

# OPEN SPACE & INFRASTRUCTURE 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 Open Space and Infrastructure 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
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### 1.2 Plans repealed by this Plan

The following Plans are repealed by this Plan pursuant to clause 22 of the Regulation:

- Queenwood Sites DCP (April 2000)
- Warringah Bowling Club Child Care Centre DCP (July 2007)
- Mosman Transport DCP (June 2005)
- Mosman Notifications DCP (July 2002)
- DCP for the consolidated Water Board, Mosman Council & Telecom Brady Street Sites (February 1995)
- 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 as follows under the provisions of Mosman Local Environmental Plan (the LEP) 2012:

- RE1 Public Recreation
- RE2 Private Recreation (except for land at the Spit Waterside)\*
- E2 Environmental Conservation
- SP1 Special Activities
- SP2 Infrastructure

\* Land at the Spit Waterside that is zoned RE2 is subject to the provisions of Mosman Business Centres DCP.

### 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 open space, environment and infrastructure zones.

The particular aims of this Plan are to:

- (a) protect and conserve the natural and built heritage of Mosman;
- (b) enhance and protect the scenic amenity of Sydney and Middle Harbours;
- (c) manage change in a way that ensures an ecologically and economically sustainable urban environment in which the needs and aspirations of the community are recognised;
- (d) ensure development minimises any adverse effect on surrounding land;

- (e) ensure that the character of an area is a key consideration in the preparation and assessment of development proposals; and
- (f) 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. 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 a form of accelerated planning approval for development that meets pre-determined standards. 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](http://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 General Planning Controls—sets out general design criteria applying to development in zones to which this Plan applies;
- Part 5 Miscellaneous Controls—sets out miscellaneous controls;
- Part 6 Site Specific Planning Controls—sets out specific planning controls for particular sites, including the Queenwood school site and Warringah Bowling Club.
- Appendices—dictionary, 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 plan 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 area 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 character of the area. 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**

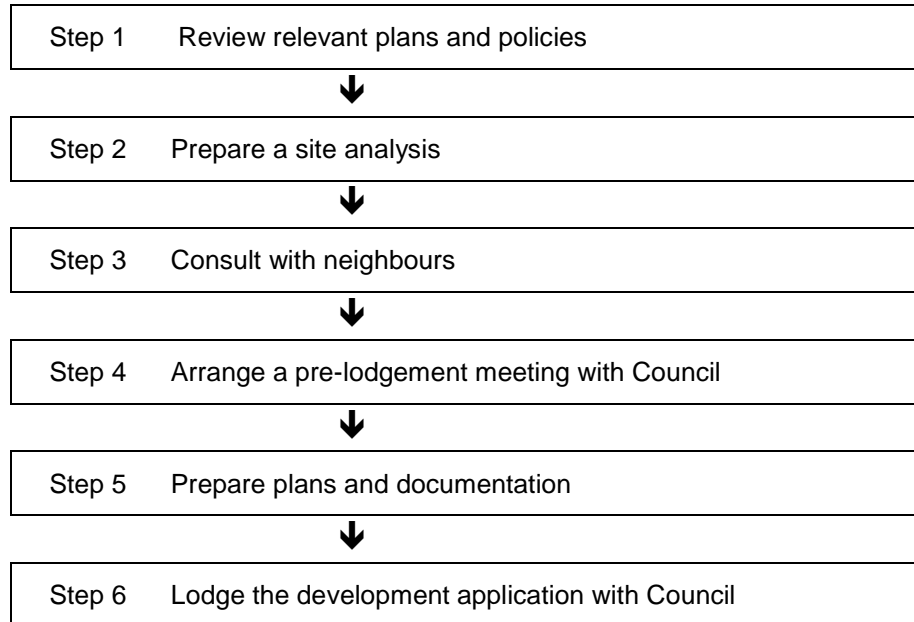
A development application can be revised prior to its determination by Council, but if the revisions are significant, the proposal may need to be renotified and additional fees paid or a new development application lodged with Council.

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 infrastructure or recreation 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) and the deemed SEPP SREP (Sydney Harbour Catchment 2005);
- the Building Code of Australia (BCA);
- Council policies, contributions plans and heritage studies, and plans of management; and
- other State policies such as the NSW Rural Fire Service document *Planning For Bushfire Protection 2006*.

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**

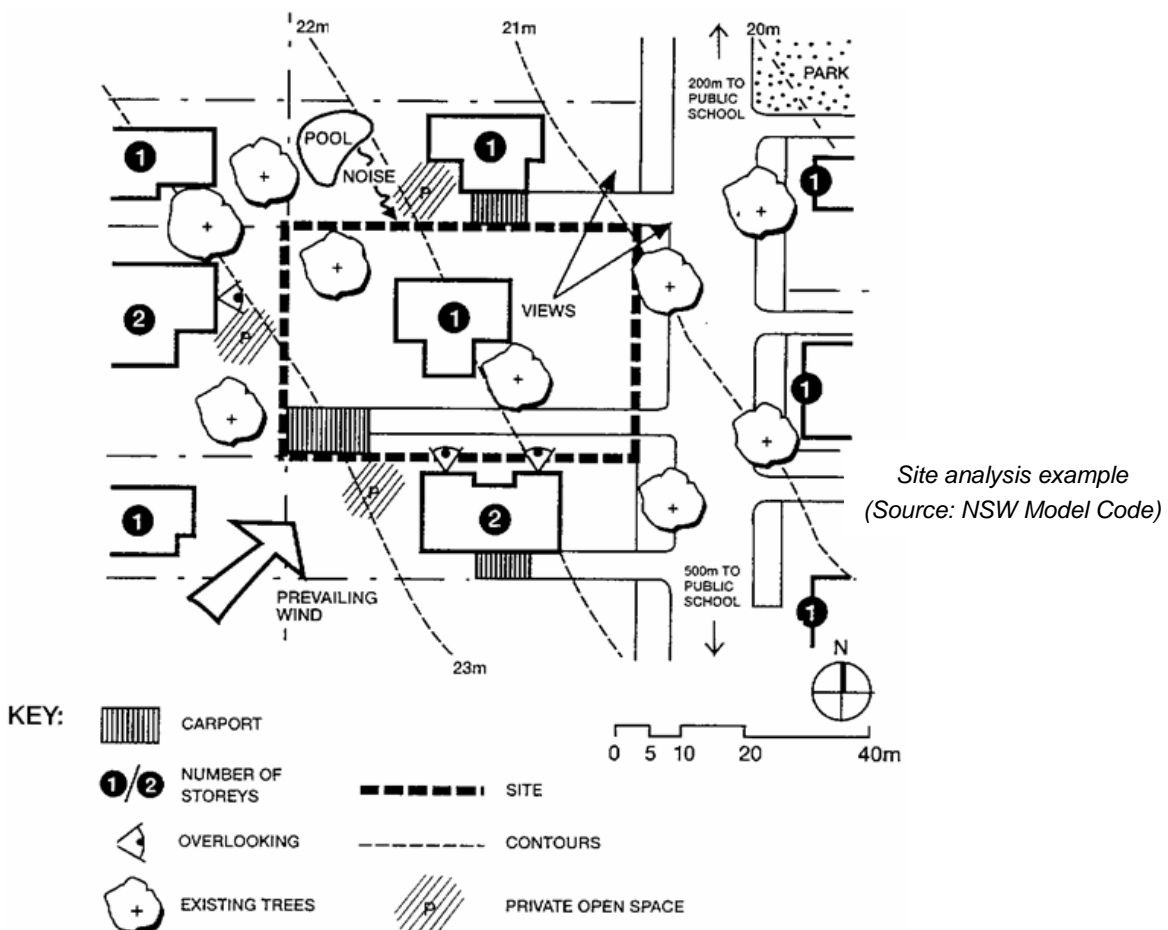
Council's requirements for a site analysis aim to reduce delays in the assessment process because the task of undertaking a site analysis should:

- 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.



