

BUSINESS CENTRES DEVELOPMENT CONTROL PLAN 2012

As amended June 2018

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PART 1 INTRODUCTION

1.1 Name of this Plan and when this Plan came into force

This Plan is the Mosman Business Centres Development Control Plan.

Council adopted this Plan on 6 March 2012 and it came into force on 29 March 2012.

Amendments to the DCP were made as detailed below:

Date Amendment Adopted By Council	Date amendment came into effect
3 December 2013	19 December 2013
14 November 2017	9 February 2018
5 June 2018	21 June 2018

1.2 Plans repealed by this Plan

The following Plans are repealed by this Plan pursuant to clause 22 of the Regulation:

- Mosman Business Centres DCP (March 2000)
- Mosman Transport DCP (June 2005)
- Mosman Notifications DCP (July 2002)
- Mosman DCP Harbour Street Sites (August 1996)
- Mosman Exempt and Complying Development DCP (December 2007)

1.3 Land to which this Plan applies

This Plan applies to development proposed on land in Mosman that is zoned business under the provisions of Mosman Local Environmental Plan (the LEP) 2012 being:

- B1 Neighbourhood Centre—comprising land at Avenue Road, Balmoral, Parriwi Junction and Spofforth Street;
- B2 Local Centre—comprising land at Cremorne, Mosman and Spit Junctions; and
- B6 Enterprise Corridor—comprising land along the Military Road corridor between Cremorne and Spit Junction.

This Plan also applies to land zoned RE2 Private Recreation located at Spit Waterside.

1.4 Savings and transitional provisions

This DCP does not apply to an application under the Environmental Planning and Assessment Act 1979 which was lodged with Council before 1 February 2012 but not finally determined before the commencement of this DCP. Any application lodged before 1 February 2012 will be assessed in accordance with any relevant previous DCPs which applied at the time of application lodgement.

1.5 Aims of this Plan

The aim of this Plan is to support the provisions of the LEP by way of more detailed planning and design guidelines for development in the business centres.

The particular aims of this Plan are to:

- (a) have an enhanced image for Mosman;
- (b) encourage a high level of visual amenity and a pleasant pedestrian environment, and a high standard of residential and commercial amenity;

- (c) define the character for each business centre, and encourage good quality design outcomes consistent with the existing streetscape and planning controls specific to each centre;
- (d) optimise the potential for viable retail and commercial activities;
- (e) ensure that the effect of development on adjoining properties and the character for the business centre are key considerations in the preparation and assessment of development proposals;
- (f) provide for the conservation and restoration of the unique Federation and Inter-War commercial buildings and heritage conservation areas, and sympathetic infill development consistent with the area's heritage values;
- (g) enhance the accessibility of spaces and places for people with disabilities or restricted mobility;
- (h) increase diversity of housing that includes adaptable housing to encourage opportunities for ageing in place;
- (i) ensure the provision and use of transport, access and parking facilities contribute to a convenient, safe, and sustainable environment;
- (j) require best-practice environmental performance and management; and
- (k) set out specific requirements for notifying proposed development and tree removal.

1.6 Definitions and notes

The Dictionary in Appendix 1 of this Plan defines words and expressions for the purposes of this Plan. Where this Plan uses a term that is defined in the LEP, the meaning of that term is to be taken from the LEP.

Notes are included in this Plan to assist in the interpretation of planning guidelines and do not form part of this Plan.

1.7 Relationship of this Plan to other plans and policies

State policies

State environmental planning policies (SEPPs) may apply to land to which this Plan applies. Where this occurs, the statutory provisions of those policies and plans prevail over this Plan (unless stated otherwise). Some of the SEPPs relevant to land in Mosman are noted in this Plan, for example the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

Exempt and Complying Development

Exempt and complying development may be allowed on certain land in Mosman under a State policy (such as SEPP (Exempt and Complying Development Codes) 2008 i.e. the Codes SEPP, or SEPP (Infrastructure) 2007) or the LEP..

Exempt development is development of minor environmental impact that may be carried out without the need for approval under the NSW planning system. Complying development is development that does not require a development application to be lodged with Council; it may be carried out after obtaining a complying development certificate from Council or an accredited certifier. Further information: www.planning.nsw.gov.au.

Mosman Local Environmental Plan 2012

The LEP applies to the land to which this Plan applies. The LEP is a statutory instrument that sets out the land use zones and broad development standards and controls for development in Mosman.

This Plan supports and supplements the provisions of the LEP. The provisions of the LEP prevail over this Plan.

Contributions plans

A contributions plan applies to certain development in Mosman. The plan establishes levies to be paid to Council towards meeting the cost of providing public facilities such as open space. The contributions plan supplements the provisions of the LEP, and was made pursuant to the *Environmental Planning and Assessment Act 1979*.

1.8 How this Plan is organised

This Plan is divided into the following Parts:

- Part 1 Introduction—sets out the name and application of this Plan, the aims and relationship of this Plan with other plans, and the development assessment process;
- Part 2 Development Application Requirements—details requirements for lodging a development application with Council;
- Part 3 Notification—details Council’s policy for notification of development applications;
- Part 4 Mosman’s Business Centres—details particular planning controls for 9 business centres in Mosman;
- Part 5 Urban Design and Planning Controls—sets out urban design controls for the siting and scale of buildings, architectural features and façade treatment;
- Part 6 Environmental, Amenity and General Controls—sets out general site planning controls applying to all types of development in business zones;
- Part 7 Miscellaneous Controls—sets out miscellaneous controls;
- Dictionary and references.

1.9 How Council assesses proposed development

Preparing and lodging a development application

A development application is required to be submitted to Council for most land uses and development proposals, unless that development is identified as exempt development or complying development.

A development application submitted must contain all necessary information outlined on the development application form along with the required fees.

Public notification

Council notifies development proposals in accordance with the notification requirements set out in Part 3 of this Plan. Where applicable, public comments are invited and will be considered by Council in making its determination.

Assessing the application

Council’s Assessment Officers assess each application according to:

- compliance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*,
- compliance with the statutory provisions of the LEP and any relevant SEPPs;
- compliance with objectives and planning controls set out in this Plan;
- compliance with provisions of any other policies or guidelines adopted by Council and referred to within this Plan or identified as relevant to the development proposal;
- Mosman Heritage Review 1996 or relevant heritage study, particularly in relation to the statement of significance of the heritage item or conservation area; and
- contributions plans or plans that apply.

This Plan uses a performance approach to guide development. The performance approach seeks to ensure that development reflects the desired character of the business centre while allowing flexibility for innovation and expression in design. The performance approach focuses principally on planning outcomes rather than prescriptive or numeric standards. It permits designers to be responsive to local conditions and to the individual opportunities and constraints of each site, recognising that no two sites are exactly alike. A site analysis will be required to determine the site's qualities and identify adverse effects on adjoining areas.

Council expects that applicants will satisfy the objectives and comply with the corresponding planning controls set out in this Plan. Mere compliance with the planning controls is no guarantee of approval. A proposal must respond to the context of the site, streetscape and the desired character of the business centre.

Where a planning control cannot be satisfied, an applicant must demonstrate that the intent of the objective has nonetheless been satisfied.

Determining the application

Most types of development will be determined (approved or refused) by Council.

Note: Applications will be determined under delegated authority either by nominated staff or the Mosman Local Planning Panel (MLPP). The MLPP is an independent assessment panel with delegation to make final and independent determinations on development applications that are referred to it.

Regionally significant development will be determined by the Sydney North Planning Panel.

Modifying the application

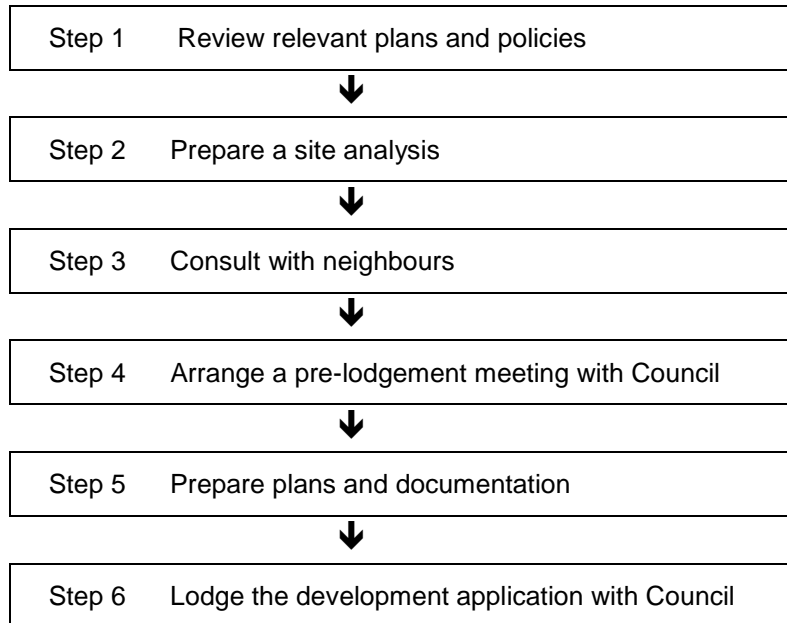
A development application can be revised prior to its determination by Council, but if the revisions are significant, the proposal may need to be renotified and additional fees paid or a new development application lodged with Council.

An approval can be modified under Section 4.55 of the Act but only if the development remains substantially the same as that which was approved. You will need to discuss any such proposed changes with Council's Assessment Officer.

PART 2 DEVELOPMENT APPLICATION REQUIREMENTS

2.1 Steps for preparing a development application

The principal steps for preparing a development application to lodge with Council are:



Step 1—Review relevant plans and policies

The first step in preparing a development application is to find out about the controls which apply to your proposed development.

For development on business zoned land, the main controls that you need to be aware of are contained in this Plan and the LEP. Zoning provisions in the LEP will identify whether your proposal is permissible on the site.

In some cases, reference may need to be made to other documents, including:

- the Environmental Planning and Assessment Act 1979 (the Act);
- state environmental planning policies (SEPPs);
- the Building Code of Australia (BCA);
- Council policies, contributions plans and heritage studies; and
- other State policies such as the NSW Rural Fire Service document 'Planning For Bushfire Protection'.

If your proposal is identified as exempt development or complying development, a development application may not be required. Exempt development is development of a minor nature that does not require development approval. Complying development is routine development that can be certified by Council or a private certifier.

Step 2—Prepare a site analysis

A site analysis is based on a survey plan and involves the diagrammatic assessment of the opportunities and constraints of a site. Refer to Part 2.2 of this Plan.

Step 3—Consult with your neighbours

As best practice and a courtesy to your neighbours, Council encourages you to inform your neighbours of the proposal and identify any design issues that may affect them. This will assist the design process, allow for potential conflicts to be identified and resolved early in the process, and possibly reduce the processing time of your application.

Step 4—Arrange a pre-lodgement meeting with Council

For works small in scale and/or impact, it is recommended that an informal meeting be held with Council's Duty Planner to discuss the development proposal and draft plans. This meeting will assist in identifying any potential problems and will save time in processing as a result.

For other types of works, it is recommended that a formal pre-DA meeting be arranged by contacting Council's Duty Planner. This will require a form to be completed and lodged with the applicable fee, draft plans and supporting documentation prior to the meeting.

Council also provides a Heritage Advisory Service where free advice from a qualified Heritage Architect can be obtained in respect of development proposals for heritage listed properties and properties located within heritage conservation areas. Detailed design is not part of this service. Applicants should consult appropriate professionals if this is required.

Step 5—Prepare plans and documents

A range of plans, a statement of environmental effects, and other documentation must be submitted with your development application. Refer to Part 2.3 of this Plan.

Step 6—Lodge your development application with Council

It is important that you lodge a completed development application to Council that includes the development application form, plans, statement of environmental effects, other documentation, and the relevant fees. An incomplete development application will not be accepted.

The development application fees are based on the estimated cost of development. The estimated cost of development should relate to the actual cost of all work, including demolition, excavation, fittings and finishes. Any project with an estimated cost greater than \$5 million requires submission of a Quantity Surveyor's certificate with the development application.

Some works may be classified as Integrated Development. Council may require the lodgement of additional documentation and fees to enable the proposal to be forwarded to the relevant government authorities. Contact Council's Duty Planner for further details.

2.2 Site analysis

The importance of site analysis

A site analysis is the first step in the design process. A site analysis is based on a survey plan and aims to ensure the qualities of the site and its context are properly considered to achieve development that is well designed, makes a positive contribution to its surroundings and establishes a positive relationship with neighbouring buildings.

A site analysis identifies and explains the key features of the site and its surroundings, and in particular, it should be used to:

- assess how future development would relate to its immediate surroundings and to itself; and
- produce a design that minimises the negative effects on the amenity of adjoining or nearby developments.

Requirements for a site analysis

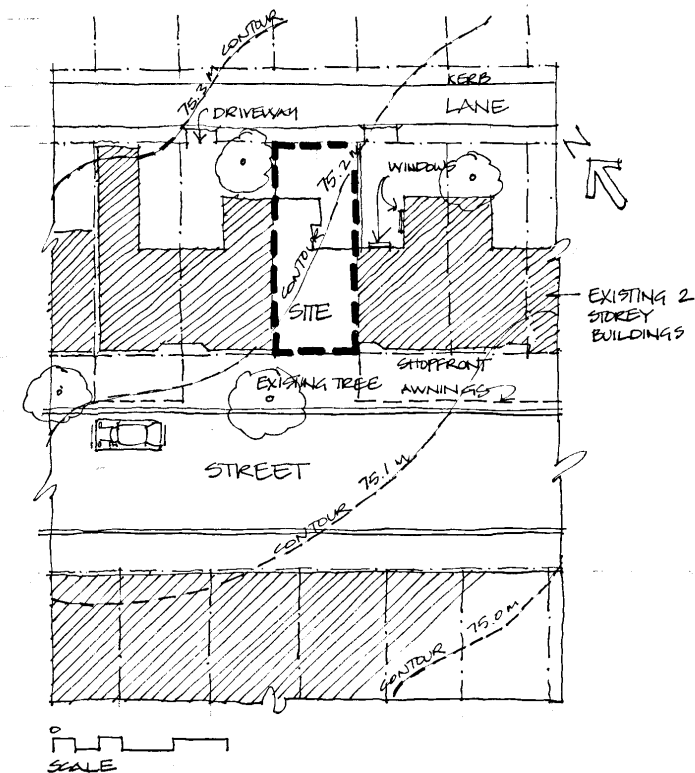
Council's requirements for a site analysis aim to reduce delays in the assessment process because the task of undertaking a site analysis should:

- help identify potential negative effects on the amenity of any adjoining or nearby development; and
- inform the architectural style of the development, to direct a suitable design outcome that is consistent and responsive to the predominant character of the streetscape.

Preparing a site analysis

Investigation of the site and its surroundings should identify:

- Site boundaries, property boundaries, dimensions and orientation (north point).
- Topography – contours or spot levels to AHD for the existing ground level.
- Existing site buildings – including location of existing fences, vehicle and pedestrian access.
- Surrounding buildings – The location, number of storeys, footprint and use of surrounding buildings.
- Heritage – The location of on-site and nearby heritage items and conservation areas and archaeological features.
- Existing vegetation – The name (common and botanical), location, height and canopy spread of established trees (i.e. over 5m in height), including those within 5m of the subject site.
- Views – What views are available from the site, adjacent properties through the site and public views through the site?
- Sunlight and overshadowing – Are there any existing neighbouring structures that will cause overshadowing on the development site?
- Acoustic and visual privacy – What are the predominant noise sources?
- Streetscape – The built form and character of the existing streetscape, adjoining and nearby development, including garden and fencing styles.
- Street front features – Street trees, service poles, kerb cross-overs, bus stops and other services.
- Drainage and other services – Are there differences in levels between the site and adjoining properties? Are there any easements/connections for drainage and utility services?
- Nearby public open space – Location and views currently enjoyed from over the site.



Site analysis example

2.3 What to submit with your development application

The development application form contains a checklist of the types of plans and documents that need to be submitted with your development application. The level of detail required to be submitted with your development application will depend on the scale and nature of the proposal.

Similarly, the application forms to modify a consent and review a determination detail what is required to be submitted in those instances.

PART 3 NOTIFICATION OF APPLICATIONS

This Part outlines the process of notification for all types of development, including how the notification process will work, the role and responsibility of the applicant, the rights and obligations of those being notified, and the role and responsibility of the Council.

3.1 Applications for which notification is not required

The following types of development or applications will not be notified:

- Exempt development;
- Complying development.
- Application for modification of a consent to correct a minor error, misdescription or miscalculation (section 4.55(1) of the *Environmental Planning and Assessment Act 1979*); and
- Application for modification of a consent involving minimal environmental impact (section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*).

Further information about these types of development or applications is set out in this Part.

All other applications will be notified unless otherwise stated in this Part.

3.2 Notification of applications

Development applications will be notified in four ways:

- (a) Letter sent to:
 - (i) the immediate adjoining neighbours (that is, neighbours living beside, at the rear of and where considered affected by Council's Assessment Officer, opposite the site of the development);
 - (ii) any other neighbours that in the opinion of Council's Assessment Officer may be adversely affected by the proposal; and
 - (iii) any relevant public authority.
- (b) Erection of a notice at the front of the site. Where there are multiple street frontages, a notice will be erected on each frontage.
- (c) Notification of receipt of development application in the Council column in a local newspaper.
- (d) Details posted on Council's website.

In this Part, 'neighbours' means the property owners. For strata developments, notification letters will be sent to the owners corporation and unit owners. Notification letters will not be sent to tenants.

* A notification letter will be sent to immediate adjoining neighbours in the North Sydney local government area, for development proposals for new multiple dwelling or retail/commercial development only, where considered affected by Council's Assessment Officer.

Other notifications methods may apply for certain types of applications as set out in the Part.

3.3 Notification of different types of development

Local development

Local development is development for which Council is the consent authority. Local development will be notified for 14 days.

The Director of Environment and Planning / Manager Development Services has the discretion to waive the need for notification where a development application for local development is considered to have minimal environmental impact. This may include applications for (but not be limited to):

- a) minor development where adjoining neighbours have signed and agreed to the development application plans;
- b) development on sites on which a heritage item is situated or within a heritage conservation area which, but for the heritage provisions in the LEP, would constitute exempt or complying development;
- c) internal alterations and additions where the approval of the owner/owners corporation has been obtained and there is no external change to the building;
- d) strata subdivision of a previously approved multiple dwelling building;
- e) change of use of a retail/commercial building in a business zone where there is no external change to the building;
- f) front fences in heritage conservation areas where they comply with this Plan;
- g) minor landscaping works that do not significantly alter the topography or drainage patterns or reduce the extent of site landscaped area;
- h) minor applications for a heritage listed item where a Conservation Management Plan has been prepared for the site.

Development applications that involve the clearing of vegetation (as defined under SEPP (Vegetation in Non-Rural Areas) 2017) that is or forms part of a heritage item or that is within a heritage conservation area will not be notified, except if determined otherwise by the Director of Environment and Planning / Manager Development Services. Refer to Part 6.10 Preservation of Trees or Vegetation of this DCP.

Notwithstanding the discretionary powers to waive the need for notification of minor applications, where it is considered that the proposal is likely to have broader implications and the plans have been signed by adjoining owners, notification will still take place for a period of 14 days.

If Council decides to waive notification, applicants will not be required to pay fees for notification. In the instance where this decision is made after the lodgement of the application, fees for notification will be refunded to the applicant.

Integrated development

Integrated development is development (not being complying development) that requires approval under other Acts. Integrated development can be either local or State significant development. It involves the same notification procedures for local or State significant development, respectively. Council will forward a copy of the application to the approval body (that is, the agency responsible for administering the other Act) within 2 days of receiving the application.

Other development

Statutory requirements for notification of other types of development, such as designated development, advertised development and State significant development, are set out in the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000, or other State policy. These other types of development are uncommon in Mosman.

Note - Council will acknowledge receipt of submissions but will not notify separately when the application will be determined. This information can be obtained from the DA Tracker on the website or by phone.

3.4 Revised plans

Where an application is revised before being determined, and Council's Assessment Officer considers the revisions alter the application significantly from the proposal that was the subject of initial notification, all those who were originally notified, all those who lodged submissions as part of the initial notification process, and any other neighbours that in the opinion of Council's Assessment Officer may be affected by the revisions, will be notified. The revised plans will be notified in accordance with the form of development categorised in this Part.

Notification may be waived if, in the opinion of Council's Assessment Officer, the revised plans address issues raised by Council and/or objectors by reducing the identified impacts of the original proposal, or would not adversely affect neighbouring properties to a significant extent.

3.5 Modification applications

Section 4.55 of the *Environmental Planning and Assessment Act 1979* makes provision for a consent authority to modify consents:

- Section 4.55(1) is for modification of consent to correct a minor error, misdescription or miscalculation;
- Section 4.55(1A) is for modification of a consent involving minimal environmental impact;
- Section 4.55(2) is for other modifications;
- Section 4.56 is for modification of a consent granted by the Land and Environment Court.

Applications for section 4.55(1) or section 4.55(1A) modifications will not be notified.

Applications for section 4.55(2) and section 4.56 modifications will be notified in accordance with the procedure for notifying revised plans as set out in this Part.

3.6 Review applications

An applicant may request a review of a determination by making an application under sections 8.2 to 8.5 of the *Environmental Planning and Assessment Act 1979*.

Review applications will be notified to all those who were notified as part of the original development application or modification application, all those who lodged submissions in relation to the original development application or modification application, and any other neighbours that in the opinion of Council's Assessment Officer may be affected by the review application.

3.7 Post determination notification

All of those individuals and organisations that made a written submission in respect of an application will be notified of Council's decision once that application is determined. A list of development applications approved will be published in the local paper in accordance with section 4.59 of the *Environmental Planning and Assessment Act 1979*.

PART 4 MOSMAN’S BUSINESS CENTRES

4.1 A business centres vision for Mosman

Many of Mosman’s unique attributes, in particular the fine natural setting, the unique sections of Federation streetscape and the Inter-War buildings, are key components to be retained and promoted as part of the Mosman retailing experience.

As retail is the most public of uses, the perceived success of the business centres in Mosman is related to whether the centres are economically vibrant and socially active.

4.2 How to use this Part

This Part sets out clear guidelines to facilitate the promotion of the heritage and natural streetscapes within the Mosman business centres, and to enhance pedestrian activity to create vibrant and attractive retail centres.

This Part identifies 9 business centres in Mosman, each with its own particular character and requirements.

The main business centres are at Spit Junction, Mosman Junction, Cremorne Junction, along the Military Road corridor, and at the Spit Waterside.

The other business centres are at Parriwi Junction, Avenue Road/Mosman Bay Ferry Wharf, Spofforth Street, and Balmoral.

The development of these centres is to preserve and enhance existing qualities, build upon established strengths, and achieve strategic improvements in accordance with the objectives set out in this Plan and the LEP.

To help achieve the objectives that apply to each business centre, this Part provides particular planning controls for each business centre:

- identifying qualities and activities that should be maintained, enhanced or avoided;
- confirming the preferred nature and intensity of land uses and activities;
- outlining the character or style of the desired built form and architecture, and indicating essential public domain improvements.

These particular planning controls establish the fundamental guidelines for all development and uses that are permissible in the 9 business centres of Mosman. When using this Part, applicants need only to refer to the particular business centre that applies to their development site.

In some business centres, reference is made to the ‘conservation area ranking’ of buildings. The aim of this ranking is to assist Council to maintain the identified character of the area in the process of development control. The conservation area rankings were updated following a study undertaken during 2017-18. The description of each ranking and objectives of development control are outlined in the table below.

The statement of heritage significance, and ranking of the building within the conservation area, must be considered and guide any works.

<i>Ranking</i>	<i>Description</i>	<i>Objectives of development control</i>
*	Heritage item: Buildings individually listed as a heritage item in Mosman LEP 2012	Maintain the heritage significance of the item
1	Contributory 1: Buildings that clearly reflect a Key Period of Significance for the HCA and are key elements of the HCA. This ranking was assigned where the main front portion of the building is largely unaltered as viewed from the street. Includes houses with rear additions which do not affect the main front roof.	Maintain heritage characteristics and streetscape intactness
2	Contributory 2: Buildings that have been altered but are still identifiable as dating from a Key Period of Significance for the HCA. They retain their overall form from the original date of construction and, even though altered, are contributory to the HCA character. This ranking was assigned where a building has alterations such as cement rendering to Federation or Inter-war period brickwork or a first floor addition which affects the main front roof form, but the period and style of the house remains discernible.	Reconstruct original features by removing unsympathetic additions or using more appropriate decorative treatment
3	Neutral: Buildings that are either heavily altered to an extent where the construction period is uncertain, or are from a construction period which falls outside any Key Period of Significance for the HCA, but which reflect the predominant scale and form of other buildings within the HCA, and therefore do not detract from the character of the HCA. This ranking was assigned where the building is either so altered the period and style is no longer evident, or it is a recent building which is of a height, form and scale which is consistent with the streetscape.	Maintain benign affect
4	Detracting: Buildings from a construction period which falls outside any Key Period of Significance for the HCA and that have scale or form that is not consistent with the key characteristics of the area. This ranking was assigned where the building is recent/late 20 th century and is out of scale, not consistent with the height, form and scale of buildings within the streetscape.	Encourage the ultimate replacement of the building with one less assertive, or amelioration of its adverse impact by sympathetic alterations, plantings, more appropriate colour scheme or other treatment

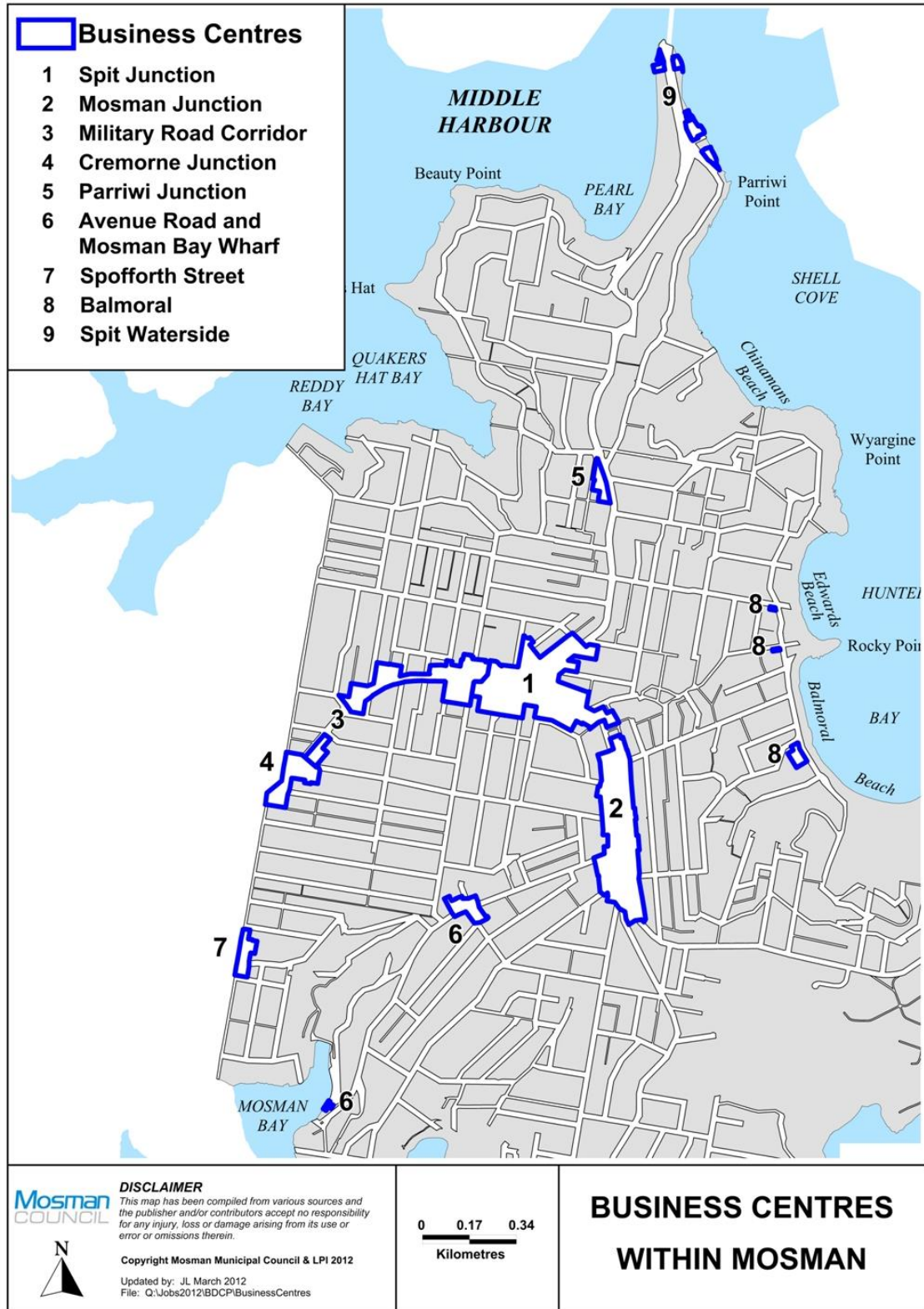
A map showing the ranking of buildings in conservation areas is available to be viewed on Council's website (www.mosman.nsw.gov.au/planning/heritage).

