</u>	<u>Hours</u>
	<u>Public holiday</u>	

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 B3 Commercial Core and B4 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 B-22.1 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 11.3.2 to Part B of the DCP.

11.3 PUBLIC SAFETY, AMENITY AND SITE SECURITY

11.3.1 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.

11.3.2 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 developers 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.



~~Traffic Guidelines for Development~~ Construction Management

- 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 B: Section 11.8 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.



Traffic Guidelines for Development Construction Management

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 16 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.

11.4 AIR AND DUST MANAGEMENT

11.4.1 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.

11.4.2 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.

11.5 EROSION AND SEDIMENT CONTROL

11.5.1 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.

11.5.2 Provisions

P1 An Erosion and Sediment Control Plan is incorporated into the CMP and address the requirements within Section 17 – Erosion and Sediment Control to Part B of this DCP.

P2 The provisions of the *PoEO Act* and associated regulations also apply.



11.6 WASTE MANAGEMENT

11.6.1 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.

11.6.2 Provisions

- P1 A Waste Management Plan is incorporated into the CMP and address the relevant requirements within Section 19 – Waste Minimisation and Management to Part B of this DCP.

11.7 TRAFFIC MANAGEMENT

11.7.1 Objectives

- O1 Minimise disruption to traffic (vehicles, pedestrians and cyclists) caused by construction activities to ensure the safety of all road users.

11.7.2 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.

11.8 COMMUNITY INFORMATION

11.8.1 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.

11.8.2 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 12 ACCESS

12.1 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, goods 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 ~~of~~ for dignified access and mobility ~~should~~ 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.

12.1.1 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 ~~appropriate levels of~~ safe, equitable and dignified access and ~~mobility~~ encourage universal design for in new developments, upgrades to existing buildings, public buildings and public open space.
- ~~O3~~ 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~~ O4 To encourage opportunities for people with disabilities to participate in the design process to foster inclusive design outcomes.
- ~~O5~~ 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~~ 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.

~~6.07~~ To provide an adequate supply of car parking facilities for use by people with disabilities.

12.1.2 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 B: Section 1 – *Residential Development* to this DCP (refer to subsection 1.2.1);
- (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.

12.1.3 Relationships to Other Sections

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

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 1 – Residential Development;
- (c) Part B: Section 2 – Commercial and Mixed Use Development;
- (d) Part B: Section 3 – Non-residential Development in Residential Zones;
- (e) Part B: Section 4 – Boarding Houses;
- (f) Part B: Section 5 – Child Care Centres;
- (g) Part B: Section 6 – Sex Services and Restricted Premises;
- (h) Part B: Section 8 – Outdoor Dining and Display of Goods on the Footpath;
- (i) Part B: Section 10 – Car Parking and Transport;
- (j) Part B: Section 13 – Heritage and Conservation; and
- (k) Part B: Section 20 – Public Infrastructure.



12.2 LEGISLATIVE FRAMEWORK

12.2.1 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

12.2.2 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.

12.2.3 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.



12.2.4 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 (2001/2009) General Requirements for Access - New Building Works,
- AS 1428.2 (1992) Enhanced and Additional Requirements - Buildings and Facilities,
- ~~AS 1428.3 (1992) Requirements for children and adolescents with physical disabilities,~~
- ~~AS 1428.4.1 (2002/2009) Tactile ground surface indicators for orientation of people with vision impairment~~ 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 ~~Part 12 -~~ Facilities for Persons with Disabilities,
- AS/NZS 2890.61 (1993/2009) Parking facilities ~~Part 1 -~~ Off-street parking for people with disabilities - car parking,
- ~~Banking Industry Guidelines (2002),~~
- AS 4586 (2002/2013) Slip resistance classification of new pedestrian surface materials,
- AS 4663 (2002/2013) Slip resistance measurement of existing pedestrian surfaces, and
- AS 4299 (1995) Adaptable Housing, and
- ~~Draft DDA Disability Standard on Access to Premises (2004).~~

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

12.2.5 Livable Housing Design Guidelines

The Liveable 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:



Access

- (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: <http://www.livablehousingaustralia.org.au/>.

12.3 DEVELOPMENT ASSESSMENT

12.3.1 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](#).

12.3.2 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.

12.3.3 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.



Access

For further information regarding use of the public domain for equitable access, please contact the Engineering and Property Services Department.

12.4 DESIGN CRITERIA

12.4.1 Continuous Accessible Path of Travel

A continuous accessible path of travel means a [clear, flat and unobstructed](#) ~~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.

Objectives

O1 To ensure that all public spaces are accessible to people with disabilities via a continuous accessible path of travel.

~~O2~~ [O2](#) To ensure that the main path of access for people with disabilities is [safe](#), equitable and dignified.

~~O3~~ [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 and shelter from the weather where possible.

P3 Signage and tactile markers should be provided to direct people with disabilities to accessible locations.

12.4.2 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 D3.2 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 In addition to P1 above, developments that are required to provide adaptable housing pursuant to Part B: Section 1 – *Residential Development* and Part B: Section 2 – *Commercial and Mixed Use Development* to this DCP shall provide access to and within all common areas of the residential component of the development.

P3 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.

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12.4.3 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 cater 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 D3.2 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.

12.4.4 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 alternative 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 ramp and any sloping sides should be slip resistant and of a colour that contrasts with the adjoining surfaces.
- P10 The height of the kerb shall comply with the provisions of *Disability Standards for Accessible Public Transport 2002*.



Access

- P11 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.
- P12 Consideration should be given to providing alternative means to providing access between levels (i.e. where appropriate, lifts should be incorporated).
- P13 Kerb ramps should be free of any threshold lip.

12.4.5 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 12.4.6 to this Section of the DCP.

12.4.6 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).

12.4.7 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.



12.4.8 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.

12.4.9 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.
- O2 To ensure that where adaptable housing is required, one accessible parking space is provided for every adaptable dwelling.

Provisions

- P1 Designated accessible car parking facilities must be:
- be located at the closest point to each accessible public entrance;
 - be 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.
 - be provided at the rates specified in Table D3.5 to the BCA;
 - designed in accordance with AS 1428.1, 1428.2 and 2890.1 and 2890.6
 - clearly signposted in accordance with AS 1428.2 (including both the designated parking space and the continuous accessible path of travel to that space).
- P2 One accessible car parking space must be provided and allocated to each adaptable dwelling provided within a development.

Set Down Areas

- P3 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.
- P4 Set down areas should be level with a gradient less than 1:40, have adequate circulation space and be located away from traffic flow.
- P5 Kerb ramps should be provided to allow access to footpaths.
- P6 Off street set down areas should have directional signage from street entry and appropriately signed with both pavement and pillar signage.

12.4.10 Public Telephones on Private Property

Objectives

- O1 To ensure that where public payphones are provided on private land, at least one accessible payphone shall be at an accessible floor level.

Provisions

- P1 Accessible phones should be:
- located along the accessible path of travel; and



Access

- (b) not obstruct an accessible path of travel; and
 - (c) clearly distinguishable with designated signage.
- P2 Where provided, they must comply with the requirements of AS 1428.2.
- P3 A seat should be provided beside the payphone.
- P4 Where a telephone other than a payphone has been provided, there should be at least one that is available at an accessible floor level.

12.4.11 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.

12.4.12 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.

12.4.13 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.

12.5 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 must be provided in accordance with ~~P2~~ P1 to P5 to Part B: Section 1.2.2+ – Residential Development. Adaptable housing in B4 Mixed Use zones must be provided in accordance with P7 to P11 of Section 2.2.3 – Commercial and Mixed Use Development.

P2 All adaptable housing must be designed and constructed to a minimum Class C certification under AS 4299 – 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.

P3 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.

P4 Where a development requires the provision of adaptable housing, one accessible car parking space shall be provided and allocated to every adaptable unit.

P5 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.



Access

(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.

P6 Car parking must be provided in accordance with Part B: Section 10 – *Car Parking and Transport*.

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SECTION 13 HERITAGE & CONSERVATION

13.1 INTRODUCTION

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.

13.1.1 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 in the 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;
- (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.

13.1.2 General Objectives

The general objectives of this Section 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.

13.1.3 When does this section of the DCP apply?

This Section 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.

13.1.4 Relationships to Other Sections

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

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 1 – Residential Development;
- (c) Part B: Section 2 – Commercial and Mixed Use Development;
- (d) Part B: Section 3 – Non-residential Development in Residential Zones;
- (e) Part B: Section 9 – Advertising and Signage;
- (f) Part B: Section 12 – Access;
- (g) Part B: Section 15 – Bushland;
- (h) Part B: Section 16 – Trees and Vegetation Management;
- (i) Part B: Section 10 – Car Parking; and
- (j) Part C: Area Character Statements.



13.1.5 Relationship to other planning policies and requirements

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

- [The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 1999](#) (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.

13.1.6 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 B-13.1 provides a guide to the application and approval process for works to a heritage item or to development within a heritage conservation area.

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 B-13.2 ~~below~~ applies to all heritage items, and to all properties and structures identified as contributory, neutral and uncharacteristic items within heritage conservation areas.



TABLE B13.2: Approval requirements for various examples of development types

Type of Work	Typical Examples
Category 1 – Minor routine maintenance	
<p><u>Description:</u> Work to protect and care for a building or work</p> <p><u>Approval requirements:</u> Development consent is not required for minor routine maintenance works.</p> <p>Such works are permitted as <i>exempt development</i> pursuant to satisfying the provisions of cl.3.1 and Schedule 2 to NSLEP 2013. In particular, refer to development type – “<i>Minor routine maintenance of buildings identified as a heritage item or within a conservation area</i>” within Schedule 2 of NSLEP 2013.</p> <p><u>Application requirements:</u> No application required</p>	<ul style="list-style-type: none"> • 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.
Category 2 – Routine maintenance	
<p><u>Description:</u> Work to protect and care for a building or work Work that does not alter the structure of the building.</p> <p><u>Approval requirements:</u> 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.</p> <p><u>Application requirements:</u> 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.</p> <p>Refer to s.13.1.8 for the information to be included in a letter to Council requesting approval to undertake routine maintenance.</p> <p>If you are unsure about the notification requirement for a particular type of routine maintenance contact Council’s Planning Advisors.</p>	<ul style="list-style-type: none"> • Repair, replacement, restoration or reconstruction of: <ul style="list-style-type: none"> ○ 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: <ul style="list-style-type: none"> ○ chimneys ○ verandahs ○ balcony balustrades ○ valences • Repair of existing tiling to: <ul style="list-style-type: none"> ○ balconies ○ verandahs ○ front steps ○ pathways • Replacing or maintaining gardens with compatible plants, trees, shrubs and lawns. • Removal of unsympathetic and non-original

B Part

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Heritage and Conservation

TABLE B13.2: Approval requirements for various examples of development types	
Type of Work	Typical Examples
	<p>features to the building.</p> <ul style="list-style-type: none"> • Garden maintenance. • Any other minor maintenance or restoration works not listed above that Council considers are <u>not</u> likely to have an adverse impact on heritage significance.
Category 3 – Exempt development	
<p><u>Description:</u> Development that is considered minor and will have a minimal impact on the local environment.</p> <p><u>Approval requirements:</u> 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 above mentioned SEPPs.</p> <p><u>Application requirements:</u> 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.</p> <p>Refer to s.13.1.8 of this DCP for the information to be included in a letter to Council requesting approval to undertake exempt development.</p> <p>If you are unsure about the notification requirement for a particular type of exempt development contact Council's Planning Advisors.</p>	<p>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.</p> <p>In addition, refer to the relevant sections of the following State Environmental Planning Policies (SEPPs) that relate to exempt development:</p> <ul style="list-style-type: none"> • SEPP (Exempt and Complying Development Codes) 2008 • SEPP (Infrastructure) 2007 • SEPP (Temporary Structures) 2007.
Category 4 - Complying development	
<p><u>Description:</u> Low impact development types that can be addressed by predetermined development standards.</p> <p><i>Complying development does not apply to heritage items listed in Schedule 5 of NSLEP 2013.</i></p> <p>Complying development may apply to contributory, neutral and uncharacteristic items within a heritage conservation area.</p> <p><u>Approval requirements:</u> Development consent is not required for complying development outlined in Schedule 3 of NSLEP 2013.</p> <p>To carry out the development you must obtain a Complying Development Certificate from an accredited certifier, or Council.</p> <p>If your application is successful, the council or certifier will issue a Complying Development Certificate, subject to conditions.</p> <p><u>Application requirements:</u> A Complying Development Certificate to be submitted to Council or an accredited certifier.</p> <p>If unsure about the notification requirement for a particular type of complying development, contact</p>	<p>Refer to Schedule 3 of NSLEP 2013 for a complete list of complying development.</p> <p>In addition, refer to the relevant sections of the following State Environmental Planning Policies (SEPPs) that relate to complying development:</p> <ul style="list-style-type: none"> • SEPP (Exempt and Complying Development Codes) 2008 • SEPP (Infrastructure) 2007

Part B

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TABLE B13.2: Approval requirements for various examples of development types

Type of Work	Typical Examples
Council's Planning Advisors.	
Category 5 – Development consent	
<u>Description:</u> Development not identified in Categories 1 to 4 inclusive. <u>Approval requirements:</u> Development consent is required pursuant to Clause 5.10(2) of NSLEP 2013. <u>Application requirements:</u> Development application to be submitted to Council.	All other works not identified above.

13.1.7 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 ~~particular~~ heritage item or conservation area. ~~A~~ Heritage Inventory data sheets ~~has~~ 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.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/> or from the Heritage Centre at ~~the~~ 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 is to assist~~ Council in considering how ~~the a proposal-proposed~~ development's 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 C 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/Library_Databases/Heritage_Centre/About_the_Heritage_Centre

13.1.8 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 B-13.2 to this DCP) and require at least the following information to be provided:

- ~~(a) The following information is required to provided for any authorisation application require:~~
- ~~(b)~~(a) Details of the site;
- ~~(c)~~(b) A description of the proposed work including details of materials, finishes and colours noting changes from existing;
- ~~(d)~~(c) Photographs; and
- ~~(e)~~(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 B-13.2 to this DCP) are required to provide all information listed in the general submission requirements as set out in Part A: Section 3 – *Submitting an Application* of the DCP. 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 Heritage Impact Statement;
 - (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 13.4 to this Part) that is likely to impact on the setting of the heritage item may require:
 - (i) a Heritage Impact Statement.

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.heritage.nsw.gov.au>.

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.heritage.nsw.gov.au/>.

Heritage Impact Statements

Heritage Impact Statements are 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.

Heritage Impact Statements 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
- ~~(b)~~(c) Contribution to the streetscape: height, scale, mass, setback, fenestration, architectural style and period
- ~~(c)~~(d) Heritage significance (use [Heritage NSW's Assessing Heritage Significance heritage manual criteria/state and heritage inventory data sheets](#))
- ~~(d)~~(e) ~~The Affect of~~ proposal's anticipated impact on the heritage significance of the identified heritage item or place ~~building~~ and its setting, ~~any identified conservation area and/or nearby heritage items~~
- ~~(e)~~(f) Design options and rationale for the preferred option
- ~~(f)~~(g) Relevant conservation principles in accordance with ICOMOS Burra Charter

When preparing a Heritage Impact Statement, the chronological layers of a property must be identified to establish the relative heritage significance and conservation value of various elements.