## **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.

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) change of use of a retail/commercial building in a business zone where there is no external change to the building;
- (e) front fences in heritage conservation areas where they comply with this Plan;
- (f) minor landscaping works that do not significantly alter the topography or drainage patterns or reduce the extent of site landscaped area; or
- (g) 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 4.10 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; and
- 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 General Planning Controls

### 4.1 Siting and scale

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 and 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.

OBJECTIVES	PLANNING CONTROLS
O1. To have merit consideration of the siting and scale of development, having regard to the existing character of the area, minimising any adverse effect on neighbouring properties, and minimising loss of public views.	P1. The height, scale and setback of development will be considered on its merits having regard to: <ul style="list-style-type: none"> <li>(a) the existing character of the area—the setback, height and scale of existing development in the vicinity of the site;</li> <li>(b) the existing character of the area—as set out in any plan of management or other Council policy/study as applicable;</li> <li>(c) minimising any adverse amenity effect on neighbouring properties;</li> <li>(d) minimising any loss of public views.</li> </ul>
O2. To have buildings which are sited to relate to the topography with minimal cut and fill, and have established trees and vegetation corridors preserved and promote new vegetation links.	P2. Buildings should be sited having regard to topographical features. The building footprint should be designed to minimise cut and fill. Refer to excavation and site management controls in this Plan for more details.  P3. Buildings should be sited to preserve existing significant trees, vegetation, rock outcrops and natural features and promote new planting.  P4. Where a property adjoins bushland or natural water courses and creeks a minimum setback of 5m applies.  P5. Where a property is within a bushfire prone land, additional setbacks may apply. Refer to land affected by hazards controls in this Plan for more details.

## 4.2 Streetscape and building design

Streetscape refers to the way a street looks and is fundamental in defining neighbourhood character and identity. Streets are composed of buildings, landscape elements, fences, footpaths, driveways and utility services; it is the arrangement of these components and their visual appearance that influences the streetscape character.

Building form and architectural style contributes to a streetscape's identity and amenity and the community's perception of the place. Important elements of building design are:

- height,
- bulk
- roof form,
- finishes, and
- overall street presentation.

Compatible, sympathetic and innovative interpretations of these elements in buildings within a streetscape contribute to attractive streetscapes.

OBJECTIVES	PLANNING CONTROLS
O1. To have streetscapes which are compatible with, support and maintain the character of the area.	P1. The bulk, height, design, roof form, colour and external finishes of development should be compatible with the streetscape and neighbourhood character.

### 4.3 Heritage conservation

Mosman's heritage includes foreshore reserves, parks, buildings, and Aboriginal and non-Aboriginal archaeological sites. These link us to our past and help define Mosman's identity. The main aim of identifying heritage items and conservation areas is to ensure that the significance of these items and areas is recognised and maintained. This 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 clause 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 or tree within a heritage conservation area listed in Schedule 5 of the LEP.

All heritage items and 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 Office of Environment and Heritage and outlined in the NSW Heritage Manual, based on the principles of the Burra Charter.

In addition, each building within a 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 an item or conservation area should not be referred to in order to justify a non-complying or unsympathetic design.

Note: Use experienced practitioners where possible who have heritage conservation experience or are aware of the issues involved.

The following objectives and planning controls apply to both heritage items and within conservation areas.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have a heritage item or a significant building within a conservation area retained and conserved.</p> <p>O2. To have any works undertaken with a proper knowledge of the heritage significance of the item or conservation area.</p>	<p>P1. The statement of significance of the heritage item or conservation area must be considered and guide any changes to an identified heritage item or for any works within a conservation area. Refer to the Mosman Heritage Review 1996 or relevant heritage study for details.) For conservation areas, the ranking of the building within the conservation area must be considered and guide any works. (Refer to Mosman Council's website for details.)</p> <p>P2. In the event of some conflict regarding the statement of significance the applicant should undertake a heritage assessment in line with the guidelines set down by the NSW Office of Environment and Heritage, carried out by a recognised heritage consultant. The assessment should be used as a basis of further action.</p>

OBJECTIVES	PLANNING CONTROLS
O3. To have heritage items adaptively reused where appropriate and to ensure that the heritage significance of the item is maintained.	P3. The LEP sets out conservation incentives for development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, to facilitate the conservation of the heritage item. Proposed use/s should be the most appropriate to maintain the identified heritage values of the heritage item with the minimum of intrusive change. (Refer to the LEP for details).

## 4.4 Accessible buildings

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 and new 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 all community facilities, indoor recreation structures, registered clubs, restaurants, food and drink premises, centre-based child care facilities, hospitals, schools, information and education facilities, and other assembly buildings such as places of public worship.

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.

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 development.</p> <p>Note—Refer to transport, access and parking controls in this Plan for requirements for accessible parking spaces.</p>

## 4.5 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.

OBJECTIVES	PLANNING CONTROLS
O1. To have energy efficiency principles adopted in the site layout, design, construction and use of 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. Energy appliances and devices installed should be efficient with a minimum 3 star energy rating.</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> <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 renewable resources.</p>
O2. To have buildings that incorporate more sustainable energy sources, fitouts, fixtures and systems.	<p>P7. Solar hot water systems are encouraged to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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);</li> <li>(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.</li> </ul>

OBJECTIVES	PLANNING CONTROLS
	<p>P8. There may be circumstances where solar access is poor. In this case the following should be installed:</p> <ul style="list-style-type: none"> <li>(a) high efficiency gas storage system;</li> <li>(b) high efficiency electric heat pump; or</li> <li>(c) instantaneous gas hot water for small premises requiring low level hot water usage.</li> </ul> <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> <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"> <li>(a) energy efficient light fittings with high efficiency reflectors,</li> <li>(b) fluorescent lamps, LED lighting or solar lighting,</li> <li>(c) motion detectors to turn lights on and off automatically,</li> <li>(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,</li> <li>(e) individual areas / rooms should have individual light switches installed and clearly labelled for each area</li> <li>(f) where incandescent or halogen lights are installed they should be controlled by dimmer switches,</li> <li>(g) natural lighting such as skylights and window size and placement should be utilised to minimise the need for additional lighting.</li> </ul>

OBJECTIVES	PLANNING CONTROLS
O3. To have the benefits of passive solar design and natural ventilation maximised.	<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>
O4. To have buildings that decrease water consumption of the occupiers.	<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>