4.3 The Business Centres

The 9 business centres in the Mosman municipality are:

- (1) Spit Junction
- (2) Mosman Junction
- (3) Military Road Corridor
- (4) Cremorne Junction
- (5) Parriwi Junction
- (6) Avenue Road and Mosman Bay Wharf
- (7) Spofforth Street
- (8) Balmoral
- (9) Spit Waterside

The business centre boundaries are illustrated on the map that follows.



(1) Spit Junction Business Centre

Description of area and character

The Spit Junction business centre is the primary business and retail centre in Mosman. It contains over 150 shops including a supermarket, cinema, pub, Council civic centre as well as a range of other business, office and retailing uses, including boutique fashion and homewares retailing and recreation uses.

It is conveniently located along a major public transport corridor – Military and Spit Roads – and being on a ridgeline, some sites are afforded with potential water or city views.

The Spit Junction business centre is made up of a number of distinct parts:

- land along Spit and Military Roads between Cowles Road and Ourimbah Road, comprising some recent development but generally characterised by 2 storey traditional terrace shopfronts of which many of the facades have been unsympathetically altered or not maintained contributing to the lack of amenity for the centre;
- the Bridgepoint Shopping Centre which is a standalone complex providing a range of retail shopping;
- land from the Spit and Military Road intersection along Military Road to near Mandalong Road and Albion Lane, predominantly containing terrace style shopfronts and located within the Military Road Conservation Area; and
- land along Harbour and Vista Streets, off Military Road characterised by new mixed use multi storey development.

These distinct parts of the Spit Junction business centre are a result of the location of Spit and Military Roads which creates a major barrier between the northern and southern sides of the centre and detrimentally affects amenity and pedestrian safety.

Note—A section of the Military Road Conservation Area extends into the Spit Junction business centre. The statement of significance for this area is detailed in Part (2) Mosman Junction business centre.

Planning controls – Spit Junction Business Centre

Activities and land use mix:

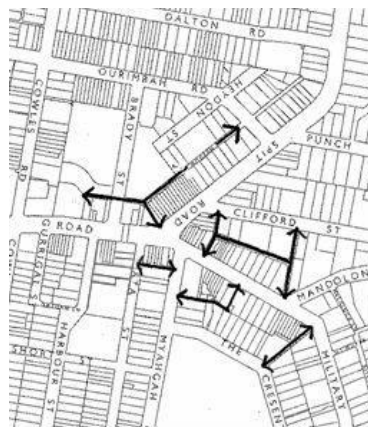
- (a) Maintain the role and hierarchy of the Spit Junction business centre as a key business and retail centre in Mosman.
- (b) Encourage a viable and vibrant mixed use centre that provides a diversity of retail, commercial, entertainment, civic, community, residential and other uses. Retail and other active uses are to be at street level, with residential/commercial uses above. Businesses and services are to remain accessible to the community.

Streetscape, amenity and access:

- (c) Extend the network of shopfront promenades, laneways and rear streets to improve pedestrian accessibility, safety and amenity. This includes:
 - i. through-site access to Hordern Lane;
 - ii. active shopfronts to Hordern Lane; and
 - iii. lane widening in Hordern Lane, Horsnell Lane, Melaleuca Lane and Myahgah Mews.
- (d) Avoid vehicular access to properties from Spit or Military Roads. Provide vehicular access to properties from secondary roads and rear lanes.
- (e) Encourage improved streetscape amenity by locating power lines underground for new development in Harbour Street and Vista Street.

Building form and design:

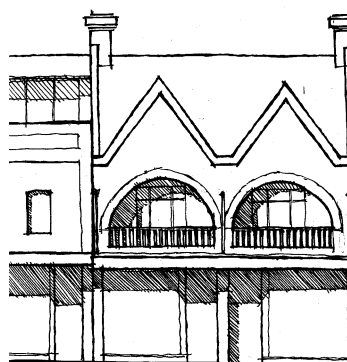
- (f) Maintain the predominant two storey street wall height to Military and Spit Roads.
- (g) Maintain suitable levels of sunlight to key public open spaces between April and September.
- (h) Encourage new development that is compatible in scale, height, character and form with the existing streetscape. For land outside the conservation area, development should have a sympathetic but modern interpretation of the forms and details of traditional terrace shopfronts in the streetscape.
- (i) Encourage suitable design and construction of buildings to minimise noise and amenity impacts arising from proximity to Military and/or Spit Roads.



Extend the network of shopfront promenades, laneways and rear streets



Maintain suitable levels of sunlight to key public open spaces between April and September



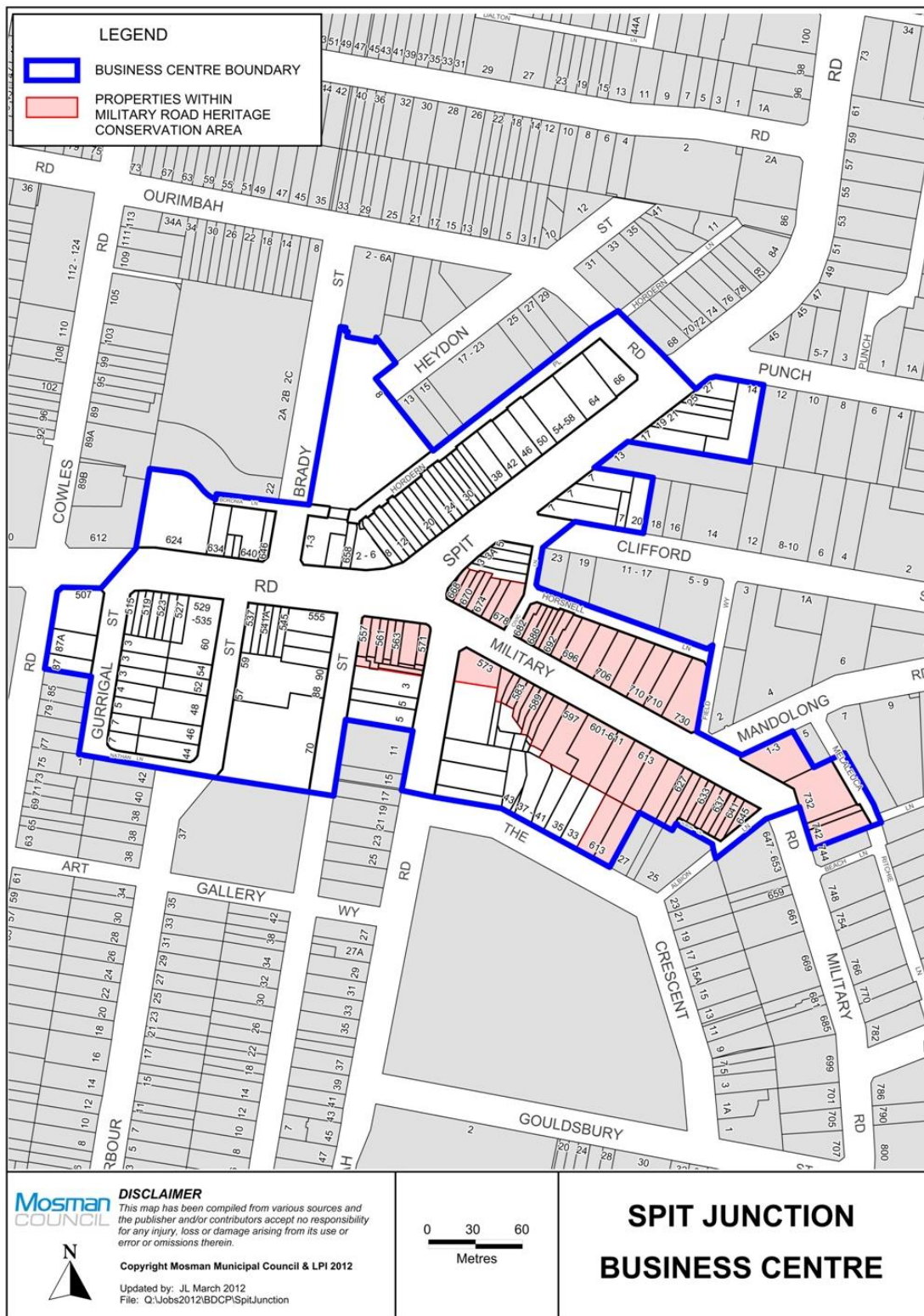
Preserve and restore the architectural form and detail of traditional shopfront terraces

Heritage conservation:

- (j) Maintain the Military Road heritage streetscape as Australia's most significant Federation streetscape.
- (k) The ranking of the building within the conservation area must be considered and guide any works.

Opportunity sites:

- (l) Encourage redevelopment of the Mosman Square and Council civic centre land to incorporate building design that creates a symbolic landmark for the community, incorporating enhanced community facilities, Council administration offices, commercial, residential and public car parking and best practice sustainable building design.
- (m) Encourage redevelopment of traditional shopfront terraces along the Spit and Military Roads arterial frontage between Cowles Road and Ourimbah Road through upgrading existing buildings and logical consolidation of sites and infill development. Avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict redevelopment on a single lot or isolate one of a pair of terraces from redevelopment. Floor space ratio incentive provisions of the LEP apply.
- (n) Encourage public transport initiatives to improve traffic issues along Spit and Military Roads, for example, a bus bay at 7 Spit Road (cinema site) and Clifford Street, and closure of Clifford Street to traffic at the intersection of Spit Road (refer Council Map 25.10.2006/C.C/DWG02).
- (o) Encourage a gateway to the Spit Junction business centre by ensuring redevelopment of 507 Military Road incorporates building design form and corner elements that reflect the site's role as a gateway.



(2) Mosman Junction Business Centre

Description of area and character

The Mosman Junction business centre is a key retail centre in Mosman, containing over 150 shops which generally serve local shopping needs, but also includes some high quality, boutique style shops and cafes, restaurants and a pub.

The centre is focused along a traditional strip shopping centre, over 400 metres in length, and spills into some of the side streets and through arcades to public car parking areas.

The main street has a consistent and well defined streetscape character comprising Federation and Inter-War traditional terrace shopfronts which creates a pleasant atmosphere and experience for the shopper. The Military Road Conservation Area covers the Mosman Junction business centre. Buildings are generally consistent in form, age and height, with predominantly a 2 storey street wall height.

Traffic and pedestrians seek to share the street and sometimes there is conflict.

Military Road Conservation Area – statement of heritage significance

The historic significance of Military Road is that it formed part of the earliest residential and military development of Mosman. It is associated with the area as a major defence post in Sydney Harbour.

The road influenced the growth of the suburb because it was, and still is, the major traffic route to and from the area. It became the centre of retail and commercial activity in the suburb.

In aesthetic terms, the commercial and retail area of Military Road is a marvellous microcosm of the range of architecture to be found in Mosman, distinctively combining retail and residential uses in a unified, lively and diverse linear and curvilinear streetscape. Its scale is pleasantly moderate and the variety of forms, materials, textures and colours is full of interest. The successful integration of some facades of later and very recent vintage, indicates that good design is an ageless quality. The 'village' atmosphere prevails despite some unhappy incursions. Several impressive buildings elevate the generally good aesthetic quality of the Conservation Area to a high level of value.

The social significance of the area lies first in the fact that here can be seen a great many of Mosman's municipal, commercial and principal educational institutions, as well as stretches of residential development. It is associated with prominent developers who erected speculative ensembles of shops, dwellings and commercial occupancies, and with the sequences of tenants in retail, trade and commerce activities, many of them well-known, identifies past and present in Mosman.

(Source: *Mosman Heritage Review*, 1996, prepared by Godden Mackay Heritage Consultants)

Planning controls – Mosman Junction Business Centre

Heritage conservation:

- (a) Maintain the Military Road heritage streetscape as Australia's most significant Federation streetscape.
- (b) The ranking of the building within the conservation area must be considered and guide any works.

Activities and land use mix:

- (c) Encourage a viable and vibrant mixed use centre of regional significance that provides a diversity of retail, commercial, community, residential and other uses. Retail and other active uses are to be at street level, with residential/commercial uses above. Businesses and services are to remain accessible to the community.



Maintain and enhance individual items and the heritage streetscape

Building form and design:

- (d) Encourage development that is compatible with the existing 2 storey Federation streetscape, and the existing scale and rhythm of development. The amenity of the centre is found in the scale, form styles, material and details in the streetscape.
- (e) Encourage alterations and additions to be located to the rear of the building and respect the scale, form, proportion of the host building. Infill development should respond and contribute to the existing character of the streetscape.
- (f) Encourage awnings and façade colours of a common Federation colour for groups of buildings forming a terrace.



Awnings and facade colours should be a common Federation colour for groups of buildings forming a terrace

Streetscape, amenity and access:

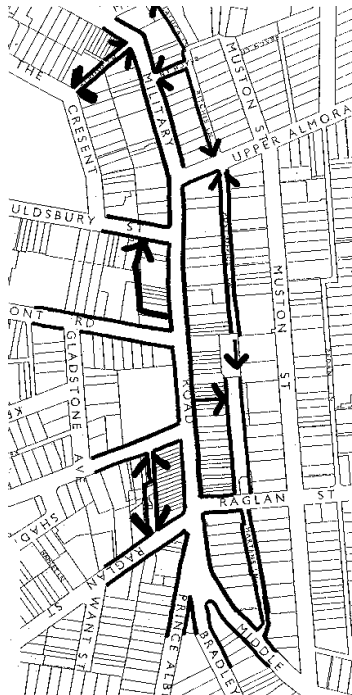
- (g) Extend the network of shopfront promenades, laneways and through-site arcades to improve pedestrian accessibility, safety and amenity. This includes:
 - i. through-site arcades between Military Road and rear lanes/carparks;
 - ii. lane widening in Lennon Lane, Martens Lane, Post Office Lane, and Ritchie Lane; and
 - iii. other opportunities for improved pedestrian circulation through the centre.
- (h) Avoid vehicular access to properties from Military Road. Provide vehicular access to properties from secondary roads and rear lanes.
- (i) Encourage improved streetscape amenity by locating power lines underground for new development in Bradleys Head Road, Middle Head Road and Raglan Street.

Advertising and signage:

- (j) Maintain limited advertisements and business signs in keeping with Federation themes.
- (k) Restrict advertisements and business signs to the awning fascia, under the awning, or behind the shop window at street level. Above awning advertisements and business signs are to be restricted to lettering on the glazed areas only.

Opportunity sites:

- (l) Encourage redevelopment of the Raglan Street west car park for a mixed development incorporating commercial, residential and additional public car parking on the site which is compatible with surrounding development.



Extend the network of shopfront promenades, laneways and rear streets to improve pedestrian accessibility, safety and amenity



Restrict advertisements and business signs to the awning fascia, under the awning, or behind the shop window at street level



(3) Military Road Corridor Business Centre

Description of area and character

This Part applies to land zoned B6 Enterprise Corridor and located along the Military Road corridor between Cremorne Junction and Spit Junction.

The corridor contains a range of uses including residential, commercial and retail, including a focus on furniture retailing and interior fit out and design. Existing buildings are of varied architectural form and style and generally range from 2 to 3 storeys in height.

The Military Road corridor is a major arterial road which significantly compromises the amenity of the centre, particularly for any residential component of development. However the location does afford businesses high visibility and good access to public transport, and appropriate building design, construction and internal layout can reduce traffic effects on occupants.

Planning controls – Military Road Corridor Business Centre

Activities and land use mix:

- (a) Encourage a mix of business (not retail), office and residential uses along the Military Road corridor in close proximity to public transport. Non-residential uses are to be at street level, with residential and other uses above. Businesses and services are to be accessible to the community.
- (b) Avoid retail uses (other than those permitted under the LEP) along the Military Road corridor to ensure separation of the Spit and Cremorne Junction business centres.

Streetscape, amenity and access:

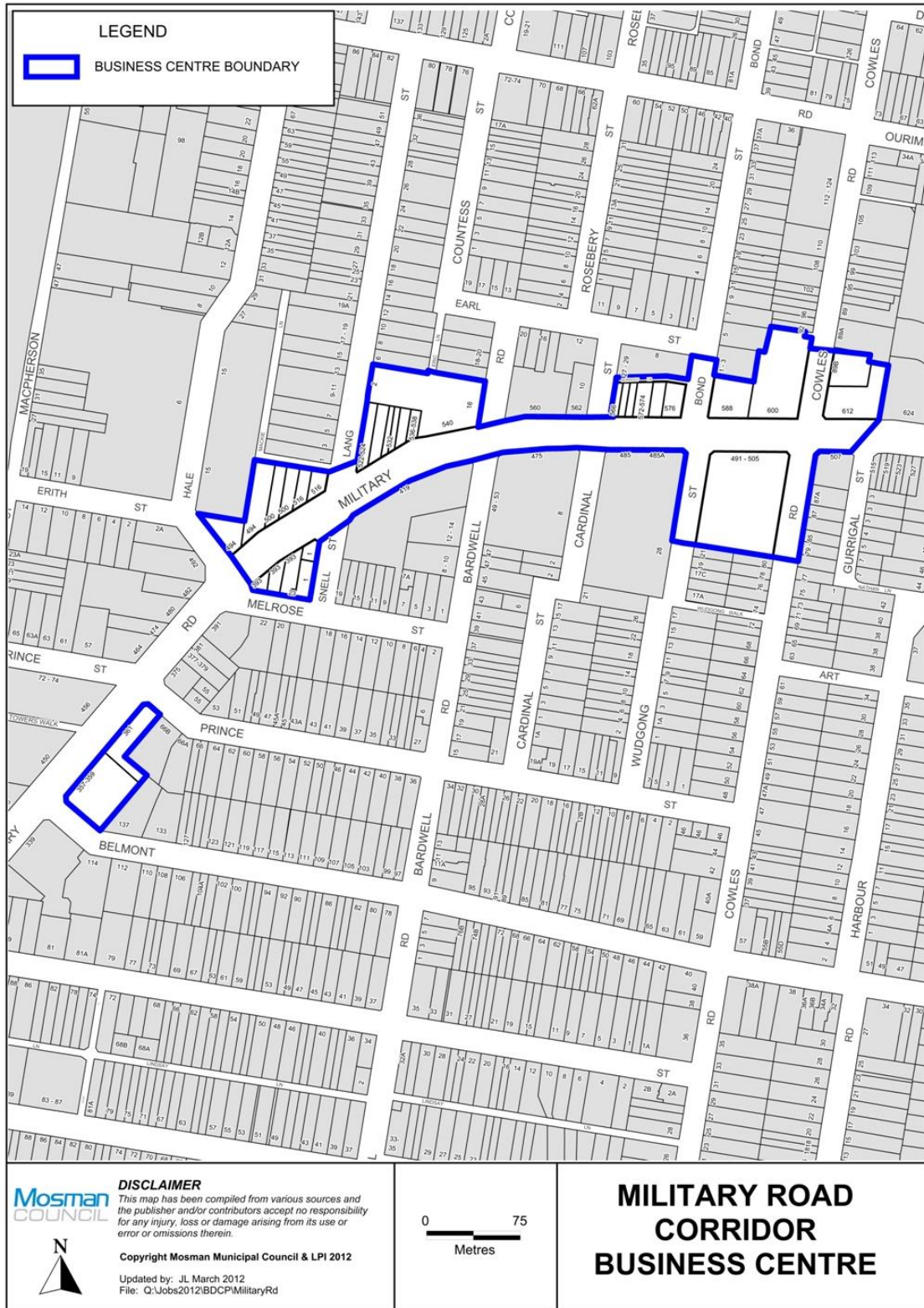
- (c) Encourage improved pedestrian amenity and vibrancy of the area through landscaping and interesting and/or active street level uses. Enhance the network of pedestrian promenades and laneways.
- (d) Maintain landscaping within building setbacks and street trees which provide a vegetated corridor along Military Road.
- (e) Avoid vehicular access to properties from Military Road. Provide vehicular access to properties from secondary roads and rear lanes.

Building form and design:

- (f) Encourage development that is compatible with nearby heritage buildings and conservation area.
- (g) Encourage buildings that are appropriate to the local context including massing, bulk, scale and façade detail. Encourage interesting and diverse roofscapes that reflect the local character and context. Building elements such as windows, doors, recessed walls and other architectural features should be used to minimise large expanses of blank walls and glazed areas.
- (h) Encourage suitable design and construction of buildings to minimise noise and amenity impacts arising from proximity to Military Road.
- (i) For sites adjoining residential uses, encourage appropriate setbacks and building design to minimise overshadowing and overlooking.
- (j) Encourage opportunities for aggregated deepsoil planting areas at the Military Road frontage. Planting is to soften the built form.

Opportunity sites:

- (k) Encourage a gateway to the Spit Junction business centre by ensuring redevelopment of 612 Military Road incorporates building design form and corner elements that reflect the site's role as gateway.
- (l) Encourage redevelopment of 612 Military Road that incorporates a building design sympathetic to the adjoining heritage items at 624 Military Road (Boronia House) and 89B Cowles Road, particularly addressing height and scale effects to both properties and overshadowing impacts to the Boronia gardens.



(4) Cremorne Junction Business Centre

Description of area and character

The Cremorne Junction business centre is located at the western entrance of Mosman, though the gateway experience is not clearly defined.

The centre contains a mix of contemporary office buildings, made of glass curtain walls up to 5 storeys high, along parts of Military Road and Glover Street, as well as a few local food and convenience shops within an older style building of limited architectural merit situated at 91 Spofforth Street on a prominent corner site directly adjacent to the North Sydney council area where the majority of the Cremorne business centre is situated.

There is not a strong sense of place, partly because of the diversity in building form and materials which contributes to a lack of cohesion in the centre, partly because the business centre is at the tail end of the main part of the centre located in North Sydney, and partly because of the strong influence of Military Road which creates a major barrier between the northern and southern sides of the centre.

Furthermore some of the contemporary buildings appear as stand alone structures, quite disconnected and separate from the Cremorne Junction centre, and their bulk, scale and deeper setbacks tend to further alienate the pedestrian, whose experience is already greatly affected by the volume of traffic along Military Road.

Planning controls – Cremorne Junction Business Centre

Activities and land use mix:

- (a) Encourage a viable and vibrant mixed use centre that provides a diversity of retail, commercial, entertainment, residential and other uses. Retail and other active uses are to be at street level, with residential/commercial uses above. Businesses and services are to remain accessible to the community.

Streetscape, amenity and access:

- (b) Encourage improved pedestrian amenity and vibrancy of the area, particularly development to address the relationship of building form to the street and the public domain. This may be achieved by building design, landscaping and providing interesting and/or active street level uses, particularly on sites between Spofforth Street and Glover Street (91 Spofforth Street and 309 Military Road).
- (c) Enhance the network of pedestrian promenades and laneways.
- (d) Encourage improved connectedness with that part of the Cremorne business centre located in North Sydney council area.
- (e) Avoid vehicular access to properties from Military Road. Provide vehicular access to properties from secondary roads and rear lanes.