Heritage Impact Statements 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 Heritage Impact Statements is available at www.heritage.nsw.gov.au. 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 (www.lawlink.nsw.gov.au/lec) http://www.lec.justice.nsw.gov.au/planning_principles http://www.lec.justice.nsw.gov.au/Pages/practice_procedure/principles/planning_principles.aspx -

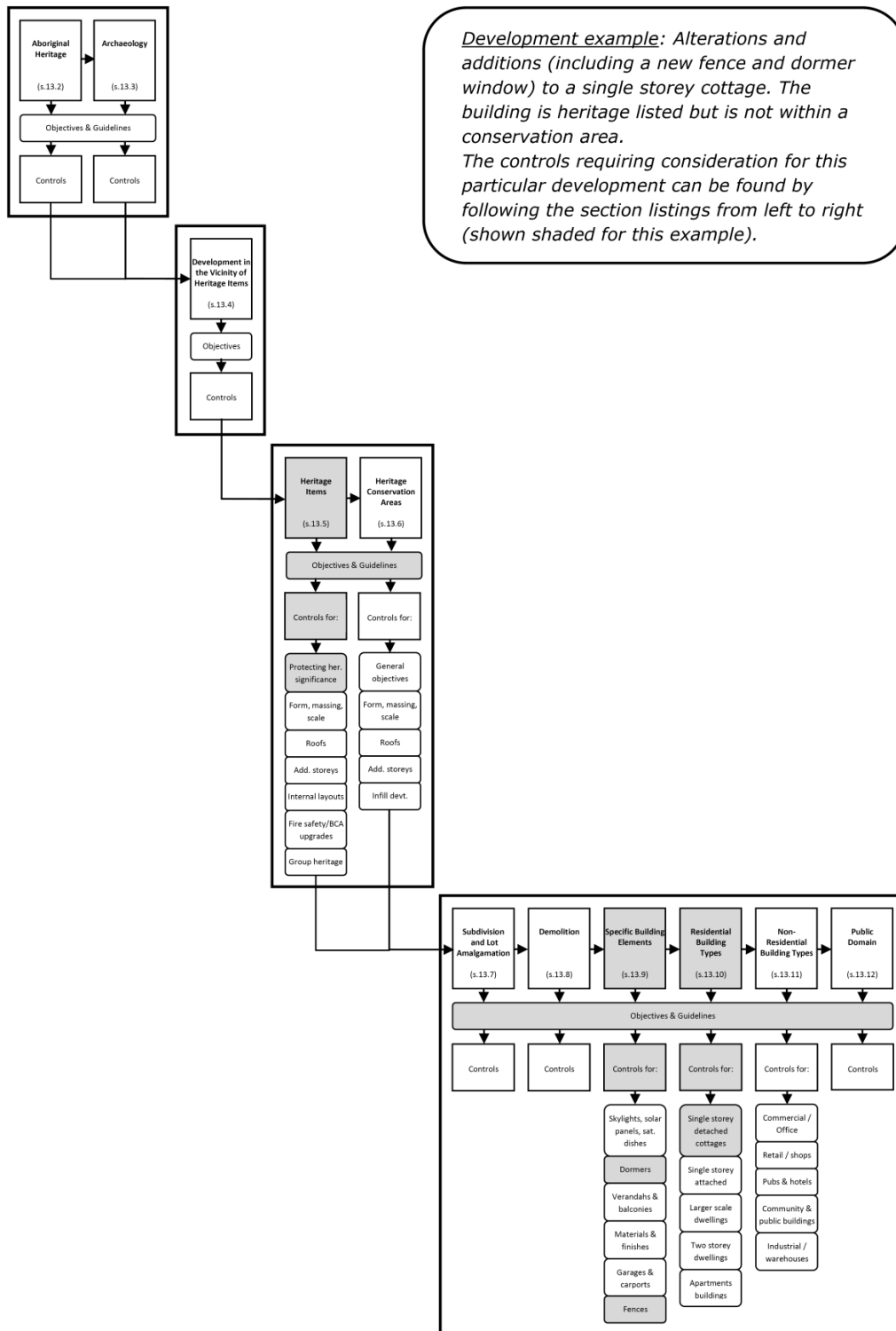
A Demolition Report is required to accompany any application for demolition of a heritage item or contributory item in a heritage conservation area. The report is to provide details of the heritage significance of the heritage item or contribution of the contributory item to the heritage conservation area, and is to address the matters at s.13.8 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.

13.1.9 Using this section

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 at s.13.1.2 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 B-13.1 illustrates the linear nature of this section and may assist in navigating through it when preparing a development application.



Development example: Alterations and additions (including a new fence and dormer window) to a single storey cottage. The building is heritage listed but is not within a conservation area. The controls requiring consideration for this particular development can be found by following the section listings from left to right (shown shaded for this example).

Figure B-13.1:
Flowchart outlining process for using this Section of the DCP.



13.2 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 to water bodies (including creek lines and streams);~~
- 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 ~~other agencies~~ 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.

13.3 ARCHAEOLOGY

This subsection of the DCP only deals with non-Aboriginal archaeology (i.e. European Heritage) and refers to sites, which are addressed in s.13.2 above. 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).

13.4 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 Heritage Impact Statement 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).

13.5 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.



13.5.1 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.

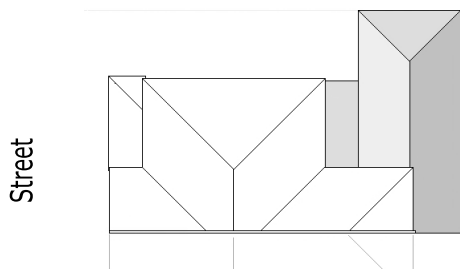


Figure B-13.2:
Locate change away from the primary intact areas of the heritage item – changes to the rear are often preferable.



13.5.2 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.

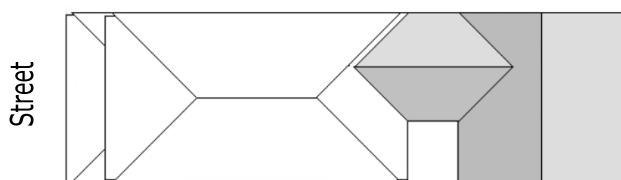


Figure B-13.3:
Additions should be smaller in scale and length than the existing building.

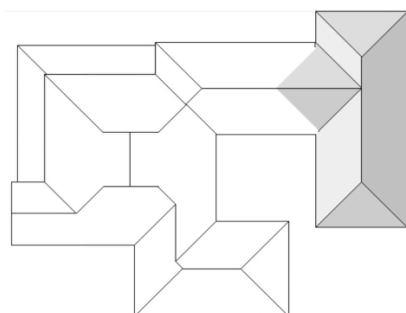


Figure B-13.4:
New work should maintain the integrity of the building form, allowing the original form to be discerned.

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).

13.5.3 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.



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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 Figure B-13.6
- 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.

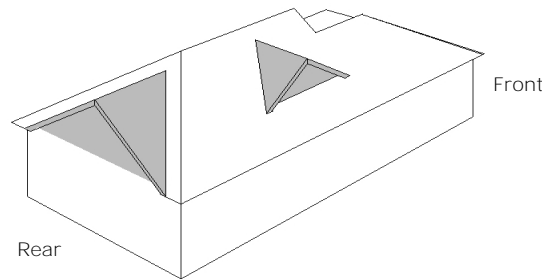


Figure B-13.5:
Consider use of existing roof space at the rear of a building rather than constructing an additional storey.

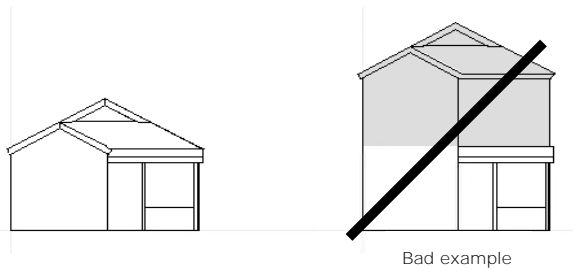


Figure B-13.6:
Whole ~~two~~ floor additions are generally not supported. Consider use of existing roof space with dormer windows subject to the controls in Section 13.7.3. to this Part

13.5.4 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.
- ~~P3~~~~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.
- ~~P4~~~~P5~~ All new services/drains/etc to be internal and/or of suitable materials.
- ~~P5~~~~P6~~ Original roof forms are not to be modified to accommodate decks or balconies.

13.5.5 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.

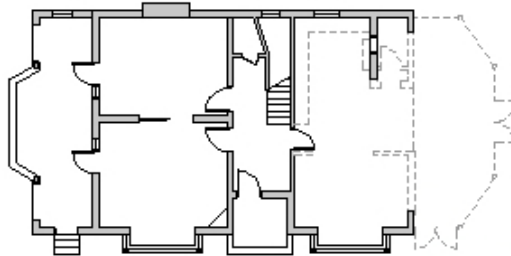


Figure B-13.7:
Demolition is concentrated to the rear and original rooms of significance are left intact.

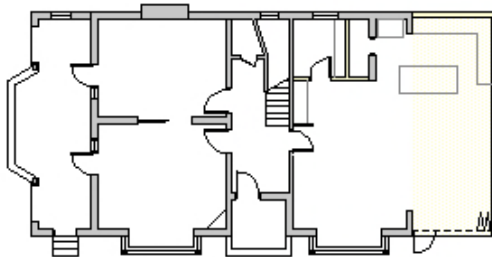


Figure B-13.8:
The rear section is replanned and is the focus of the new work.

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~~ Avoid locating 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)~~ (e) the works can be fully reversed, such that the room may reverted to its original purpose.
- ~~P3~~P4 Retain access and relationship to original building entrances and associated hallways.
- ~~P4~~P5 Retain significant internal original features including joinery, door sets, fire places, flooring, cornices and ceilings.
- ~~P5~~P6 Locate alterations away from rooms that have intact or significant features.
- ~~P6~~P7 Ensure new openings have similar dimensions or are compatible with existing openings, such as width and height of double doors.
- ~~P7~~P8 Provide for reversibility of internal changes (where appropriate and reasonable).



13.5.6 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 [person/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.

13.5.7 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 B-13.9:
Example of a group heritage item.

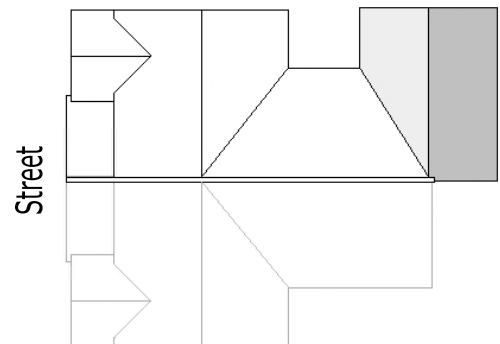


Figure B-13.10:
For group and pair items – locate new work away from the shared and/or significant elements of the group.

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.

13.6 HERITAGE CONSERVATION AREAS

Heritage conservation areas are listed in schedule 5 of the 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 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 C of the DCP). Contributory and uncharacteristic items are listed in Tables App-A.1 and App-A.2 within Appendix A to this DCP. All other properties within a heritage conservation area and is not listed as a contributory or 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.

13.6.1 General Objectives

The objectives to section 13.6 are to:

- O1 Ensure that new development is designed to retain and complement the character and significance of the conservation area (refer to Part C 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.



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- 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.

13.6.2 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 Statements](#).

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 Reinstatement of characteristic and decorative features to contributory items ~~where possible and reasonable~~ 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:
 - respecting original or characteristic building patterns in terms of bulk, form, scale and height;
 - minimising changes to original and characteristic features;
 - removing unsympathetic and uncharacteristic changes and/or;
 - reinstating characteristic details where there is physical or documentary evidence.

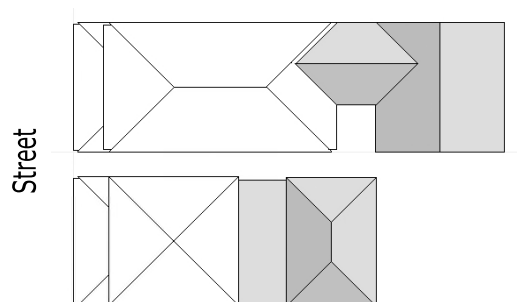


Figure B-13.11:
Minimise changes to the front elevations, consider pavilion extensions.

- 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.

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- 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.

13.6.3 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 character area statement (refer to Part C of the DCP).



Figure B-13.12:
Roofs can be unifying elements of conservation areas.



Figure B-13.13:
Buildings from the nineteenth and early twentieth centuries often have steep pitches and formal geometry that combines to give a distinctive skyline.

13.6.4 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:
- that the resultant building will exhibit a similar scale to that in the vicinity of the site, and
 - that the design respects the heritage characteristics of the area.
 - 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.

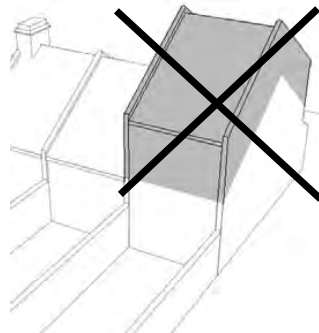


Figure B-13.14:
Additional storeys are usually not appropriate, particularly where the existing building is part of an intact group or streetscape.

13.6.5 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 Consideration is given to the internal layouts of buildings.

P2 Where interior layouts are determined to be significant, they should be retained.

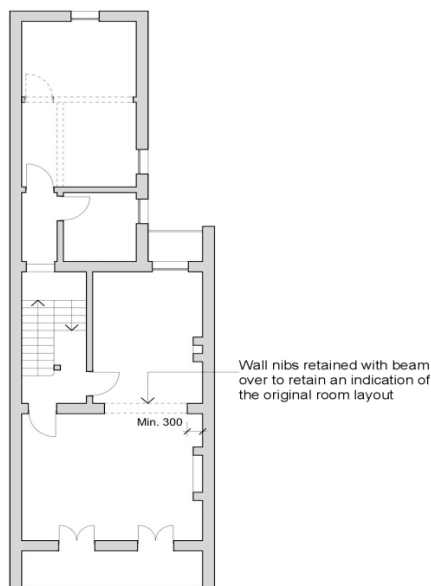


Figure B-13.16:
Retaining wall nibs gives an indication of the original layout.



13.6.6 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 character area statement (refer to Part C 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 <http://www.heritage.nsw.gov.au/docs/DesignInContext.pdf> https://www.heritage.nsw.gov.au/assets/Uploads/a-z-publications/d-f/Design_In_Context.pdf.



Figure B-13.16:
Good infill development responds to the form, scale, setbacks and modulation of characteristic adjoining developments.



Figure B-13.17:
Poor infill development does not respond well to adjoining characteristic developments.

13.7 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.

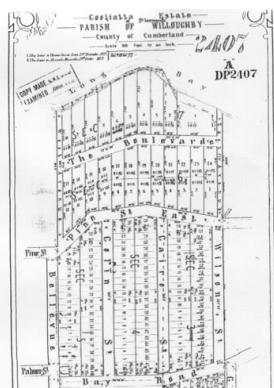


Figure B-13.18
Subdivision of the Carlotta Estate, Cammeray 1889.



Figure B-13.19
The subdivision created a large number of small lots that

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led to the construction of single storey Federation and Edwardian cottages that are distinctive of the area.

Part C of the DCP contains area character statements 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

- P3 Subdivision patterns should reflect that identified in the relevant area character statements (refer to Part C of the DCP).
- P4 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.

13.8 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 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:
- that **the building's contribution to the streetscape or character of the conservation area** does not warrant its retention.
 - that alternatives to demolition have been considered with reasons provided as to why the alternatives are not acceptable.
 - That any replacement building is compatible with the characteristic built elements of the heritage conservation area as identified in the relevant Area Character Statement (refer to Part C 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:
- 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.
 - 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.
 - that sustainability outcomes of the proposed replacement development reasonably justify the change.
 - 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:
- that the replacement building will allow the site to be reclassified from at least "uncharacteristic" to "neutral".
 - that sustainability outcomes of the proposed replacement development reasonably justify the change.

13.9 CONTROLS FOR SPECIFIC BUILDING ELEMENTS

These controls apply to development applications for works to heritage items and sites within heritage conservation areas.

Part C to this DCP contains the Area Character Statements for each Planning Area and Locality Area in the Local Government Area. These Character Statements for each of the heritage conservation areas identify characteristic elements, built form elements which positively contribute to the character of that area. The statements 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.

13.9.1 Skylights, solar panels and satellite dishes

Structures placed on the roof a heritage item or building within a heritage conservation area can be intrusive.



Heritage and Conservation

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 B-13.20:

Skylights are an effective way to improve light and ventilation but need to be carefully located as they can be intrusive on front elevations.

13.9.2 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.1.4.11 to Part B 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.

P4P7 Dormers must not project above any part of the ridge of the roof plane to which the dormer is attached.

P2P8 The design of the dormer is to complement the style and detailing of the existing building and its roof. Figures B-13.21 and B-13.24 show examples of Victorian and Edwardian dormer windows.

P3P9 Dormers should be set in from any party walls.