## 4.6 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 occupants of buildings 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"> <li>(a) providing minimum setbacks as outlined below,</li> <li>(b) incorporating offset glazed areas, screening devices, landscaping or other architectural features, and</li> <li>(c) appropriately locating and designing balconies, terraces, decks, verandahs.</li> </ul> <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 6m is to be provided between the non-habitable rooms of the development and the habitable rooms of adjacent buildings.</p>
O2. To have adequate acoustic privacy levels for occupants of buildings and their neighbours.	<p>P3. Consideration must be given to the hours of operation of business uses and potential noise impacts that may arise, particularly on nearby residential development.</p> <p>P4. 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>P5. 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"> <li>(a) locating and orienting the noise source away from receivers or behind existing structures that can act as a barrier;</li> <li>(b) providing enclosures around the noise source so that the noise is contained;</li> <li>(c) choosing noise efficient technology;</li> <li>(d) appropriate separation between the noise source and the receiver;</li> <li>(e) locating acoustic barriers between the noise source and the receiver;</li> <li>(f) site and building layout, such as locating less sensitive areas closest to the noise source; and</li> <li>(g) building construction methods and insulating building elements such as doors, walls, windows, floors, roof and ceilings.</li> </ul> <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>

## 4.7 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. 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>P4. 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>P5. 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"> <li>(a) encouraging people to gather in public spaces and feel some responsibility for its use and condition;</li> <li>(b) clearly define transitions and boundaries between public and private spaces e.g. through fencing, gardens, varying textured surfaces etc; and</li> <li>(c) clearly defined public spaces.</li> </ul>
O4. To have buildings designed and orientated so as to provide opportunities for passive and active surveillance.	<p>P6. Development should be designed to provide or enhance effective surveillance and safety by:</p> <ul style="list-style-type: none"> <li>(a) locating active uses adjacent to streets or public places so occupiers of the building can observe the area;</li> <li>(b) orientating the main building entrance towards the street;</li> <li>(c) providing clear sightlines between public and private places e.g. no blind corners;</li> <li>(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.</li> </ul>

OBJECTIVE	PLANNING CONTROLS
<p>O5. To have appropriate building forms and materials which minimise opportunities for vandalism.</p>	<p>P7. 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>P8. Use vandal resistant materials and finishes in areas where graffiti is likely to be a problem.</p> <p>P9. For external lighting and other fixtures such as communal or street furniture, use hard wearing, vandal resistant materials.</p>

## 4.8 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.

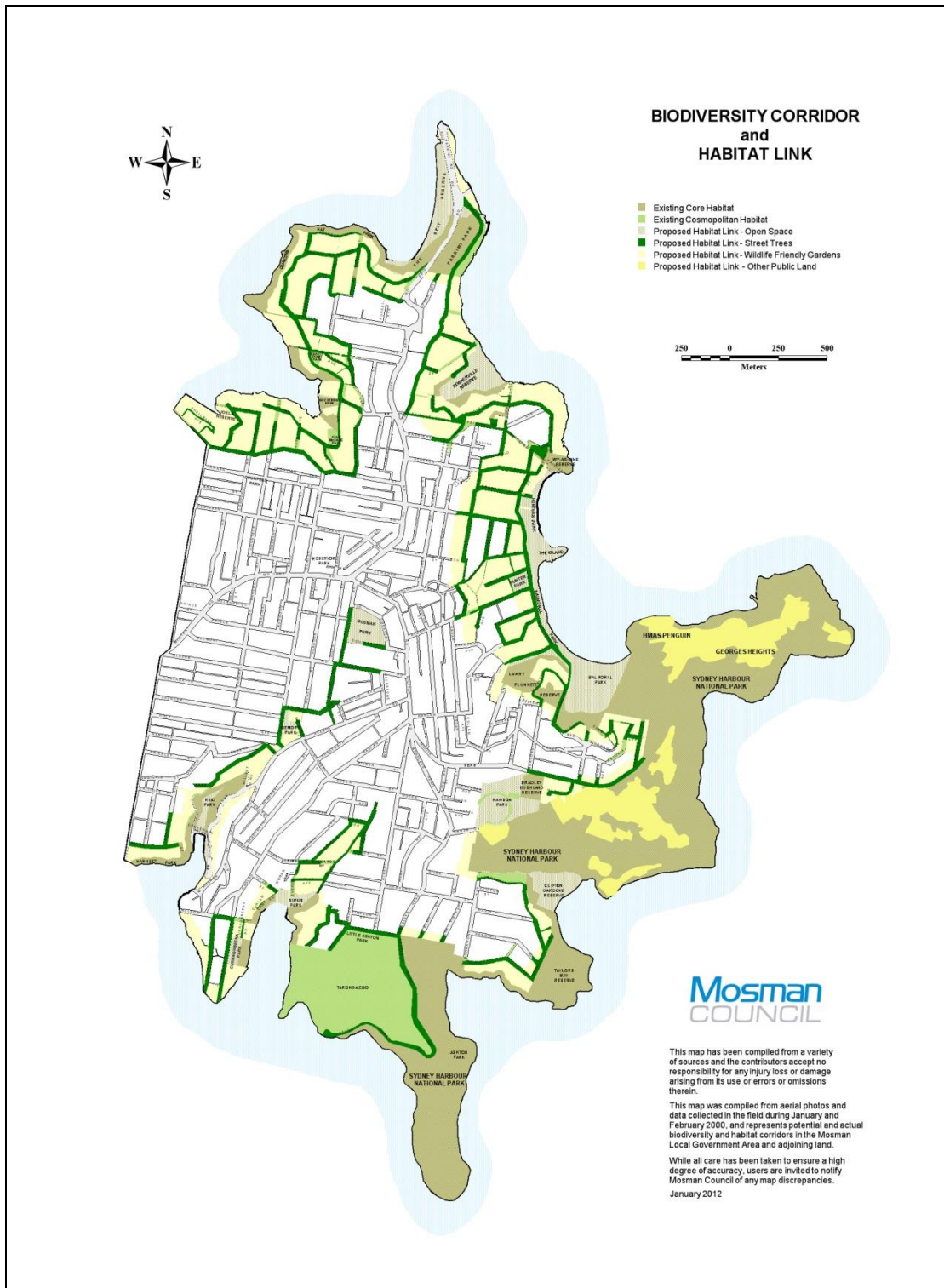
## 4.9 Landscaping

Landscaping plays an important role in integrating new development into a streetscape, improving the level of amenity, improving local habitat for flora and fauna, and in reducing the impervious surfaces of a development site and reducing local stormwater run-off.