Enhance the network of pedestrian promenades and laneways

Building form and design:

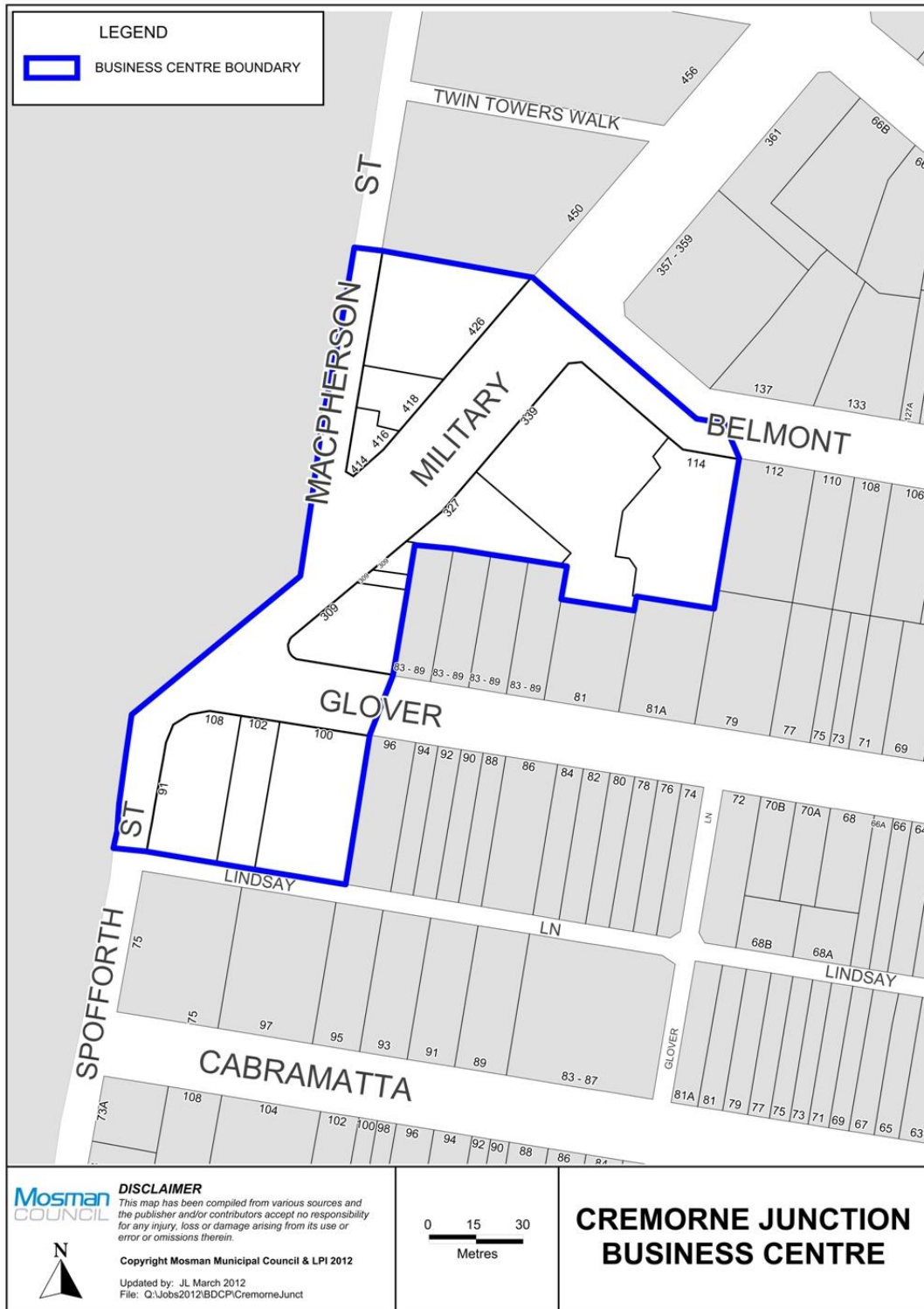
- (f) Encourage development that is compatible with nearby heritage buildings and conservation area.
- (g) Maintain a predominant 2 storey street wall height to Military Road.
- (h) Enhance the business centre with landmark buildings on corner sites and significant landscaping.
- (i) Encourage buildings that are appropriate to the local context including massing, bulk, scale and façade detail. Building elements such as windows, doors, recessed walls and other architectural features should be used to minimise large expanses of blank walls and glazed areas.
- (j) Encourage suitable design and construction of buildings to minimise noise and amenity impacts arising from proximity to Military Road.
- (k) For sites adjoining residential uses, encourage appropriate setbacks and building design to minimise overshadowing and overlooking.



Enhance the business centre with landmark buildings on corner sites and significant landscaping

Opportunity sites:

- (l) Encourage redevelopment of 91 Spofforth Street to provide a statement building incorporating building design form and corner elements that reflects the corner site and contributes to the amenity of Cremorne.
- (m) Encourage public transport initiatives to improve traffic issues along Military Road.



(5) Parriwi Junction Business Centre

Description of area and character

The Parriwi Junction business centre is located on the western side of Spit Road but also has a secondary frontage to Mitchell Road.

The centre contains a cluster of approximately 10 to 20 businesses and serves as a neighbourhood centre for part of Balmoral and Beauty Point. The discontinuity of architectural form and setbacks at Parriwi Junction detract from the centre and would be improved with new development that provides more attention to architectural detail and sympathetic use of advertising and signs.

Spit Road is a major arterial road which significantly compromises the amenity of the centre, particularly for any residential component of development. However the location does afford businesses high visibility and good access to public transport, and appropriate building design, construction and internal layout can reduce traffic effects on occupants.

Planning controls – Parriwi Junction Business Centre

Activities and land use mix:

- (a) Encourage a viable local centre that provides accessible businesses and services to the local community. Retail uses are to be at street level, with residential and commercial uses above.

Streetscape, amenity and access:

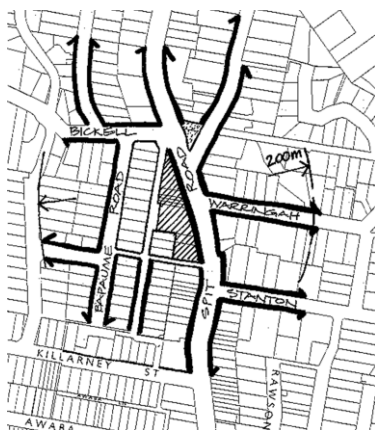
- (b) Have regard to the carparking capacity of the area to limit the impact of development on adjoining residential areas.
- (c) Encourage improved pedestrian amenity in Spit Road and on the streets linking to Parriwi Junction. This could be achieved through landscaping, interesting and/or active street level uses, and improved design of buildings and the public domain.
- (d) Progressively improve footpaths connecting Parriwi Junction to the adjoining residential areas.
- (e) Retain and improve directional signs and rear lane vehicular access. Vehicular access is to be from rear lanes and secondary streets. Access from Spit Road is to be avoided.

Building form and design:

- (f) Establish new mixed use buildings with a consistent streetwall limited to 2 storeys in height along the arterial frontage, and stepping back from the street no more than 4 storeys (above ground level (existing)). Building elements such as windows, doors, recessed walls and other architectural features are to be used to minimise large expanses of blank walls and glazed areas.
- (g) For sites adjoining residential uses, encourage appropriate setbacks and building design to minimise overshadowing and overlooking.
- (h) Encourage suitable design and construction of buildings to minimise noise and amenity impacts arising from proximity to Military Road.

Advertising and signage:

- (i) Have limited advertisements and business signs to improve visual amenity.
- (j) Restrict advertisements and business signs to the awning fascia, under the awning, or behind the shop window at street level. Above awning advertisements and business signs are to be restricted to lettering on the glazed areas only.



Enhance pedestrian amenity in front of the business frontages and progressively improve footpaths connecting to the adjoining residential areas (business frontages shown with thick black line, footpaths within 200m shown with light line)



Retain and improve directional signs and rear lane vehicular access to land zoned business.



(6) Avenue Road and Mosman Bay Wharf Business Centre

Description of area and character – Avenue Road

The business centre in Avenue Road is an attractive and well functioning neighbourhood centre that straddles Avenue Road around the intersection with Canrobert and Ballantyne Streets. The centre comprises a mix of Federation and contemporary commercial buildings, with buildings predominantly 2 storeys in height comprising retail on street level and residential above.

The height and building forms are well suited to the scale of the street, enhancing the sense of closure and providing an intimate feel and pleasant environment. This amenity of the centre is further enhanced by Canary Island Palms which form an established feature along Ballantyne Street.

The centre contains a cluster of approximately 25 businesses and serves as a neighbourhood centre around the Avenue Road and Shadforth and Raglan Streets area. New development should be of a low and compatible scale consistent with the existing character of the area.

Description of area and character – Mosman Bay Wharf

The business centre at Mosman Bay Wharf is located at the end of Avenue Road on the land based component of the passenger access to the Mosman Bay ferry wharf.

The centre contains 4 businesses, which generally serve the needs of the ferry passengers patronage, but may also serve local residents. All businesses are located within the covered access way to the wharf, except for the general store which is situated in a small standalone demountable type structure at the bottom of the cliff/retaining wall and pedestrian stairs to Mosman Street.

Planning controls – Avenue Road and Mosman Bay Wharf Business Centre

Activities and land use mix:

- (a) Encourage a viable local centre that provides accessible businesses and services to the local community.
- (b) In the Avenue Road centre, have a continuity of retail uses at street level, with residential and commercial uses above.
- (c) At Mosman Bay Wharf, maintain the nexus between retail uses and the passenger ferry operations. Avoid retail and commercial uses that are not directly related to servicing the daily needs of ferry passenger commuters and the surrounding residential area.

Streetscape, amenity and access:

- (d) Enhance pedestrian amenity in front of the business frontages and progressively improve footpaths connecting to the adjoining residential areas and Memory Park.
- (e) Have the Canary Palms maintained as street trees in Ballantyne Street.
- (f) Encourage improved streetscape amenity by locating power lines underground for new development in Avenue Road.
- (g) Have regard to the carparking capacity of the area to limit the impact of development on adjoining residential areas.

Building form and design:

- (h) In the Avenue Road centre, have the maintenance and sympathetic restoration of traditional facades, heritage items (44 Avenue Road) and the streetscape, and unity in the appearance of terrace rows and grouping of buildings. Avoid blank unrelieved walls to the street.
- (i) At Mosman Bay Wharf, have buildings that complement the scenic quality of the harbour and surrounding foreshores, and maintain the existing low scale character. Encourage the architectural form and detail of traditional waterfront marine uses.
- (j) Encourage buildings 2 storeys in height (above ground level (existing)). In the Avenue Road centre, levels above the second storey will only be considered if the building provides a similar roof height to adjoining buildings and is not visible from the street frontage.
- (k) For sites adjoining residential land, encourage limited redevelopment to the rear of the site to minimise overshadowing and overlooking.



Enhance pedestrian amenity in front of the business frontages and progressively improve footpaths connecting to the adjoining residential areas and Memory Park (footpaths within 200m shown with thick black line, land zoned business shown hatched)



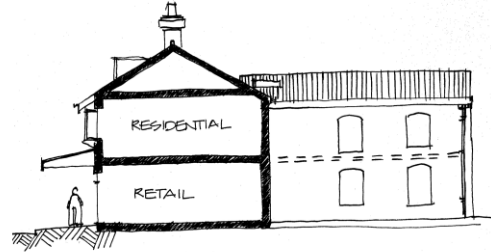
Maintain and enhance the traditional shopfront terraces

Advertising and signage:

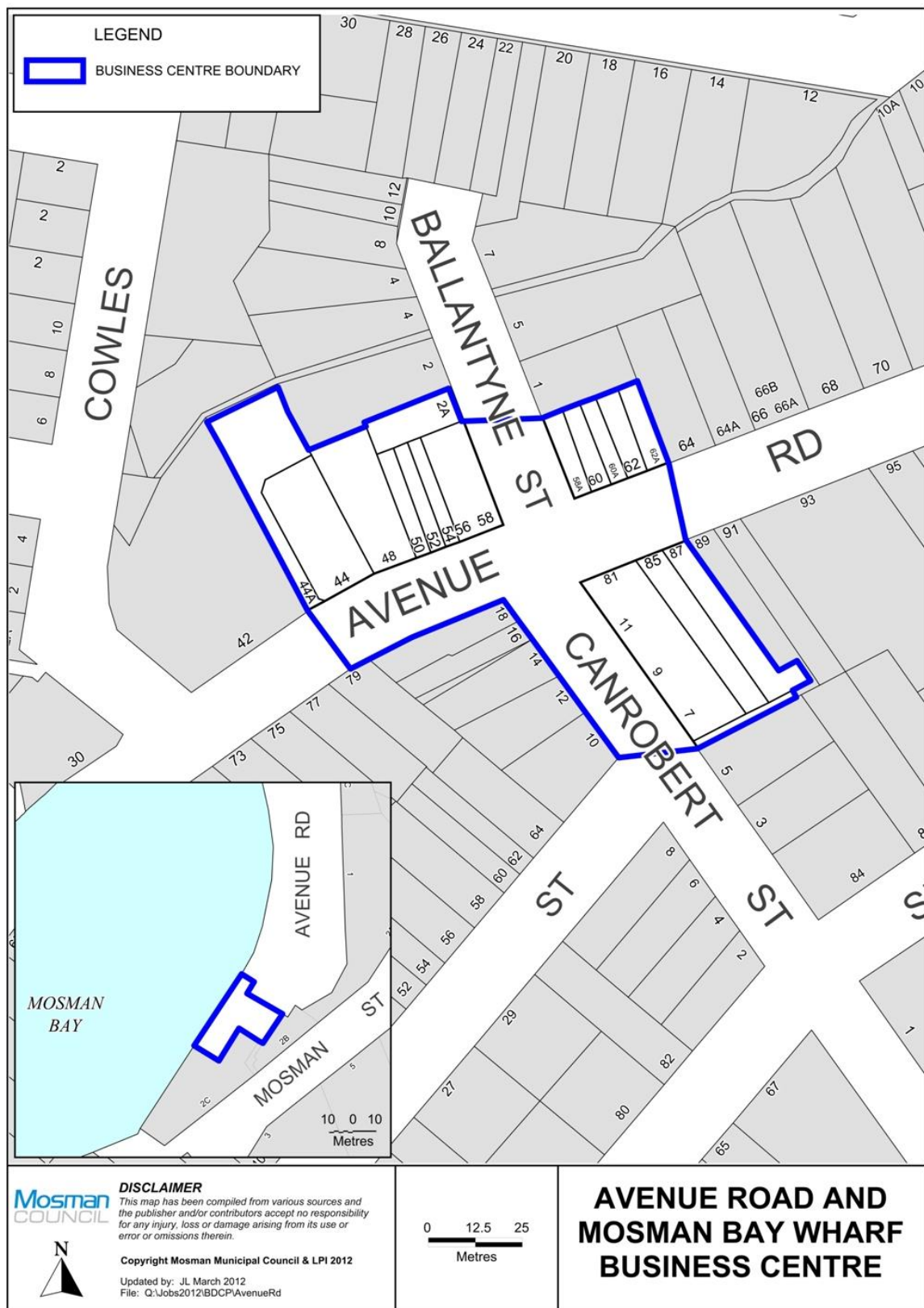
- (l) Have limited advertisements and business signs to reduce visual amenity.
- (m) Maintain and enhance a continuity of retail uses at street level with consistency in the awnings, colour and below awning advertising. Above awning advertisements and business signs are to be restricted to lettering on the glazed areas only.



Encourage the architectural form and detail of traditional waterfront marine uses to the business centre on Mosman Bay



Maintain and enhance a continuity of retail uses at street level with consistency in the awnings, colour and below awning advertising



(7) Spofforth Street Business Centre

Description of area and character

The Spofforth Street business centre is located on the eastern side of Spofforth Street, adjacent to a significant intersection with Rangers Road.

The centre is pleasant and well functioning, though it is affected by traffic from Rangers Road which is used as an alternative route to Military Road between Mosman and North Sydney. The centre contains a cluster of approximately 17 businesses and serves as a neighbourhood centre to the local area.

Existing buildings are of varied architectural form and style, but are generally characterised by 2 to 3 storey traditional retail terraces from the Edwardian Era and Interwar period, including various heritage listed buildings. The buildings predominantly comprise street level retail with residential development above.

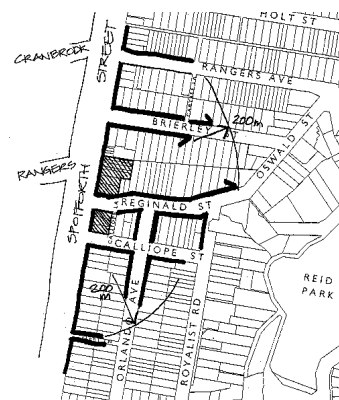
Planning controls – Spofforth Street Business Centre

Activities and land use mix:

- (a) Encourage a viable local centre that provides accessible businesses and services to the local community.
- (b) Maintain and enhance a continuity of retail uses at street level, with residential and commercial uses above.

Streetscape, amenity and access:

- (c) Enhance pedestrian amenity in front of the business frontages and progressively improve footpaths connecting to the adjoining residential areas.
- (d) Encourage a consistency in the façade treatment with awnings, colours, below awning advertising and underground cabling.
- (e) Have regard to the carparking capacity of the area to limit the impact of development on adjoining residential areas.



Enhance pedestrian amenity in front of the business frontages and progressively improve footpaths connecting to the adjoining residential areas (footpaths within 200m shown with thick black line, land zoned business shown hatched).

Building form and design:

- (f) Encourage buildings 2 storeys in height (above ground level (existing)). Levels above the second storey will only be considered if the building provides a similar roof height to adjoining buildings and is not visible from the street frontage.
- (g) For sites adjoining residential land, limit redevelopment at the rear of the site to minimise overshadowing and overlooking.
- (h) Avoid blank unrelieved walls to the street.

Heritage conservation:

- (i) Encourage the maintenance and sympathetic restoration of Federation and Inter-War buildings and the heritage streetscape.
- (j) Preserve the heritage streetscape and architectural form of traditional shopfront terraces.

Advertising and signage:

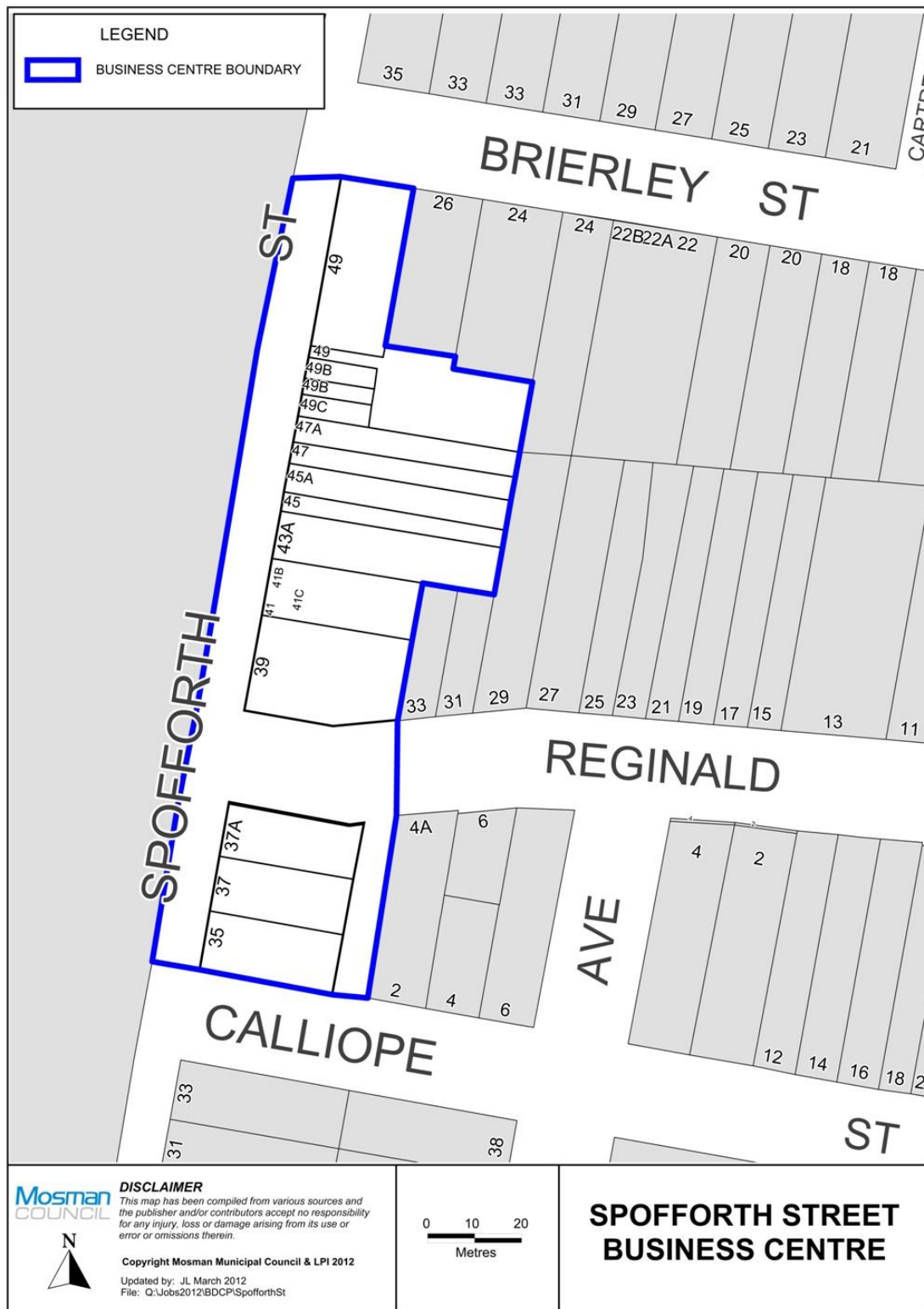
- (k) Restrict above awning advertisements and business signs to lettering on the glazed areas only.



Encourage a consistency in the facade treatment with awnings, colours, below awning advertising, and underground cabling



Preserve the heritage streetscape and architectural form of traditional shopfront terraces



(8) Balmoral Business Centre

Description of area and character

The Balmoral business centre is located along a beachfront esplanade, providing scenic views to the beachfront park and Middle Harbour.

The centre is not so much a centre but a scattering of 6-10 individual retail activities along the Esplanade, with many of the businesses located on corner sites. Balmoral serves as a neighbourhood centre to local residents and day trippers from outside of the Mosman area.

Existing buildings are of varied architectural form and style, including new buildings, but all generally range from 2 to 3 storeys in height. Residential development is also located above some of the street level businesses.

The harbourside location and natural amenity of the centre creates pressure for redevelopment of sites within and surrounding the centre. However the existing low and small scale development must not be compromised, as it contributes to the unique character of the area.

Planning controls – Balmoral Business Centre

Activities and land use mix:

- (a) Encourage a viable local centre that provides accessible businesses and services to the local community. Retail uses are to be at street level, with residential and commercial uses above.
- (b) Encourage public spaces adjoining business activities to be used for outdoor dining and other uses that are appropriate to the regionally significant waterfront promenade.

Streetscape, amenity and access:

- (c) Enhance pedestrian amenity and the connection between business frontages and the beachfronts. Also encourage outdoor dining in conjunction with business uses.
- (d) Encourage façade colours and treatments that are appropriate to the beachside. Enhance the visual link of commercial buildings and the beachfront location with the use of colour, graphics and below awning advertising.
- (e) Encourage development and uses that do not generate additional traffic and additional parking requirements. Encourage the use of public transport to/from Balmoral.
- (f) Encourage improved streetscape amenity by locating power lines underground for new development in Awaba Street, Raglan Street and The Esplanade.

Building form and design:

- (g) Encourage buildings 2 storeys in height (above ground level (existing)). Levels above the second storey will only be considered if the building provides a similar roof height to adjoining buildings, is not visible from the street frontage, and does not affect residential amenity, including loss of views to the beachfront park and Middle Harbour.
- (h) Ensure the height and appearance of buildings complement and enhance the scenic quality of the locality including when viewed from the harbour.
- (i) Encourage restoration of awnings and the architectural form of traditional shopfront terraces.

Advertising and signage:

- (j) Have limited advertisements and business signs to preserve the residential amenity of the general locality. Above awning advertisements and business signs are to be restricted to lettering on the glazed areas only.



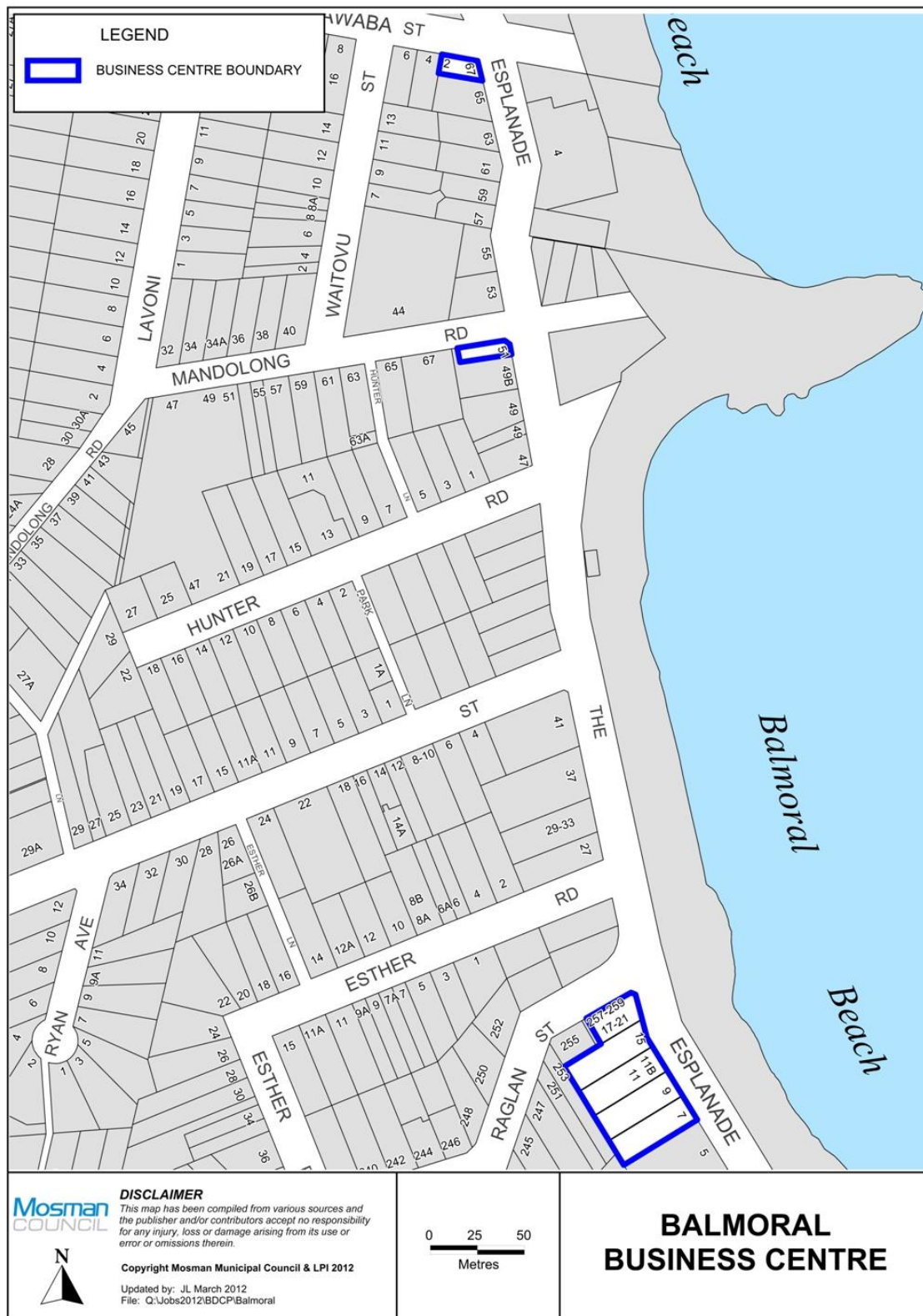
Enhance pedestrian amenity and the connection between business frontages and the beachfronts



Enhance the visual link of commercial buildings and the beachfront location with the use of colour, graphics and below awning advertising



Ensure the height and appearance of buildings enhance the scenic quality of the locality when viewed from the harbour



(9) Spit Waterside Business Centre

Description of area and character

The Spit Waterside area is a scenic waterfront and recreation and marina environment located on the peninsula at the northern gateway to the Mosman local government area on the Middle Harbour foreshore. The area has been used for commercial activities for almost 100 years and is a prime local and regional recreational boating resource, which includes a working marine area and associated business activities and restaurant uses.

The Spit is greatly affected by Spit Road which passes through and segregates the area. The D'Albora Marina occupies the north western corner of Spit Road; the eastern side of The Spit comprises commercial boat sheds, wharf structures, restaurants, club boating facilities including the Middle Harbour Yacht Club.

Public parking facilities are provided on both sides of the road, but the main facilities are located on the western side. This causes problems for pedestrian movement which is formalised at the signalised intersection and a pedestrian path under the Spit Bridge which experiences safety and security, flooding and legibility problems.