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Figure B-13.21
Example of a Victorian dormer window

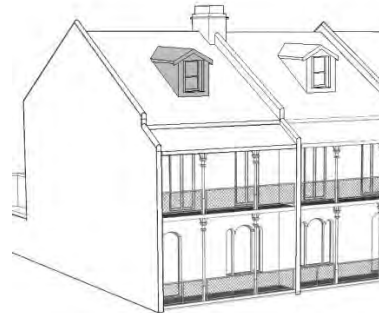


Figure B-13.22:
Example of a Victorian dormer window.



Figure B-13.23:
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 B-13.24:
The simple roof form of Federation and Interwar houses can be sympathetically altered using dormers that form gablets.

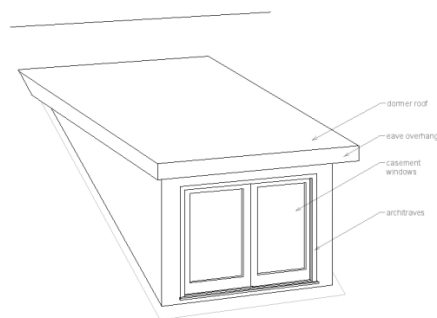


Figure B-13.25
Suggested dimensions and proportions for an Edwardian Arts and Crafts eyelid dormer window:
 Height = 1000mm (max)
 Width:Height = 2: 1 to 2.2: 1

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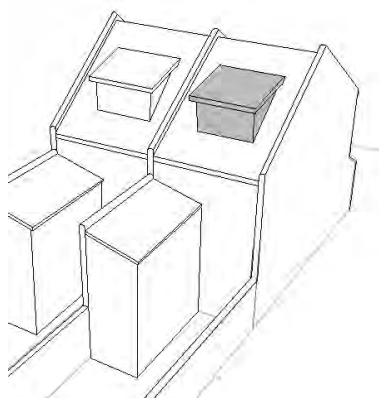


Figure B-13.26

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.

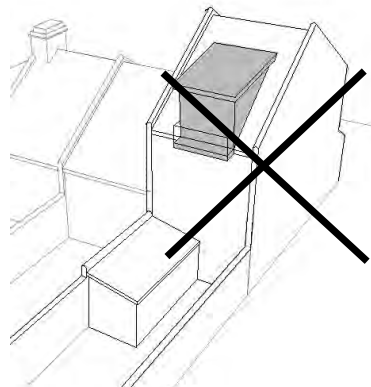


Figure B-13.27

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 B-~~8-25~~13.27.
- P12 Where side and rear elevations are visible from the street, dormers are to be similar in scale to front dormers.

13.9.3 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 a individual, row or group of buildings.

Provisions

- P1 Retain existing significant or characteristic balconies.
- P2 Reinstall missing verandahs, 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 character area statement (refer to Part C of the DCP).
- P6 Glass balustrades are not appropriate on pre-1970's buildings or where visible from the public domain.



13.9.4 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 Statements, within Part C 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.
- P13 Ensure materials, finishes and colours are compatible with the characteristic built elements of the heritage conservation area as described in the relevant Area Character Statement (refer to Part C of the DCP).

13.9.5 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 B-13.28:
Parking spaces combined with high fencing alienates the streetscape and is intrusive.



Figure B-13.29:
Parking spaces located forward of the building line can be intrusive to the streetscape.



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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.1.5.4 to Part B of this DCP.
- P2 Rooms/studios located above garages or where increased floor to ceiling heights are sought to accommodate vertical car stackers and that garage fronts fronting a laneway will be 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 compliment 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.

13.9.6 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

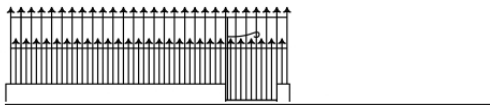


Figure B-13.30:
Victorian palisade

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.

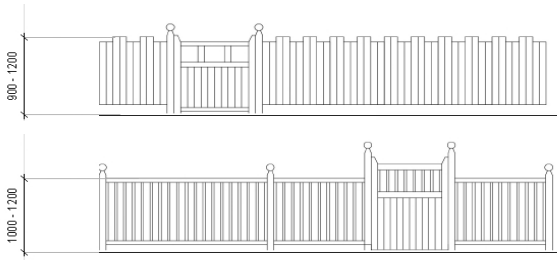


Figure B-13.31:
Federation timber picket on brick base course.

Figure B-13.32:
Edwardian timber fence.

California Bungalows:

- Low brick fences (usually 900mm to 1m in height)
- Brickwork to match the house and some detailing such as curved bricks or corbelling.
- Horizontal emphasis
- 1930s/1940s/1950s housing
- Low brick fences either face brick or rendered (to match the building)
- Some detailing such as curved bricks or corbelling.
- Horizontal emphasis 450-900 mm in height

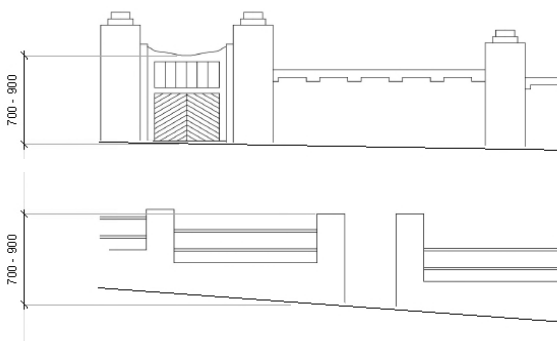


Figure B-13.33:
Inter-war brick fence.

Figure B-13.34:
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 Statement (refer to Part C of the DCP).
- P5 Retain Depression era rusticated fences.



13.9.7 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/~~tiling~~, 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.



13.10 GUIDELINES FOR RESIDENTIAL BUILDING TYPES

13.10.1 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 s13.53-s.13.98 to this 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 13.35 to 13.38.

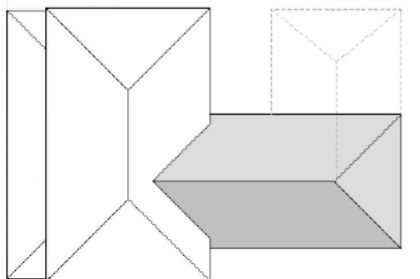


Figure B-13.35:
Simple rear extension replaces skillion, potential for L-shape return.
Inset side walls to clearly distinguish new work.

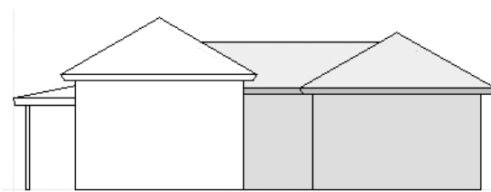


Figure B-13.36:
Ridge height of addition is lower than original cottage.

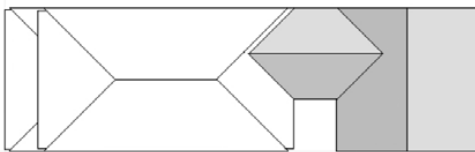


Figure B-13.37:
Pavilion addition linked to original cottage.

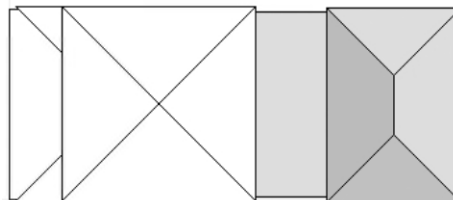


Figure B-13.38:
Pavilion addition linked to original cottage.



13.10.2 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 s13.53-s.13.98 to this DCP, the following characteristic features should be incorporated:
 - (f) Simple forms with open verandahs to the front and skillion lean to's at the rear
 - (g) Lot sizes may vary
 - (h) Walls: stone, brick, rendered masonry and weatherboard
 - (i) Roofs: hipped and gabled in slate, terra cotta tile and corrugated metal
 - (j) Timber joinery
 - (k) Cast iron lacework
- P2 New additions should generally comply with the examples illustrated in Figures 13.39 to 13.42.

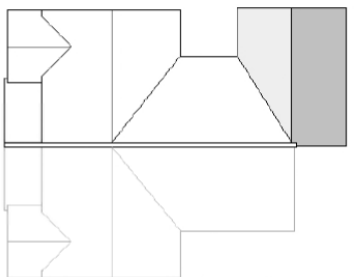


Figure: B-13.39:
Simple addition to the rear, repeats roof form.

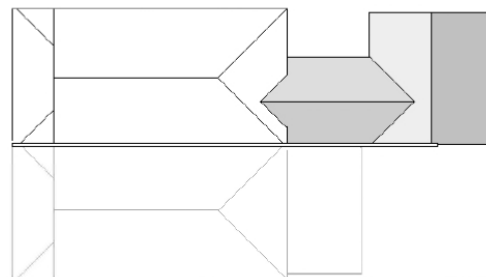


Figure B-13.40:
Pavilion extension retains integrity of the main building.

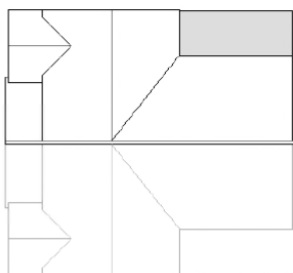


Figure B-13.41:
Small infill addition to the rear.

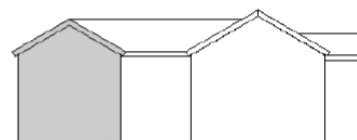


Figure B-13.42:
New work is subservient to the main building in terms of height, bulk and scale.



13.10.3 Larger scale single dwellings

Large scale sSingle 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 s13.53-s.13.98 to this 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 13.43 to 13.46.

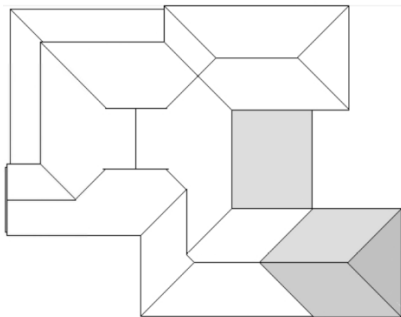


Figure B-13.43:
New work extends existing roof with infill of rear section.

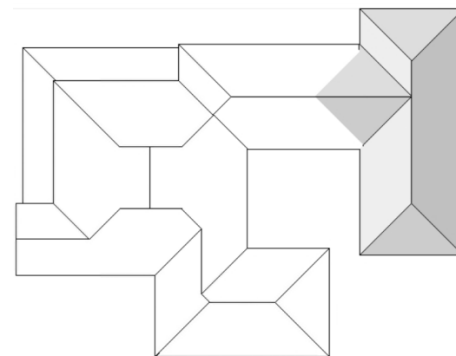


Figure B-13.44:
Wing addition retains integrity of principal building.

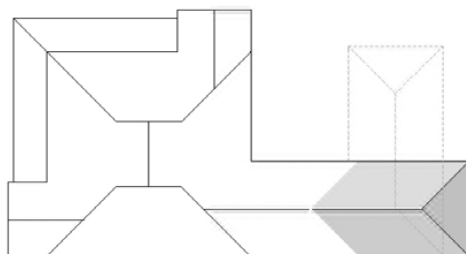


Figure B-13.45:
Simple rear addition extends existing roof line.



Figure B-13.46:
Height, bulk and scale of addition is smaller than the main building.



13.10.4 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 s13.53-s.13.98 to this 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 13.47 to 13.49.

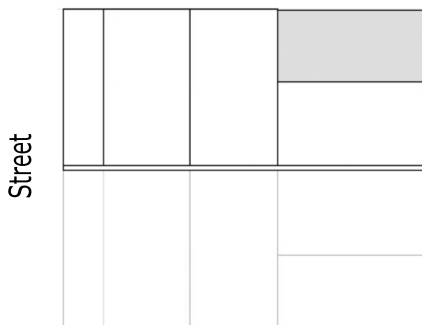


Figure B-13.47:
Locate changes at the rear.
Consider the impact on the attached pair, avoid changes that will affect common walls.

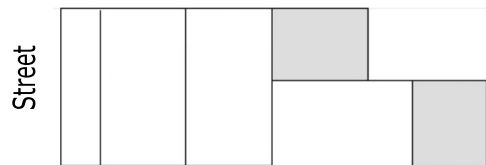


Figure B-13.48:
Side additions may also be suitable.

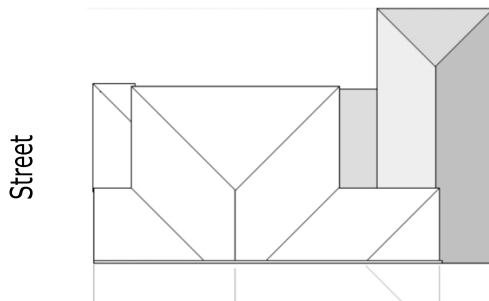


Figure B-13.49:
Changes to the rear reduce impacts to the shared front elevation.



13.10.5 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 B-13.55:

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.

P5~~P6~~ Upgrading for compliance with the BCA, fire egress, disable access or service installations or structural upgrade should comply with Section 13.5.6 to this Part of the DCP.

P6~~P7~~ Refer to section 13.5, 13.6~~3~~ and 13.9~~7~~ to this Part of the DCP for other applicable controls.



13.11 GUIDELINES FOR NON-RESIDENTIAL BUILDING TYPES

13.11.1 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.13.54.6+ to Part B of this DCP.



13.11.2 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.

13.11.3 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 B-13.56:

North Sydney has a number of hotels that are heritage items.
Refer to s.13.98.3 for controls relating to verandahs and balconies.



Heritage and Conservation

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 13.53 and 13.97 to this Part of the DCP for controls on heritage items and specific development types.

13.11.4 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 13.53 and 13.97 to this Part of the DCP for controls on heritage items and specific development types.

13.11.5 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 13.53 and 13.97 to this Part of the DCP for controls on heritage items and specific development types.

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13.12 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 identified within the relevant character area statement (refer to Part C 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 B-13.57:

There are many heritage items in public areas around North Sydney.



SECTION 14 CONTAMINATION AND HAZARDOUS BUILDING MATERIALS

14.1 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 \(August 1998\)](#) and [State Environmental Planning Policy No.55 - Remediation of Land \(SEPP 55\)](#). [SEPP 55 and the Guidelines are proposed to be replaced with SEPP \(Remediation of Land\) and Contaminated Land Planning Guidelines, however were yet to be finalised at the time of finalising this version of the DCP, once adopted, the new SEPP and Guidelines will need to be referred to.](#)

14.1.1 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.

14.1.2 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.

14.1.3 Relationships to Other Sections

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

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 1 – Residential development;
- (c) Part B: Section 2 – Commercial and Mixed Use Development;
- (d) Part B: Section 3 – Non-residential Development in Residential Zones; and
- (e) Part B: Section 5 – Child Care Centres.

14.1.4 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 2000](#) (EP&A Regulation 2000);



- (c) [Contaminated Land Management Act 1997](#) (CLM Act 1997);
- (d) [Contaminated Land Management Regulation 1998](#);
- (e) [State Environmental Planning Policy No.55 - Remediation of Land](#) (SEPP 55);
- ~~(e)~~(f) [Draft State Environmental Planning Policy \(Remediation of Land\)](#);
- (g) DoP's [Managing Land Contamination - Planning Guidelines](#) (to be used in association with SEPP 55);
- ~~(f)~~(h) [DoP's Draft Contaminated Land Planning Guidelines](#); and
- ~~(g)~~(i) 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.

14.2 CONTAMINATED LAND

14.2.1 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 and development applications in accordance with the relevant provisions contained within SEPP 55.

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 Appendix 2 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 Appendix 2?
- (e) To the Council's **knowledge, has the** land ever been regulated through licensing or other mechanisms in relation to any activity listed in Appendix 2?
- (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 Appendix 2?
- (h) Is the Council aware of information concerning contamination impacts on land immediately adjacent to the subject land which could affect the subject land?



Contamination and Hazardous Building Materials

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 Clause 6 of SEPP 55 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 14.2.2 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 Clause 7 of SEPP 55 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 14.2.2 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.

14.2.2 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 Clause 6 or 7 of [SEPP 55](#) and the DoP's [Managing Land Contamination: Planning Guidelines](#).