This Part applies to land zoned RE2 Private Recreation, SP1 Special Activities and SP2 Infrastructure under the LEP. For land zoned RE1 Public Recreation and E2 Environmental Conservation, refer to the relevant plan of management for landscaping guidelines. Also note that State Environmental Planning Policy No. 19 – Bushland in Urban Areas may apply to land zoned RE1 or E2, or adjoining land.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have the existing canopied and vegetated landscaped character of Mosman protected and enhanced.</p> <p>O2. To have existing established trees protected.</p>	<p>P1. Existing established trees which contribute to the amenity of the area and trees listed on Council's Urban Forest Management Policy are to be retained and incorporated into the landscape design.</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> <p>P3. Where an existing established tree or trees are approved for removal, adequate space in the landscape design is to be provided for a replacement tree or trees appropriate for the site.</p>
<p>O3. To have the appearance, amenity and energy efficiency of buildings enhanced through innovative landscape design.</p>	<p>P4. Vegetation types and landscaping styles which blend the development into the streetscape and any surrounding bushland or parkland areas, and are complementary to planting identified for the townscape are to be incorporated into the landscape design.</p> <p>P5. Where trees are planted as part of development they should not unreasonably obstruct views from neighbouring properties or public views. Trees with a light open foliage and canopy are preferred which do not obstruct views but do contribute to the wooded landscape of Mosman. Species such as Leyland Cypress (Leighton Green) and its cultivars should not be planted.</p> <p>P6. The landscape design is to consider personal safety by providing landscaping that can be maintained to ensure good visibility along paths and driveways and avoiding shrubby landscaping near thoroughfares, and provide adequate sight lines for vehicles and pedestrians, especially near street corners and intersections. Landscaping should also provide privacy between buildings.</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P7. Vegetation should not adversely affect the structure or amenity of the proposed buildings or buildings, and should minimise risk of damage to above and below ground powerlines and other services. Regard should be given to bushfire risk in the selection and siting of species.</p> <p>P8. The landscape design is to contribute to energy efficiency and amenity by providing substantial shade in summer. Water conservation should be encouraged through the use of drip irrigation systems and mulch layers, minimising hard surfaces to reduce stormwater runoff and utilise water absorbent materials, locating/grouping plants appropriately, and utilising native plant species which require less water than non-natives.</p>
<p>O4. To have indigenous planting used with new landscaping where appropriate.</p>	<p>P9. Sites within the Habitat Link identified on the Biodiversity Corridor and Habitat Link Map are to incorporate species which are Australian native, in particular those indigenous to Mosman, are to be incorporated into any landscape design. Applicants must have regard to the retention and where possible extension of habitat for native fauna. Refer to the Building and Sustainability Index (BASIX) Specification “Table D2.1 Indigenous Plant List for Mosman” and Council’s “Guide to Native Plant Species for Mosman Gardens” for a list of appropriate species.</p> <p>P10. The landscape design is to complement any adjoining bushland supporting a wildlife habitat or corridor; retain significant natural features on the site, such as rock outcrops, maintain natural drainage conditions where practicable to prevent degradation of bushland ecosystems, and identify plants that are a biosecurity risk under the <i>Biosecurity Act 2015</i>.</p> <p>P11. For sites adjoining zoned RE1 Public Recreation or E2 Environmental Conservation, refer to State Environmental Planning Policy No. 19 – Bushland in Urban Areas for specific provisions.</p>



OBJECTIVES	PLANNING CONTROLS
O05. To have natural ground levels maintained, especially near boundaries.	P12. Cutting and filling is to be minimised as far as practicable and should not affect natural drainage lines. Fill material is to be natural virgin extracted material only and placed in such a manner not to disturb local indigenous bushland or plant and tree species.
O06. To have landscaping over slabs appropriately designed.	<p>P13. 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"> <li>(a) for groundcovers and small shrubs (up to 500mm height): 400mm;</li> <li>(b) for medium shrubs (up to 1.5m height): 650mm;</li> <li>(c) for tall shrubs and small trees (up to 5m height): 750mm.</li> </ul> <p>P14. 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>P15. 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>
O07. To have the streetscape character, context and curtilage of heritage items and conservation areas maintained through appropriate landscaping.	<p>P16. The landscape design for heritage items or within a conservation area is to:</p> <ul style="list-style-type: none"> <li>(a) utilise appropriate plant species in achieving a setting for the item or conservation area;</li> <li>(b) avoid changing characteristic landscapes;</li> <li>(c) avoid landscape designs which have no relationship to the period of the item or conservation area; and</li> <li>(d) be simple rather than complex.</li> </ul>



*Landscaping incorporated into the design of the Marist Sacred Heart Church and School*

#### 4.10 Preservation of trees or vegetation

Vegetation, particularly mature trees, contributes 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.

OBJECTIVES	PLANNING CONTROLS
O1. To have the amenity of the area preserved through the preservation of trees and other vegetation.	<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> <p>P5. Council, in determining an application to clear vegetation, must have regard to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) Necessity for action in order to construct improvements to the property the subject of</li> </ul>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>the application to achieve reasonable development;</p> <p>(c) Effects in the nature of erosion, soil retention or diversion or increased flow of surface waters;</p> <p>(d) The number of trees in the relevant area and the effect on the amenity of such area;</p> <p>(e) The number of healthy trees that a given parcel of land will support; and</p> <p>(f) Whether the tree(s) in question provide habitat for fauna.</p> <p><i>* 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.</i></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, 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.</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> <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**

- (1) Part 3 of the Vegetation SEPP applies to the following:
  - (a) All trees which:
    - (i) are 5m or more in height; or
    - (ii) have a circumference of 450mm or more measured 300mm above ground level; or
    - (iii) are listed in Council's Urban Forest Management Policy; or
    - (iv) 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 (*Cyathea australis* & *Cyathea cooper*) which are 2m or more in height.
- (2) Part 3 of the Vegetation SEPP does not apply to the following:
  - (a) The following trees:
    - Camphor Laurel, *Cinnamomum camphora* (with height < 10m)
    - Citrus Trees, *Citrus spp.*
    - Cocos Palm, *Syagros romanzoffiana*
    - Coral Tree, *Erythrina x sykesii*
    - Cotoneaster, *Cotoneaster spp.*
    - Cypress, *Cupressus spp.*
    - Giant Bird of Paradise, *Strelitzia nicolai* Hackberry, *Celtis australis*
    - Hibiscus, *Hibiscus spp.*
    - Leyland Cypress (Leighton Green) and its cultivators
    - Mulberry, *Morus spp.*
    - Norfolk Island Hibiscus, *Lagunaria patersonii* Oleander, *Nerium spp. and thevetia spp.*
    - Paw Paw, *Carica papaya*
    - Privet, *Ligustrum spp.*
    - Prunus, *Prunus spp.*
    - Rubber Tree, *Ficus elastica*
    - Umbrella Tree, *Schefflera octinophylla*
    - Wild Olive, *Olea europaea subsp. africana*
    - Willow, *Salix 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 *Biosecurity Act 2015*
  - (c) Trees and vegetation that may be cleared under the 10/50 Vegetation Clearing Scheme, pursuant to the *Rural Fires Act 1997*.
  - (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.

## 4.11 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.

### 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. educational establishments with 50 or more students, place of public worship with 200 or more motor vehicles.

### 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 streetscape amenity.	<p>P1. 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>P2. Vehicular entry/exit points to a site are to be set back a minimum of 10m from the street corner.</p> <p>P3. 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>
O2. To have vehicular conflict on main roads minimised.	P4. Sites with a 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>P5. Refer to the table below for car parking rates.</p> <p>P6. A Traffic and Parking Impact Study 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>

OBJECTIVES	PLANNING CONTROLS						
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, pedestrians and mobility impaired persons.	P7. The design and dimensions of car parking provisions must comply with the current AS/NZS 2890 (set): 2009 Parking Facilities Set.						
O5. To have car parking facilities that are designed having regard to accessibility.	P8. 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.						
O6. To have motorcycles and scooters catered for in the design of new developments, recognising that these are becoming an increasingly popular form of sustainable transport.	<p>P9. Motorcycle parking should be provided at the minimum rate of 1 motorcycle space per 25 car parking spaces.</p> <p>P10. 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.	P11. 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.						
O8. To have walking and cycling encouraged as a form of transport through the provision of appropriate facilities including bicycle parking.	<p>P12. Bicycle parking facilities should be provided as follows:</p> <table border="1" data-bbox="727 1254 1347 1473"> <thead> <tr> <th>Land use</th><th>Rate</th></tr> </thead> <tbody> <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> </tbody> </table> <p>P13. 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>P14. Developments should look to provide at least a proportion of parking as secure lockers or all cycle parking within locked cages to counteract issues such as theft and vandalism of parked bikes.</p> <p>P15. 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>	Land use	Rate	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
Land use	Rate						
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						