The frontage to Spit Road is poor, affected by inconsistent signage, discontinuous and poorly defined pedestrian system and problematic service and parking arrangements.

Private and commercial swing boat moorings occupy the waters to the east and the west of The Spit. The combination of safe harborage, arterial road access and low, flat land edged with sandy beaches to calm waters within close proximity to the city centre and inner city residential areas has led to The Spit being developed into a highly valued boating venue and recreational open space.

The area is adjacent to The Spit Reserve, parklands and public car park located in the reserve. It has a scenic streetscape which operates effectively when viewed from the Spit Road or when viewed from the water and adjoining residential areas.

The ongoing use of this centre as a recreational boating resource comprising working marine activities must not be compromised by inappropriate new development.

The Spit is affected by sea level rise and is subject to the NSW Government's sea level rise policy.

Planning controls – Spit Waterside Business Centre

Activities and land use mix:

- (a) Maintain the Spit as a gateway to Mosman.
- (b) Encourage the Spit to function as a prime recreational boating resource with a working marine area and associated commercial activities, and accessible businesses and services.

Streetscape, amenity and access:

- (c) Maintain and enhance the landscape and harbour qualities of the area.
- (d) Encourage the amenities of pedestrian linkages improved and to have continuous public access along the foreshore.
- (e) Enhance pedestrian amenity in front of the business frontages and provide continuous public foreshore access.
- (f) Encourage development and uses that do not generate additional traffic and additional parking requirements. Encourage vehicular access to properties from Parriwi Road, and avoid vehicular access from Spit Road.

Building form and design:

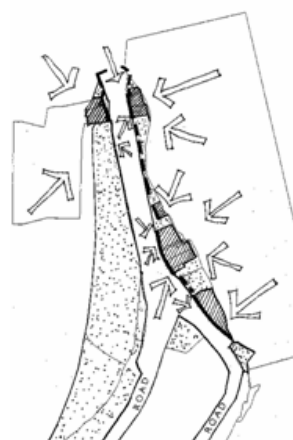
- (g) Maintain and enhance the scenic quality of the locality by ensuring the design, height, scale, materials, colour and appearance of buildings are suitable to the location.
- (h) Enhance the visual link of commercial buildings and the harbour location with the use of materials, colours and below awning advertising.
- (i) Maintain a predominantly single storey low scale and dispersed built form.
- (j) Preserve the architectural form and detail of traditional waterfront marine uses.

Advertising and signage:

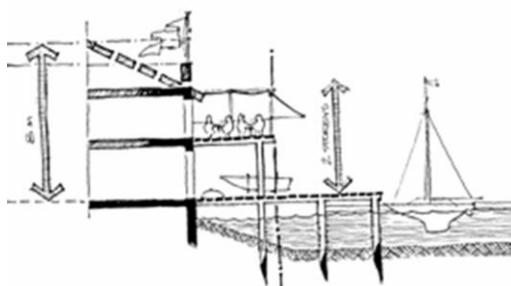
- (k) Restrict above awning advertisements and business signs to lettering on the glazed areas only. Roof top signs and illuminated signs are not permitted.



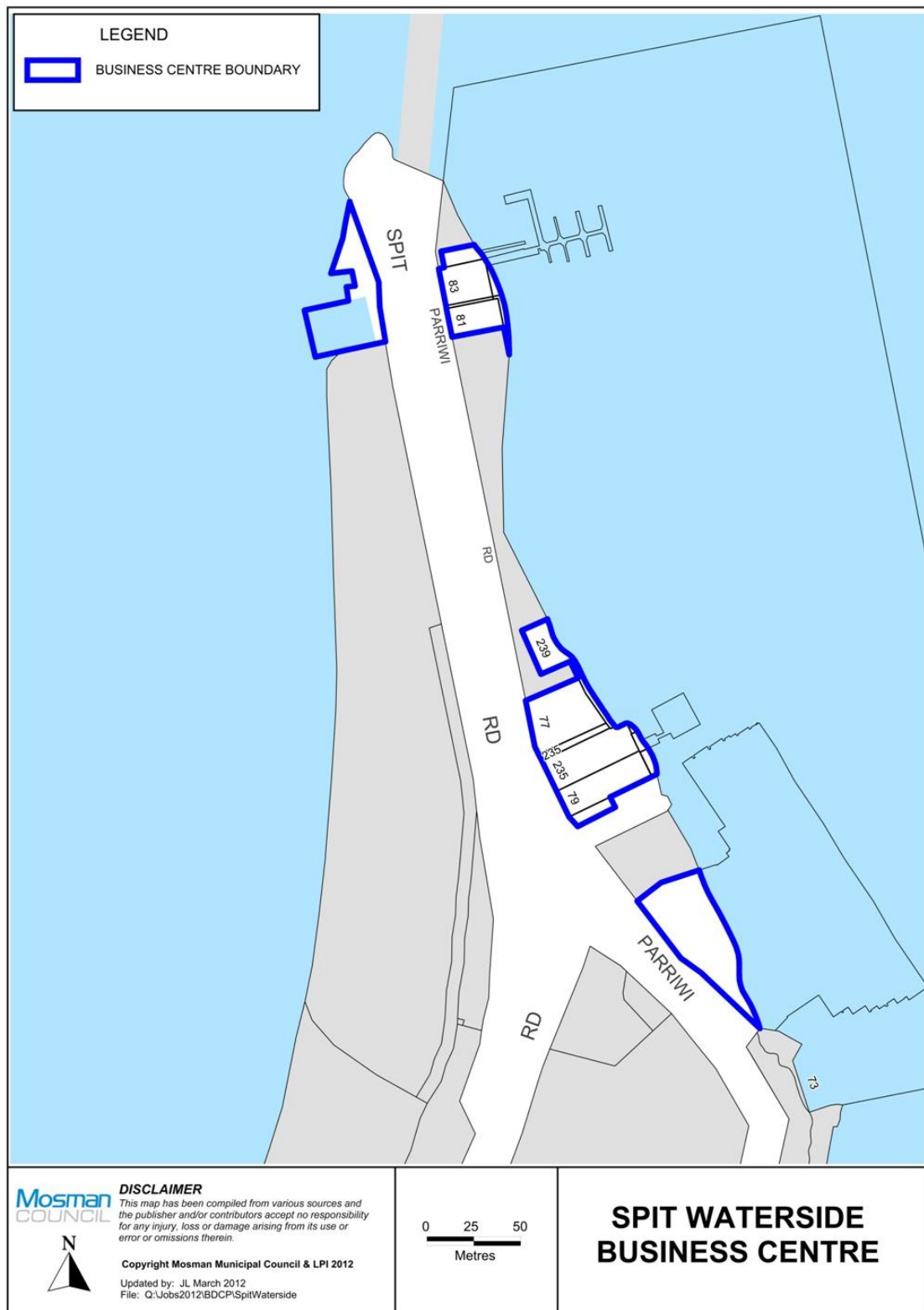
Enhance pedestrian amenity in front of the business frontages and provide continuous public foreshore access (land zoned for business shown hatched, public recreation land shown dotted, public foreshore walk shown dot-dashed)



Enhance the scenic qualities of buildings and landscaping when viewed from the harbour and the street



Enhance the visual link of commercial buildings and the harbour location with the use of materials, colours and below awning advertising



PART 5 URBAN DESIGN AND PLANNING CONTROLS

This Part provides detailed objectives and planning controls relating to urban design and the built form in Mosman's business centres.

These objectives and planning controls are set out into three categories or groups according to the typical urban form found in each centre:

- Arterial business centres –
 - Spit Junction,
 - Cremorne Junction,
 - Military Road Corridor, and
 - Parriwi Junction;
- Traditional shopfront terrace business centres –
 - Mosman Junction,
 - Avenue Road,
 - Balmoral, and
 - Spofforth Street;
- The Spit Waterside

These controls should be read in conjunction with Parts 4, 6 and 7 of this Plan which provide more specific controls and the desired character for each business centre.

5.1 Arterial Business Centres

The following urban design and planning controls apply to development in arterial business centres. These centres are:

- Spit Junction,
- Cremorne Junction,
- Military Road Corridor, and
- Parriwi Junction.

Height, floor space ratio (FSR) and building setback

The siting and scale of a building – its height, floor space ratio, setback from site boundaries and relationship in size to adjoining buildings – set the dominant character of any development. Controls for these elements are important to facilitate an acceptable siting, bulk and scale of development that maintains a satisfactory relationship with neighbouring properties and the wider street context. Buildings should be designed “from the ground up” with ground floors located at or near ground level.

Height and floor space ratio (FSR) controls regulate the height and bulk of development, and intend to reflect the existing or desired pattern of building scale having regard to the location of the site and business centre character. A greater building height and bulk is generally encouraged on larger sites located near to public transport, shops and services, reflecting best practice sustainability and urban consolidation principles. Development standards that control the maximum height and FSR of buildings are set out in Part 4 Principal Development Standards of the LEP. Additional objectives and planning controls are set out below.

Setbacks define the overall footprint of a building and the outer extremities of that building in relation to the front, side and rear boundaries. Appropriate street setback controls can contribute to the public domain by enhancing the streetscape character and the continuity of street facades.

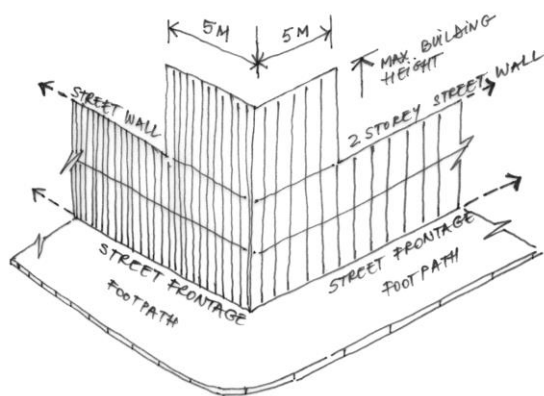
OBJECTIVES	PLANNING CONTROLS
O1. To have development that is compatible with the height and roof form of existing buildings to produce a cohesive streetscape.	<p>P1. Buildings are to complement the height of adjoining buildings and generally have a streetwall height which has the appearance of no more than 2 storeys when viewed from the street, except in a corner situation.</p> <p>P2. At street corners the appearance of a 2 storey streetwall height may be exceeded to create a corner element. The corner element is not to exceed the maximum permitted building height, and may extend a maximum distance of 5m along the streetwall when measured from the street corner.</p>

OBJECTIVES	PLANNING CONTROLS
O2. To have additional guidelines for application of the floor space ratio incentive clauses contained in the LEP.	<p>P3. Where a floor space ratio (FSR) incentive is sought for land in Spit Junction under the LEP, the applicant is to demonstrate that:</p> <ul style="list-style-type: none"> (a) The development is of a high quality design that takes into account environmentally sustainable principles, good urban design and the surrounding character of the area; (b) The development does not result in adverse amenity effects relating to overshadowing, overlooking or the like.
O3. To have building setbacks consistent with established building profiles, particularly the front building alignment.	<p>P4. Buildings are to be aligned along the street frontage to create a consistent streetwall.</p> <p>P5. Voids or gaps in the streetwall must generally be avoided.</p> <p>P6. For buildings fronting lanes, buildings may be built to the lane subject to preserving or enhancing:</p> <ul style="list-style-type: none"> (a) the amenity of neighbouring uses; (b) the amenity of the lane e.g. by providing opportunities for safety and casual visual surveillance; (c) the visibility and manoeuvrability of vehicles; and (d) Council's lane widening program (refer to lane widening controls of this Plan). <p>P7. For traditional Federation and Inter-War period shopfront terraces, the established side boundary setbacks for lightwells and lane access are to be maintained.</p>
O4. To have greater setbacks for sites adjoining residential zoned land to provide suitable residential amenity.	P8. For sites adjoining residential zoned land, the first 2 storeys (above ground level (existing)) are to be setback a minimum of 1.5m from the common boundary.
O5. To have greater upper storey setbacks to reduce the impression of bulk and to provide suitable residential amenity.	P9. The external building walls above the second storey (above ground level (existing)) are to be setback from the street so as not to exceed a 45 degree height plane. The 45 degree height plane is to be drawn from the top of the second storey walls (excluding parapets and corner elements) that face the street, lanes, public spaces and land zoned residential. Only storeys predominantly above ground level (existing) are to be included in the calculation of number of storeys, i.e. any basement level is not included.

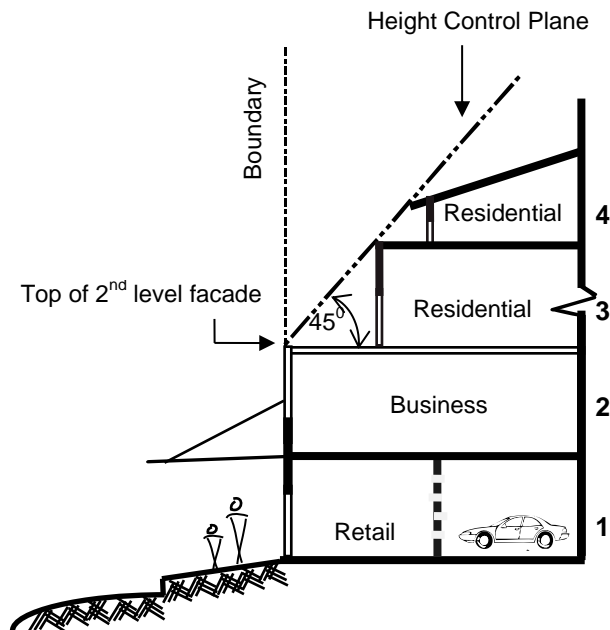
OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P10. Minor building elements such as projecting building eaves, cornices and parapets may encroach the 45 degree height plane. Balconies with open railings and pergolas may also encroach the height plane if overlooking of adjoining residential development is minimised and privacy is not significantly compromised.</p> <p>P11. Where there is potential for privacy and overshadowing issues to arise, a greater setback may be required.</p>



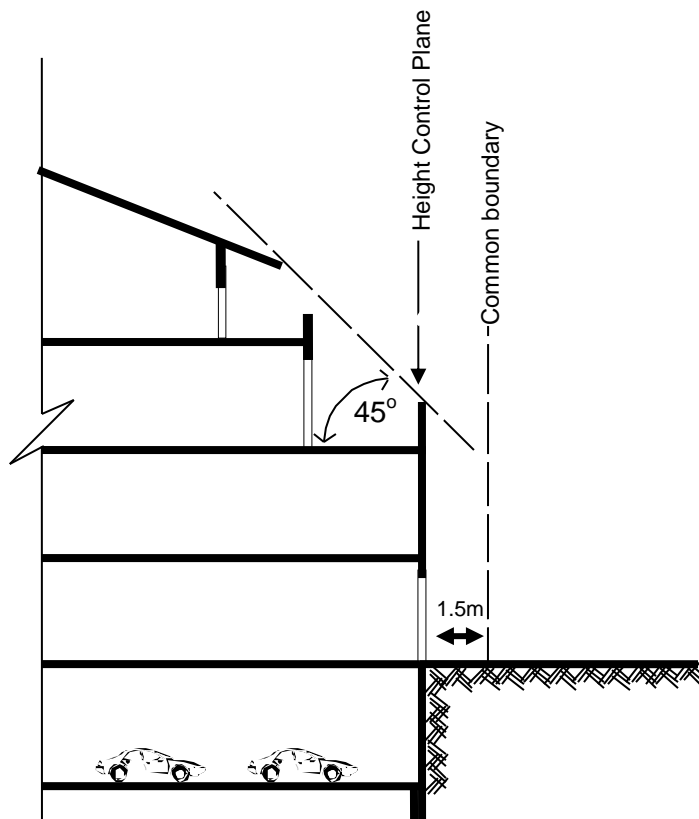
Buildings are to complement the height of adjoining buildings and generally have a streetwall height which has the appearance of 2 storeys when viewed from the street, except in a corner situation



At street corners the appearance of a 2 storey streetwall height may be exceeded to create a corner element. For example, corner of Military Road and Harbour Street as shown in the photograph above.



The external building walls above the second storey (above ground level (existing)) are to be setback from the street so as not to exceed a 45 degree height plane when drawn from the top of the second storey walls



For sites adjoining residential zoned land, the first 2 storeys (above ground level (existing)) are to be setback a minimum of 1.5m from the common boundary

Architectural features and façade treatment

The architectural features and facade treatment of buildings help create visual interest in a building. When these features and treatments are consistently applied to a number of buildings they contribute significantly to the character of a streetscape.

It is important that proposed development acknowledges and respects the existing architectural style of the business centre and gives a contemporary and sympathetic interpretation of the key architectural features; not replicating nor dismissing what exists.

OBJECTIVES	PLANNING CONTROLS
<p>O6. To have development that is compatible with the external appearance of existing buildings and reflects the desired business centre character.</p> <p>O7. To have the architectural form, detail and materials of traditional shopfront terraces retained and restored.</p>	<p><i>Architectural features:</i></p> <p>P12. Vertical patterns of columns and blade walls that follow the traditional main street shopfront module of between 5m and 7m reflected are desirable.</p> <p>P13. Parapets, cornices, spandrels and balconies are to adopt the general horizontal alignments displayed by neighbouring buildings with sympathetic interpretations. Corner elements at the street corners are encouraged.</p> <p>P14. Awnings, blinds, sun hoods and recessed balconies form integral elements in the design and articulation of facades and should be consistent with the predominant pattern, proportion and repetition of such elements in the business centre.</p> <p>P15. Building elements such as windows, doors, recessed walls and other architectural features are to be used to minimise large expanses of blank walls and glazed areas.</p> <p>P16. Air conditioners must not be mounted on street awnings or the front facade of buildings.</p> <p>P17. For traditional Federation and Inter-War period shopfront terraces:</p> <ul style="list-style-type: none"> (a) Alterations and additions are to be consistent with the massing, scale and proportions of the original building; (b) Traditional building elements are to be retained and restored where appropriate; (c) Balconies that are indented within the building facade are to be retained. Infilled balconies are to have the infill development removed and the balustrade restored; (d) All walls, roofs and chimneys visible from the street are to be maintained;

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p><i>Colours and materials:</i></p> <p>P18. Building materials, finishes and colours are to be sympathetic with any characteristic building materials, finishes and colours of adjoining buildings and buildings in the streetscape.</p> <p>P19. For traditional Federation and Inter-War period shopfront terraces:</p> <ul style="list-style-type: none"> (a) Unpainted brickwork is to be retained and enhanced; (b) The red masonry facades to the upper storeys are to be retained where these exist or may be restored. <p><i>Roof forms:</i></p> <p>P20. Pitched roofs with overhangs and exposed eaves should be used where this is the dominant form in the streetscape.</p> <p>P21. Plant rooms, lift rooms, telecommunication facilities, mechanical ventilation stacks and aerials must be screened within the pitched roof profiles, or behind the general roof alignment, or otherwise located so as not to be visible from the street.</p>
<p>O8. To have street frontages that provide a continuity of active business uses at street level.</p>	<p>P22. A continuity of active business uses at street level is to be maintained and enhanced.</p> <p>P23. Facades to streets are to have shopfront clear glazing.</p> <p>P24. For traditional Federation and Inter-War period shopfront terraces, new shopfronts are to use the traditional inset window and corner window arrangement, and traditional materials for the period.</p> <p>P25. Window displays, display cases and well defined pedestrian entries are encouraged at street level to provide pedestrian interest.</p> <p>P26. Roller shutters are not to be used on shopfronts.</p>
<p>O9. To have pedestrian shelter along footpaths.</p> <p>O10. To have the important contribution that awnings make to the architectural detailing of a building recognised.</p>	<p>P27. Awnings must be provided continuously along the Spit and Military Road frontages (where buildings adjoin the footpath) to provide pedestrian shelter to the footpath area.</p> <p>P28. The height of awnings is to match adjoining or nearby awnings and is to have a consistent fascia width to provide continuity to the streetwall.</p>

OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	<p>P29. For traditional Federation and Inter-War period shopfront terraces:</p> <ul style="list-style-type: none"> (a) Extraneous under-awning materials such as linings that are not original to the Federation or Inter-War architectural character should be removed; (b) Awnings should be a common colour for groups of buildings forming a terrace.
O11. To have improved pedestrian and functional links through the business centres.	P30. Where appropriate, sites adjoining lanes or parking areas are to maintain existing or incorporate new through-site arcades and/or shop frontages to improve pedestrian accessibility, safety and amenity.

Articulation of the building facade through use of varied building materials and colours, recessed walls, balconies, pergolas, and stepping the building back above the second floor level



Vertical patterns of columns and blade walls are desirable

Continuity of active business uses at street level

5.2 Traditional Shopfront Terrace Business Centres

The following urban design and planning controls apply to development in business centres with traditional shopfront terraces. These centres are:

- Mosman Junction,
- Avenue Road,
- Balmoral, and
- Spofforth Street.

Height, floor space ratio (FSR) and building setback

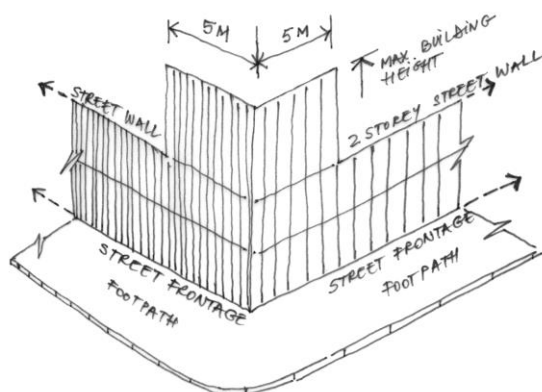
The siting and scale of a building – its height, floor space ratio, setback from site boundaries and relationship in size to adjoining buildings – set the dominant character of any development. Controls for these elements are important to facilitate an acceptable siting, bulk and scale of development that maintains a satisfactory relationship with neighbouring properties and the wider street context. Buildings should be designed “from the ground up” with ground floors located at or near ground level.

Height and floor space ratio (FSR) controls regulate the height and bulk of development, and intend to reflect the existing or desired pattern of building scale having regard to the location of the site and business centre character. A greater building height and bulk is generally encouraged on larger sites located near to public transport, shops and services, reflecting best practice sustainability and urban consolidation principles. Development standards that control the maximum height and FSR of buildings are set out in Part 4 Principal Development Standards of the LEP. Additional objectives and planning controls are set out below.

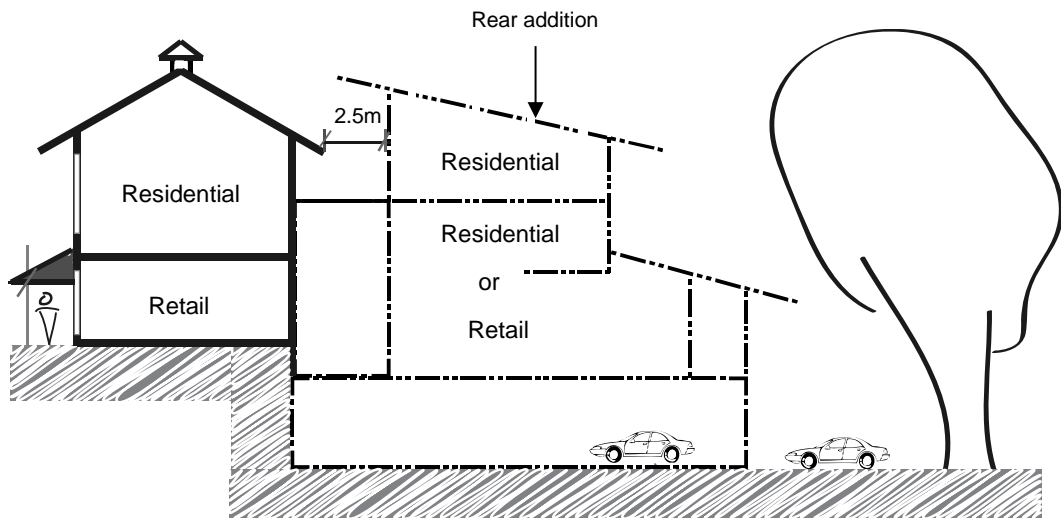
Setbacks define the overall footprint of a building and the outer extremities of that building in relation to the front, side and rear boundaries. Appropriate street setback controls can contribute to the public domain by enhancing the streetscape character and the continuity of street facades. The traditional shopfront terraces are generally characterised by no front building setback, which creates a streetwall for the public realm i.e. a continuous retail strip opening directly onto the footpath.