Note: Also refer to page 22 of the [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 Appendix 2 and it is possible that contamination may have migrated to the subject site; or
- (f) 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.
- (g) The site history is unclear and the site is proposed to be used for residential, educational, recreational, medical or child care uses.



Contamination and Hazardous Building Materials

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 14.2.5 - 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 SEPP 55).

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 14.2.3 - 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 14.2.4;

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 14.2.5 - 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.

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- 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 14.2.5 - 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.

14.2.3 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 [SEPP 55](#) (refer to clause 8-18 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 9 and 14 of SEPP 55.

- P1 Remediation work must be undertaken in accordance with the relevant provisions of SEPP 55 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 14.2.4 of this Part of the DCP. Category 2 remediation work that does not comply with Subsection 14.2.4 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.

14.2.4 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.



Contamination and Hazardous Building Materials

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 SEPP 55, clause 16.

Note: Clause 16 to SEPP 55 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 9, 14 and (if it applies) 15 (1) of SEPP 55, 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 Housing's 1998 guidelines *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 clause 16 of [SEPP 55](#).

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 SEPP 55, 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.



Contamination and Hazardous Building Materials

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 17 and 18 of SEPP 55 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.

14.2.5 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.47(1)(b) [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 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.47 of the [CLM Act 1997](#), and Schedule 1 of the [CLM Regulation 2013](#) ~~CLM Regulation 1998~~ schedule 1.)

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.

14.2.6 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. ~~149-10.7~~ 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 Appendix 2.



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- 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. ~~149~~ [10.7](#) Certificates) on application to Council.
- By providing access to documents in accordance with the [Government Information \(Public Access\) Act 2009](#) [Freedom of Information Act 1989](#) 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

~~Section 149~~ [Planning](#) Certificates

All ~~s.149(2)~~ [Planning](#) Certificates [issued under s.10.7\(2\) of the EP&A Act 1979](#) will state that ~~the~~ 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. ~~149~~10.7\(2\) Certificate](#) will indicate, pursuant to Clause 7 of Part 3 of the [EP&A Regulation 2000](#), 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 ~~s.149(5)~~ [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.

14.3 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.



14.3.1 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.

14.3.2 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 500m²;
- (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, ~~the Protection of the Environment Operations Amendment (Scheduled Activities and Waste) Regulation 2009~~ and the ~~Protection of the Environment Operations (Waste) Regulation 2005~~.



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- (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.

14.3.3 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](#)~~[Occupational Health and Safety Act 2000](#)~~,
- [Work Health and Safety Regulation 2017](#)~~[Occupational Health and Safety Regulation 2001](#)~~,
- 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.



SECTION 15 BUSHLAND

15.1 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](#).

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 [State Environmental Planning Policy No. 19 - Bushland in Urban Areas](#) (SEPP 19).

15.1.1 General Objectives

The general objectives of this Section 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 compliment 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.

15.1.2 When does this section of the DCP apply?

This Section of the DCP applies to development on land within the North Sydney LGA which is identified as *E2 Environmental Conservation*, Area A or Area B on the Bushland Buffer Map located at Appendix 4 to the DCP.

15.1.3 Relationships to other sections

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

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 1 – Residential Development;
- (c) Part B: Section 3 – Non-residential Development in Residential Zones;
- (d) Part B: Section 5 – Child Care Centres;
- (e) Part B: Section 13 – Heritage & Conservation;
- (f) Part B: Section 16 – Tree & Vegetation Management;
- (g) Part B: Section 17 – Erosion and Sediment Control;
- (h) Part B: Section 18 – Stormwater Management;
- (i) Part B: Section 19 – Waste management;

15.1.4 Relationships to other policies and documents

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

- (a) Commonwealth Environmental 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 2000 ([EP&A Regulation 2000](#));
- (d) ~~NSW Threatened Species Conservation Act 1995 (TSC Act 1995)~~ [NSW Biodiversity Conservation Act \(BC Act 2016\)](#);
- (e) NSW [National Parks and Wildlife Act 1974](#);
- (f) NSW [Rural Fires Act 1997](#);
- (g) ~~The~~ NSW Rural Fire Service's [Planning for Bush Fire Protection \(2006 as amended\)](#);
- (h) ~~NSW Noxious Weeds Act 1993~~ [NSW Biosecurity Act 2015](#);
- (i) NSW [Companion Animals Act 1998](#);
- (j) Protection of the Environment Operations Act 1997 ([POEO Act](#));
- (k) [State Environmental Planning Policy No. 19 - Bushland in Urban Areas](#);
- (l) North Sydney Council's *Bushland Plan of Management*; and



Bushland

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

15.2 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.

15.2.1 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 Appendix 4) that adjoins or is adjacent to (i.e. includes land that is located on the opposite side of a road) land zoned *E2 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 *E2 Environmental Conservation* will not be permitted under any circumstances.

15.2.2 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* (~~2006~~[as amended](#)) produced by the Rural Fire Service.



Note: Not all properties located adjacent to land zoned E2 Environmental Conservation are Bush Fire Prone Land. Bush fire protection measures such as asset protection zones, must be contained within the private property boundary and not encroach upon public 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.

15.2.3 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.

15.3 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.

15.3.1 Weeds

Objectives

- O2 To ensure that environmental and ~~noxious~~ biosecurity weeds do not spread into bushland areas.



Bushland

Provisions

- P1 Environmental and ~~noxious~~ 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).

15.3.2 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 Development located within Area A as shown on the Bushland Buffer Map (refer to Appendix 4) that adjoins or is adjacent to (i.e. includes land that is located on the opposite side of a road) land zoned *E2 Environmental Conservation* must be setback a minimum of 10m from all bushland boundaries.
- P2 Retain any bush-rock in-situ or if removed re-use on-site.
- P3 Retain the natural soil profile as much as possible.
- P4 Use landscaping that will reduce potential fire hazards such as a disconnection between vegetation layers (i.e. ground covers, shrubs and canopy).
- P5 Trees are planted in clumps, not with a continuous canopy between the bushland interface and the building line.
- P6 Landscaping is maintained through fuel reduction, overhangs on roofs clipped, mulch minimised and garden well watered.
- P7 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* (2006 as amended)**.

15.3.3 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 Appendix 4) 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 Appendix 4) 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 Developments located within Area B as shown on the Bushland Buffer Map (refer to Appendix 4) that will significantly alter existing vegetation, ground levels, or drainage conditions must submit a landscape plan to Council with at least 50% 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.
- P4 Sites containing remnant bushland greater than 500m² must submit a Bushland Rehabilitation Plan prepared by a suitably qualified ecological consultant specialising in bushland regeneration.
- P5 Retain all remnant bushland on the site undisturbed and protected during any construction or works undertaken.
- P6 Do not disturb remnant bushland.
- P7 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.

15.3.4 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 Appendix 4) must submit a *Drainage Plan* to Council addressing the requirements of Part B: Section 18 – *Stormwater Management* 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.

15.4 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.

*Bushland*

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 B: Section 13 – *Heritage and Conservation* of the DCP where archaeological sites and Aboriginal sites and relics are discovered before, during or after work is to be undertaken.

15.5 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 Climate Change's~~ Energy and Science's](http://www.environment.nsw.gov.au) 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](http://www.environment.nsw.gov.au) ~~TSC Act 1995~~ and the Commonwealth's [EPBC Act 1999](http://www.environment.nsw.gov.au).

15.6 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](http://www.environment.nsw.gov.au) ~~TSC Act 1995~~ 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.

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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 - *Erosion and Sediment Control* 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 B: Section 13 - *Heritage and Conservation* of the DCP).
- 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.



SECTION 16 TREE & VEGETATION MANAGEMENT

16.1 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.

16.1.1 General objectives

The objectives of this Section of the DCP are to:

- O1 ~~Prescribe~~ **Declare** trees and vegetation for the purposes of ~~cl.5.9 of NSLEP 2013~~ [Part 3 of SEPP \(Vegetation in Non-Rural Areas\) 2017](#).
- O2 Maintain the visual, social and environmental amenity of the area through the preservation 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 To recognise the financial value of trees and vegetation.
- O9 Ensure that vegetation does not result in the unreasonable reduction in amenity of adjoining properties in terms of access to sunlight and views.

16.1.2 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.

16.1.3 Relationships to other sections

This section of the DCP needs to be read in conjunction the following Sections of the DCP:

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 1 – Residential Development;
- (c) Part B: Section 2 – Commercial and Mixed Use Development;
- (d) Part B: Section 3 – Non-residential Development in Residential Zones;
- (e) Part B: Section 4 – Child Care Centres; and
- (f) Part B: Section 15 – Bushland Areas.

16.1.4 Relationship to other documents and planning policies

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

- (a) ~~SEPP (Vegetation in Non-Rural Areas) 2017~~ ~~NSLEP 2013~~
 In particular, consideration should be given to ~~Part 2 – Authority to clear vegetation in non-rural areas and Part 3- Council permits for clearing of vegetation in non-rural areas. <https://www.legislation.nsw.gov.au/#/view/EPI/2017/454>~~
 - (i) ~~Clause 3.1 – Exempt development (also refer to Schedule 2 – Exempt Development); and~~
 - (ii) ~~Clause 5.9 – Preservation of trees and vegetation.~~
 - (iii) ~~Clause 5.9AA – Trees or Vegetation not prescribed by development control plan~~
- (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* ~~2010~~
 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~~ 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.

16.1.5 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.

16.2 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 through [Part 2 – Authority to clear vegetation in non-rural areas and Part 3- Council permits for clearing of vegetation in non-rural areas clause 5.9 of NSLEP 2013 of SEPP \(Vegetation in Non-Rural Areas\) 2017](#) 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 ~~prescribed-declared~~ trees or vegetation. However, the requirement to obtain Development Consent will normally only be required where ~~the proposed works are not limited to only other than~~ the removal or pruning of ~~prescribed-declared~~ trees or vegetation ~~is proposed~~ (e.g. construction works). Some trees and vegetation may be removed or pruned without the need for Development Consent or a Tree Management Permit (i.e. those works permitted [by SEPP \(Vegetation in Non-Rural Areas\) 2017 and this DCP](#) ~~as exempt development under cl.3.1 of NSLEP 2013 or without consent under cl.5.9AA of NSLEP 2013~~).

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, once Council has received a completed application form an appointment will be made for an on-site tree inspection of the relevant tree(s) or vegetation by one of Council's Tree Preservation Officers. If the application is approved a Tree Management Permit will be sent to the applicant. ~~Inspections and permits are free of charge.~~

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.

16.2.1 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 [NSLEP 2013 SEPP \(Vegetation in Non-Rural Areas\) 2017](#) to prune, remove or replace trees or vegetation.
- O3 To identify ~~declared~~prescribed trees and vegetation for the purposes of [Part 3- Council permits for clearing of vegetation in non-rural areas under SEPP \(Vegetation in Non-Rural Areas\) 2017](#)~~clause 5.9(2) of NSLEP 2013~~.
- O4 To make the community aware of the implications for the unlawful removal, pruning or wilful destruction of trees and vegetation within the [local government area LGA](#).

16.2.2 Provisions

Approvals General

- P1 Pursuant to ~~Clauses 3.1, 5.9(2) and 5.9AA of NSLEP 2013~~ [Part 2 Authority to clear vegetation in non-rural areas and Part 3- Council permits for clearing of vegetation in non-rural areas under SEPP \(Vegetation in Non-Rural Areas\) 2017](#), Development Consent or a Tree Management Permit is not required for removal or pruning any of the following:
- (a) non-~~prescribed~~declared trees or vegetation;
 - (b) trees or vegetation that are adequately justified ~~declared~~ to be dead ~~or dying~~ as confirmed ~~by Council~~ in writing by a qualified arborist (minimum AOF level 3) or qualified Horticulturalist (minimum AOF Certificate 3) and where the tree or vegetation is not required as the habitat for native animals;
 - ~~(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).
 - ~~(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) and must be conducted by a qualified Arborist (minimum AOF Level 3);
 - ~~(f)~~ trees or vegetation identified as a biosecurity risk (formerly known as noxious weeds) as prescribed by under the ~~Noxious Weeds Act, 1993~~ Biosecurity Act, 2015, except where that tree or vegetation is greater than 10m in height ~~other than mature canopy trees~~;
 - ~~(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~~ 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:
- ~~(ii) Cocos Palms (Syagrus romanzoffiana); or~~
 - (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;
 - (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.~~
- ~~(f) trees or vegetation located on public land, but only if work is carried out by a person engaged by Council to do such work.~~
- P2 Development Consent or a Tree Management Permit is required in accordance with Clause 5.9 of NSLEP 2013 SEPP (Vegetation in Non-Rural Areas) 2017 for the removal or pruning of a ~~prescribed~~ declared tree or vegetation. The following trees and vegetation are ~~prescribed~~ 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 ~~40m~~ 5m or more, or a crown width of ~~10m~~ 5m or more, or a trunk circumference of ~~1.5m~~ 500mm or more measured at ~~1m above~~ ground level (existing); or
 - (c) Any tree that is identified as a biosecurity risk under the Biosecurity Act, 2015 ~~declared a noxious weed~~ and comprises a mature canopy tree is greater than 10m in height;
 - ~~(d) Any tree or vegetation more than 5 metre tall on land identified as a heritage item;~~
 - (d) Any of the following species of trees or vegetation that is declared a noxious weed 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 (Vegetation in non-rural areas) 2017 ~~clause 5.9(3) of NSLEP 2013,~~ must have regard to:



- (a) the health or condition of the tree or trees, whether the tree is dead or dangerous, proximity to existing or proposed structures, interference with utility services, interference the amenity of any person or property;
- (b) necessity for action in order to construct improvements to the property the subject of the application to achieve reasonable development;
- (c) 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; ~~and~~
- (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 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 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 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 prescribed declared tree or vegetation, Council consent must be obtained prior to pruning.
- P8 Where Council approves a development application or a Tree Management Permit in accordance with this Section and SEPP (Vegetation in Non-Rural Areas) 2017-cl.5.9 of NSLEP 2013, Council may impose a condition which requires:
- (a) the replanting of replacement trees or vegetation on the land the subject of 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 ~~suitably~~ qualified arborist (minimum AQF Level 3).
- P10 Any development consent or approval 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.
- P11 Where a development application is lodged after a Tree Maintenance Permit has been issued but prior to approved tree work taking place, that Permit becomes null and void and application for pruning/removal of the tree(s) or vegetation must be made 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 ~~private or~~ 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:
- will not affect the health or integrity of the tree; ~~or~~
 - will not have an adverse impact on the streetscape; ~~or~~
 - will not have an adverse impact on general safety of the public;
 - is carried out in accordance with AS 4373 and carried out 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 *E2 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. ~~9.37425~~ and ~~s.126~~ 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.

16.3 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 at the Land and Environment Court to have the subject trees or vegetations 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.

16.3.1 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.

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

Part 2B 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:
 - o sunlight to a window of a dwelling situated on adjoining land, or
 - o 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 solutions are available which are more appropriate and equally effective.

16.4 PROTECTION OF TREES DURING CONSTRUCTION

16.4.1 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.

16.4.2 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 arborists report is required to be submitted with any development application where works are proposed within the ~~structural root zone~~ [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) are 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 on 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 s.16.2.2.



Bonds

~~P4~~P6 A tree bond may be required if ~~street~~ trees are located in close proximity to a proposed development.

~~P5~~P7 The bond shall be lodged with the Council for each ~~street~~ 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.

~~P6~~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 confirming that the tree is in good health, prior to issuing an Occupation Certificate.

~~P7~~P10 The maximum bond amount will be the value of each tree calculated using an industry accepted Valuation Method.

Construction Hoardings

~~P8~~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.

~~P9~~P12 Hoarding applications are to be accompanied by a plan(s) accurately locating any adjacent trees within 10m of the proposed hoarding.

~~P10~~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.

~~P11~~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

~~P12~~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.

~~P13~~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.

16.5 NEW TREE PLANTING

16.5.1 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).



16.5.2 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 or 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.
- Physical characteristics include: mature dimensions (height, spread, trunk diameter) foliage density, evergreen or deciduous, tree shape or form.
 - Ecological characteristics include: climatic durability, water efficiency, fauna habitat, invasivity in bushland.
 - 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:
- To be undertaken outside of peak hour traffic times.
 - The approval of the RMS if it involves a state or arterial road.
 - 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.