OBJECTIVES	PLANNING CONTROLS												
<i>The objective/s from the preceding page apply.</i>	<p>P16. 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> <p>Note—Refer to the Mosman Bicycle Strategy 2014-2019 for further information.</p>	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)
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)											
O9. To have provision for the safe loading and unloading of vehicles.	<p>P17. 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>P18. The type of facility to be provided must be appropriate for the land use having regard to:</p> <ul style="list-style-type: none"><li>(a) type of land use;</li><li>(b) frequency of deliveries and collections;</li><li>(c) size and bulk of goods;</li><li>(d) size of trucks; and</li><li>(e) availability of on street loading zones</li></ul> <p>P19. New developments cannot rely on the provision of existing on-street loading zones, i.e., alternative loading and unloading facilities must be identified.</p>												
O10. 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>P20. The use of mechanical car parking systems is not encouraged.</p> <p>P21. Mechanical car parking systems will only be considered where it can be demonstrated that—</p> <ul style="list-style-type: none"><li>(a) the use of a conventional car parking arrangement is not appropriate;</li><li>(b) the proposed land use does not represent an overdevelopment of the site,</li><li>(c) no inconvenience will arise from the use of the facility having regard to an assessment of:<ul style="list-style-type: none"><li>(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);</li><li>(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);</li><li>(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</li><li>(iv) the proposed management of the facility including emergency response procedures;</li></ul></li><li>(d) the stacked car parking is to meet the car parking needs of the employees of non-residential development, and is not for shared use or for visitor parking.</li></ul>												

**Table—Car parking rates**

LAND USE	CAR PARKING REQUIREMENT	NOTE
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 <i>Guide to traffic generating developments</i> 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.
Schools	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.
Hospitals	1 space per 3 beds	Traffic and Parking Impact Study required.
Recreation facilities (indoor)	1 space per 33 sqm gross floor area	Traffic and Parking Impact Study required.
Other types of development	On merit	Traffic and Parking Impact Study required.

## 4.12 Site facilities

Site facilities include:

- air conditioning units;
- external gas heaters;
- 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 development and the local streetscape need to be considered.

See also other parts of this Plan for relevant provisions, including in relation to waste management, stormwater management, and acoustic privacy.

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>

### 4.13 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 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 runoff 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 Council's <i>Policy for Stormwater Management in Mosman</i> .

## 4.14 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 Part 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
<p>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> <p>O2. To have appropriate controls that safeguard neighbourhood amenity as much as practicable.</p>	<p>P1. Excavation is not permitted within the area of minimum setbacks from adjoining land zoned residential.</p> <p>P2. For development that requires the use of fill, only virgin excavated natural material is to be used.</p> <p>P3. All land shaping must aim to minimise slope length and gradients.</p> <p>P4. Reconstituted ground levels must not be lower than 2m below the level of the adjoining property at any point along the boundary and must not be higher than the ground level of an adjoining property.</p> <p>P5. In circumstances where Council considers that reconstituted levels may adversely affect adjoining residential amenity, increased setbacks will be required.</p>
<p>O3. To have necessary environmental safeguards applied to earthworks in order to conserve important elements of the landscape and protect the surrounding environment.</p>	<p>P6. 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"> <li>(a) diverting uncontaminated run-off around cleared or disturbed areas, and</li> <li>(b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and</li> <li>(c) preventing tracking of sediment by vehicles onto roads, and</li> <li>(d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot; and</li> <li>(e) wash equipment in a designated area; and</li> <li>(f) limit disturbance when excavating and preserve as much vegetation as possible.</li> </ul> <p>P7. Site management during demolition, excavation and construction is to be undertaken in accordance with <i>Managing Urban Stormwater</i>:</p>

OBJECTIVES	PLANNING CONTROLS
	<p><i>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>

## 4.15 Waste management

The *Mosman Waste Minimisation Policy 2012* 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 development must include a designated waste/recycling storage area or room designed in accordance with the relevant waste facilities controls in 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 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 demolition and construction activities that ensure appropriate collection and storage of waste and that, where possible, re-use and recycle resource materials.</p>	<p>P10. All applications for development must comply with the Site Waste Minimisation and Management Plan (SWMMP) submission requirements outlined in the Waste Policy.</p>

## 4.16 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.

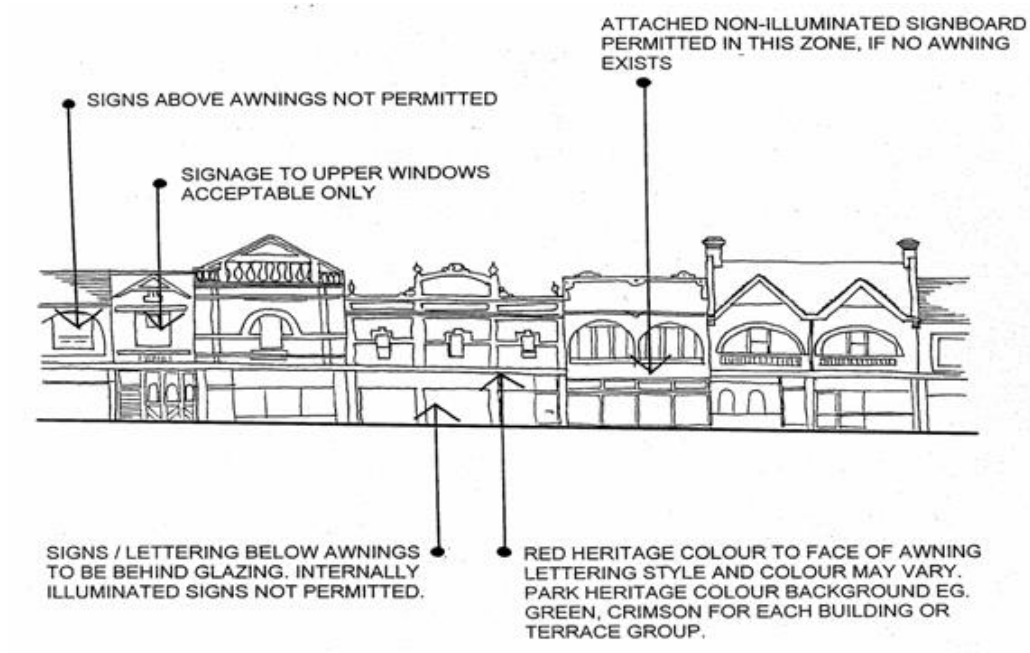
Controls on advertising in this Plan provide a consistent approach to the design and siting of advertisements and business signs. In particular, the controls assist to minimise the visual clutter of business centres and ensure the architectural features of buildings remain prominent.

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.