OBJECTIVES	PLANNING CONTROLS
O1. To have development that is compatible with the height and roof form of existing buildings to produce a cohesive streetscape.	<p>P1. Buildings are to complement the height of adjoining buildings and generally have a streetwall height which has the appearance of no more than two storeys when viewed from the street, except in a corner situation.</p> <p>P2. At street corners, the appearance of a 2 storey street wall height may be exceeded to create a corner element. The corner element is not to exceed the maximum building height, and may extend a maximum distance of 5m along the street wall when measured from the street corner.</p>
O2. To have building setbacks consistent with traditional building profiles found in the centres, particularly the front building alignment.	<p>P3. Buildings are to be aligned along the street frontage to create a consistent street wall.</p> <p>P4. Voids or gaps in the street wall must generally be avoided.</p>

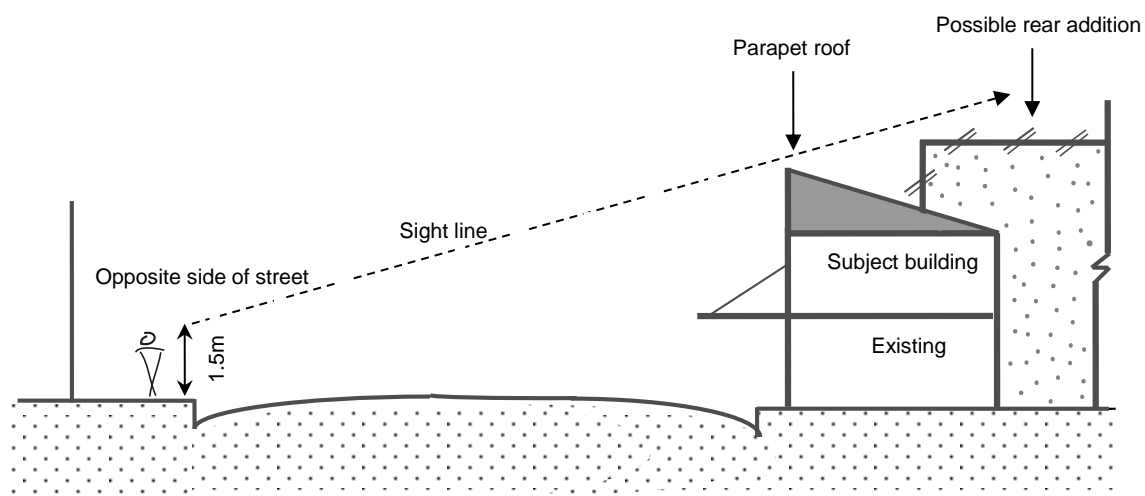
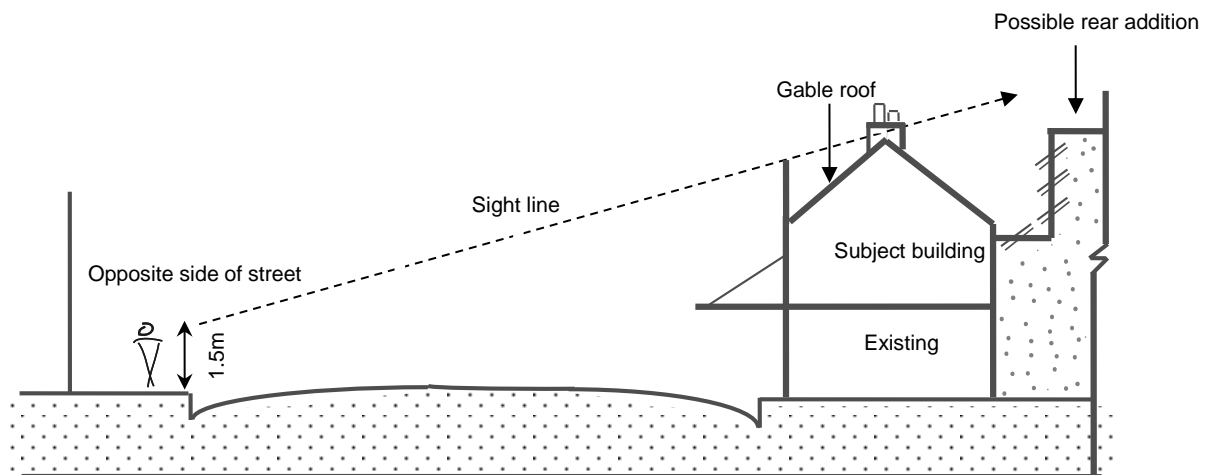
OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P5. For buildings fronting lanes, buildings may be built to the lane subject to preserving or enhancing:</p> <ul style="list-style-type: none"> (a) the amenity of neighbouring uses; (b) the amenity of the lane e.g. by providing opportunities for safety and casual visual surveillance; (c) the visibility and manoeuvrability of vehicles; and (d) Council's lane widening program (refer to lane widening controls of this Plan). <p>P6. The established side boundary setbacks for lightwells and lane access are to be maintained.</p>
<p>O3. To have rear additions designed to reduce the impression of bulk and impact, and to provide suitable residential amenity.</p>	<p>P7. The height of rear additions is not to exceed a height plane drawn from a point 1.5m above the opposite street kerb to the roof ridge or parapet of the building.</p> <p>P8. For buildings with an existing pitched roof, the rear additions are to be setback a minimum of 2.5m from the rear eaves of the pitched roof.</p> <p>P9. Where there is potential for privacy and overshadowing issues to arise, a greater setback may be required.</p>
<p>O4. To have greater setbacks for sites adjoining residential zoned land to provide suitable residential amenity.</p>	<p>P10. For sites adjoining residential zoned land, the first 2 storeys (above ground level (existing)) are to be setback a minimum of 1.5m from the common boundary.</p>



At street corners the appearance of a 2 storey streetwall height may be exceeded to create a corner element. For example, corner of Military Road and Raglan Street as shown in the photograph above.



For buildings with an existing pitched roof, the rear additions are to be setback a minimum of 2.5m from the rear eaves of the pitched roof



The height of rear additions is not to exceed a height plane drawn from the roof ridge or parapet of the building to a point 1.5m above the opposite street kerb

Architectural features and façade treatment

The architectural features and facade treatment of buildings help create visual interest in a building. When these features and treatments are consistently applied to a number of buildings they contribute significantly to the character of a streetscape.

It is important that proposed development acknowledges and respects the existing architectural style of the business centre and gives a contemporary and sympathetic interpretation of the key architectural features; not replicating nor dismissing what exists.

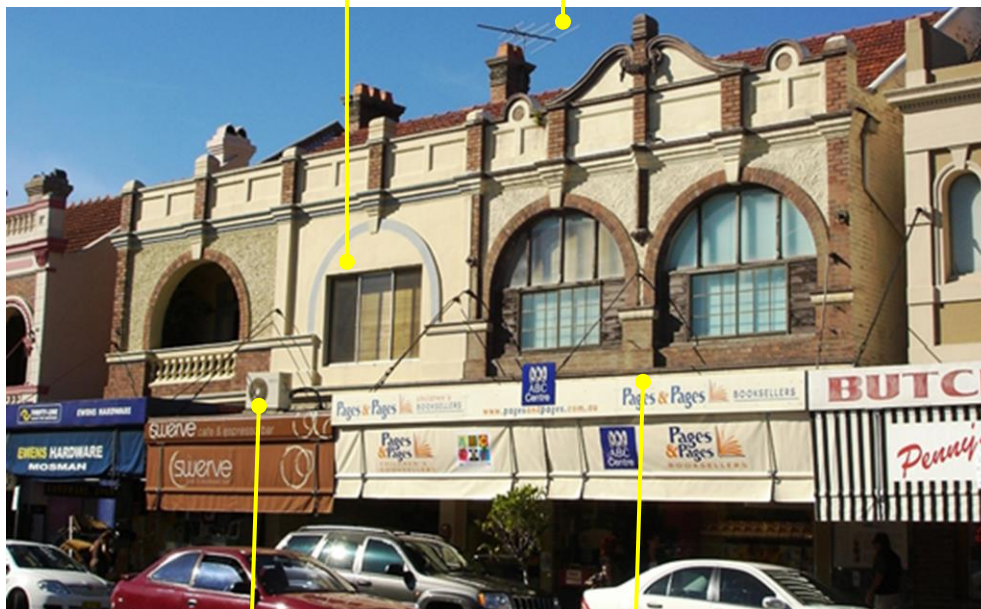
OBJECTIVES	PLANNING CONTROLS
<p>O5. To have development that is compatible with the external appearance of existing buildings and reflects the desired business centre character.</p> <p>O6. To have new development designed to be a simple, modern interpretation of traditional building form and detail.</p> <p>O7. To have the architectural form, detail and materials of traditional shopfront terraces retained and restored.</p>	<p><i>Architectural features:</i></p> <p>P11. Walls and columns are to reflect the pattern of traditional shopfronts in the business centre and are to include mullioned windows, recessed balconies or attached elements such as bay windows and balcony skirts.</p> <p>P12. The proportional height of window openings is to be greater than the width of window openings on upper storeys.</p> <p>P13. Parapets, cornices, spandrels and balconies are to adopt the general horizontal alignments displayed by neighbouring buildings with sympathetic interpretations. Corner elements at the street corners are encouraged and may be addressed as splays, small towers or other traditional features of the Federation and Inter-War periods.</p> <p>P14. Awnings, blinds, sun hoods and recessed balconies form integral elements in the design and articulation of facades and should be consistent with the predominant pattern, proportion and repetition of such elements in the business centre.</p> <p>P15. Air conditioners must not be mounted on street awnings or the front facade of buildings.</p> <p>P16. Traditional building elements of the Federation and Inter-War periods are to be retained and restored where appropriate.</p> <p>P17. Balconies that are indented within the building facade are to be retained. Infilled balconies are to have the infill development removed and the balustrade restored.</p> <p>P18. All walls, roofs and chimneys visible from the street are to be maintained.</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P19. In new development, simple modern interpretations of traditional forms and details are preferred to imitations.</p> <p>P20. Alterations and additions are to be consistent with the massing, scale and proportions of the original building.</p> <p><i>Colours and materials:</i></p> <p>P21. Building materials, finishes and colours are to be sympathetic with any characteristic building materials, finishes and colours of adjoining buildings and buildings in the streetscape.</p> <p>P22. Unpainted brickwork is to be retained and enhanced.</p> <p>P23. Existing painted facades are encouraged to be repainted in heritage colours. Generally a minimum of two colours are to be used. Bright colours or corporate colours relating to businesses are not permitted above the awning line.</p> <p>P24. The red masonry facades to the upper storeys are to be retained where these exist or may be restored.</p> <p><i>Roof forms:</i></p> <p>P25. Pitched roofs with overhangs and exposed eaves should be used where this is the dominant form in the streetscape.</p> <p>P26. Plant rooms, lift rooms, telecommunication facilities, mechanical ventilation stacks and aerials must be screened within the pitched roof profiles, or behind the general roof alignment, or otherwise located so as not to be visible from the street.</p>
<p>O8. To have street frontages that provide a continuity of active business uses at street level.</p>	<p>P27. A continuity of active business uses at street level is to be maintained and enhanced.</p> <p>P28. Facades to streets are to have shopfront clear glazing.</p> <p>P29. New shopfronts are to use the traditional inset window and corner window arrangement, and traditional materials for the period.</p> <p>P30. Window displays, display cases and well defined pedestrian entries are encouraged at street level to provide pedestrian interest.</p> <p>P31. Roller shutters are not to be used on shopfronts.</p>

OBJECTIVES	PLANNING CONTROLS
<p>O9. To have pedestrian shelter along footpaths.</p> <p>O10. To have the important contribution that awnings make to the architectural detailing of a building recognised.</p>	<p>P32. Awnings must be provided continuously along the street frontages to provide pedestrian shelter to the footpath area.</p> <p>P33. The height of awnings is to match adjoining or nearby awnings and is to have a consistent fascia width to provide continuity to the streetwall.</p> <p>P34. Extraneous under-awning materials such as linings that are not original to the Federation or Inter-War architectural character should be removed.</p> <p>P35. Awnings should be a common colour for groups of buildings forming a terrace.</p>
<p>O11. To have improved pedestrian and functional links through the business centres.</p>	<p>P36. Where appropriate, sites adjoining lanes or parking areas are to maintain existing or incorporate new through-site arcades and/or shop frontages to improve pedestrian accessibility, safety and amenity.</p>

Infilled balconies are to have the infill development removed and the balustrade restored

Aerials must be located so as to not be visible from the street



Air conditioners must not be mounted on street awnings

The height of awnings is to match adjoining or nearby awnings and is to have a consistent fascia width to provide continuity to the streetwall

5.3 The Spit Waterside

The following urban design and planning controls apply to development in The Spit Waterside business centre.

Height, floor space ratio (FSR) and building setback

The siting and scale of a building – its height, floor space ratio, setback from site boundaries and relationship in size to adjoining buildings – set the dominant character of any development. Controls for these elements are important to facilitate an acceptable siting, bulk and scale of development that maintains a satisfactory relationship with neighbouring properties and the wider street context. Buildings should be designed “from the ground up” with ground floors located at or near ground level.

Height and floor space ratio (FSR) controls regulate the height and bulk of development, and intend to reflect the existing or desired pattern of building scale having regard to the location of the site and business centre character. Development standards that control the maximum height and FSR of buildings are set out in Part 4 Principal Development Standards of the LEP. Additional objectives and planning controls are set out below.

Setbacks define the overall footprint of a building and the outer extremities of that building in relation to the front, side and rear boundaries. Appropriate street setback controls can contribute to the public domain by enhancing the streetscape character and the continuity of street facades.

OBJECTIVES	PLANNING CONTROLS
O1. To have development that is compatible with the height of traditional buildings to produce a cohesive streetscape.	P1. Buildings to be aligned along the street frontage and water frontage to create a consistent streetwall no higher than 2 storeys.



Buildings have a streetwall no higher than 2 storeys

Buildings are aligned along the street frontage to Spit Road

Architectural features and façade treatment

The architectural features and facade treatment of buildings help create visual interest in a building. When these features and treatments are consistently applied to a number of buildings they contribute significantly to the character of a streetscape.

It is important that proposed development acknowledges and respects the existing architectural style of the business centre and gives a contemporary and sympathetic interpretation of the key architectural features; not replicating nor dismissing what exists.

OBJECTIVES	PLANNING CONTROLS
<p>O2. To have development that is compatible with the external appearance of existing buildings and reflects the desired business centre character.</p> <p>O3. To have the architectural form, detail and materials of traditional shopfront terraces retained and restored.</p>	<p><i>Architectural features:</i></p> <p>P2. Bay windows and balconies (with open timber balustrades) on the upper storey are encouraged for both the waterside frontage and the Spit Road/Parriwi Road frontages.</p> <p>P3. Buildings are to have a timber* appearance.</p> <p>* Timber used should be plantation timber or from FSC certified timber sources with no use of old growth forests or endangered timber / threatened species.</p> <p>P4. Balcony railings, dormers and gables are to be used to reduce the areas of external walls and roofs.</p> <p>P5. Timber decking and post-supported balconies are encouraged.</p> <p>P6. Awnings, blinds, sun hoods and recessed balconies form integral elements in the design and articulation of facades and should be consistent with the predominant pattern, proportion and repetition of such elements in the business centre.</p> <p>P7. Building elements such as windows, doors, recessed walls and other architectural features are to be used to minimise large expanses of blank walls and glazed areas.</p> <p>P8. Air conditioners must not be mounted on street awnings or the front façade of buildings.</p> <p><i>Colours and materials:</i></p> <p>P9. Building materials, finishes and colours are to be sympathetic with any characteristic building materials, finishes and colours of adjoining buildings and buildings in the streetscape.</p> <p><i>Roof forms:</i></p> <p>P10. Pitched roofs with overhangs and exposed eaves must be used.</p>

OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	P11. Plant rooms, lift rooms, telecommunication facilities, mechanical ventilation stacks and aerals must be screened within the pitched roof profiles, or behind the general roof alignment, or otherwise located so as not to be visible from the street and waterways.
O4. To have pedestrian shelter along footpaths. O5. To have the important contribution that awnings make to the architectural detailing of a building recognised.	P12. The height of awnings is to match adjoining or nearby awnings and is to have a consistent fascia width to provide continuity to the streetwall. P13. Awnings incorporating verandahs and balconies are to face the waterside to provide shelter and reduce the perceived size of buildings.
O6. To have public pedestrian access along the foreshore.	P14. Continuous pedestrian access along the foreshore must be provided to improve pedestrian accessibility and amenity.



Pitched roof with overhangs and exposed eaves

Building has a timber appearance

Timber decking and post-supported balconies

Building elements such as windows, doors, recessed walls and different materials and colours used to minimise large expanse of wall

PART 6 ENVIRONMENTAL, AMENITY AND GENERAL CONTROLS

This Part establishes general site planning and design controls that need to be considered within the context of the site analysis, building design and construction.

The guidelines covered in this Part will provide a consistent approach to development and helps ensure that the built form, liveability and performance of each business centre are progressively improved over time. The guidelines are:

- Heritage conservation
- Advertising and signage
- Accessible buildings and adaptable housing
- Residential development in business centres
- Energy efficiency
- Visual and acoustic privacy
- Crime prevention
- View sharing
- Landscaping
- Preservation of trees or vegetation
- Transport, access and parking
- Site facilities
- Stormwater management
- Excavation and site management
- Waste management

6.1 Heritage Conservation

In the business centres Mosman's heritage predominantly comprises traditional shopfront terraces, including rows of terraces. These terraces contribute to the distinctive streetscape character, link us to our past and help define Mosman's identity. In addition to individual heritage items, Mosman Junction and part of the Spit Junction business centres are within a heritage conservation area. The value of a heritage conservation area is in the collective and contributory nature of buildings and elements in the streetscape.

The main aim of identifying heritage items and heritage conservation areas is to ensure that the significance of these items and areas is recognised and maintained; but reinforcing the heritage character of Mosman's business centres will also have the added benefit of promoting the business centres as attractive shopping centres.

The identification of heritage items and heritage conservation areas does not mean that development is necessarily limited or cannot occur, but means that any changes should respect the existing built environment and any identified heritage significance.

Objectives and planning controls for the conservation of Mosman's Aboriginal and non-Aboriginal environmental heritage are set out in Part 5.10 Heritage Conservation of the LEP. Development consent is required under the LEP for most proposed changes to a heritage item or a building, work, relic, tree or place within a heritage conservation area listed in the LEP.

All heritage items and heritage conservation areas have a statement of heritage significance which identifies the elements which make an item or an area significant in heritage terms. These statements are prepared using criteria set by the NSW Heritage Office and outlined in the NSW Heritage Manual, based on the principles of the Burra Charter.

In addition, each building within a heritage conservation area is ranked according to its contributory components, that is, its degree of intactness, sympathetic or obtrusive additions and degree of significance. The ranking of buildings within all Mosman heritage conservation areas was reviewed in 2017-18. Revised heritage conservation area rankings maps were adopted by Council in April 2018. These can be viewed on Council's website.

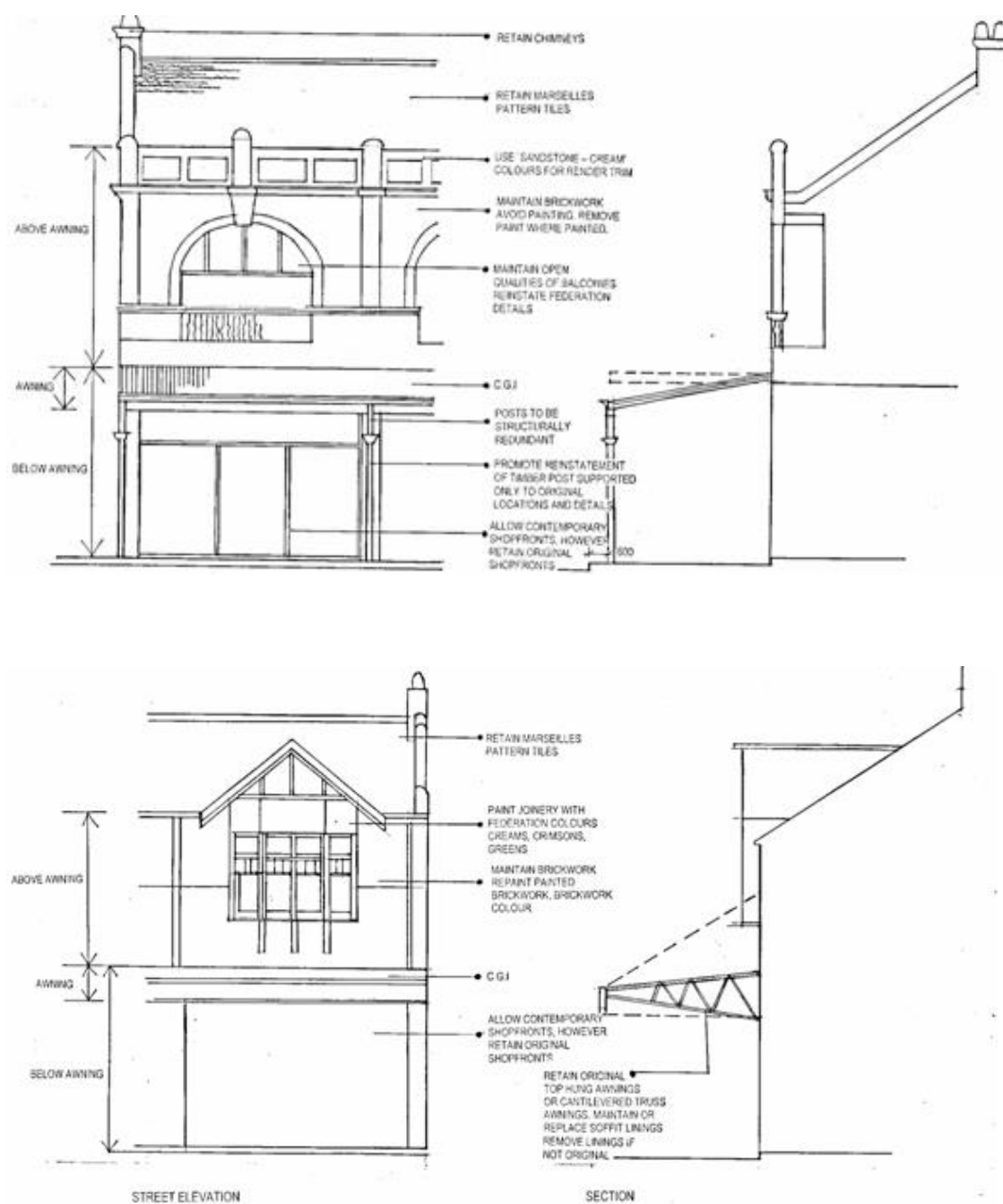
Council recommends that when proposing development on a heritage item or building within a heritage conservation area, an experienced practitioner with heritage conservation experience is engaged to assist in preparing a development application. The uncharacteristic elements of a heritage item or heritage conservation area should not be referred to in order to justify a non-complying or unsympathetic design.

The following objectives and planning controls apply to both heritage items and within heritage conservation areas. Applicants should also refer to the series of Heritage Fact Sheets available on Council's website.

OBJECTIVES	PLANNING CONTROLS
O1. To have heritage items and heritage conservation areas identified and promoted as the main central theme for the business centres in Mosman.	P1. The architectural features of Federation and Inter-War buildings are to be retained and enhanced. This includes the roof pitch, materials, proportion of window openings and doors, and the ratio of solids to voids.
O2. To have the original facades, architectural features and detailing of traditional heritage shopfronts retained and enhanced.	<p>P2. Balconies that are indented in the building facade are to be retained in any renovation.</p> <p>P3. Infilled balconies are to have the infill development removed and the open timber balustrade restored.</p> <p>P4. Unsympathetic additions to the facades and roofs of Federation and Inter-War buildings should be removed, and generally the original facades and roofs reinstated where possible.</p> <p>P5. Original features and detailing are to be retained and restored with traditional materials of the period. This may include the use of brass glazed bars, lead lights above doors, art nouveau patterned tiles to the stall boards, and tessellated tiles to the entry porches.</p> <p>P6. Awnings are to be erected in the traditional box style with solid materials. Glass is not permitted.</p> <p>P7. The original post-supported awnings and top-stayed awnings reinstated must be ornamental and not structural and must not interfere with provision of public transport or infrastructure and services.</p>
O3. To have materials and heritage colour schemes act as a common and unifying element in business centres.	<p>P8. Unpainted face brickwork is to be retained. When modifying face brick buildings through additions note how brick bonds are used, window heads are formed, and whether the mortar joints are tuck pointed and generally reflect this in any alterations and additions.</p> <p>P9. When cement render is to be used, ensure there is a proper understanding of the different types of cement render and how it was used in different architectural styles and apply appropriately. For example, rough cast, pebble dash and smooth render have been used in different ways and applied to different architectural features.</p>

OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	<p>P10. Existing painted facades are encouraged to be repainted in heritage colours. A minimum of two colours are to be used, and bright colours or corporate colours relating to businesses are not permitted above the awning line.</p> <p>P11. Visible building elements such as the awning fascia, sun/ weather control devices, window openings and door frames are encouraged to be painted in dark heritage colours such as dark green, burgundy, navy or brown.</p> <p>P12. The proportion, fenestration and materials of new window openings are to suit the existing style of the heritage item and heritage conservation area.</p> <p>P13. Avoid roofing material that has a larger scale or appearance than the original material.</p> <p>P14. The pitched roofs to buildings are to have exposed rafters and be erected in Marseilles terracotta or slate tiles as suitable for the building and the streetscape.</p>
O4. To have additions and alterations to heritage items or buildings within heritage conservation areas that are sympathetic and not visually intrusive.	<p>P15. Alterations and additions are to be consistent with the massing, scale and proportions of the original building.</p> <p>P16. New additions are to be located at the rear or side of the building to avoid changes to the street facade.</p> <p>P17. All walls, roofs and chimneys visible from the street are to be retained and enhanced.</p> <p>P18. Solar panels, skylights and air conditioning units are not permitted on the street elevations of heritage items and buildings in heritage conservation areas.</p> <p>P19. Modifications to any existing front fence of a heritage item or within a heritage conservation area must be designed in a manner that contributes to the historical style of the building and streetscape.</p> <p>P20. Front fences must be no greater than 1.2m in height above the footpath level.</p>

OBJECTIVES	PLANNING CONTROLS
<p>O5. To have advertising and signage that is sympathetic to the heritage building and heritage conservation area</p>	<p>P21. Advertising and signage on heritage items and in heritage conservation areas must:</p> <ul style="list-style-type: none"> (a) ensure the architectural features of buildings remain prominent; and (b) integrate with the architectural features of buildings that traditionally would have been used as advertising areas. These include the ground and first floor window openings, plaques at street level, and the fascia of awnings; and (c) not be illuminated. <p>P22. The colours and lettering styles of advertisements and business signs are to complement the architectural style of the building to which they are attached.</p> <p>P23. For heritage items consideration is to be given to the historical character of the building to determine acceptable signage to limit heritage impact.</p> <p>Note—Refer to advertising and signage controls in this Plan for additional general controls.</p>
<p>O6. To have sympathetic contemporary design for infill development that is compatible with the character of adjacent heritage item/s and heritage conservation areas, including the key heritage elements of buildings.</p>	<p>P24. New development is to respect the architectural character of the heritage item/s or the important character of the heritage conservation area.</p> <p>P25. New development is to be designed in a similar scale and proportion to adjacent heritage item/s or the character of the heritage conservation area. This is to ensure new buildings do not dominate or overwhelm heritage items.</p> <p>P26. New development is to be clearly distinguishable from older development and is not to replicate or mimic the design features of items in the vicinity.</p>



Architectural features of the traditional shopfront terrace

6.2 Advertising and signage

Outdoor advertising affects the amenity of the area in which it is located. All outdoor advertising affects the appearance of the building, structure or place where it is displayed. Advertisements may contribute to the visual interest of Mosman's business centres if designed appropriately; other advertisements can detract from an area's visual character.

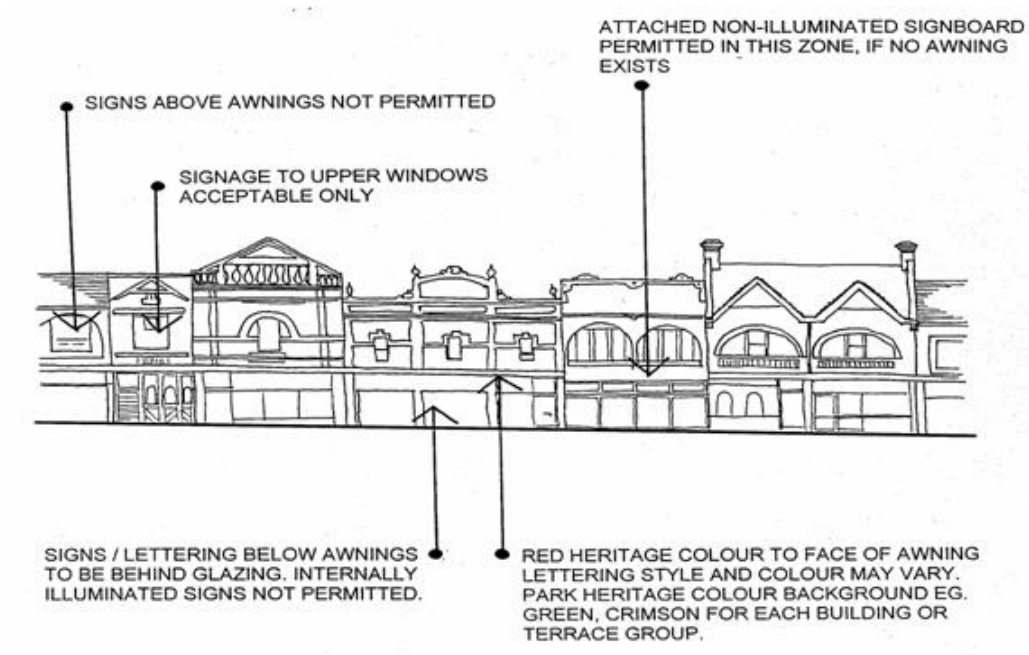
Advertising is permitted with consent in all business zones under the LEP. Controls on advertising in this Plan provide a consistent approach to the design and siting of advertisements and business signs. In particular, the controls assist to minimise the visual clutter of business centres and ensure the architectural features of buildings remain prominent.