- 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.



P12 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.



SECTION 19 WASTE MINIMISATION & MANAGEMENT

19.1 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. At present Council diverts in excess of 60% of total waste generation from landfill sites. In 2007, approximately 12.5 million tonnes[†] of waste was produced in Greater Sydney Region[‡], of which 45% is being sent directly to land fill sites with the remaining being recycled in one form or another. 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.

19.1.1 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~~ O3 Assist in achieving Federal and State Government waste minimisation targets ~~in accordance with regional waste plans.~~
- ~~O3~~ O4 To meet the waste management needs of the residential and wider community.
- ~~O4~~ O5 Minimise the overall environmental impacts of waste.
- ~~O5~~ O6 Require source separation, design and location standards which complement waste collection and management services offered by Council and private providers.

[†] ~~Source: NSW Department of Environment and Climate Change (DECC), 2008~~

[‡] ~~Incorporating The Greater Sydney Region includes Sydney Metro, Hunter (Newcastle Statistical subdivision only), Central Coast and Illawarra regions~~



~~6~~07 Encourage building design and construction techniques which will minimise future waste generation.

19.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications that involve demolition, construction activities or a change in use.

Where a Waste Management Plan is required to be submitted with a development application, a standardised form can be found on Council's website.

19.1.3 Relationships to Other Sections

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

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 1 – Residential Development;
- (c) Part B: Section 2 – Commercial and Mixed Use Development;
- (d) Part B: Section 3 – Non-Residential Development in Residential Zones;
- (e) Part B: Section 4 – Boarding Houses;
- (f) Part B: Section 5 – Child Care Centres; and
- (g) Part B: Section 6 – Sex Service and Restricted Premises.

19.2 DEMOLITION WASTE

Demolition waste is estimated to contribute 30% of the total waste stream sent to landfill. With careful onsite sorting and storage and by staging work programs it is possible to reuse many materials, either on-site or off-site. This could require the use of colour-coded or clearly labelled bins on-site and education of staff and contractors.

19.2.1 Objectives

O1 To ensure that the reuse and recycling of demolition materials is maximised.

19.2.2 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 B-19.1 gives examples of uses for recyclable demolition 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



TABLE B-19.1: Examples of recyclable materials	
Materials On-site	Reuse and Recycling
	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

19.3 CONSTRUCTION WASTE

Construction also generates considerable volumes of materials that are often wasted. Much of this waste can be avoided, reused or recycled with better project management.

19.3.1 Objectives

- O1 Waste generation is minimised and reuse and recycling of construction materials is maximised in construction projects.

19.3.2 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 2-3 of the Waste Management Plan must be completed providing the following details:
- the volume and type of waste to be generated, including excavation materials, green waste, brick, concrete, timber, plasterboard, and metals;
 - how waste is to be stored and treated on site; and
 - how residual waste is to be disposed of.
- Table B-19.1 gives examples of uses for recyclable construction materials.
- P3 To ensure that construction waste is minimised consideration should be given to the following matters:
- Order the right quantities of materials;
 - Prefabricate materials where possible;
 - Reuse formwork;
 - Use modular construction and basic designs to reduce the need for off-cuts;
 - Separate off-cuts to facilitate reuse, resale or efficient recycling;
 - Minimise site disturbance, limit unnecessary excavation;
 - Reuse or recycle materials from demolished buildings;
 - Choose landscaping which reduces green waste; and
 - Coordinate and sequence trades people to minimise waste.



19.4 WASTE FACILITIES AND MANAGEMENT

Onsite collection and storage of waste pending collection can cause smells, attract vermin and be unsightly. Space must be allocated at the design stage for garbage and recycling areas. In low-density residential development, such as semi or detached dwellings and dual occupancies, self-management by residents is generally successful. In higher density residential developments and all non-residential developments, ongoing waste management needs to be carefully considered at the time of development. The Council's Waste Management Facility Guide (refer Appendix 3) provides additional detail on design of garbage and recycling storage and collection areas.

19.4.1 Objectives

O1 Design buildings to encourage waste minimisation (source separation, reuse and recycling).

19.4.2 Provisions

Building Design

P1 Must comply with the relevant requirements for waste management under sections 1.5.13, 1.6.9, 2.5.9, 2.6.6, 3.4.9 and 3.5.6 to Part B of this DCP.

P4P2 Provide an appropriate level of space on each property that is capable of accommodating the ~~for~~ temporary storage of recyclables, garbage, general household clean up bulky waste and ~~compost~~ green waste likely to be generated by the proposed development.

P2P3 Ensure space is easily accessible from each part of the building and from the collection point.

P3P4 Include adequate access and manoeuvring space, at least an area equivalent to the combined footprint of the bins.

P4P5 Provide administrative arrangements for ongoing waste management, including signs.

P5P6 Locate and design waste storage and recycling areas to complement the streetscape.

Waste Management

P6P7 All applications must be accompanied by a Waste Management Plans which illustrates the location and associated circulation to and from ~~of~~ 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; ~~and~~

~~(e)~~ (f) management of e-waste where appropriate; and

~~(f)~~ (g) management of hazardous waste where appropriate.

P7P8 Sections ~~3-4~~ and ~~4~~ 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



Waste Minimisation and Management

(g) Other non-residential premises.

~~P8~~P9 Section ~~3-4~~ 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.

~~P9~~P10 Section ~~4~~5 of the Waste Management Plan must describe the proposed on-going management of waste and recycling.

Waste and recycling condition in DAs

~~P10~~P11 Council may impose conditions on a development consent to encourage waste minimisation and recycling as follows:

- (a) Separate waste and recycling services should be engaged/contracted by business operating from premises;
- (b) Consider providing alternatives to plastic bags for the purposes of carrying items purchased from the premises; and
- (c) Do not provide prepared food/drinks to customers in any non-recyclable or non-biodegradable plastic or form.



SECTION 2 NORTH SYDNEY PLANNING AREA

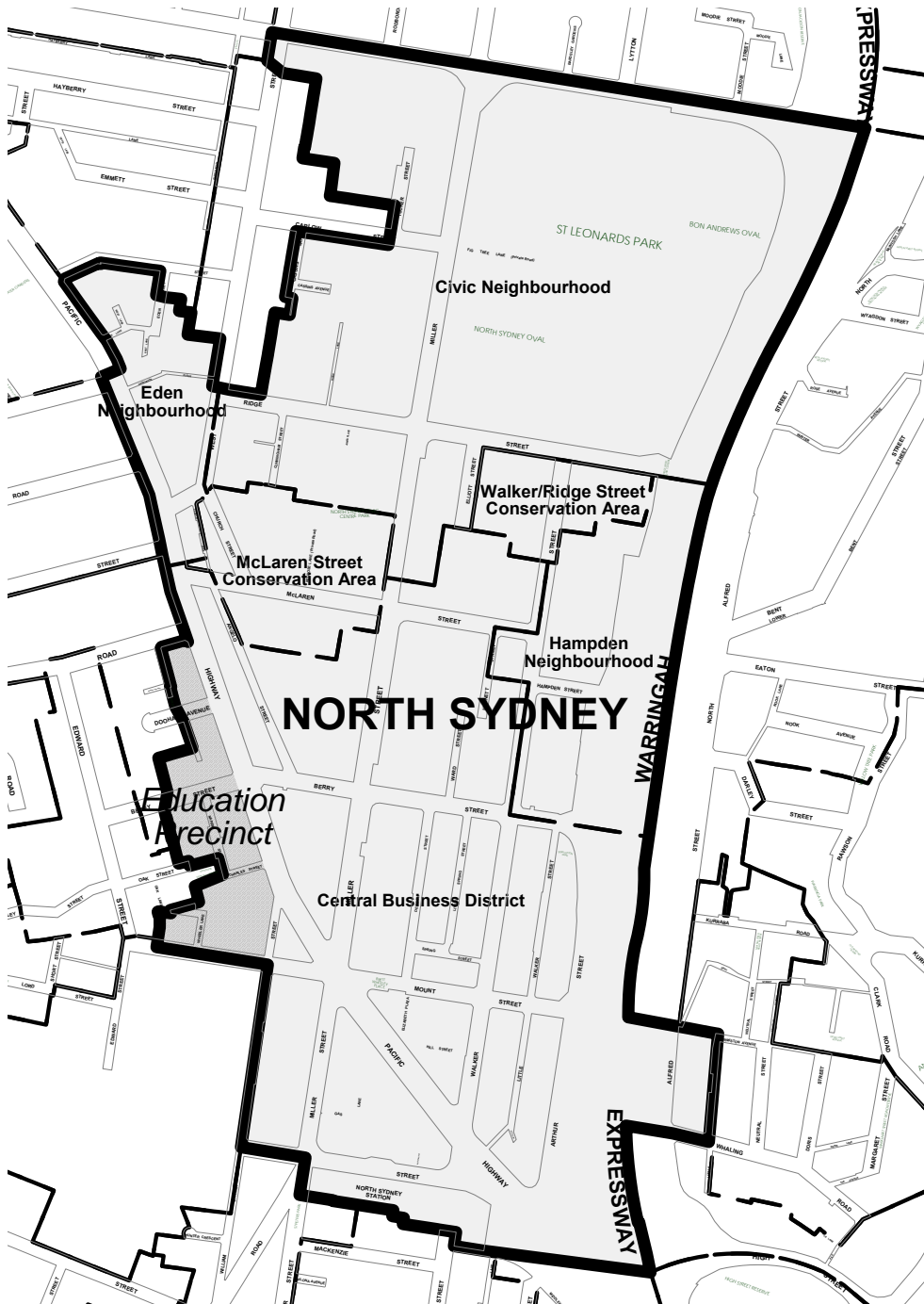
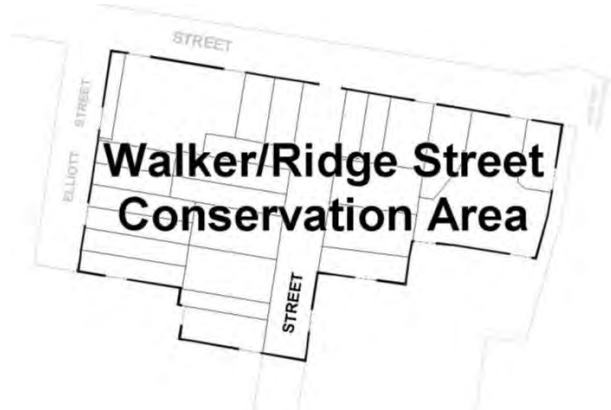


Figure C-2.1: North Sydney Planning Area and associated Locality Areas

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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.

	<p>Figure C-2.1 (left): Circa 1890</p>
	<p>Figure C-2.2 (below left): Circa 1943</p>
	<p>Figure C-2.3 (below): Circa 2008</p>

2.5.4 Significant elements

Topography

P1 Steeply sloping to the south along Walker Street from Ridge Street.

Subdivision

P2 Lot sizes – 700m² to 1250m².

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.

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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.

P24P25 Sandstone kerbing.

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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 to 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.



SECTION 6 SOUTH CREMORNE PLANNING AREA

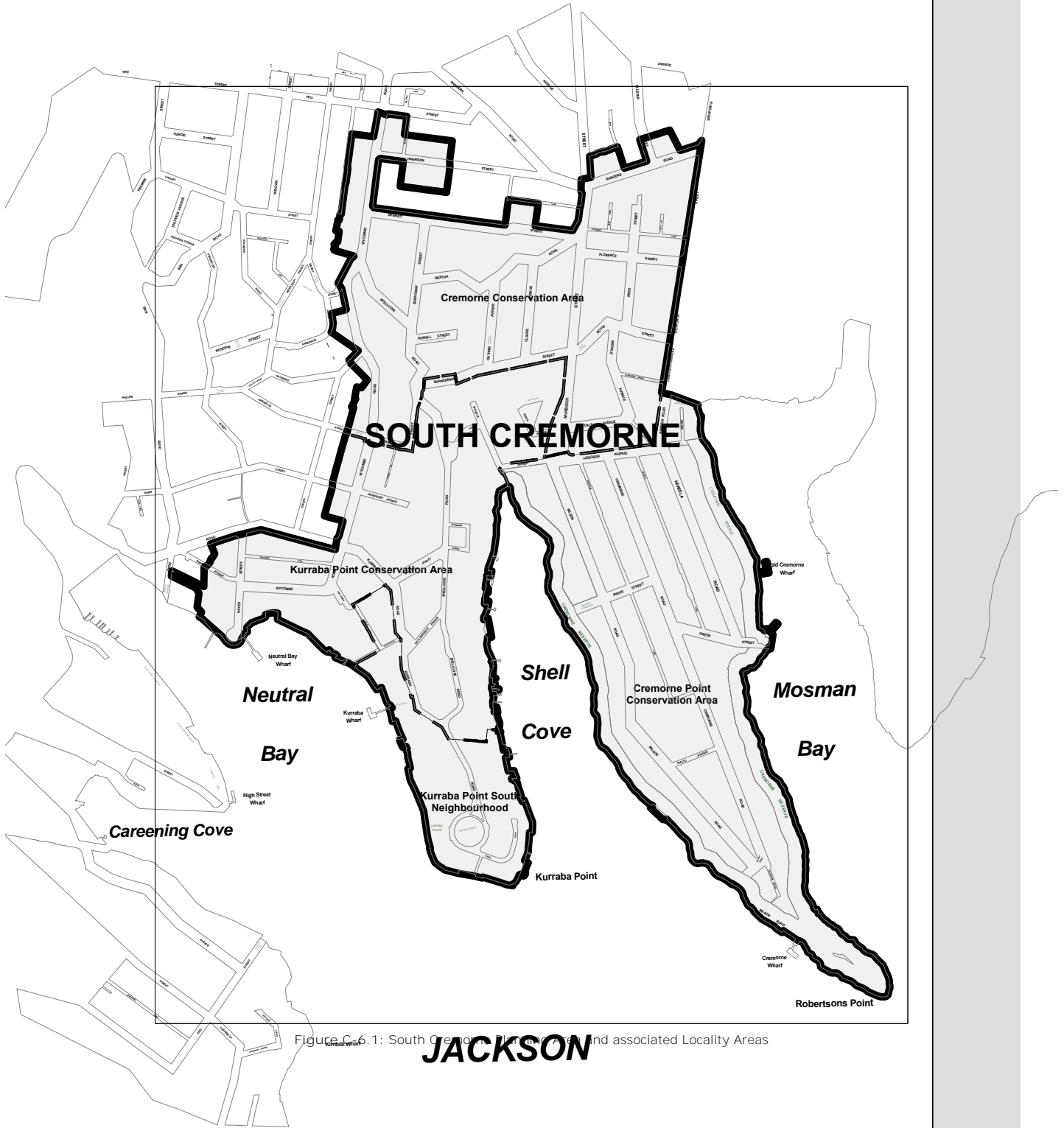


Figure C.6.1: South Cremorne Planning Area and associated Locality Areas

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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.

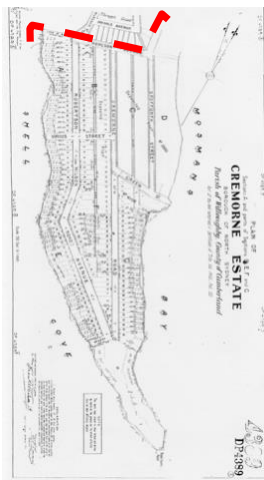


Figure C-6.7 (left):
Circa 1890

Figure C-6.8 (below left):
Circa 1943

Figure C-6.9 (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 two 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](#).

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 street 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, batted 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 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; modern infill development and residential flat buildings.