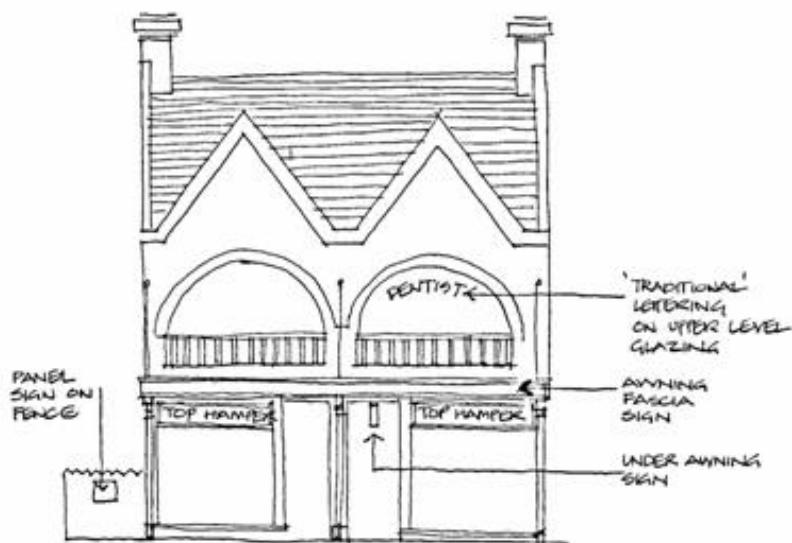
The following objectives and planning controls also apply.

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

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"> <li>(a) not exceed 2.5m in length and 500mm in height,</li> <li>(b) must have a minimum clearance of 2.4m above the footpath level,</li> <li>(c) be set back at least 500mm from the face of the kerb, and</li> <li>(d) maintain a minimum 3m separation distance between such signs</li> </ul> <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"> <li>(a) not project more than 100mm measured from the face of the wall,</li> <li>(b) not exceed 600mm in height,</li> <li>(c) be above the head of the doorway or window to which it is attached,</li> <li>(d) be within the perimeter of the building walls, and</li> <li>(e) not be illuminated.</li> </ul> <p>P7. A window sign is attached to or displayed on a window, and must:</p> <ul style="list-style-type: none"> <li>(a) be on the interior of the glass line,</li> <li>(b) not exceed a maximum coverage of 20% of the window surface, and</li> <li>(c) not be illuminated.</li> </ul> <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"> <li>(a) not exceed a maximum coverage of 20% of the outer surface area of the blind.</li> </ul> <p>Additionally, the blind must:</p> <ul style="list-style-type: none"> <li>(b) be no less than 2m above the footpath level,</li> <li>(c) be attached behind the fascia, and</li> <li>(d) be set back a minimum 600mm from the line of the kerb.</li> </ul>
<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*

## **Part 5 Miscellaneous Controls**

### **5.1 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 or at Council's offices.

#### **Natural watercourses**

Natural watercourses exist in Mosman. Clause 6.2 Natural Watercourses of the LEP must be considered when proposing any development on land in the vicinity of a natural watercourse, as certain restrictions to development are specified.

#### **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.

## **5.2 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 Office of Environment & Heritage (formerly 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:

<ul style="list-style-type: none"> <li>• acid/alkali plant and formulation</li> <li>• agricultural/horticultural activities</li> <li>• airports</li> <li>• asbestos production and disposal</li> <li>• chemicals manufacture and formulation</li> <li>• defence works</li> <li>• drum re-conditioning works</li> <li>• dry cleaning establishments</li> <li>• electrical manufacturing (transformers)</li> <li>• electroplating and heat treatment premises</li> <li>• engine works</li> <li>• explosives industry</li> <li>• gas works</li> <li>• iron and steel works</li> </ul>	<ul style="list-style-type: none"> <li>• landfill sites</li> <li>• metal treatment</li> <li>• mining and extractive industries</li> <li>• oil production and storage</li> <li>• paint formulation and manufacture</li> <li>• pesticide manufacture and formulation</li> <li>• power stations</li> <li>• railway yards</li> <li>• scrap yards</li> <li>• service stations</li> <li>• sheep and cattle dips</li> <li>• smelting and refining</li> <li>• tanning and associated trades</li> <li>• waste storage and treatment</li> <li>• wood preservation</li> </ul>
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Extract from *Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land* (Department of Urban Affairs and Planning, and Environment Protection Authority, 1998)

### 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>

### 5.3 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: Bay Street, Beauty Point Road, Boyle Street, Bradleys Head Road, Burran Avenue, Carrington Avenue, Hopetoun Avenue, Iluka Road, Lower Boyle Street, Middle Head Road, Musgrave Street, Parriwi Road, Pearl Bay Avenue, Raglan Street, The Esplanade.</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 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>	<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"> <li>(a) Roadway – asphalt or concrete or asphalt over concrete to match existing;</li> <li>(b) Kerb and gutter – concrete or stone to match existing;</li> <li>(c) Footpath – concrete or brick paving (where existing or appropriate) match existing;</li> <li>(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.</li> </ul> <p>P9. 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"> <li>(a) Bus zone / location;</li> <li>(b) Kerb, pavement and footpath treatment;</li> <li>(c) Pedestrian amenity and accessibility;</li> <li>(d) Signage (for bus zone/stop, not commercial advertising);</li> <li>(e) Shelter, seating, lighting, telephone and other street furniture (as applicable);</li> <li>(f) Transport information (as applicable);</li> <li>(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;</li> <li>(h) Where applicable, works must be consistent with Council's public domain improvements program, and any relevant recommendation of Council's Pedestrian Access and Mobility Plan.</li> </ul> <p>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.</p>

## 5.4 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
O1. To have Mosman's significant rock faces and retaining walls protected from inappropriate development.	<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"> <li>(a) there are other existing openings into the rock face/wall and additional openings would be consistent with that approach;</li> <li>(b) any excavation would not detract from the visual contribution of the rock face/wall in its context;</li> <li>(c) the excavation would not adversely affect the setting of sites that are highly visible from the harbour or public reserves;</li> <li>(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/complementary materials, when economically viable;</li> <li>(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.</li> </ul>

## 5.5 Queenwood School Sites (Balmoral)

(1) Land to which this part applies

This Part applies to land owned or occupied by Queenwood School known as:

- 47, 49 and 51 Mandolong Road and 21 Hunter Road (Lot 1 DP 71569 and Lots 48, 49, 52 and 53 DP 6314);
- 44 Mandolong Road (Lots 1, 2, and 3 DP 307922 and Lots 6A and 6B DP 307704); and
- land bounded by Raglan Street, The Esplanade and Esther Road (Lots A, B, C, and D DP 349211).



*Lower school site at No. 44  
Mandolong Road*

This land is identified in Figure 1 – Locality Plan.

### (2) What is the aim of this part?

The aim of this Part is to provide clear design guidelines that outline criteria for new development on the Queenwood School sites in Balmoral, so that it meets community expectations, responds to the key characteristics of the locality and addresses the requirements of the school.

### (3) What are the objectives of this part?

The objectives of this Part are to:

- (a) establish appropriate standards for future development on the school sites;
- (b) protect the amenity of the neighbouring properties and the locality;
- (c) protect and enhance the scenic amenity of Sydney and Middle Harbours, and the landscape amenity of Mosman;
- (d) respect and maintain view corridors;
- (e) have future development that is of a suitable scale, bulk and design;
- (f) have future development that will fit in with and positively contribute to the existing streetscape and landscape character of Balmoral slopes;
- (g) have future development that will contain an appropriate component of usable open space;
- (h) incorporate ecologically sustainable design principles in the design and construction of any future development;
- (i) have development that positively contributes to the provision of adequate and efficient educational facilities on the subject sites;
- (j) manage change in a way that ensures an ecologically and economically sustainable development, in which the needs and aspirations of the community are recognised, whilst the needs of the school are met and addressed; and
- (k) ensure unity and consistency in design between all the Queenwood School Balmoral sites.