It is a requirement under State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage that signage must be consistent with the objectives set out in clause 3(1)(a) of the SEPP, and satisfy the assessment criteria specified in Schedule 1 of the SEPP.

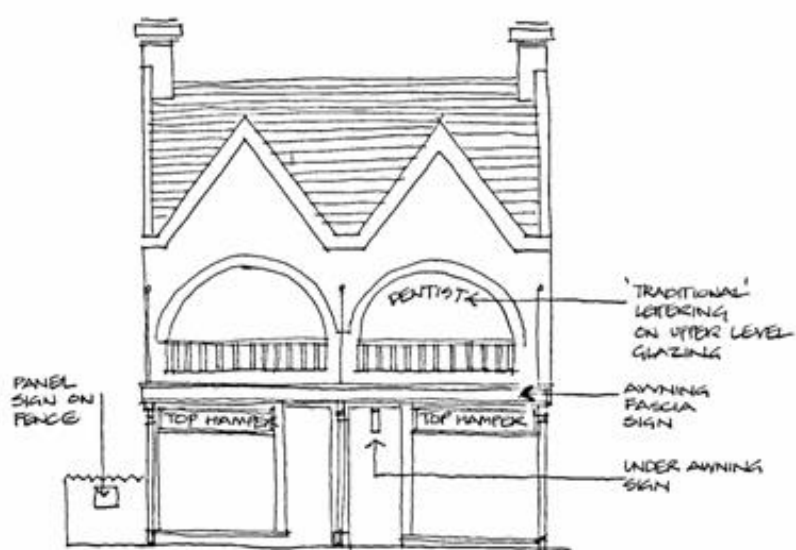
The following objectives and planning controls also apply.

OBJECTIVES	PLANNING CONTROLS
O1. To have an attractive streetscape and prevent visual clutter.	<p>P1. Signage above the awning is generally not permitted.</p> <p>P2. Where there is no awning, signage is only permitted below the window sill of the first floor windows.</p>
O2. To have the size, scale, proportion and form of signage appropriate for both the building on which it is located and the wider streetscape character.	<p>P3. An under awning sign is attached to the under side of an awning at right angles to the building wall, and must:</p> <ul style="list-style-type: none"> (a) not exceed 2.5m in length and 500mm in height, (b) have a minimum clearance of 2.4m above the footpath level, (c) be setback at least 500mm from the face of the kerb, (d) not extend above the awning line or project beyond the awning fascia, and (e) maintain a minimum 3m separation distance between such signs. <p>P4. An awning fascia sign is attached to the fascia or return of an awning, and must:</p> <ul style="list-style-type: none"> (a) be flush with the fascia, (b) be within the perimeter of the fascia or return end of the awning, and (c) must not be illuminated.

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P5. A projecting wall sign is attached to the building facade below the window sill of the first floor windows, and must:</p> <ul style="list-style-type: none"> (a) not exceed 2.5m in length and 500mm in height, (b) must have a minimum clearance of 2.4m above the footpath level, (c) be setback at least 500mm from the face of the kerb, and (d) maintain a minimum 3m separation distance between such signs <p>P6. A top hamper sign is attached to the transom of a doorway or display window of a building, and must:</p> <ul style="list-style-type: none"> (a) not project more than 100mm measured from the face of the wall, (b) not exceed 600mm in height, (c) be above the head of the doorway or window to which it is attached, (d) be within the perimeter of the building walls, and (e) not be illuminated. <p>P7. A window sign is attached to or displayed on a window, and must:</p> <ul style="list-style-type: none"> (a) be on the interior of the glass line, (b) not exceed a maximum coverage of 20% of the window surface, and (c) not be illuminated. <p>P8. A blind is a retractable sun/weather protection device attached to the under side or outer edge of the awning and is parallel to the kerb. A sign on a blind must:</p> <ul style="list-style-type: none"> (a) not exceed a maximum coverage of 20% of the outer surface area of the blind. <p>Additionally, the blind must:</p> <ul style="list-style-type: none"> (b) be no less than 2m above the footpath level, (c) be attached behind the fascia, and (d) be setback a minimum 600mm from the line of the kerb.
<p>O3. To have signage limited to that necessary to identify the nature of the business conducted at the premises.</p>	<p>P9. Signage must only include content that identifies the approved use of the premises to which the sign is affixed. Signs must not promote products.</p>
<p>O4. To have the adverse environmental and safety affects of illuminated signs minimised.</p>	<p>P10. Illumination of signs and light spill must not have an adverse impact on residential amenity or motorists.</p> <p>P11. Illuminated flashing signs are not permitted.</p>



Suitable and non-suitable locations for advertisements and business signs



Examples of signs that are permitted in the business centres of Mosman

6.3 Accessible buildings and adaptable housing

In 1992 the Federal Government introduced the Disability Discrimination Act (DDA). Part 2 of the DDA makes it unlawful to discriminate against people with a disability in all areas of public life, including access to and the use of buildings and places.

In order to provide a consistent and uniform approach to detailing what must be done to provide for non-discriminatory access to and within publicly accessible buildings for people with a disability, and surety that the requirements of Part 2 of the DDA are met, the Australian Building Codes Board and the Australian Human Rights Commission have developed a set of accessibility standards for buildings called the *Disability (Access to Premises - Building) Standards 2010*.

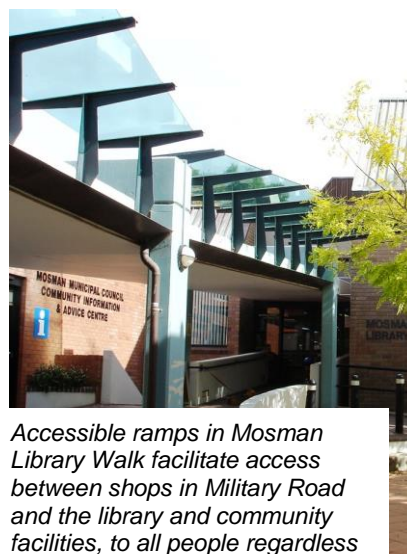
These Premises Standards apply to new development of, and additions to, certain buildings or structures classified under the Building Code of Australia (BCA), which require a building approval. Where an addition to a building is proposed, a continuous accessible path of travel from the principal entrance to the new work is also required.

In general terms the Premises Standards apply to commercial premises including office, retail, and food and drink premises; factory and warehouse buildings; car parks; hotels and holiday accommodation including bed and breakfast accommodation; community and assembly buildings such as centre-based child care facilities, places of public worship, education establishments, theatres and cinemas; group homes and hostels; and the common areas of residential flat buildings.

The Premises Standards consist of the legal applications, and an Access Code which provides the technical requirements to achieve accessibility in buildings. The Access Code is aligned with the BCA such that compliance with the BCA will satisfy the Standard. Building certifiers and local councils are required to ensure that applicable new development complies with the Premises Standards and with the BCA.

This Part also identifies requirements for adaptable housing in mixed use or multiple dwelling developments to provide for new housing which incorporates design features that can easily be adapted or modified at a later date to respond to the changing needs of the occupants over a life cycle, such as ageing in place.

Adaptable housing should not be confused with accessible housing, which is generally a purpose built dwelling for a person or persons with a disability.



Accessible ramps in Mosman Library Walk facilitate access between shops in Military Road and the library and community facilities, to all people regardless of mobility restrictions

OBJECTIVES	PLANNING CONTROLS
<p>O1. To ensure that dignified, equitable, cost effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with a disability.</p> <p>O2. To give certainty to building certifiers, building developers and building managers that, if access to buildings is provided in accordance with the <i>Disability (Access to Premises – Building) Standards 2010</i> the provision of that access, to the extent covered by those Standards, will not be unlawful under the <i>Disability Discrimination Act 1992</i>.</p>	<p>P1. Developments are to comply with the Building Code of Australia (BCA), the <i>Disability (Access to Premises – Building) Standards 2010</i> and Australian Standards including AS 1428 (set) – 2010 – Design for Access and Mobility, AS/NZS 2890.6: 2009 Parking Facilities – Off-Street Parking for People with Disabilities and AS 1735 – Lifts, Escalators and Moving Walks.</p> <p>P2. Accessibility should not be diminished as a result of retail shop conversions and/or renovations</p> <p>Note—Refer to transport, access and parking controls in this Plan for requirements for accessible parking spaces.</p> <p>.</p>
<p>O3. To have adaptable housing in mixed use and multiple dwelling developments to provide for greater housing choice.</p>	<p>P3. Adaptable units designed in accordance with AS 4299: 1995 - Adaptable Housing must be incorporated into multiple dwelling developments. The minimum number of adaptable units to be provided is as follows—</p> <ul style="list-style-type: none"> (a) all ground floor dwellings, or (b) where a development comprises 5 or more dwellings, 10% of the total number of dwellings (rounded up to the nearest whole number); <p>whichever is the greater.</p> <p>P4. Adaptable units must be certified as “adaptable housing units” by an independent, suitably qualified person.</p>

6.4 Residential development in business centres

This Part applies to medium density housing including the following types of development, as defined in the Dictionary to this Plan:

- Attached dwellings;
- Dual occupancies;
- Multi dwelling housing;
- Residential flat buildings;
- Shop top housing.

This Part does not apply to development to which State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65) applies. Such development must have regard to the provisions of the SEPP.

Residential uses, particularly if part of a mixed use development, are encouraged within all of Mosman's business centres except for The Spit Waterside.

The design of residential development is important to provide good quality housing and amenity to growing populations with changing needs. This Part sets out the main design elements to be considered in any proposal that contains residential development to which this Part applies. It is based on SEPP 65 and the Apartment Design Guide.



Residential development above ground floor business uses in Vista Street

OBJECTIVES	PLANNING CONTROLS
O1. To have the principles of SEPP 65 assessed as part of any residential development proposal.	<p>P1. The principles of SEPP 65 should be considered in any residential development proposal. The principles relate to:</p> <ul style="list-style-type: none"> (a) context and neighbourhood character; (b) built form and scale; (c) density; (d) sustainability; (e) landscape; (f) amenity; (g) safety; (h) housing diversity and social interactions; and (i) aesthetics.
O2. To have street frontages suitable for active business.	<p>P2. Residential development must be part of a mixed use development with a non-residential use (such as retail, commercial), and not developed in isolation.</p> <p>P3. For land zoned B1 Neighbourhood Centre and B2 Local Centre, residential uses are to be located on the upper floors so as to not detract from the street function and activity of the centre.</p>
O3. To have high standard of amenity for occupants of dwellings.	<p>P4. The minimum ceiling height is to be 2.7 metres for all habitable rooms on all floors and 2.4 metres for all non-habitable rooms.</p> <p>P5. The preferred internal plan depth of building is to be 10-18 metres. The width of a cross-over or cross through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow dwelling layouts. Where greater than 18 metres, satisfactory natural ventilation must be demonstrated.</p> <p>P6. Single-aspect dwellings should be limited in depth to 8 metres from a window and the back of kitchen should be no more than 8 metres from a window.</p> <p>P7. Where dwellings are arranged off a double-loaded corridor, the number of dwellings accessible from a single core corridor should be limited to eight. Exceptions may be allowed for adaptive re-use buildings.</p> <p>P8. Dwellings should be designed to ensure adequate visual and acoustic privacy. Where conflict exists with acoustic noise, consideration is to be given to the use of double glazing, operable screened balconies, the use storage areas or circulation zones to act as a buffer, etc.</p>

OBJECTIVES	PLANNING CONTROLS
O4. To have the environmental performance of dwellings enhanced and optimise solar access into dwellings.	<p>P9. Buildings are to be oriented and designed to ensure optimum solar access and natural ventilation is achieved.</p> <p>P10. Living rooms and private open spaces for at least 70% of dwellings in a development should receive a minimum of 2 hours direct sunlight between 9am and 3pm in mid winter.</p>
O5. To have the degree of overshadowing of neighbouring properties minimised.	<p>P11. North-facing windows to living areas and main ground level private open space of neighbouring buildings should not have sunlight reduced to less than 2 hours between 9am and 3pm on 21 June.</p> <p>P12. In some cases, Council may require an additional side setback to ensure adequate daylight access to adjacent buildings.</p> <p>P13. Overshadowing of solar panels on adjoining properties should be minimised.</p>
O6. To have all dwellings provided with useable private open space.	<p>P14. Primary balconies should be located off main living areas and be sufficiently large enough to promote indoor/outdoor living. In this instance a minimum depth of 2 metres is appropriate.</p> <p>P15. The minimum area of a principal private open space to each dwelling is to be 12% of the floor area of the dwelling.</p> <p>P16. Less than half the area of the principal private open space to each dwelling is to be roofed.</p>
O7. To have adequate storage within easy access of dwellings.	<p>P17. Suitable storage facilities are to be provided within the dwelling and also a dedicated storage on each floor within the development.</p> <p>P18. In addition to the kitchen cupboards and bedroom wardrobes, accessible storage facilities should be provided at the following rates:</p> <ul style="list-style-type: none"> (a) Studios: 6m³ (b) 1-bed: 6m³ (c) 2-bed: 8m³ (d) 3+bed: 10m³
O8. To have a diversity of household dwelling types.	P19. Development should provide for a variety of dwelling types, being 1, 2 and 3+ bedroom apartments.
O9. To have site facilities integrated into development so as not to unsightly.	<p>P20. Clothes drying areas are to be screened from public view. External clothes drying lines or racks should be located in a secure location that does not reduce the amenity of shared open spaces or any individual dwelling.</p> <p>Note - strata by-laws may apply.</p>

6.5 Energy efficiency

Energy efficient buildings are buildings which, through their design, construction and choice of appliances, maximise use of renewable resources (such as sunshine and rainwater) and use less energy more efficiently. Energy efficient buildings help preserve non-renewable energy sources and reduce the level of greenhouse gas emissions, whilst providing significant savings and year round comfort for the occupants.

Residential development (including the residential component of mixed use development):

BASIX (Building Sustainability Index) is a State government web-based planning tool designed to assess the potential performance of residential developments against a range of sustainability indices.

BASIX is a mandatory component of the development approval process for most types of residential development in NSW (including the residential component of mixed use developments). It applies to:

- new residential buildings;
- alterations and additions to existing residential buildings where the estimated construction cost of the work is more than \$50,000 and where development approval is required; and
- new swimming pool (or pool and spa) with a capacity of 40,000 litres or more.

More information on BASIX and access to the BASIX tool can be found on the BASIX website at www.basix.nsw.gov.au.

Applicants are encouraged to design energy efficient dwellings that exceed the minimum BASIX requirements. Contact Council for details.

Non-residential development:

The following objectives and planning controls apply.

OBJECTIVES	PLANNING CONTROLS
O1. To have energy efficiency principles adopted in the site layout, design, construction and use of non-residential buildings.	<p>P1. Buildings are to be orientated and designed to ensure optimum solar access and natural ventilation is achieved.</p> <p>P2. Building construction and design are to incorporate energy efficient technologies and products in the areas of lighting, mechanical ventilation, fixtures, electrical appliances and other mechanical plant and equipment.</p> <p>P3. Building construction and design are to incorporate the use of materials that exhibit favourable thermal mass properties in relation to energy efficiency.</p> <p>P4. The design of windows and other glazed surfaces are to provide maximum solar access during winter and reduce solar access during summer.</p>

OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	<p>P5. The construction and design of buildings are to incorporate thermal insulation within the building envelope. Insulation materials are to be selected to suit specific applications and must suit climatic conditions of the area.</p> <p>P6. Building materials are to be non-polluting, manufactured in an environmentally acceptable manner, and manufactured from abundant or renewable resources.</p>
<p>O2. To have more sustainable energy sources, fitouts, fixtures and systems incorporated into the design of non-residential buildings.</p>	<p>P7. Solar hot water systems are encouraged to:</p> <ul style="list-style-type: none"> (a) be installed in all new developments, and in all existing buildings as a component of renovation/alteration, except as provided by the following clause; (b) have solar collectors that are selected and installed to reduce the visual affect on surrounding premises, public areas and common areas in development (e.g. active systems are preferred over passive systems); (c) in the case of active systems, incorporate storage tanks located within the building envelope and close to the most frequently used hot water outlets. <p>P8. In circumstances where solar access is poor, the following should be installed:</p> <ul style="list-style-type: none"> (a) high efficiency gas storage system, (b) high efficiency electric heat pump, or (c) instantaneous gas hot water for small premises requiring low level hot water usage. <p>P9. Ceiling fans and passive cooling solutions are preferred over air-conditioning systems, but where an air-conditioning system is installed, it should be an energy efficient reverse cycle air-conditioning system with thermostats and autotimers to control the temperature and hours the system is on.</p> <p>P10. Where ducted systems are installed, zoned control systems are preferred with programmable thermostats in each zone.</p> <p>P11. Buildings should be designed to maximise availability of natural light.</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P12. Buildings are to incorporate energy saving devices in the area of lighting. This includes the use of:</p> <ul style="list-style-type: none"> (a) energy efficient light fittings with high efficiency reflectors; (b) fluorescent lamps, LED lighting or solar lighting; (c) motion detectors to turn lights on and off automatically; (d) motion sensor on and off timers and daylight controls to switch outdoor lighting on and off. Similar controls are encouraged for common areas such as hallways and stairwalls; (e) individual areas / rooms should have individual light switches installed and clearly labelled for each area; (f) where incandescent or halogen lights are installed they should be controlled by dimmer switches; (g) natural lighting such as skylights and window size and placement should be utilised to minimise the need for additional lighting.
<p>O3. To have the benefits of passive solar design and natural ventilation maximised.</p>	<p>P13. Reasonable solar access is to be maintained to solar hot water systems, photovoltaic panels or other solar collectors.</p> <p>P14. Installation of photovoltaic cells (solar panels) is encouraged in new development.</p> <p>P15. In some cases, Council may require an additional setback to ensure adequate solar access to adjacent buildings is achieved.</p>
<p>O4. To have buildings that decrease water consumption of the occupiers.</p>	<p>P16. Incorporate the use of water efficient appliances with a minimum star rating of 3 (the higher the star rating the more water efficient, with 6 stars being the most efficient), as per the Water Efficiency Labelling Scheme (WELS).</p> <p>P17. Install dual flush toilets.</p>

6.6 Visual and acoustic privacy

Privacy refers to both visual and acoustic privacy. Privacy and protection from unreasonable noise are important quality of life considerations in relation to new development. Well designed development can readily avoid most sources of conflict between neighbours over noise and privacy issues. Developments should consider the orientation, siting and design of buildings to maximise the degree of visual and acoustic privacy. It is important to note, however, that absolute levels of privacy in a densely built up environment such as Mosman are not always possible.

OBJECTIVES	PLANNING CONTROLS
O1. To have adequate visual privacy levels for residents and business premises and their neighbours.	<p>P1. Buildings are to achieve visual privacy by preventing direct looking or overlooking to the habitable rooms and private open spaces of adjacent properties by:</p> <ul style="list-style-type: none"> (a) providing minimum setbacks as outlined below, (b) incorporating offset glazed areas, screening devices, landscaping or other architectural features, and (c) appropriately locating and designing balconies, terraces, decks, verandahs. <p>P2. Where there is direct viewing between glazed areas and private open spaces of developments and the habitable rooms of adjacent buildings, a minimum setback of:</p> <ul style="list-style-type: none"> (a) 6m is to be provided between the non-habitable rooms of the development and the habitable rooms of adjacent buildings; (b) 9m is to be provided between the habitable rooms or balconies of the development and the habitable rooms of adjacent buildings. <p>P3. For shop top housing developments, windows and balconies of an upper-level dwelling should be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below and within the same development.</p> <p>P4. Due to their potential to affect privacy and views, roof top terraces are not permitted unless it can be demonstrated that there is no loss of privacy or view impact.</p>
O2. To have adequate acoustic privacy levels for occupants of building premises and their neighbours.	P5. Consideration must be given to the hours of operation of business uses and potential noise impacts that may arise, particularly on nearby residential development. For example, restaurants and pubs operating at night.

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P6. In all locations, noise control measures should be applied to development at the design stage so that during occupation internal noise levels are acceptable.</p> <p>P7. Proper consideration must be given to noise mitigation measures at the source, in the transmission path, and at the noise receiver, including:</p> <ul style="list-style-type: none"> (a) locating and orienting the noise source away from receivers or behind existing structures that can act as a barrier; (b) providing enclosures around the noise source so that the noise is contained; (c) choosing noise efficient technology; (d) appropriate separation between the noise source and the receiver ; (e) locating acoustic barriers between the noise source and the receiver; (f) site and building layout, such as locating sensitive areas of use such as bedrooms and living areas away from the area most exposed to a noise source, and locating less sensitive areas closest to the noise source; and (g) building construction methods and insulating building elements such as doors, walls, windows, floors, roof and ceilings. Shared walls and floors between dwellings must be constructed in accordance with the sound transmission and insulation requirements of the Building Code of Australia as a minimum. <p>Note—Refer to clause 102 of the Infrastructure SEPP for design guidelines and acoustic considerations for certain development proposed on land adjacent to Spit Road or Military Road (west of Spit Road).</p>

6.7 Crime prevention

Considered design and operation of buildings and spaces can contribute to crime prevention by providing environments where people feel safe. The approach is known as Crime Prevention through Environmental Design (CPTED) and is a situational crime prevention strategy that focuses on planning, design and place management. It seeks to influence the design of buildings and places to reduce opportunities for crime.

Refer to the NSW Government's publication *Crime Prevention and the Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979* for details.

OBJECTIVE	PLANNING CONTROLS
O1. To have provision for the personal and property security of occupants and visitors, and enhance community safety.	P1. Development is to be designed in accordance with the Crime Prevention through Environmental Design (CPTED) principles (surveillance, access control, territorial reinforcement and space management), whilst also taking into consideration urban design objectives for the built form and the streetscape context, landscaping and privacy objectives in this Plan.
O2. To have adequate lighting to provide a sense of security for the occupants and visitors to buildings and to the public areas around the building.	<p>P2. Lighting is to be provided to public and private spaces such as entries of buildings, driveways, parking areas, pedestrian walkways and the underside of awnings, to promote safety and security during periods of low natural light.</p> <p>P3. Shops should provide sufficient lighting at night below awnings to adequately illuminate the footpath and shopfront.</p> <p>P4. Lighting should not create glare, dark shadows or nuisance to neighbours, and may need to be hooded, shielded or directed away from adjacent premises to minimise impact.</p> <p>P5. To control light spill, outdoor lighting should be designed consistent with AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.</p>
O3. To have buildings and spaces designed so that the relationship to and around buildings and spaces engenders a sense of ownership and territorial reinforcement.	<p>P6. Development should incorporate design elements that contribute to the creation of a sense of community ownership of public spaces by:</p> <ul style="list-style-type: none"> (a) encouraging people to gather in public spaces and feel some responsibility for its use and condition; (b) clearly define transitions and boundaries between public and private spaces e.g. through fencing, gardens, varying textured surfaces etc; and (c) clearly defined public spaces.

OBJECTIVE	PLANNING CONTROLS
<p>O4. To have buildings designed and orientated so as to provide opportunities for passive and active surveillance.</p>	<p>P7. Development should be designed to provide or enhance effective surveillance and safety by:</p> <ul style="list-style-type: none"> (a) locating active uses and dwellings adjacent to streets or public places so occupiers of the building can observe the area. For dwellings, at least one habitable room window must face the street or public place; (b) orientating the main building entrance towards the street; (c) providing clear sightlines between public and private places e.g. no blind corners, habitable rooms that look onto the street and entrances to the building; (d) establishing landscaping that makes places attractive, but does not provide offenders with a place to hide or entrap victims e.g. avoid medium height vegetation with top to bottom foliage.
<p>O5. To have appropriate building forms and materials which minimise opportunities for vandalism.</p>	<p>P8. Avoid large blank walls facing or abutting the footpath/street which prevent surveillance and encourage graffiti. Where these are unavoidable use planting to screen the wall, anti-graffiti paint or modulate the wall.</p> <p>P9. Use vandal resistant materials and finishes in areas where graffiti is likely to be a problem.</p> <p>P10. Use toughened or laminated glass in shopfronts rather than roller shutters or security grills which promote a siege mentality. Roller shutters are not to be used on shopfronts.</p> <p>P11. For external lighting and other fixtures such as communal or street furniture, use hard wearing, vandal resistant materials.</p>

6.8 View sharing

Mosman has magnificent views of the water, bushland and city skyline due to its topography and ridges, coves, bays and inlets surrounded by the waters of Sydney and Middle Harbours, and proximity to the city. Views and vistas are special elements of Mosman's character.

Public views and vistas occur along streets that focus on water and distant headlands. In sloping areas, views from public streets and between buildings on the low side of streets enhance the Mosman identity and provide views of landmark features and adjacent landscapes.

New development should be designed to minimise view loss to the public and to adjoining and adjacent properties while still providing opportunities for views from the development itself. This approach is called "view sharing". Sensitive new building design can ensure the reasonable sharing of views. By its nature view sharing will involve sharing on the part of the affected parties. Neither obtaining nor retention of views can be assured in this process having regard to the criteria set out below.

Council will consider the following steps in the assessment of reasonable view sharing. This assessment relates to affects on residential dwellings. Non-residential uses, such as business premises, will generally not be afforded opportunities for view sharing.

1. **What views are to be affected?** In this Plan, a reference to views is a reference to water views and views of significant landmarks (e.g. The Heads, Opera House and Harbour Bridge). Such views are more highly valued than land views or views without significant landmarks. District views and views of bushland will be considered in development assessment where they are the only views available.
2. **How are the views obtained and assessed?** Views from private dwellings considered in development assessment are those available horizontally to an observer standing 1m from a window or balcony edge (less if the balcony is 1m or less in depth).
3. **Where is the view enjoyed from?** Views enjoyed from living and entertainment areas of neighbouring properties are highly valued. Views available from other areas within residential buildings generally will not be protected particularly if views are available from living and entertainment areas in the building concerned. Public views are highly valued and will be assessed with the observer standing at an appropriate vantage point in a public place.
4. **Is the proposal reasonable?** A proposal that complies with all development standards (e.g. building height, floor space ratio) and planning controls (e.g. building setbacks, roof pitch) is more reasonable than one that breaches them.