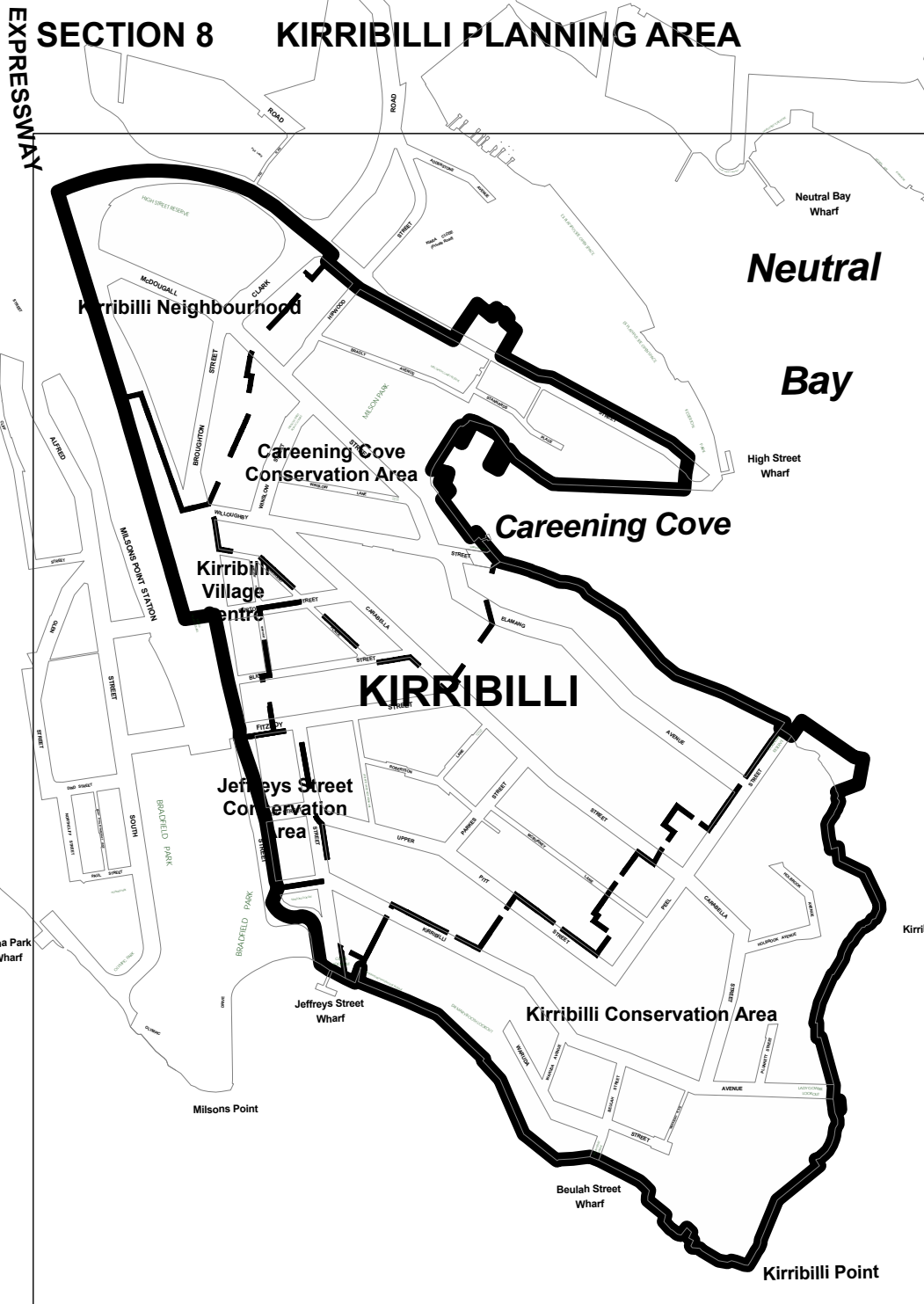


Figure C-8.1: Kirribilli Planning Area and associated Locality Areas

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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.

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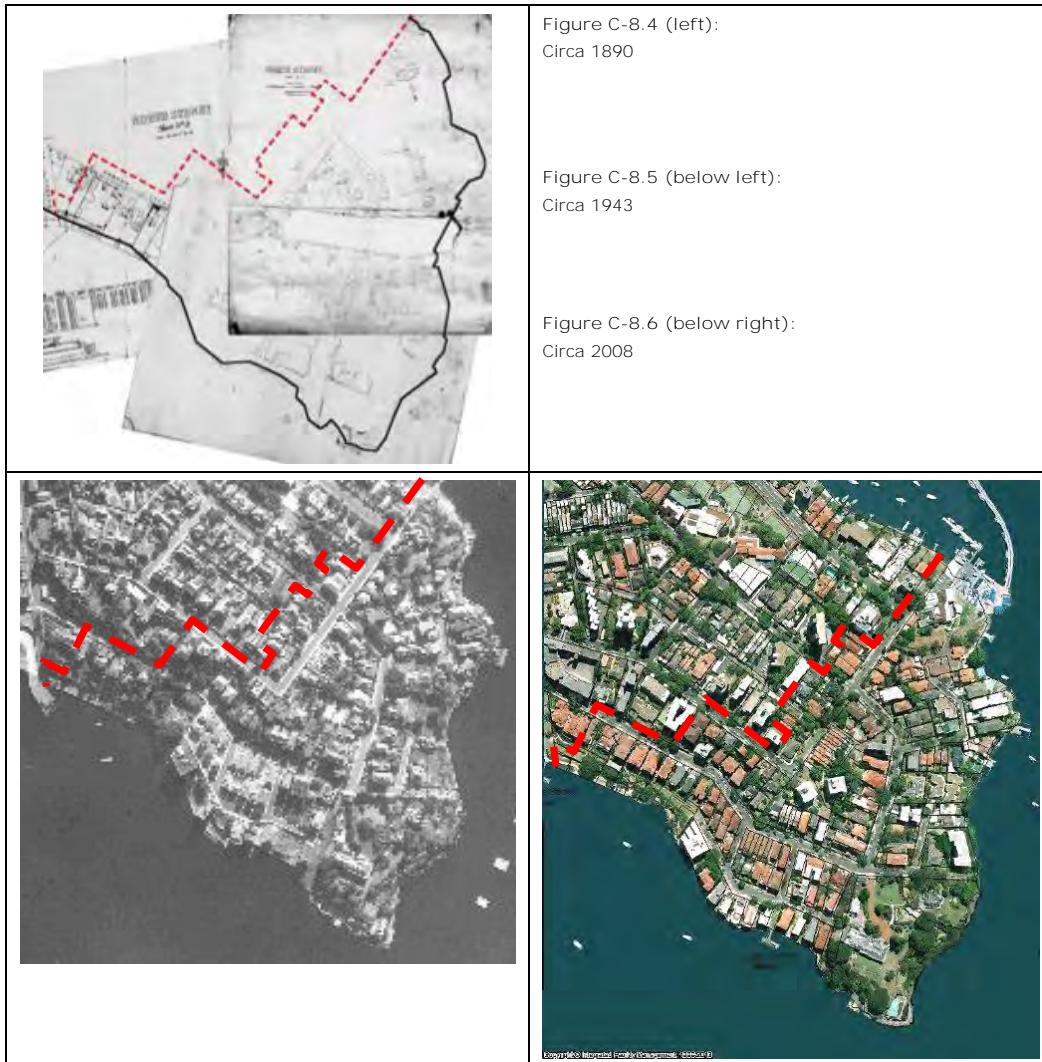


Figure C-8.4 (left):
Circa 1890

Figure C-8.5 (below left):
Circa 1943

Figure C-8.6 (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



Area Character Statements - Kirribilli Planning Area

- 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



Area Character Statements - Kirribilli Planning Area

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.

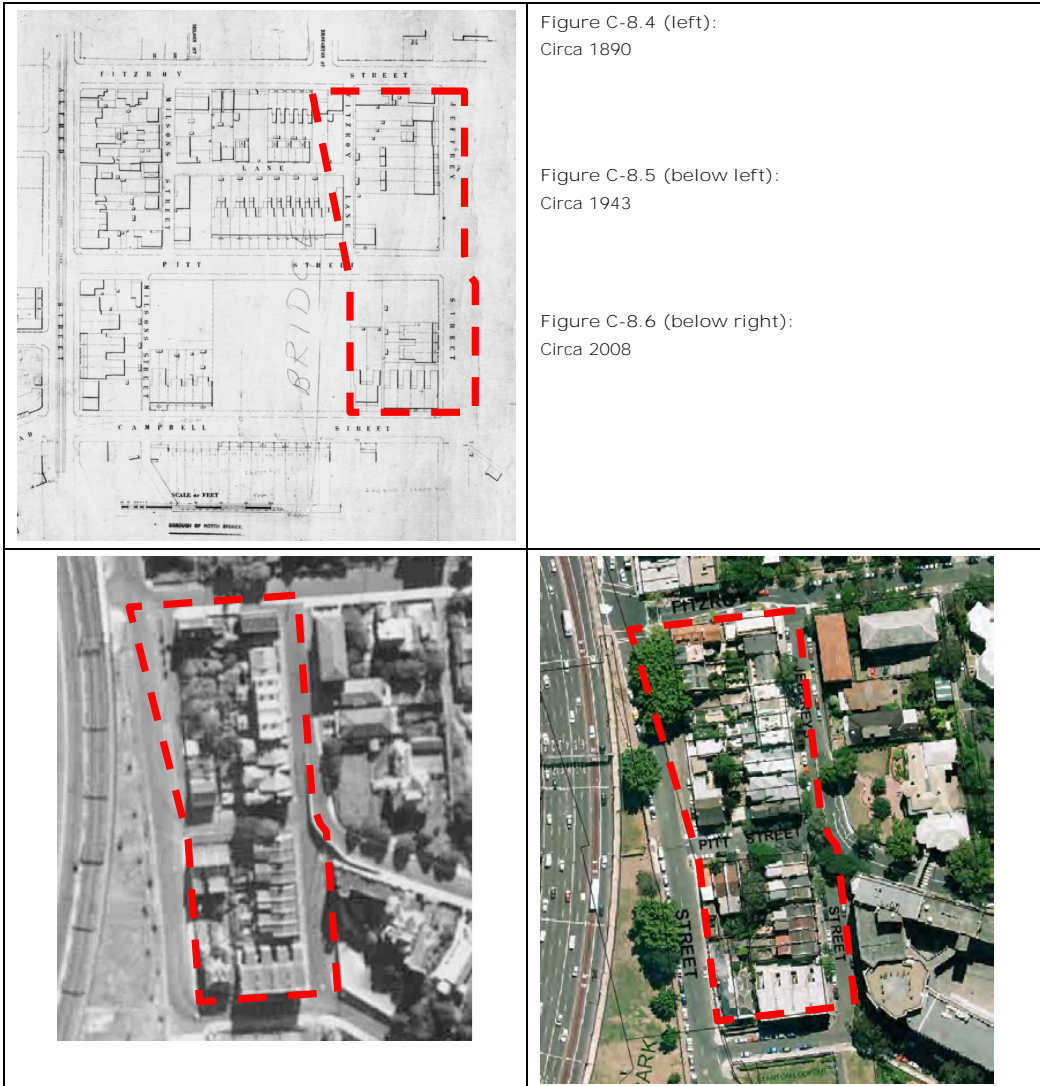


Figure C-8.4 (left):
Circa 1890

Figure C-8.5 (below left):
Circa 1943

Figure C-8.6 (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.

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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

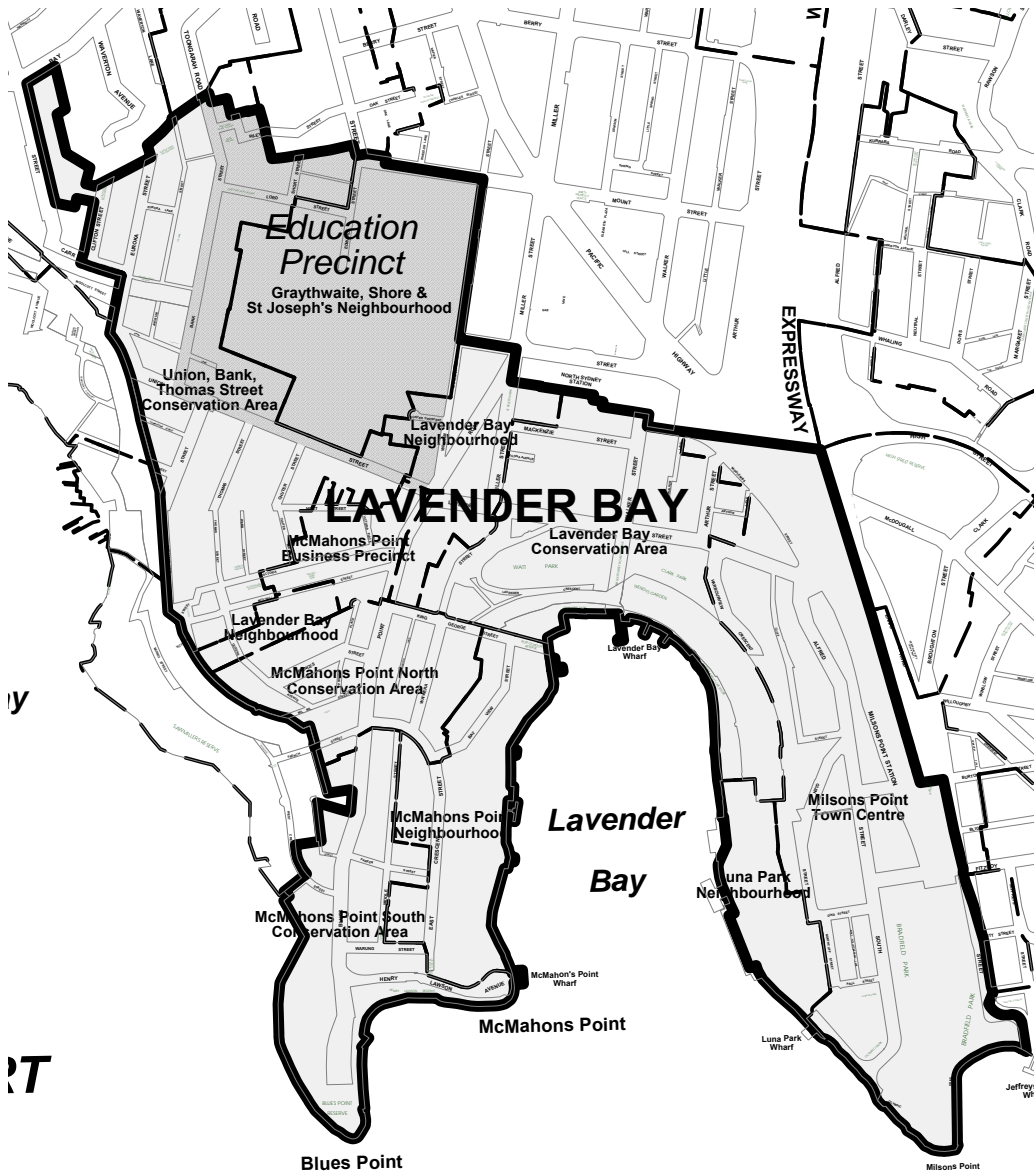
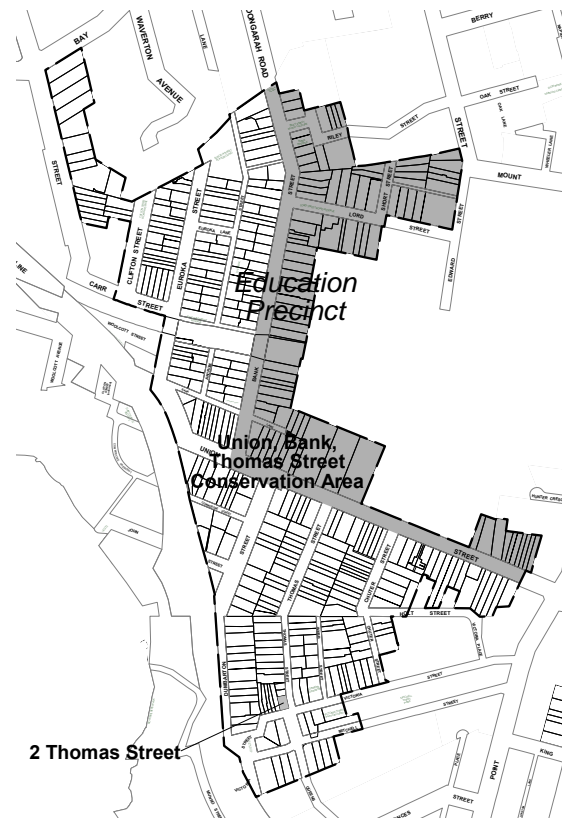


Figure C-9.1: Lavender Bay Planning Area and associated Locality Areas

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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

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Area Character Statements - Lavender Bay Planning Area

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 C-9.10 (left):
Circa 1890

Figure C-9.11 (below left):
Circa 1943

Figure C-9.12 (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

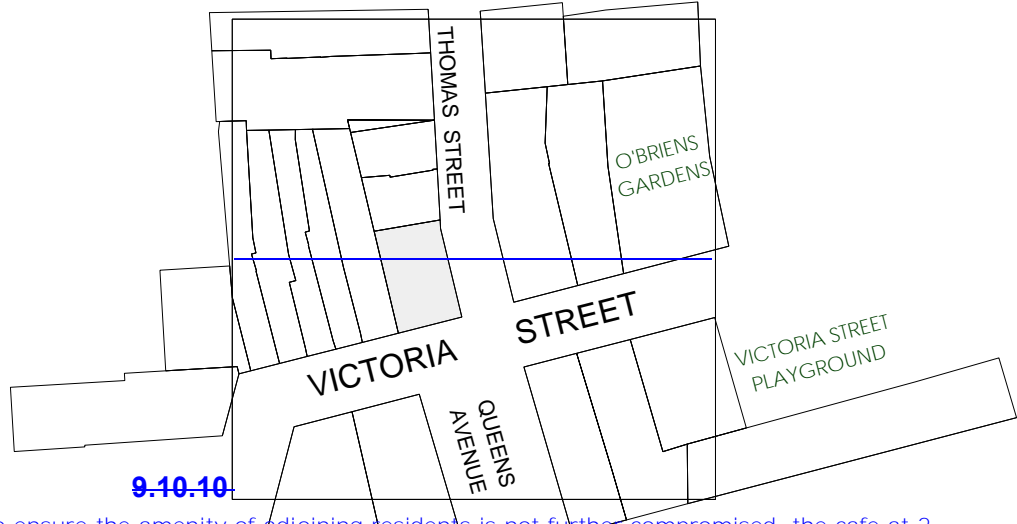
- P1 Over-scaled additions; Carports and garages to front of lot; dormers and conditions to front and side roofs; removal of original details; painting and rendering of face brickwork; high fences to street; inappropriate fence details; paving of gardens.