**Figure 1 – Locality Plan**

#### **(4) How does this part relate to other plans?**

This Part should be read in conjunction with the LEP and other provisions of the Mosman Open Space and Infrastructure DCP (this Plan).

#### **(5) Background**

The Mosman Queenwood School Sites Development Control Plan (Queenwood DCP) was adopted by Council on 28 March 2000 and came into effect on 27 July 2000. It was repealed with the commencement of this Plan.

The Queenwood DCP was based on a clear understanding of how Mosman sees future development within a residential area. It is also based on an investigation of community concerns regarding how non-residential buildings are likely to affect adjoining residential zones. This shared local vision, or desired future character, was initially identified in Mosman Residential Development Control Plan (RDCP) 1999 and further discussed with the community reference group set up as part of this consultation process. It serves to clarify the preferred outcomes for each area where the Queenwood DCP applied.

The Queenwood DCP was prepared on behalf of Mosman Council by the DEM Planning and Urban Design, and Landscan divisions of DEM Design Ltd, having regard to Council's adopted objectives and preferred performance criteria for the Queenwood Sites in Balmoral, and taking into consideration local community concerns, the School's requirements and best practice principles. All photographs and illustrations were taken or prepared by DEM Design Ltd. A number of illustrations were informed by or based on the references listed. The source from which certain illustrations are directly replicated, is indicated by a small number in italics, which corresponds to the reference number at the end of this Part.

In preparing the Mosman Open Space and Infrastructure DCP (this Plan), relevant provisions of the former Queenwood DCP were carried across into this Part without significant change.

Relevant provisions of clause 22A Queenwood sites of Mosman LEP 1998 were also carried across into this Part without significant change. Clause 22A was gazetted as Mosman Local Environmental Plan 1998 (Amendment No. 5) - Queenwood Sites, in Government Gazette No. 88, on 14 July 2000.

#### **(6) Particular matters for consent authority to consider**

Consent must not be granted to development to which this Part applies unless the consent authority is satisfied that the proposed development meets the following objectives for that land:

- (a) to ensure that any new buildings are of a height, bulk and scale that complements existing buildings and streetscapes within the neighbourhood,
- (b) to maintain the amenity of the neighbourhood in terms of solar access, privacy and noise,
- (c) to ensure that development does not significantly obstruct views from surrounding properties and public places and, where possible, to enhance existing views,
- (d) to encourage a high quality design for the school use within a residential setting,
- (e) to provide adequate off-street car parking to meet existing and future demand generated by use of the land as a school,
- (f) to ensure adequate outdoor areas and separation between buildings on the land in order to provide an appropriate scale of development.

When considering a development application for a community use or for a commercial operation of facilities and sites on land, the consent authority must have regard to the following:

- (a) evidence of the specific locational need,
- (b) satisfactory access (including the promotion and use of means of transport other than the private car) and parking arrangements,
- (c) the capacity of the locality or neighbourhood to absorb the proposed activity,
- (d) any likely adverse impacts of the proposed development on residential amenity.

#### **(7) Analysis of context**

A development application in relation to these sites must include an analysis of the proposal to the context of the site and surrounding locality. The Queenwood DCP provides an analysis of the context of

the three Queenwood School sites. In the design of any development proposal for the Queenwood School sites under this Plan, reference should be made to the context section in the Queenwood DCP (now repealed) to inform the proposal.

### **(8) General urban design and planning guidelines for all 3 sites**

Objectives and planning controls that help guide future development for all 3 sites are set out below. The objectives and planning controls outlined here are common to all the sites, and relate to:

- (a) affect on adjoining properties
- (b) urban and building design
- (c) environmentally appropriate design
- (d) adequate school facilities
- (e) streetscape
- (f) open space
- (g) landscaping
- (h) parking and access

#### **(8a) Effect on adjoining properties**

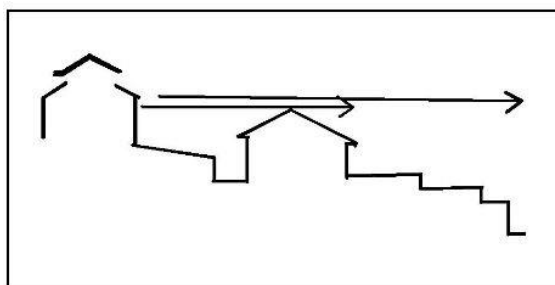
Any new development within an established area must ensure that it does not result in adverse impact to the locality, or to adjoining or nearby properties, by way of its size or character or bulk or proximity to the boundaries.

The general scale and bulk, and the siting of buildings in relation to site boundaries is an important consideration in the protection of privacy, access to sunlight and views, and noise attenuation to adjoining properties.

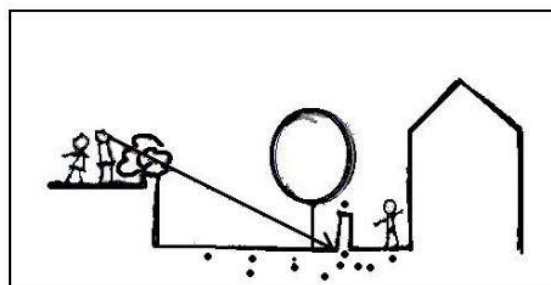
In conjunction with appropriate siting and design, landscape buffer zones provide attractive visual screening and noise attenuation between properties.

<b>OBJECTIVES</b>	<b>PLANNING CONTROLS</b>
<p>O1. To have no additional adverse impact to existing situation, in terms of views, sunlight, overshadowing, privacy and noise.</p> <p>O2. To have no additional adverse impact to existing situation, by way of scale and bulk.</p> <p>O3. To have the amenity of surrounding properties and locality maintained or enhanced.</p>	<p>P1. Existing views from adjoining or nearby properties are to be maintained or enhanced.</p> <p>P2. Existing sunlight access and privacy enjoyed by adjoining or nearby properties is to be maintained or enhanced.</p> <p>P3. There should be no additional overlooking of living areas in the adjoining properties.</p> <p>P4. Noise generation at the boundaries is to be ameliorated by appropriate design including fencing, landscaping and distance from boundaries.</p> <p>P5. Front setbacks of new development must be similar to the existing alignment of adjoining properties as viewed from the street, to ensure streetscape consistency.</p> <p>P6. Side setbacks should generally be determined by a height plane set at 45° taken from 1.8m above the side boundary.</p> <p>P7. Driveway design is to ensure that there is safe pedestrian and vehicular access.</p>