OBJECTIVES	PLANNING CONTROLS
O1. To have opportunities for public vistas and public views from streets and public places protected.	P1. Development including landscaping should not significantly obstruct public vistas and views from streets and public places.
O2. To have sharing of views whilst not restricting the reasonable development potential of a site.	P2. In assessing applications for development, Council must consider opportunities to maintain public views and share private views where reasonable, taking into consideration development potential of the site and urban design objectives for the built form and the streetscape context.

6.9 Landscaping

Landscaping in business centres plays an important role in improving streetscape appearance and amenity, providing visual interest and softening the built form.

OBJECTIVES	PLANNING CONTROLS
O1. To have existing established street trees protected.	<p>P1. Existing established street trees which contribute to the amenity of the area should be retained and incorporated into the landscape design where reasonable, taking into consideration other urban design objectives for the built form and the streetscape context of the site.</p> <p>P2. Where trees are to be retained on development sites, they must be protected during construction in accordance with best horticultural practice.</p>
O2. To have street tree planting in the business centres to improve amenity.	P3. Undertake street tree planting consistent with any Council public domain improvement policy.
O3. To have landscaping over slabs appropriately designed.	<p>P4. Minimum soil depths for planting on slabs, including drainage layer, may vary for different species. As a guide the following may be suitable:</p> <ul style="list-style-type: none"> (a) for groundcovers and small shrubs (up to 500mm height): 400mm; (b) for medium shrubs (up to 1.5m height): 650mm; (c) for tall shrubs and small trees (up to 5m height): 750mm. <p>P5. All on slab planting proposals are to include adequate drainage provisions and permanent irrigation complying with Sydney Water irrigation restrictions for water conservation.</p> <p>P6. Where soil and drainage conditions are suitable, unpaved or unsealed landscaped areas are to be maximised and designed to facilitate on-site absorption of stormwater.</p>

6.10 Preservation of trees or vegetation

Vegetation, particularly mature trees, contribute significantly to the established leafy character of Mosman. These are desired and valuable aspects of Mosman.

A person must not clear vegetation prescribed in this Part without a permit or development consent granted by Council, except as otherwise stated in SEPP (Vegetation in Non-Rural Areas) 2017 ('the Vegetation SEPP') or this Part.

The term 'clear' vegetation is defined in the Vegetation SEPP, and includes:

- (a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation; or
- (b) lop or otherwise remove a substantial part of the vegetation.

In most instances, to carry out any of these actions a permit issued by Council will be the only form of approval that is required. However, if the tree or other vegetation concerned is or forms part of a heritage item, is within a heritage conservation area, is or forms part of an Aboriginal object, or is within an Aboriginal place of heritage significance, a development application may be required (with the exception of minor works) to obtain development consent from Council before works can be carried out.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have the amenity of the area preserved through the preservation of trees and other vegetation.</p>	<p>P1. Trees or other vegetation to which Part 3 of the Vegetation SEPP applies are listed in the table below.</p> <p>P2. An application to Council for consent to clear vegetation on private land must be made on the relevant application form by the owner of the land, or any person with the consent of the owner of the land, or in respect of encroaching branches or roots by the owner of adjoining land affected.</p> <p>P3. An application to Council for consent to clear vegetation on public land must be made on the relevant application form. Only Council or persons approved and authorised by it are permitted to take action in respect of trees on public land. An application in respect of a tree on Crown Land which is not under the control of Council must be accompanied by written consent from the Crown.</p> <p>P4. An application must include a plan showing the location of any tree the subject of the application, all trees in the vicinity of any such trees, and a brief statement of the reason(s) for the application as well as any pertinent information that Council may require.</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P5. Council, in determining an application to clear vegetation, must have regard to:</p> <ul style="list-style-type: none"> (a) The health and or condition of the tree or trees; whether the tree is dead or dangerous*; proximity to existing or proposed structures; interference with utility services, and interference with views; and 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 increased flow of surface waters; (d) The number of trees in the relevant area and the effect on the amenity of such area; (e) The number of healthy trees that a given parcel of land will support; and (f) Whether the tree(s) in question provide habitat for fauna. <p>*In cases where an applicant has claimed that a tree is dangerous or hazardous, an independent arborist report will be required to be carried out by a qualified (AQFS, minimum level 4) consulting arborist who does not carry out tree pruning or removal work. Council does not provide tree consultancy services or tree hazard assessments for trees on private property.</p> <p>P6. Council may issue a permit or development consent to clear vegetation subject to specific conditions including that a replacement tree(s), which will attain a minimum height as specified by Council's Assessment Officer, is/are planted and maintained to ensure the health and habit of the tree to maturity in a suitable position on the property to the satisfaction of Council's Assessment Officer.</p> <p>P7. Any consent issued to clear vegetation will be subject to conditions, including the condition that the consent will lapse if the works referred to in the consent have not been carried out within 12 months from the date of consent.</p> <p>P8. All approved works are to comply with Australian Standard 4373 "Pruning of Amenity Trees".</p> <p>P9. The cost of all works which are subject to the application will be the responsibility of the applicants.</p>

OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	<p>P10. A person(s) who contravenes or causes or permits Part 3 of the Vegetation SEPP to be contravened shall be guilty of an offence and liable to prosecution.</p> <p>P11. For Council to be satisfied that a tree or other vegetation is a risk to human life or property, there must be visual and written evidence recorded by a qualified professional arborist which determines an immediate risk and justifies the action taken.</p>

Table—Trees and vegetation to which Part 3 of SEPP (Vegetation in Non-Rural Areas) 2017 ('the Vegetation SEPP') applies

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| <p>(1) Part 3 of the Vegetation SEPP applies to the following:</p> <ul style="list-style-type: none"> a. All trees which: <ul style="list-style-type: none"> a. are 5m or more in height; or b. have a circumference of 450mm or more measured 300mm above ground level; or c. are listed in Council's Urban Forest Management Policy; or d. are 2m or more in height, only if located in a heritage conservation area, or if are a heritage item or form part of a heritage item. b. Tree ferns (<i>Cyathea australis</i> & <i>Cyathea cooperi</i>) which are 2m or more in height. <p>(2) Part 3 of the Vegetation SEPP does not apply to the following:</p> <ul style="list-style-type: none"> (a) The following trees: <ul style="list-style-type: none"> Camphor Laurel, <i>Cinnamomum camphora</i> (with height < 10m) Citrus Trees, <i>Citrus</i> spp. Cocos Palm, <i>Syagros romanzoffiana</i> Coral Tree, <i>Erythrina x sykesii</i> Cotoneaster, <i>Cotoneaster</i> spp. Cypress, <i>Cupressus</i> Spp. Giant Bird of Paradise, <i>Strelitzia nicolai</i> Hackberry, <i>Celtis australis</i>. Hibiscus, <i>Hibiscus</i> spp. Leyland Cypress (Leighton Green) and its cultivators, <i>Cupressocyparis Leylandii</i> Mulberry, <i>Morus</i> spp. Norfolk Island Hibiscus, <i>Lagunaria patersonii</i> Oleander, <i>Nerium</i> spp. and <i>thevetia</i> spp. Paw Paw, <i>Carica papaya</i> Privet, <i>Ligustrum</i> spp. Prunus, <i>Prunus</i> spp. Rubber Tree, <i>Ficus elastica</i> Umbrella Tree, <i>Schefflera octinophylla</i> Wild Olive, <i>Olea europaea subsp.africana</i> Willow, <i>Salix</i> spp. (b) Plants or weeds that are declared to be a biosecurity risk by Council or the NSW Department of Primary Industries, including those legislated as notifiable or a prohibited matter under the <i>Biosecurity Act 2015</i>. (c) Trees and vegetation that may be cleared under the 10/50 Vegetation Clearing Scheme, pursuant to the <i>Rural Fires Act 1997</i>. (d) Pruning of trees to provide adequate clearance for power lines carried out by Ausgrid contractors under relevant legislation. (e) Dead wood in trees on private land. (f) The maintenance of trees and/or vegetation on roads and public land, if such action is considered appropriate by Council and is undertaken by Council or persons approved and authorised by it to perform any of the actions listed in Part 3 of the Vegetation SEPP. |
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6.11 Transport, access and parking

This Part applies to all development in respect of the provision of transport, access and parking facilities for:

- new buildings;
- alterations and additions to buildings; and
- the change of use of a building or place.

It provides guidelines for the provision and use of transport, access and parking facilities in Mosman that contribute to a convenient, safe, and sustainable environment.

Note—Infrastructure SEPP

State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) applies to all land in Mosman. The following clauses are of particular importance in the design and siting of development:

- Clause 101 – applies to all development with a frontage to a classified road. In Mosman, classified roads are Spit Road, Military Road, Bradleys Head Road and Athol Wharf Road.
- Clause 102 – applies to a building for residential use, a place of public worship, a hospital, an educational establishment or a centre-based child care facility that adjoins Spit Road or Military Road (west of Spit Road). The guidelines referred to in this clause are the NSW Department of Planning & Infrastructure's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (2008).
- Clause 104 – applies to traffic-generating development with a frontage to any road e.g. residential flat buildings with 75 or more dwellings; commercial premises 2,500sqm or greater in area.

Disability (Access to Premises – Building) Standards 2010

Requirements for accessible parking controls are contained in the *Disability (Access to Premises – Building) Standards 2010*, which sets out the required dimensions and numbers of required accessible car parking spaces in certain types of development. The Premises Standards are aligned with the Building Code of Australia (BCA) such that compliance with the BCA will satisfy the Standards. Refer also to accessible buildings controls in this Plan.

OBJECTIVES	PLANNING CONTROLS
O1. To have vehicular access to properties that is safe for both pedestrians and other vehicles and does not detrimentally affect on streetscape amenity.	<p>P1. The preferred location for vehicles to enter/exit the parking areas of traditional shopfront terraces is from rear laneways and public car parks.</p> <p>P2. Vehicular entry/exit points to a site are to minimise the disruption of major pedestrian routes and the continuity of the street wall.</p> <p>P3. Vehicular entry/exit points to a site are to be setback a minimum of 10m from the street corner.</p> <p>P4. On-site parking on the ground floor is to be located to the rear of the building to allow the area near the footpath to be used for business purposes.</p>

OBJECTIVES	PLANNING CONTROLS						
<i>The objective/s from the preceding page apply.</i>	<p>P5. Parking areas are to be screened from the street frontages.</p> <p>P6. External parking areas are to include fencing to screen the parking area, paving, and at least one canopy tree per 4 parking spaces.</p>						
O2. To have vehicular conflict on main roads minimised.	P7. Sites with frontage to Spit or Military Roads should gain vehicular access to the site via an alternative road or lane. Where this cannot be achieved developments must comply with relevant Roads and Traffic Authority guidelines.						
O3. To have adequate on site car parking provided so that development does not generate additional off street parking demand.	<p>P8. Refer to the table below for car parking rates.</p> <p>P9. A Traffic and Parking Impact Study (TPIS) that provides a comprehensive assessment of the traffic and parking impacts a development proposal may have on the surrounding road network may be required to be submitted with the development application.</p>						
O4. To have facilities that are designed to have adequate provision for the parking and manoeuvring of motor vehicles, and having regard to accessibility for traffic, cyclists and pedestrians.	<p>P10. The design and dimensions of car parking provisions must comply with the current AS/NZS 2890 (set): 2009 Parking Facilities Set.</p> <p>P11. For traditional shopfront terraces—stacked or tandem parking for employees is acceptable.</p>						
O5. To have car parking facilities that are designed having regard to accessibility.	<p>P12. Accessible car parking for people with a disability must be provided in accordance with the <i>Disability (Access to Premises – Building) Standards 2010</i>, Building Code of Australia (BCA) and provisions of the current AS/NZS 2890.6: 2009 Parking Facilities – Off-Street Parking For People with Disabilities, and AS 1428 (set) – 2010 Design for Access and Mobility Set.</p> <p>P13. In addition to the above, for residential development in a mixed use or multiple dwelling development accessible car parking is to be provided at the following rate:</p> <table border="1" data-bbox="740 1675 1345 1832"> <tr> <th><i>Total number of car parking spaces in the development</i></th><th><i>Number of accessible car parking spaces to be provided</i></th></tr> <tr> <td>1 -50 spaces</td><td>1 space</td></tr> <tr> <td>Over 50 spaces</td><td>2 spaces</td></tr> </table>	<i>Total number of car parking spaces in the development</i>	<i>Number of accessible car parking spaces to be provided</i>	1 -50 spaces	1 space	Over 50 spaces	2 spaces
<i>Total number of car parking spaces in the development</i>	<i>Number of accessible car parking spaces to be provided</i>						
1 -50 spaces	1 space						
Over 50 spaces	2 spaces						

OBJECTIVES	PLANNING CONTROLS
O6. To have motorcycles and scooters catered for in the design, recognising that these are becoming an increasingly popular form of sustainable transport.	<p>P14. Motorcycle parking should be provided at the minimum rate of 1 motorcycle space per 25 car parking spaces.</p> <p>P15. Motorcycle parking spaces are to have dimensions of 1.2m x 2.5m.</p>
O7. To have regard to the proposed cycle network set out in the Mosman Bicycle Strategy 2014-2019.	P16. Where works are proposed beyond the property boundary (e.g. driveway kerb crossing, footpath upgrade etc), such works must not prevent the completion of the proposed cycle network set out in the Mosman Bicycle Strategy 2014-2019 or its ongoing use.

OBJECTIVES	PLANNING CONTROLS																				
O8. To have walking and cycling encouraged as a form of transport through the provision of appropriate facilities including bicycle parking.	<p>P17. Bicycle parking facilities should be provided as follows:</p> <table><tr><th>Land use</th><th>Rate</th></tr><tr><td>Residential (multiple dwellings)</td><td>1 space per 4 dwellings</td></tr><tr><td>Commercial/retail</td><td>1 space per 200sqm gross floor area or 3-5% number of staff/visitors, whichever is greater</td></tr><tr><td>Health/education/community facility</td><td>3-5% number of staff/students</td></tr></table> <p>P18. Residential cycle parking, intended for use by residents rather than visitors, should be provided with an additional level of security, e.g. a lockable cage or cycle lockers within the basement parking area.</p> <p>P19. Commercial/retail cycle parking must recognise that staff and visitors frequently have different needs in terms of the location, design and security of cycle parking.</p> <p>P20. Facilities must be located in close proximity to building entrances in highly visible and illuminated areas to minimise theft and vandalism. Bicycle parking must be designed to comply with the current AS 2890.3: 2015 – Parking Facilities – Bicycle Parking Facilities.</p> <p>P21. Showers and change facilities should be provided in places of employment to facilitate employee use of cycling and walking for commuting to work as follows:</p> <table><tr><th>Staff</th><th>Showers</th><th>Change rooms</th></tr><tr><td>0-12</td><td>1</td><td>-</td></tr><tr><td>13-49</td><td>2 (1 male and 1 female)</td><td>2 (1 male and 1 female)</td></tr><tr><td>50-149</td><td>4 (2 male and 2 female)</td><td>2 (1 male and 1 female)</td></tr></table>	Land use	Rate	Residential (multiple dwellings)	1 space per 4 dwellings	Commercial/retail	1 space per 200sqm gross floor area or 3-5% number of staff/visitors, whichever is greater	Health/education/community facility	3-5% number of staff/students	Staff	Showers	Change rooms	0-12	1	-	13-49	2 (1 male and 1 female)	2 (1 male and 1 female)	50-149	4 (2 male and 2 female)	2 (1 male and 1 female)
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Residential (multiple dwellings)	1 space per 4 dwellings																				
Commercial/retail	1 space per 200sqm gross floor area or 3-5% number of staff/visitors, whichever is greater																				
Health/education/community facility	3-5% number of staff/students																				
Staff	Showers	Change rooms																			
0-12	1	-																			
13-49	2 (1 male and 1 female)	2 (1 male and 1 female)																			
50-149	4 (2 male and 2 female)	2 (1 male and 1 female)																			

OBJECTIVES	PLANNING CONTROLS
<p>O9. To have provision for the safe loading and unloading of vehicles.</p>	<p>P22. Loading and unloading facilities or service vehicle parking must be provided on site for all developments that are likely to generate a need for such facilities.</p> <p>P23. The type of facility to be provided must be appropriate for the land use having regard to:</p> <ul style="list-style-type: none"> (a) type of land use; (b) frequency of deliveries and collections; (c) size of bulk of goods; (d) size of trucks; and (e) availability of on street loading zones. <p>P24. New developments cannot rely on the provision of existing on-street loading zones, i.e. alternative loading and unloading facilities must be identified.</p>
<p>O10. To have on site car wash bays in mixed use and multiple dwelling developments.</p>	<p>P25. Provision must be made for a car washing area at the rate of 1 wash bay per 12 dwellings or part thereof.</p> <p>P26. Car washing bays are to have dimensions of 3.8m x 5.5m.</p> <p>P27. Visitor spaces may be used as car wash bays. Car wash bays are not to be used for engine degreasing or mechanical repairs and must be signposted to reflect this prohibition.</p> <p>P28. The disposal of wastewater from residential vehicle wash bays is to be in accordance with Sydney Water requirements. The three options are:</p> <ul style="list-style-type: none"> a) removal off-site by a liquid waste disposal contractor that has been licensed by the Office of Environment and Heritage (OEH); b) irrigation of landscaped areas around the site with the wastewater if land is available and approval is obtained from OEH; c) discharge to the sewer via appropriate pre-treatment equipment. Sydney Water restrictions apply.

OBJECTIVES	PLANNING CONTROLS
<p>O11. To have the use of mechanical car parking systems discouraged and only considered in limited circumstances and where the effects of such systems are minimised.</p>	<p>P29. The use of mechanical car parking systems is not encouraged.</p> <p>P30. Mechanical car parking systems will only be considered where it can be demonstrated that:</p> <ul style="list-style-type: none"> (a) the use of a conventional car parking arrangement is not appropriate; (b) the proposed land use does not represent an overdevelopment of the site, (c) no inconvenience will arise from the use of the facility having regard to an assessment of: <ul style="list-style-type: none"> (i) the adequacy of the queuing area for vehicles (queuing must be managed without causing disruption to internal vehicle circulation paths or the external road system); (ii) the adequacy of the dimensions of the facility to store a range of vehicles, (i.e. the facility is capable of storing the 100th percentile vehicle, e.g. small sports cars to large 4WDs); (iii) the noise and vibration levels associated with the facility (the amenity of occupants of the building and surrounding buildings should not be adversely affected); and (iv) the proposed management of the facility including emergency response procedures; (d) the stacked car parking is to meet the car parking needs of the owners of individual dwellings or employees of non-residential development, and is not for shared use or for visitor parking.

Table—Car parking rates

LAND USE	CAR PARKING REQUIREMENT	NOTE
Business development*:		
Bed and breakfast accommodation	1 space per guest room in addition to the parking for the dwelling	Parking should be sited behind the front building line and suitably screened in order to maintain residential character.
Business premises; Office premises; Public administration buildings	1 space per 37sqm gross floor area	Traffic and Parking Impact Study required for developments in excess of 500sqm gross floor area.
Food and drink premises	Pub—1 space per 3.5sqm bar space, drinking lounge and dining room space	Traffic and Parking Impact Study required.
	Restaurant—1 space per 7sqm gross floor area or 1 space per 3 seats (whichever is the greater), including any outdoor seating area	If trading hours are outside normal business hours (i.e. after 5pm weekdays) and the applicant can demonstrate that there is an availability of car parking in the surrounding area in a Traffic and Parking Impact Study, Council may consider a reduced car parking rate: minimum 1 space per 20sqm gross floor area.
	Take away food or drink premises—1 space per 16 sqm gross floor area	If drive through facility provided, a Traffic and Parking Impact Study required. Drive-in take away food shops are prohibited on land with frontage to Military Road and that part of Spit Road between The Spit and Military Road.
Home businesses	1 space per non-resident employee in addition to the parking for the dwelling	Parking should be sited behind the front building line and suitably screened in order to maintain residential character. Visitor parking may also be required depending on the type of use proposed.
Light industries	1 space per 56sqm gross floor area or 1 space per 2 employees, whichever is greater	Traffic and Parking Impact Study required for developments in excess of 500sqm gross floor area.
Retail premises; Neighbourhood shops	1 space per 16sqm gross floor area	Traffic and Parking Impact Study required for new developments in excess of 500sqm gross floor area.

LAND USE	CAR PARKING REQUIREMENT	NOTE
Service stations	6 spaces per work bay plus 1 space per 16sqm gross floor area of convenience store If car wash facility provided – suitable queuing area and an additional 2 spaces to be provided	Traffic and Parking Impact Study required.
Sex services premises	1 space per 37 sqm gross floor area	
Other types of business development	On merit	Traffic and Parking Impact Study required. Development at the Spit Waterside should not add to existing access, parking and manoeuvrability problems.
Health, Education, Community Facilities and Recreation:		
Centre-based child care facility	For long day care centres—the number of car parking spaces provided must be in accordance with the Roads and Traffic Authority document Guide to traffic generating developments for long day care centres. Other centre-based child care facility—on merit.	Traffic and Parking Impact Study required. Drop off and pick up areas must not detrimentally affect the availability of on street parking in the surrounding area.
Educational establishments	1 space per employee	Traffic and Parking Impact Study required. A suitable drop off and pick up point for cars and buses should be provided.
Medical centres	1 space per 25sqm gross floor area	Traffic and Parking Impact Study required.
Recreation facilities (indoor)	1 space per 33sqm gross floor area	Traffic and Parking Impact Study required.
Other types of development	On merit	Traffic and Parking Impact Study required.
Residential development:		
Dual occupancies; Multi dwelling housing; Residential flat buildings; Shop-top housing;	1 space per 1 bedroom dwelling 1.5 spaces per 2 bedroom dwelling 2 spaces per 3 or more bedroom dwelling 1 visitor space per 4 dwellings For development less than 200 metres (actual walking distance) from Spit and Military Roads or ferry wharves: 1 space per 1 bedroom dwelling 1.2 spaces per 2 bedroom dwelling	For the purpose of calculating gross floor area—garage space in excess of the specified parking requirement constitutes gross floor area in floor space ratio calculations. A standard car parking space is 5.5m x 2.4m. If the side boundary of a space is a wall or a fence, or if there are obstructions such as columns which restrict door opening, then 300mm should be added to the width of the space for each side obstructed.

LAND USE	CAR PARKING REQUIREMENT	NOTE
	1.5 spaces per 3 or more bedroom dwelling 1 visitor space per 4 dwellings	
Dwelling houses	Minimum 1 space per dwelling, being no more than 18sqm. A maximum of 2 spaces applies, being no more than 36sqm.	For the purposes of calculating gross floor area, only carparking to meet the requirements of Council (including access to that car parking) is excluded from the calculation.
Semi-detached dwellings	1 space per dwelling, being no more than 18sqm.	For the purpose of calculating gross floor area—garage space in excess of 18sqm constitutes gross floor area in floor space ratio calculations.
Other types of residential development	On merit	Traffic and Parking Impact Study required. Assessment should consider nature of dwelling, the proposed residents and the number of staff.

6.12 Site facilities

Site facilities include:

- air conditioning units;
- external gas heaters;
- external laundry facilities;
- external storage areas;
- letter boxes;
- rainwater tanks;
- telecommunication facilities;
- waste and recycling storage areas.

Proposals need to ensure adequate and appropriate provision of site facilities. These need to be accessible and not create amenity problems such as smell and unsightliness. The impacts of site facilities on neighbours, the overall appearance of the dwelling and the local streetscape need to be considered.

The design of site facilities for mixed use residential/commercial development needs particular consideration. They need to be designed and located so that they are accessible by all residents and business operators and do not detract from the amenity of any dwelling.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have adequate provision made for site facilities.</p> <p>O2. To have site facilities that are functional, accessible and easy to maintain.</p> <p>O3. To have site facilities thoughtfully and sensitively integrated into development so as not to be obtrusive, noisy or unsightly.</p>	<p>P1. Consideration should be given in the design stage of development to the provision of functional and accessible site facilities.</p> <p>P2. Air conditioning units must be suitably screened if visible from the street, a public place or an adjoining residence. (Refer to visual and acoustic privacy controls in this Plan).</p> <p>P3. Street numbers must be clearly identified from the street. Letter boxes should be located on the main street entrance of a property and numbered to be easily identifiable.</p> <p>P4. The siting of telecommunication facilities (including aerials and satellite dishes) is to be sufficiently concealed from public view as far as possible. Telecommunication facilities are to be incorporated into the designs of buildings in an unobtrusive manner.</p> <p>P5. All subscriber connection cabling is to be undertaken in a non-intrusive fashion and should not be mounted on the front façade of a building.</p>
<p>O4. To have telecommunications facilities and technological innovation incorporated into the design of new development.</p>	<p>P6. Telecommunications facilities should be incorporated into the design and planning stage of new development.</p>

6.13 Stormwater management

Stormwater management is required to protect people and property during periods of high rainfall, reduce the adverse environmental effects of stormwater and reduce pressure on the capacity of Council's existing stormwater drainage system.

Stormwater management is to be considered in most developments, particularly developments that would result in an increase in impervious surface area, and alterations and additions which may have an effect on the capacity of Council's existing stormwater drainage system.

OBJECTIVES	PLANNING CONTROLS
O1. To have the adverse effects of stormwater on the environment minimised, and prevented where possible, including disturbance to existing drainage patterns.	P1. Disturbance to the natural drainage pattern should be minimised so that development is consistent with the natural hydrology. P2. Natural watercourses should be maintained and used to convey stormwater runoff.
O2. To have stormwater and surface water run off minimised through landscape design.	P3. Development is to retain existing trees and vegetation where possible. P4. Landscape and building design is to minimise non-porous surfaces.
O3. To have stormwater quality and quantity controlled and eliminate stormwater discharge to adjoining properties.	P5. New developments and alterations and additions must incorporate on-site stormwater management in accordance with Council's <i>Policy for Stormwater Management in Mosman</i> . P6. Development may be required to obtain a downstream easement to connect to Council's drainage system. P7. Stormwater generated from parking facilities is to be treated for contaminants prior to its discharge into Council's stormwater drainage system.
O4. To have on site stormwater collection and re-use.	P8. New developments and alterations and additions must incorporate rainwater tanks where required and/or on-site detention consistent with Council's <i>Policy for Stormwater Management in Mosman</i> .
O5. To have unexpected rises in groundwater level due to development prevented.	P9. Connect all subsoil drainage systems to Council's gully pits and/or pipelines in accordance with Council's <i>Policy for Stormwater Management in Mosman</i> .

6.14 Excavation and site management

The various site practices undertaken during demolition and construction activities can have a detrimental effect on the local environment and amenity. Efficient site practices and implementation of erosion and sediment control measures is essential to ensure orderly and balanced urban development with minimal environmental and amenity impact.

The owner and the builder are responsible for controlling soil erosion and preventing soil or building material entering Mosman's waterways, via streets and gutters. The most effective way to begin to control erosion is to plan for its control as an integral part of the construction process.

This section applies to any work which has or could have the potential to involve:

- Disturbance of the soil surface, including that which arises from clearing, levelling, shaping, filling or excavation, and/or placement of fill thereon;
- Changes in the rate and/or volume of runoff entering directly or indirectly any waters;
- Construction of roads;
- Surface modification;
- Removal, partial removal or modification of remnant vegetation;
- Works on, adjacent to, or in close proximity to drainage lines watercourses or waterways, including any development or construction on or below the 1 in 100 year flood level.