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.



9.10.9 2 Thomas Street



9.10.10

- ~~P1 To ensure the amenity of adjoining residents is not further compromised, the cafe at 2 Thomas Street, McMahon's Point must not:~~
 - ~~(a) exceed a capacity of more than 45 patrons, whether those patrons be seated or standing; and~~
 - ~~(b) operate outside the hours of 7.00am to 5.00pm on Monday to Saturday inclusive.~~



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 2000
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:

- (a) a building or land, or
- (b) a building that is under construction, renovation, restoration or demolition,

but does not include a wall advertisement.

bushland means any land zoned E2 - 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.

~~*prescribed tree* means any living perennial plant with a single, woody self supporting stem or trunk, unbranched from some distance from the ground.~~

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:



Dictionary

- (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 E4 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.



APPENDIX 1 HERITAGE – CONTRIBUTORY, NEUTRAL & UNCHARACTERISTIC ITEMS

1.1 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.

1.2 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.

1.3 RELATIONSHIP TO OTHER SECTIONS

This Appendix should be read in conjunction with Part B: Section 13 - *Heritage and Conservation*.

1.4 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.

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

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Ap1-3	Page	Heritage – Contributory, Neutral & Uncharacteristic Items





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
15A	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
<u>21A</u>	<u>Bannerman Street</u>	<u>Cremorne Point</u>	<u>Kurraba Point</u>
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

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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 - Nos 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

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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	Cremerne
6	Burroway Street	Neutral Bay	Cremerne
10	Burroway Street	Neutral Bay	Cremerne
14	Burroway Street	Neutral Bay	Cremerne
16	Burroway Street	Neutral Bay	Cremerne
18	Burroway Street	Neutral Bay	Cremerne
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

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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

TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
163	Chandos Street	Crows Nest	Holtermann Estate A
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
26	Chuter Street	McMahons Point	Union / Bank / Thomas Streets
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
3	Cremorne Road	Cremorne Point	Cremorne Point
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

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TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
103	Cremorne Road	Cremorne Point	Cremorne Point
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
69	Crows Nest Road	Waverton	Crows Nest
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
5	Doris Street	North Sydney	Whaling Road
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
3	Ellalong Road	Cremorne	Montague Road
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

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TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
56	Emmett Street	Crows Nest	Holtermann Estate C
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

TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
106	Ernest Street	Crows Nest	Holtermann Estate B
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
53	Euroka Street	Waverton	Union / Bank / Thomas Streets
56	Euroka Street	Waverton	Union / Bank / Thomas Streets
58	Euroka Street	Waverton	Union / Bank / Thomas Streets

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
60	Euroka Street	Waverton	Union / Bank / Thomas Streets
61	Euroka Street	Waverton	Union / Bank / Thomas Streets
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
15	Hayberry Street	Crows Nest	Holtermann Estate C
16	Hayberry Street	Crows Nest	Holtermann Estate C
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

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TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
74	Hayberry Street	Crows Nest	Holtermann Estate C
75	Hayberry Street	Crows Nest	Holtermann Estate C
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

TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
15	Hazelbank Road	Wollstonecraft	Crows Nest
17	Hazelbank Road	Wollstonecraft	Crows Nest
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
26	Holtermann Street	Crows Nest	Holtermann Estate B
28	Holtermann Street	Crows Nest	Holtermann Estate B
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
93	Holtermann Street	Crows Nest	Holtermann Estate B
94	Holtermann Street	Crows Nest	Holtermann Estate B
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

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TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
141	Holtermann Street	Crows Nest	Holtermann Estate B
143	Holtermann Street	Crows Nest	Holtermann Estate B
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

TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
28	Iredale Avenue	Cremorne Point	Cremorne
18	Jeffreys Street	Kirribilli	Jeffreys Street
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
112	Kirribilli Avenue	Kirribilli	Kirribilli
114	Kirribilli Avenue	Kirribilli	Kirribilli
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
77	Kurraba Road	Kurraba Point	Kurraba Point
83	Kurraba Road	Kurraba Point	Kurraba Point
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

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TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
3	Lumsden Street	Cammeray	Cammeray
9	Lumsden Street	Cammeray	Cammeray
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

TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
31	McDougall Street	Kirribilli	Careening Cove
33	McDougall Street	Kirribilli	Careening Cove
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
23	Milson Road	Cremorne Point	Cremorne Point
24	Milson Road	Cremorne Point	Cremorne Point
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
14	Montague Road	Cremorne	Montague Road
15	Montague Road	Cremorne	Montague Road
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

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TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
11	Morden Street	Cammeray	Cammeray
12	Morden Street	Cammeray	Cammeray
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

TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
26	Myrtle Street	North Sydney	Holtermann Estate C
29	Myrtle Street	North Sydney	Holtermann Estate C
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
57	Neutral Street	North Sydney	Whaling Road
59	Neutral Street	North Sydney	Whaling Road
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
18	Peel Street	Kirribilli	Kirribilli
20	Peel Street	Kirribilli	Kirribilli
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

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TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
40	Princes Street	McMahons Point	McMahons Point North
1	Priory Road	Waverton	Priory Road
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

TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
58	Rangers Road	Cremorne	Cremorne
60	Rangers Road	Cremorne	Cremorne
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
63	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
89	Ridge Street	North Sydney	Walker / Ridge Streets
8	Riley Street	North Sydney	Union / Bank /Thomas Streets
9	Riley Street	North Sydney	Edward Street
10	Riley Street	North Sydney	Union / Bank /Thomas Streets
11	Riley Street	North Sydney	Edward Street
12	Riley Street	North Sydney	Union / Bank /Thomas Streets

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
13	Riley Street	North Sydney	Edward Street
14	Riley Street	North Sydney	Union / Bank /Thomas Streets
15	Riley Street	North Sydney	Edward Street
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
74	Shellcove Road	Neutral Bay	Cremorne
76	Shellcove Road	Neutral Bay	Cremorne
78	Shellcove Road	Neutral Bay	Cremorne
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

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TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
1A-1B	Teloepa Street	Wollstonecraft	Wollstonecraft
4	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
6	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
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

TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
58	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
60	Thomas Street	McMahons Point	Union / Bank / Thomas Streets
1	Toongarah Road	Waverton	Priory Road
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
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
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
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
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	Warringa 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

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TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
24	Warringa Road	Cammeray	Cammeray
26	Warringa Road	Cammeray	Cammeray
28	Warringa Road	Cammeray	Cammeray
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
65	West Street	North Sydney	Holtermann Estate D
66	West Street	North Sydney	Holtermann Estate D
68	West Street	North Sydney	Holtermann Estate D
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
112	West Street	Crows Nest	Holtermann Estate D
114	West Street	Crows Nest	Holtermann Estate D
116	West Street	Crows Nest	Holtermann Estate D
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
234	West Street	Crows Nest	Holtermann Estate B
236	West Street	Crows Nest	Holtermann Estate B
246	West Street	Crows Nest	Holtermann Estate B
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

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TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
42	Whaling Road	North Sydney	Whaling Road
43	Whaling Road	North Sydney	Whaling Road
44	Whaling Road	North Sydney	Whaling Road
46	Whaling Road	North Sydney	Whaling Road
<u>48</u>	<u>Whaling Road</u>	<u>North Sydney</u>	<u>Whaling Road</u>
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

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
13	Wilona Avenue	Lavender Bay	Lavender Bay
14	Wilona Avenue	Lavender Bay	Lavender Bay
2	Wilson Street	Cammeray	Plateau
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
6	Wycombe Road	Neutral Bay	Kurraba Point
6A	Wycombe Road	Neutral Bay	Kurraba Point
6	Wycombe Road	Neutral Bay	Kurraba Point

TABLE App-1.1: Contributory Items			
St. No	Street	Suburb	Conservation Area
40	Wycombe Road	Neutral Bay	Kurraba Point
41	Wycombe Road	Neutral Bay	Kurraba Point
42	Wycombe Road	Neutral Bay	Kurraba Point
44	Wycombe Road	Neutral Bay	Kurraba Point
45	Wycombe Road	Neutral Bay	Kurraba Point
21	Wycombe Road	Kurraba Point	Kurraba 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
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

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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

1

Appendix

[2020 draft amendments](#) - North Sydney Development Control Plan 2013

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Page

Heritage – Contributory, Neutral & Uncharacteristic Items





↓	Appendix	<u>2020 draft amendments</u> - North Sydney Development Control Plan 2013
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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
86	Holtermann Street (That part comprising the 2 x two storey townhouses fronting Huntington Street - No.s 39 and 41 Huntington Street)	Crows Nest	Holtermann Estate B
100	Holtermann Street (That part comprising the two storey detached dwelling fronting Huntington Street - No.53A Huntington 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
42	Huntington Street	Crows Nest	Holtermann Estate B
40	Huntington Street	Crows Nest	Holtermann Estate B

TABLE App-1.2: Uncharacteristic Items			
St No.	Street Address	Suburb	Conservation Area
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
58	Kareela Road	Cremorne Point	Cremorne
60	Kareela Road	Cremorne Point	Cremorne
44-50	Kirribilli Avenue	Kirribilli	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
<u>3</u>	<u>Lower Wycombe Road</u>	<u>Neutral Bay</u>	<u>Kurraba Point</u>
<u>5-7</u>	<u>Lower Wycombe Road</u>	<u>Neutral Bay</u>	<u>Kurraba Point</u>
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 Margret 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

TABLE App-1.2: Uncharacteristic Items			
St No.	Street Address	Suburb	Conservation Area
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
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

TABLE App-1.2: Uncharacteristic Items			
St No.	Street Address	Suburb	Conservation Area
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
69	Shellcove Road	Neutral Bay	Cremorne
19	Shirley Road	Wollstonecraft	Wollstonecraft
23	Shirley Road	Wollstonecraft	Wollstonecraft
5A	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

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Ap1-35	Page	Heritage – Contributory, Neutral & Uncharacteristic Items





TABLE App-1.2: Uncharacteristic Items			
St No.	Street Address	Suburb	Conservation Area
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
190	West Street	Crows Nest	Holtermann Estate B
222	West Street	Crows Nest	Holtermann Estate B
4	Whaling Road	North Sydney	Whaling Road
61	Wycombe Road	Neutral Bay	Cremerne
110	Wycombe Road	Neutral Bay	Cremerne
116	Wycombe Road	Neutral Bay	Cremerne
9	Wycombe Road	Neutral Bay	Kurraba Point
5-7	Wycombe Road	Neutral Bay	Kurraba Point
48-52	Wycombe Road	Neutral Bay	Kurraba Point



APPENDIX 3 WASTE ~~HANDLING~~ MANAGEMENT GUIDE

3.1 INTRODUCTION

This Appendix contains a copy of Council's Waste ~~Management~~ Handling Guide.

3.2 RELATIONSHIP TO OTHER SECTIONS

This Appendix should be read in conjunction with:

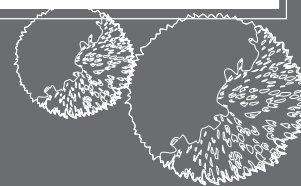
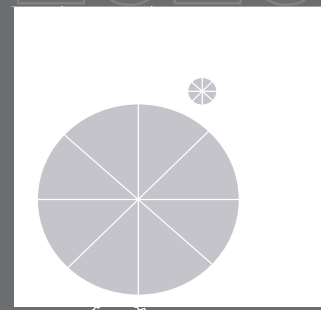
- Part B: Section 1 – Residential Development,
- Part B: Section 2 – Commercial and Mixed Use Development, and
- Part B: Section 3 – Non-Residential Development in Residential Zones.



WASTE MANAGEMENT GUIDE

for designers
and builders of houses,
residential and commercial buildings

2020



INTRODUCTION

The guide gives essential information to architects, developers and builders for the design and construction of waste handling facilities in new developments.

The guide expands on requirements for waste facilities contained in Council's Development Control Plan (DCP) and development application conditions.

The guide ensures that all waste facilities in new or existing developments comply with Council's collection service and waste minimisation policy.

Basic requirements for waste facilities are:

- > adequate size
- > integration with building design and site landscaping
- > suitable screening from public areas
- > appropriate access for collection
- > ensuring WHS requirements for waste contractors are met

To avoid subsequent alteration of plans these requirements should form part of the overall design for the new building.

To ensure your building design meets the requirements, see the checklist below prior to lodging your development application:

Does your waste facility design meet

- > The type of waste and recycling collection service conducted by Council's waste contractor?
- > Reasonable distance and accessibility from the street frontage for residents and contractors?
- > Public health standards and amenity of the surrounding area, such as odour, noise and visibility of the bins?
- > Adequate size, dimensions and finishing materials?
- > A high standard of recycling through source separation?
- > The requirements for general household and green waste collections?
- > Separate waste storage areas for mixed use buildings ie. commercial and residential?
- > The Work Health and Safety requirements of waste collectors?

GARBAGE STORAGE AND HOLDING BAYS

New residential and mixed residential/commercial developments in the North Sydney Council area must be provided with a garbage storage and/or holding bay facility of sufficient size to accommodate all waste from the building.

Waste facilities may be:

- > a combined storage and holding bay located within 2 metres of the street alignment or public access

- > or garbage storage area at any other location on the site, provided there is a temporary holding bay located within 2 metres of the street alignment or public access.

Garbage and recycling bins must be placed within 1.5 metres from the entrance of a combined storage and holding bay or temporary holding bay, with 2 metre direct access from the street frontage to the bins. Waste contractors should not have to climb steps or enter doors to access bins.

DESIGN OF FACILITIES

Although developments may vary widely in their individual requirements, the following minimum requirements should apply:

The standard waste service for North Sydney Council area is

- > one 80L garbage bin, collected weekly per rateable property
- > and one 140L mobile recycling bin, collected weekly per rateable property.

Multi-unit buildings may choose to upgrade to 80, 120 or 240 litre capacity mobile bins for the collection of garbage and a 240L mobile bin for the collection of recyclables. A comprehensive collection service for garden waste and household clean-up material is also provided. Additional space must be provided for the storage of household and green waste clean-up materials.