OBJECTIVES	PLANNING CONTROLS
O1. To have the integrity of the physical environment preserved and enhanced by ensuring minimal site disturbance and the geotechnical stability of landfill and excavations.	<p>P1. Excavation is not permitted within the area of minimum setbacks from adjoining land zoned residential.</p> <p>P2. Where excavation greater than 1.5m depth within a distance of 1.5m or less from a property boundary is proposed, a geotechnical report or structural engineers report must address how the works will be undertaken that will not adversely affect surrounding properties.</p> <p>P3. For development that requires the use of fill, only virgin excavated natural material is to be used.</p>
O2. To have necessary environmental safeguards applied to earthworks in order to conserve important elements of the landscape and protect the surrounding environment.	<p>P4. Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:</p> <ul style="list-style-type: none"> (a) diverting uncontaminated run-off around cleared or disturbed areas, and (b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and (c) preventing tracking of sediment by vehicles onto roads, and

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>(d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot; and</p> <p>(e) wash equipment in a designated area; and</p> <p>(f) limit disturbance when excavating and preserve as much vegetation as possible.</p> <p>P5. Site management during demolition, excavation and construction is to be undertaken in accordance with <i>Managing Urban Stormwater: Soils and Construction</i> (NSW Government, as revised) commonly referred to as the 'Blue Book'.</p> <p>Note—An erosion and sediment control plan is to be submitted as part of the construction certificate application.</p>



Waste is not stored in designated bin area

No stabilised vehicular access is provided to site

Sediment spills into street due to lack of appropriate sediment fencing

Inadequate erosion and sediment control measures

6.15 Waste management

The *Mosman Waste Minimisation Policy 2012* (the Waste Policy) aims to reduce the amount of waste produced and to maximise the percentage that is recycled and reused, during the demolition and construction process and ongoing life of the development. It also aims to ensure that waste and recycling facilities within new developments are suitably located and designed in relation to accessibility, hygiene, flexibility, size and amenity.

All applications for development, including demolition, construction and change of use, will be assessed against the relevant controls in the Waste Policy, available on Council's website and from Council's offices.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have waste storage and collection facilities which maximise resource recovery through waste avoidance, source separation and recycling.</p> <p>O2. To have waste storage and collection facilities that are functional, easy to maintain and accessible to all users and service providers.</p>	<p>P1. All applications for development will be assessed against the relevant controls in the Mosman Waste Minimisation Policy 2012 (the Waste Policy).</p> <p>P2. Every commercial development must include a designated waste/recycling storage area or room designed in accordance with the waste facilities controls in Part 4 and Appendix G: Commercial/Industrial Waste and Recycling Storage Areas of the Waste Policy.</p> <p>P3. The waste/recycling storage area/room must be able to accommodate bins of sufficient volume to contain the quantity of waste generated by the whole development between collections. (Refer to Appendix B: Waste/Recycling Generation Rates of the Waste Policy).</p> <p>P4. In designing and locating the waste/recycling storage area/room consideration must be given to ease of moving waste to the nominated collection point, convenient access for each tenancy and regular maintenance and cleaning of facilities.</p> <p>P5. Door widths to waste/recycling storage rooms shall be a minimum width of 1100mm and must be wide enough to accommodate the largest chosen bin size for that development with a gap on either side of the bin of no less than 100mm.</p> <p>P6. Depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy rather than a communal storage room/area.</p>

OBJECTIVES	PLANNING CONTROLS
<p>O3. To have waste storage areas provided within development which do not detract from the aesthetics of the streetscape.</p> <p>O4. To have waste/recycling storage and collection facilities which minimise adverse environmental impacts associated with waste management.</p>	<p>P7. Waste and recycling storage areas must be visually and physically integrated into the design of the development. Design elements such as fencing, landscaping and roof treatments may be used to screen the waste and recycling storage area.</p> <p>P8. Waste/recycling storage areas must be easy to clean, with access to a tap with hot and cold water and correct drainage of wastewater through a floor drain to the sewer.</p> <p>P9. Waste/recycling storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites.</p>
<p>O5. To have waste storage facilities in mixed-use (residential and commercial) developments which maintain separate systems between the residential and commercial components.</p>	<p>P10. The controls in Part 4.2 of the Waste Policy apply to the residential component of mixed-use development.</p> <p>P11. The controls in Part 4.3 of the Waste Policy apply to the non-residential component of mixed-use development.</p> <p>P12. Developments must incorporate separate waste/recycling storage rooms/areas for the different residential or commercial components. Commercial tenants must be prevented (via signage and other means) from using the residential waste/recycling bins and vice versa.</p>
<p>O6. To have demolition and construction activities that ensure appropriate collection and storage of waste and that, where possible, re-use and recycle resource materials.</p>	<p>P13. All applications for development must comply with the Site Waste Minimisation and Management Plan (SWMMP) submission requirements outlined in Part 2 of the Waste Policy.</p>

PART 7 MISCELLANEOUS CONTROLS

7.1 Use of footpaths for outdoor dining and display of goods

It is important that the use of public places, such as footpaths, is controlled to maintain a safe and pedestrian-friendly environment for all in the community.

The use of Council footpaths for the display of retail goods and outdoor dining helps promote active street frontages and create visual interest. It also contributes to the retailing experience in Mosman and provides popular locations for social interaction among the community.

Council is responsible for the management of footpaths and special conditions apply to development or work that affects land which is governed by the *Roads Act 1993*, such as footpaths.

In addition to submitting a development application, the use of footpaths must also comply with the *Roads Act 1993* and applicants must lodge a Footpath Occupation Application with the relevant fee for Council approval. In the case of classified roads, approval may be required from the NSW Roads and Maritime Services. The classified roads in Mosman are—Spit Road, Military Road, Bradleys Head Road and Athol Road.

Note—Street vending and spruiking are not permitted on footpaths in any of the business centres of Mosman.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have uses at street level that add vitality and provide pedestrian interest and an active street frontage while maintaining the primary purpose of footpaths as a pedestrian thoroughfare for access.</p>	<p><i>Display of goods on footpaths:</i></p> <p>P1. Goods allowed to be displayed on the footpath include grocery items and foodstuffs, and goods for sale.</p> <p>P2. Signs such A-frame signs, sandwich boards, mannequins and temporary signs are not goods and are not allowed on Council's footpath.</p> <p>P3. The footpath area fronting shop premises is not to be used for the storage of goods. Bins should be kept in a specified storage area and not be stored on the street.</p> <p><i>Outdoor dining:</i></p> <p>P4. Outdoor dining, the placing of tables and chairs on the footpath or public places, is allowed in conjunction with restaurants and cafes only.</p>

OBJECTIVES	PLANNING CONTROLS
<p>O2. To have provision for public safety and visual amenity.</p>	<p>P5. The display of goods and outdoor dining furniture must minimise the risk of harm, injury or inconvenience to the public and should be:</p> <ul style="list-style-type: none"> (a) portable and temporary; (b) made of safe design and construction and material; and (c) visually attractive and kept in good condition. <p>P6. The display of advertisements and business signs either on goods display or on outdoor furniture is not permitted.</p>
<p>O3. To have the size and location of retail displays and outdoor dining on footpaths restricted so the activities can occur in a safe and unobtrusive manner.</p> <p>O4. To ensure that accessibility is not significantly compromised by the use of footpaths for display of goods or outdoor dining.</p>	<p><i>General requirements:</i></p> <p>P7. A minimum 2m wide unimpeded public pathway must be maintained adjacent to the display of goods or the approved outdoor dining area for pedestrian circulation.</p> <p><i>Display of goods on footpaths:</i></p> <p>P8. The display of goods is to be only in front of the retailer's own shop premises.</p> <p>P9. The display of goods is to project no more than 900mm from the face of the shopfront.</p> <p>P10. The minimum height for the display of goods is 750mm above the footpath level.</p> <p><i>Outdoor dining:</i></p> <p>P11. Wherever possible, outdoor dining is to visually relate and be physically aligned with existing features in the streetscape and be clearly discernable to sight impaired persons.</p> <p>P12. The boundaries of licensed areas may be marked with the use of umbrellas, planters, removable bollards or other features that complement the streetscape. The markers are to be kept strictly within the boundaries of the approved outdoor dining area. Council approval is required.</p> <p>P13. Whilst there is no specific limit on the number of tables and chairs for outdoor dining, proprietors will however need to ensure that the number of tables and chairs placed within an approved outdoor dining area is safe and comfortable for patrons and that all furniture remains wholly within the approved area.</p> <p>P14. An application can be made to Council to conduct outdoor dining adjacent to properties neighbouring the subject site where appropriate and subject to the ongoing consent of the owner and tenant of that neighbouring property.</p>

7.2 Food premises

Food establishments make a significant contribution to the quality of public places and are popular locations for social interaction.

Wherever feasible, outdoor dining is encouraged to enrich pedestrian experience and enhance the visual amenity of the streetscape.

OBJECTIVES	PLANNING CONTROLS
O1. To have safe and hygienic areas for the preparation and serving of food.	<p>P1. Food premises and equipment must be designed in accordance with Standard 3.2.3 of the Australia New Zealand Food Standards Code under the <i>Food Act 2003</i>.</p> <p>Guidance may be obtained from AS 4674 – 2004 Construction and Fitout of Food Premises.</p>

7.3 Sex services and restricted premises

Sex services premises and restricted premises are defined land use terms in the LEP.

Clause 6.5 of the LEP provides controls for the development of sex services premises. This part sets out supplementary controls.

The three aims of the supplementary controls in this Plan are to:

1. minimise the exposure of sex services premises and restricted premises on the community;
2. prevent any adverse impacts on the amenity of the surrounding neighbourhood; and
3. ensure the design and location of sex services and restricted premises provide discreet access .

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have sex services premises and restricted premises which are located sensitively so they are in a location where they are least likely to offend and do not have adverse impacts on the amenity of the places in which they are situated</p>	<p>P1. Sex services premises and restricted services premises are not be located at ground level.</p> <p>P2. Sex services premises and restricted services premises should not be clearly visible from places of public worship, hospitals, medical centres, educational establishments or places where children or young people regularly gather.</p> <p>P3. Sex services premises and restricted premises should not be located adjacent to a bus stop regularly used by school buses.</p> <p>P4. When considering an application for sex services premises and restricted premises, Council will consider the distance between the premises and any residential development, place of public worship, hospital, medical centre, educational establishment or place where children or young people regularly gather.</p> <p>P5. When considering an application for sex services premises and restricted premises, Council must consider whether the operation could cause a disturbance in the neighbourhood taking into account the location of any other sex services premises or restricted premises operating in the neighbourhood.</p> <p>P6. The operations of the sex services premises must not utilise circulation areas common to any other use of the premises.</p> <p>P7. The sex services premises or restricted premises is not to have an adverse effect on the amenity of the area.</p> <p>Note—When considering clustering of premises and proximity of premises to sensitive sites such as schools, etc. Council will apply a figure of approximately 200m between affected premises as the basis for initial consideration.</p>

OBJECTIVES	PLANNING CONTROLS
<p>O2. To have the presentation and operation of sex services premises and restricted premises designed and implemented in a manner such that they are discreet to passers by.</p>	<p>P8. Signage for sex services premises is to be limited to the address or street number.</p> <p>P9. Signage for restricted premises is not to incorporate any potentially lewd, sexually suggestive or offensive writing. No flashing signage is permitted.</p> <p>P10. Access ways for sex services and restricted premises should be discreet and discourage clients from gathering or waiting on the street.</p> <p>P11. Adequate internal reception/waiting areas are to be provided for all sex services premises to avoid clients loitering outside the premises.</p> <p>P12. No merchandising relating to the sex services premises or restricted premises is to be visible from the street or erected, displayed or exhibited at any entry or in an access corridor (including any stairwell) to the premises.</p>
<p>O3. To have sex services premises and restricted premises which minimise adverse environmental impacts on the amenity of the surrounding area.</p>	<p>P13. Council will consider whether any application for a sex services premises or restricted premises will have a detrimental affect on the neighbourhood in terms of the businesses size, operating hours, traffic generation, lighting or noise and the number of its employees and clients.</p> <p>P14. There are to be no more than four suites/workrooms per sex services premises in order to control the impacts on the surrounding area.</p>
<p>O4. To have sex services premises which have given adequate consideration to the personal safety of workers, clients and the general public.</p>	<p>P15. Development applications are to provide a Plan of Management in the statement of environmental effects which would address details of operation such as safety and security, maintenance and presentation of the premises, health and safety and education, information and training.</p>

7.4 Foreshore land and natural watercourses

Sydney and Middle Harbours and their foreshores constitute a valuable natural and cultural resource, a significant natural scenic feature, and act as a major transport corridor, flora and fauna habitat and recreation area.

Sydney Harbour REP and DCP

It is a requirement under the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (the Sydney Harbour REP) that certain matters be considered when proposing any development on land within a 'foreshores and waterways area' or 'wetlands protection area'. Land within these areas is identified on maps contained in the *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005* (the Sydney Harbour DCP).

An extract from the Sydney Harbour DCP identifying land in Mosman within a 'foreshores and waterways area' and a 'wetlands protection area' is available on the Council website (www.mosman.nsw.gov.au) or at Council's offices.

Scenic protection

Mosman's visual character is shaped by the interplay of its harbour setting, steep topography, prominent headlands, abundant vegetation including remnant bushland, and built form. The effect of development, both individually and collectively, within the Mosman landscape and in particular from Sydney and Middle Harbours will be a consideration of Council in the assessment of development.

Clause 6.4 Scenic Protection of the LEP must be considered when proposing any development on land identified as a "Scenic Protection Area" on the LEP Scenic Protection Map. The map is available on the Council website (www.mosman.nsw.gov.au) or at Council's offices.

7.5 Land affected by hazards

The topography and natural environment of Mosman is such that certain land is affected by natural hazards including acid sulfate soils, bushfire, instability and sea level rise. The historical occupation and development of land in Mosman has also resulted in the contamination, or potential contamination, of certain land.

Local and State planning controls apply in relation to natural and non-natural hazards.

Acid sulfate soils:

Certain land in Mosman is identified as being or potentially being affected by acid sulfate soils.

Clause 6.1 Acid Sulfate Soils of the LEP must be considered when proposing any development on land identified as being or potentially being affected by acid sulfate soils, as certain restrictions to development are specified.

Bushfire prone land:

Certain land in Mosman is identified as being bushfire prone.

It is a requirement under section 4.14 of the Act that development proposed on bushfire prone land must conform to the specifications and requirements of *Planning for Bushfire Protection 2006*, produced by the NSW Rural Fire Service (or, if another document is prescribed by the regulations for the purposes of section 4.14, that document).

Contaminated or potentially contaminated land:

Certain land in Mosman may be contaminated or potentially contaminated.

It is a requirement under State Environmental Planning Policy No. 55 – Remediation of Contaminated Land (SEPP 55) that consideration be given to whether land is or potentially may be contaminated as part of the development assessment. Without limiting the provisions of SEPP 55, a preliminary investigation report is required to be submitted to Council if any of the following criteria apply:

- (a) the subject site or land in the vicinity is, or may be, associated with activities listed in the table below but it is not known whether contamination exists;
- (b) the land was, or is regulated by the Department of Environment and Climate Change or other regulatory authority in relation to land contamination, and there is insufficient information available about the nature and extent of contamination, or the circumstances have changed;
- (c) there are restrictions on, or conditions attached to, the use of the site by regulatory or planning authorities that are, or may be, related to contamination, but there is insufficient information available about the nature and extent of contamination;
- (d) Council records have demonstrated that the land is associated with complaints about pollution or illegal dumping of wastes but it is not known whether contamination exists;
- (e) a use such as residential, educational, recreational, hospital or childcare is proposed on the land and records on the site history are unclear about whether the land has been used in the past for a purpose listed in the table below.

Table 1. Some Activities that may Cause Contamination:

Extract from *Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land* (Department of Urban Affairs and Planning, and Environment Protection Authority, 1998)

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

Sea level rise and instability:

The following objectives and planning controls apply:

OBJECTIVES	PLANNING CONTROLS
O1. To have the risk of inundation to development minimised in low lying areas and adjacent to creeks or overland flow paths.	P1. All developments in low lying areas must not have a basement level less than 4m AHD.
O2. To have the risk of instability of land minimised on sloping sites or land at or near cliff faces.	<p>P2. Where excavation is proposed at or near cliff faces, a geotechnical report which addresses the stability of the site and surrounding properties must be submitted with the development application.</p> <p>P3. A geotechnical report may also be required for development on sloping sites. Contact Council for details.</p>

7.6 Lane and accessway widening

Council's lane widening program, first implemented in the 1960's, seeks to improve vehicular and pedestrian access, safety and amenity within particular identified lanes and accessways in Mosman, and to properties adjoining these lanes and accessways, and to improve drainage.

Lanes and accessways subject to Council's program are: Badham Avenue, Hordern Lane, Horsnell Lane, Lennon Lane, Martens Lane, Melaleuca Lane, Mitchell Lane, Myahgah Mews, Post Office Lane, Punch Lane, Ritchie Lane, Trumfield Lane, and Zahel Lane.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have lanes and accessways of a sufficient width to provide adequate vehicular and/or pedestrian access, and to improve drainage.</p> <p>O2. To have Council's historical program of widening lanes and accessways completed.</p>	<p>P1. When development is proposed on land affected by Council's lane widening program, Council will seek to have a portion of the land dedicated (or provided by other means) to Council for the purpose of widening the lane or accessway. Negotiation will be undertaken with affected landowner/s on a case by case basis.</p> <p>P2. Consideration is to be given to Council's lane widening program in the design and siting of buildings. New structures, and substantial alterations and additions to existing structures, should not be undertaken on the portion of the land identified for widening.</p> <p>P3. The portion of land identified for lane widening will be taken to be part of the total site area for the purposes of floor space ratio and landscaped area calculations for proposed development.</p>

7.7 Utility infrastructure

Utility infrastructure associated with development includes electricity lines, poles and substations, telephone lines, lamp standards, bus shelters and footpath pavements and associated landscape elements.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have reduced overhead cabling and utility infrastructure which is thoughtfully and sensitively integrated into the site which it serves and, where the public domain is involved, complements the streetscape.</p> <p>O2. To have means by which the extent of overhead cabling is reduced progressively as development takes place.</p> <p>O3. To have utility infrastructure which is functional and accessible to utility providers.</p> <p>O4. To have the impact of infrastructure on public and private views reduced.</p>	<p>P1. Where any proposed new development adjoins an area where existing power cables are already located underground, or is located in an identified street (listed below), the applicant must underground the power, where located on that side of the street, for the extent of the frontage of the site.</p> <p>Identified streets include: Awaba Street east of Spit Road, Bradleys Head Road, Harbour Street north of Art Gallery Way, Middle Head Road, Raglan Street, The Esplanade, Vista Street north of Art Gallery Way.</p> <p>P2. Where a site to be redeveloped has a street frontage which is adjacent to overhead high voltage electricity reticulation (i.e. 11kV) or low voltage reticulation these cables are to be undergrounded to the requirements of Energy Australia for the extent of the frontage</p> <p>P3. All low voltage distribution and service mains to development must be underground for the full length of the service both inside and outside the property boundary.</p> <p>P4. Any substation required as a result of a development approval must be located wholly within the development site and be landscaped in a manner which complements that of the remainder of the site and the street.</p> <p>P5. In the event that existing street trees are lost as a result of trenching related to undergrounding of cables, a suitable replacement/s must be installed in keeping with Council's Street Tree Master Plan.</p> <p>P6. Where a new building or buildings are erected, or existing buildings are substantially altered, the house service line is to be located underground and no "A poles" are to be erected.</p>

OBJECTIVES	PLANNING CONTROLS
<p>O5. To have utility infrastructure which meets the design specifications for Council and the appropriate utility provider.</p> <div data-bbox="272 1503 652 1912" style="border: 1px solid black; padding: 5px; margin-top: 20px;"> <p><i>Note—SEPP (Infrastructure) 2007, clause 97, provides that development for the purpose of construction, maintenance or repair of bus stops or bus shelters is exempt development if it meets criteria in that clause, including compliance with requirements relating to bus stops and shelters in a development control plan.</i></p> </div>	<p>P7. Appropriate street lighting to the relevant standards must be installed at the applicants' cost where removed as part of the undergrounding of existing overhead power lines. Lamp standards must be approved by Council and Energy Australia.</p> <p>P8. Restoration of the street pavement, verge and footpath must be complementary to the materials and type of construction used in the vicinity. As a minimum standard this will require:</p> <ul style="list-style-type: none"> (a) Roadway – asphalt or concrete or asphalt over concrete to match existing; (b) Kerb and gutter – concrete or stone to match existing; (c) Footpath – concrete or brick paving (where existing or appropriate) match existing; (d) Paved footpaths and driveways (where existing or appropriate) – to meet the requirements of Council's specification for the Construction of Brick Footpath Paving. Paving which gives the impression that Council land (including the nature strip) is privately owned is not permitted. <p>P9. For major developments in Spit or Military Roads, the footpath paving at the Spit or Military Road frontage is to be updated to the current paving suite. Refer to Council's specification for the Construction of Brick Footpath Paving.</p> <p>P10. The construction, maintenance or repair of bus stops and bus shelters is to comply with relevant State Transit Authority guidelines and disability standards. Design elements to be considered include:</p> <ul style="list-style-type: none"> (a) Bus zone / location; (b) Kerb, pavement and footpath treatment; (c) Pedestrian amenity and accessibility; (d) Signage (for bus zone/stop, not commercial advertising); (e) Shelter, seating, lighting, telephone and other street furniture (as applicable); (f) Transport information (as applicable); (g) Where works are proposed on land that is identified as a heritage item or adjacent to a heritage item or within a heritage conservation area, consideration must be given to the effect of the proposed works on the heritage significance of the heritage item or conservation area; (h) Where applicable, works must be consistent with Council's public domain improvements program.

7.8 Significant rock faces and retaining walls

Mosman's natural rock faces and sandstone retaining walls and cuttings are a significant part of the unique character of Mosman.

In order to ensure the protection of these features and structures from inappropriate development, the following objectives and planning controls are in place consistent with the Rock Faces and Retaining Walls Study (2003).

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have Mosman's significant rock faces and retaining walls protected from inappropriate development.</p>	<p>P1. No excavation of, or other works to, rock faces or retaining walls identified as significant in the Rock Faces and Retaining Walls Study or subsequent study, and on the Significant Rock Faces and Retaining Walls Map as updated from time to time, is allowed, except under special circumstances.</p> <p>P2. Special circumstances should be considered when any of the following is met:</p> <ul style="list-style-type: none"> (a) there are other existing openings into the rock face/wall and additional openings would be consistent with that approach; (b) any excavation would not detract from the visual contribution of the rock face/wall in its context; (c) the excavation would not adversely affect the setting of sites that are highly visible from the harbour or public reserves; (d) there is a need for maintenance activities in order to ensure safety and serviceability. Where works involve demolition followed by reconstruction of stone retaining walls, preference should be given to the use of same or similar/complimentary materials, when economically viable; (e) there are safety needs that involve use of external support methods and include appropriate embellishment of those external support methods in order to retain original features and ameliorate appearance.

APPENDIX 1 DICTIONARY

Note: Where this Plan uses a term that is defined in the LEP the meaning of that term is taken from the LEP. The definitions of these terms are not repeated here in this Appendix – refer to the LEP.

Adaptable housing

Dwellings designed in accordance with the requirements for a Class C dwelling under Australian Standard AS4299-1995 for possible access and use by aged and disabled persons.

Amenity

The 'liveability' of a place that makes it pleasant and agreeable to be in for individuals and the community. Access to facilities and services impacts on a place's amenity. A building's amenity is affected by its features, access to sunlight and views and general design.

Australian Height Datum (AHD)

A system of control points for height based on a network of levelling measurements which covered the whole of Australia and which was fitted to mean sea level as measured at tide gauges distributed around the Australian coasts, over the period 1968-1970.

Balcony

A balustraded platform, 0.3 metres or more above adjacent finished ground level, either cantilevered or supported by the building below or over open space, with access from the building via a door or window and with a minimum width of 1 metre and a maximum width of 3.5 metres.

Building envelope

The three-dimensional space within which a building is to be confined.

Bulk

The combined effect of the arrangement, volume, size and shape of a building or group of buildings.

Character

The combination of the particular characteristics or qualities of a place.

Classified road

Has the same meaning as in the Roads Act 1993.

Note—classified road has the same meaning as in the Roads Act 1993. The term is defined as follows: classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(see Roads Act 1993 for meanings of these terms).

Context

The specific character, quality, physical, historical and social characteristics of a building's setting. Depending on the nature of the proposal, the context could be as small as a suburban street or as large as a whole town.

Dormer

A construction containing a vertical window framed into and projecting through a steeply sloping roof. It can be a window or a group of windows forming a bay or recess in a room projecting outward from the general line of the wall.

Footprint

The area of land measured at ground level (finished) which is enclosed by the external walls of a building.

Form

The form of a building is its overall shape and volume and the arrangement of its parts

Garage

An enclosed structure with a roof, garage door and walls used for carparking purposes only.

Habitable room

A room in a dwelling used for normal domestic activities that includes:

(a) a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom and sunroom;

but excludes:

(b) a bathroom, laundry, water closet, food storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Infill

A new building in an established and valued historic context. Good infill is building that is sympathetic to the surrounding buildings and historic context and creates new structures that enhance and complement the existing urban, suburban or rural character. Infill buildings can provide functions and services that adjacent heritage buildings may find difficulty in accommodating without major change.

Massing

The size and volume of building.

Multiple dwellings

A term used in this development control plan (DCP) which means medium density housing including attached dwellings, dual occupancies, multi dwelling housing or residential flat buildings. Each of these terms are defined in the LEP.

Passive solar design

Dwelling design which combines the sun's energy with local climate characteristics to achieve comfortable temperatures without the use of mechanical devices.

Public domain

All land and facilities open for public use, including open space, streets, lanes, pedestrian thoroughfares, parks and public buildings.

Scale

The size of a building and its relationship with its surrounding buildings or landscape.

Street frontage

The street alignment at the front of a lot or building.

Streetscape

Refers to the collection of visible elements in a street, including the form and treatment of buildings, setbacks, fences and walls, landscaping and trees, driveway and street layout and surfaces, utility services and street furniture such as lighting, signs, barriers and bus shelters.

Thermal mass

The ability of buildings and materials to store heat, principally from the sun. Materials with good thermal mass include brick, concrete, mud brick, rammed earth and stone.

Virgin excavated natural material

Refers to material such as clay, gravel, sand, soil and rock that is not mixed with any other waste or contaminated with manufactured chemicals, and that has been excavated from areas that are not contaminated as a result of industrial, commercial, mining or agricultural activities.

Wall height

Wall height of a building means the vertical distance between the top of the eaves at the wall line (excluding dormer windows that are no more than 25% of the width of the roof plane and gable ends), parapet or flat roof (not including a chimney) whichever is the highest, and the ground level (existing) immediately below that point.

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