Detached Houses

A dedicated waste holding bay area should be provided that is accessible within 2 metres of the street alignment. Where servicing is from a rear lane, the holding bay may be built into the fence structure, with direct access from the lane.

The area must be able to accommodate a minimum of

- > 1 x 140L mobile recycling bin
- > and 1 x 80L garbage bin for each dwelling.

Villas, Townhouses and Low-Rise Developments

Villas, townhouses and low-rise developments are generally one to two storeys high with two or more dwellings on the same site.

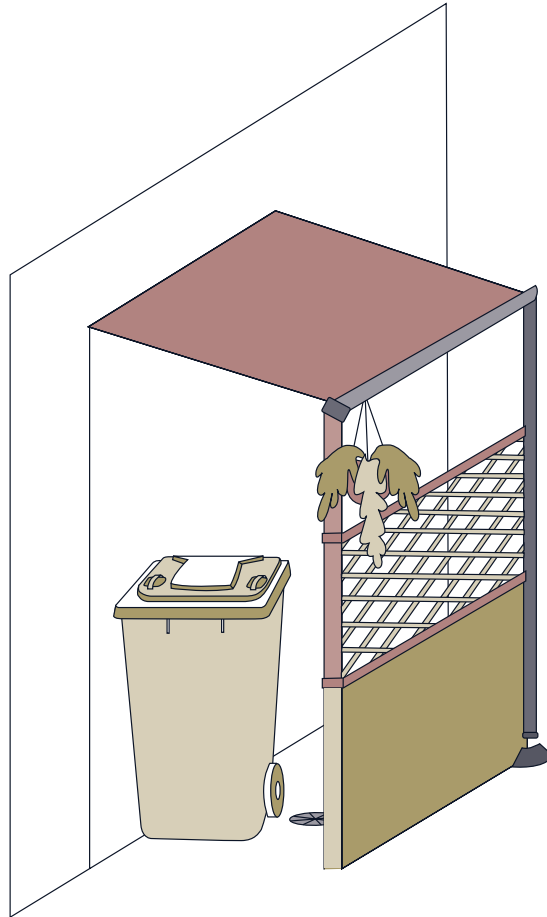
Waste facilities may be:

- > a combined storage and holding bay located within 2 metres of the street alignment or other public access
- > or a garbage storage area at any other location on the site, provided there is a temporary holding bay located within 2 metres of the street alignment or other public access.

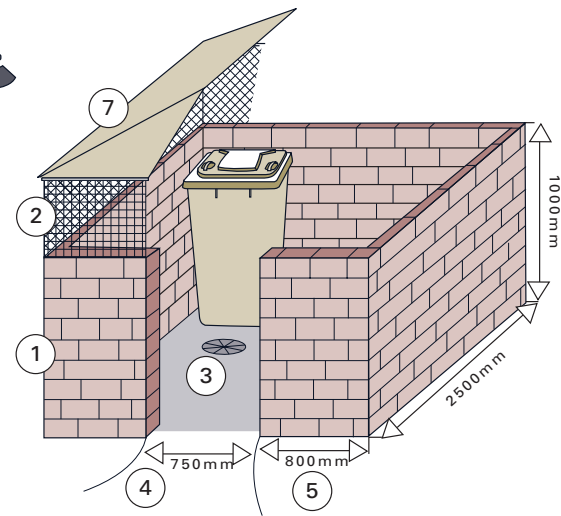
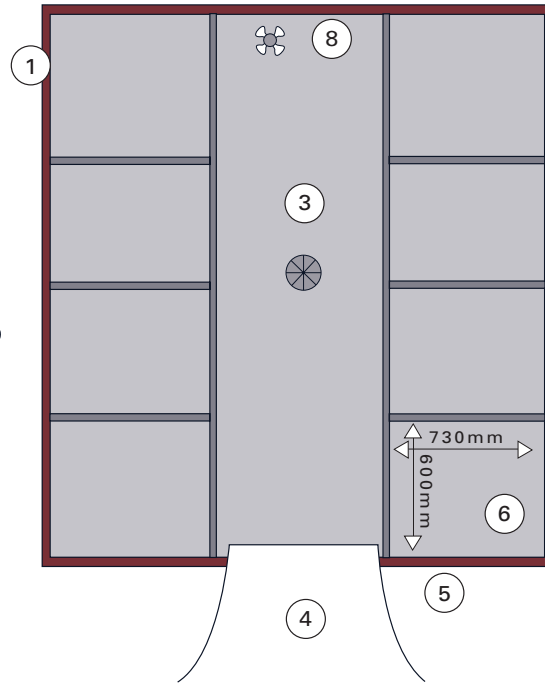
The waste facilities must ensure:

- > stored waste does not create dust, leachate, odour, or unsightliness
- > permanent storage facilities for putrescible waste must be shaded, ventilated, water-proof, verminproof and drained to sewer. Note, a building with a permanent storage facility more than 2 metres from the street alignment must also have a temporary holding bay.
- > storage bins are conveniently located both for residents and contractors
- > storage bins can be easily moved from the waste storage area to the collection vehicle
- > storage and collection systems are designed to minimise noise, especially during collection of waste

EXAMPLE DIAGRAMS OF HOLDING BAY STYLES FOR VILLAS, TOWNHOUSES AND LOW-RISE DEVELOPMENTS



Outdoor storage/holding bay for block of 1-3 units

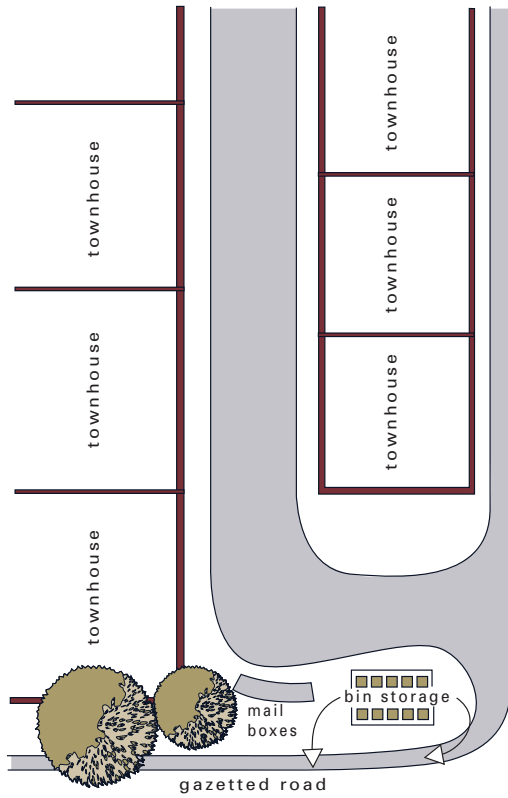


Outdoor garbage storage/holding bay for block of 4-12 units

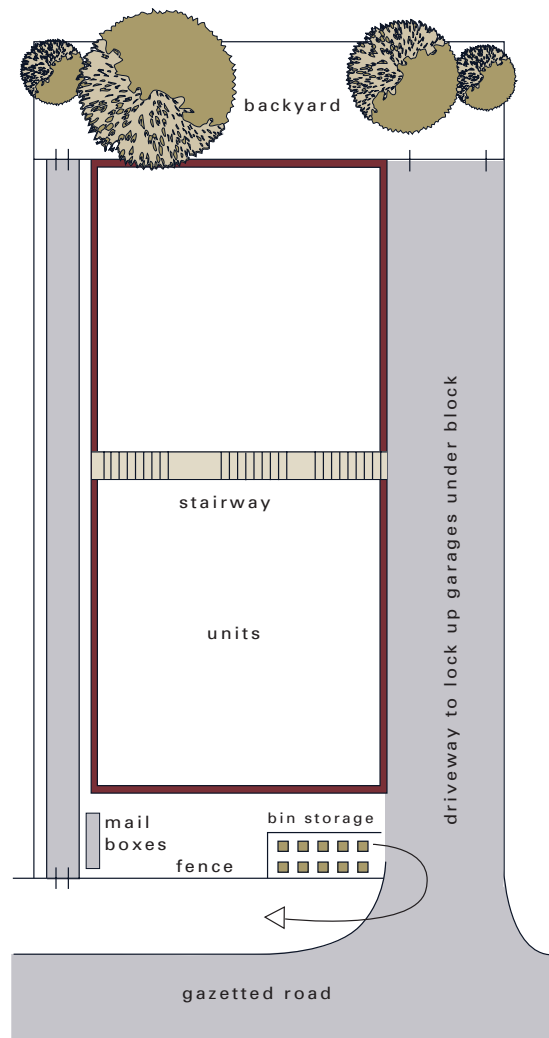
LEGEND

- 1 face brickwork to match main building
- 2 lattice upper as visual screen
- 3 concrete floor graded and drained to Sydney Water connection
- 4 ramp or path - no steps
- 5 front brickwork optional - could have completely open front
- 6 space allocated for MGB
- 7 roof over bin bay (optional)
- 8 anti-vandal tap with hose fitting

EXAMPLE DIAGRAMS OF HOLDING BAY STYLES FOR VILLAS, TOWNHOUSES AND LOW-RISE DEVELOPMENTS



Townhouse development with communal bin area within 2 metres of street alignment



Three storey walk up with bin area within 2 metres of street alignment

HIGH-RISE RESIDENTIAL, MIXED RESIDENTIAL/COMMERCIAL BUILDINGS

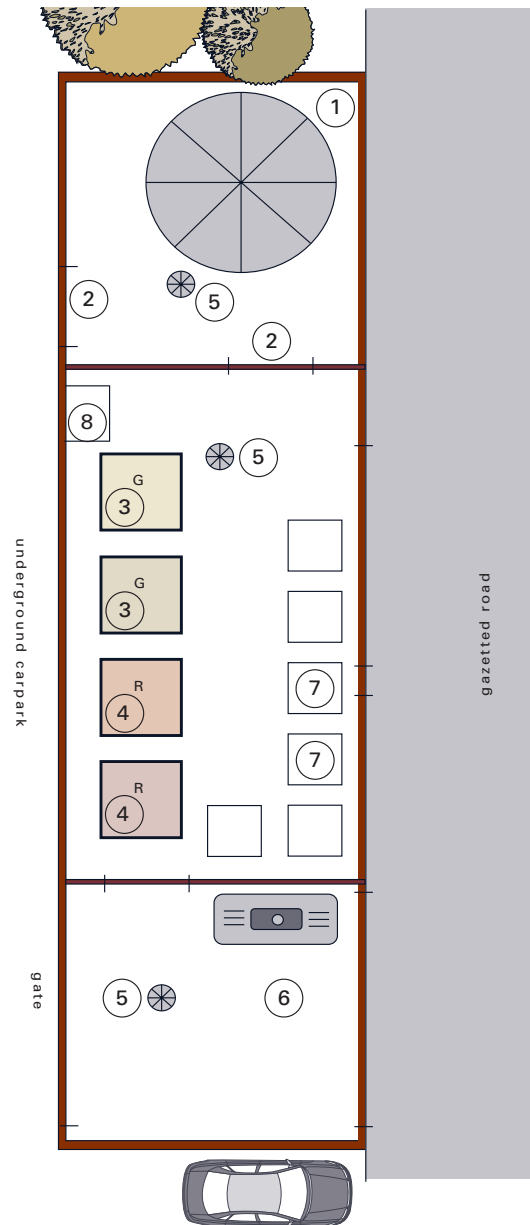
For buildings which are served by a passenger lift, waste facilities must:

- > provide an internal garbage chute leading to a central garbage storage room that has a waste compaction unit attached. The compaction unit shall be set at a 2:1 ratio
- > provide each level of the building with at least one point of access to the chute. The access point shall be located in a signposted room, having a floor area not less than 1.5 metres square, appropriate to hold as a minimum 1 x 240L mobile recycling bin for the collection of paper and containers such as glass/plastic bottles, steel/aluminium cans
- > provide a separate bulky waste storage room for household cleanup material

In mixed residential/commercial buildings, waste facilities must:

- > ensure the garbage chute for the commercial area of the building is kept separate from the residential garbage chute or vice versa
- > provide ventilation, fire control and other services to the garbage chute room in accordance with the Building Code of Australia (BCA)
- > provide a commercial garbage storage facility, separate from the residential section of sufficient size to accommodate all waste generated from the commercial section. If a commercial section garbage facility is located within the building that is more than 2 metres from the street alignment, then a temporary holding bay must be provided that is located within 2 metres of the street alignment.

Otherwise, waste handling facilities shall be provided in accordance with those required for villas, townhouses and low-rise developments.



LEGEND

1 carousel compactor at base of garbage chute	4 MGBs for recycling	7 doors for council access 2 metres from street alignment
2 access for caretaker only	5 drainage to sewer	8 tap
3 MGBs for garbage	6 caged area for discarded bulky items	

GARBAGE AND RECYCLING CONTAINER REQUIREMENT

The following table is a guide only for the minimum number of garbage and recycling containers provided for waste storage and recycling in buildings such as villas townhouses, home units and low-rise developments.

The number of containers required for residential, mixed residential/commercial development buildings which have an internal garbage chute will need to be decided using 2:1 compaction ration as stated on page 6.

Table 1

Number of units	Minimum number of garbage receptacles to be stored	Minimum number of recycling containers to be stored
1-3	1 x 80L bin per unit	1 x 140L comingled mobile recycling bin per unit
4-12	1 x 80L bin per unit or 1 x 240L mobile bin shared between each 3 units	2 x 240L comingled mobile recycling bin
12+	1 x 240L mobile bin per every 3 units 660L bins permitted	As a guide, generally a set of 2 x 240L mobile bins for every 15 units or part thereof 660L bins permitted

Commercial Premises

All commercial premises are to be provided with a garbage/recycling storage area for all waste generated from the premises. The following chart is a minimum guide:

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 / 100m ² 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

Type of Premises	Sub type of premises	Typical Volume of Waste generated to be stored	
		Waste	Recycling
	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	5L / bed space / day
		50L / 100m ² bar area / day 10L / 1.5m ² dining area / 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

CONSTRUCTION MATERIALS AND FINISH

Walls

Walls of all garbage stores shall be of solid masonry construction, and shall be cement rendered to a height of 1800mm or the height of any wall, whichever is the lesser. Alternatively walls of garbage store may be tiled with glazed tiles fixed in accordance with the requirements of Australian Standard AS 3958, and the top edge of any such tile section shall be treated in such a way as not to form a ledge upon which dust or grease can accumulate. The intersection of the wall to the floor shall be covered.

Walls of temporary holding bays need to be integrated with the development and streetscape and adequately conceal containers from being viewed from public places and the road.

Floors

Floors are to be constructed of materials which are impervious, non slip, non abrasive, resistant to chemicals, capable of withstanding heavy duty operation, coursing of steam, hot water, soap and detergent; and include ceramic tiles of approved size and type properly affixed with impermeable cement render or similar topping over concrete, or approved material.

The floor finish is to be smooth and even with no protrusions that would prevent easy cleaning. It should be graded and drained, with the approval of the Sydney Water, to the sewer.

The intersection of the floor with the walls and any exposed pipes are to be covered.

Service access to waste storage areas must be continuous paving and not contain steps or ramps with a grade steeper than 1 in 8.

Ceilings

Where provided within a fully enclosed garbage store room, the ceiling is to be constructed of a rigid smooth faced non absorbent material which may include plaster board, fibrous cement, cement render, smooth finish off form concrete or other approved material with washable, gloss paint of a light colour.

The intersection of walls and ceilings are to be tight joined, sealed and dust proof. Drop in panel ceilings are not permitted.

Doors and Gates

Waste storage rooms and garbage bays shall be provided with close fitting doors or gates so as to prevent the entry of trespassers, vermin or other animals into the area. The waste storage area must not be located behind lockable security grilles/roller garage doors/gates etc, unless an additional lockable door is located next to the grill/garage roller door etc, so that waste collectors can access the waste storage area other than through any security/roller systems. Doors/gates to waste storage rooms must provide a minimum clearance of 900mm.

The waste storage room should allow sufficient area and door openings for manoeuvring of containers.

Window Openings

Window openings shall be sufficiently protected so as to prevent the entry of animals or other vermin into the store.