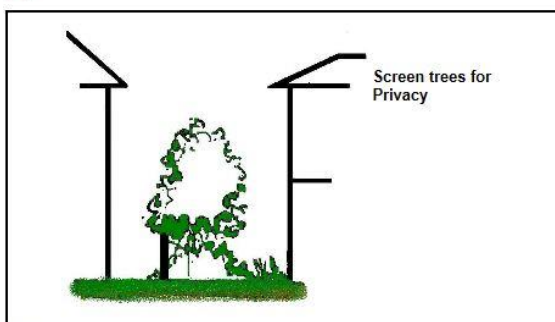
OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	<p>P8. On site car parking spaces are to be distributed across the 3 sites, to minimise traffic impact.</p> <p>P9. Scale and bulk of development near the boundaries must be limited.</p>
<p>O4. To have existing buffer vegetation retained.</p> <p>O5. To have sufficient buffer planting to ensure privacy to adjoining residences.</p>	<p>P10. Landscape buffers are to be provided between buildings and adjoining properties to provide adequate screening for privacy.</p> <p>P11. Buffer zones are to be provided between buildings and property boundaries that are inaccessible to students or discourage student use e.g. mass planting.</p>



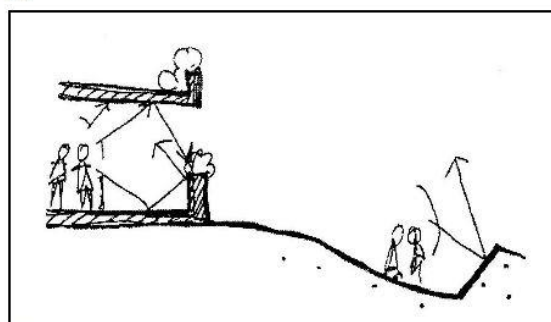
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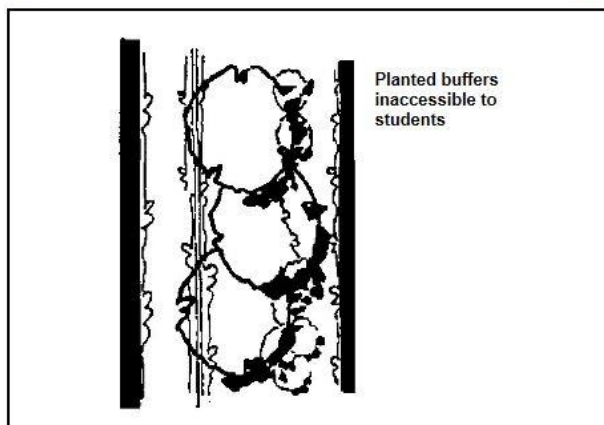
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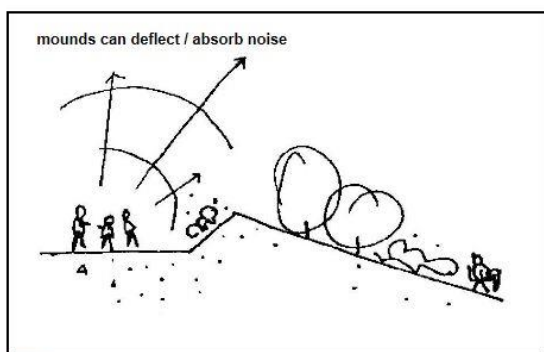
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**(8b) Urban and building design**

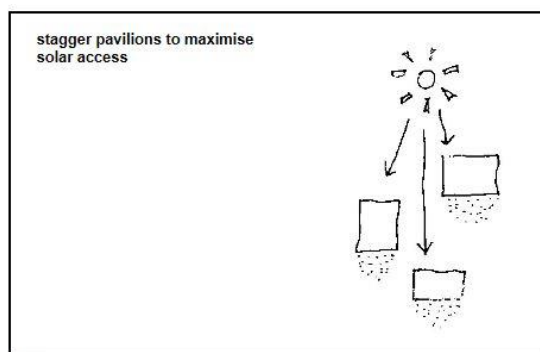
Appropriate building design in conjunction with well thought-out urban design, not only obviates adverse affect on adjoining properties, but it also facilitates the enjoyment of the development as a well planned, well considered and economic environment. Moreover, the well-considered development makes a positive contribution to the townscape of a locality.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have development that forms a positive contribution to the townscape.</p> <p>O2. To have development that is designed and constructed in accordance with ecologically sustainable design principles.</p> <p>O3. To have development that adopts a design language and form which are appropriate to its visual and social significance and to its context.</p> <p>O4. To have a design, across the 3 sites, that is consistent in terms of image, design, service provision, and fitting to its context.</p> <p>O5. To have the character of any development as viewed from the water to be compatible and sympathetic with the character of the surrounding foreshore development.</p> <p>O6. To have compliance with provisions and intent of SREP Sydney Harbour Catchment 2005.</p> <p>O7. To have buildings that address the street.</p> <p>O8. To have development that is compatible and sympathetic to character of locality.</p> <p>O9. To have development scale and bulk that is compatible with adjoining buildings.</p>	<p>P1. Roof form is to be sympathetic to the character of the built form of the locality. Roofs will be designed to be visually attractive when viewed from above, will be of non-reflective material, with large expanses segmented and covered with pebbles or planting.</p> <p>P2. Materials used are to be sympathetic to, or typical of the locality.</p> <p>P3. Orientation, aspect and materials should be selected in response to energy efficiency and passive climate control.</p> <p>P4. Design of buildings and exterior spaces should relate to and respond to the micro climate and district environment.</p> <p>P5. The architectural, urban and landscape design of the new development should be of a high standard.</p> <p>P6. Key architectural elements for example gateways, entries, terraces should be carefully defined, so that they positively contribute to the townscape.</p> <p>P7. The use of highly reflective material and large expanses of blank wall should be avoided.</p> <p>P8. The built form should be further articulated by the inclusion of awnings and pergolas for climate control.</p> <p>P9. Lighting incorporated in the building and grounds design should not spill glare onto adjoining or nearby properties.</p> <p>P10. Noise attenuation should be facilitated by the built form and landscape design.</p> <p>P11. The architectural language should be consistent between the 3 Balmoral sites.</p> <p>P12. Every effort should be made to incorporate energy efficiency in the siting and design of buildings. This includes, but is not limited to, the use of natural ventilation and passive solar design.</p> <p>P13. Every effort should be made to use sustainable resources (e.g. timber from a renewable source).</p> <p>P14. To reinforce the continuity and line of the street front, the scale and general alignment of adjoining</p>

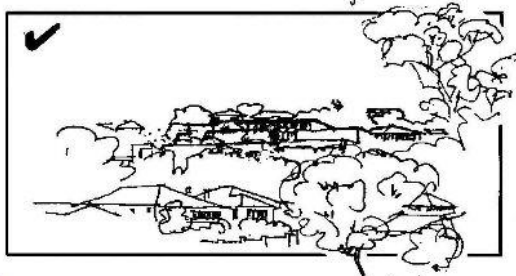
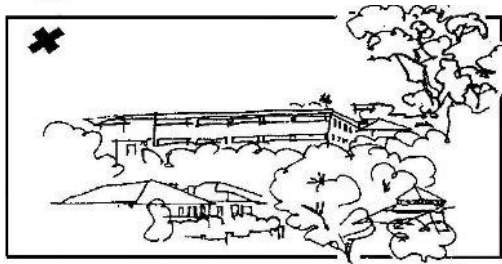
OBJECTIVES	PLANNING CONTROLS
	<p>buildings in the street is to be maintained by adopting setbacks which complement the existing setbacks prevailing in the street.</p> <p>P15. New buildings must be responsive to streetscape, built form, landscape and environmental conditions of the surrounding area.</p> <p>P16. Fences must positively contribute to the streetscape character and adjacent properties and promote crime prevention by providing for surveillance to the street.</p> <p>P17. The character of Balmoral, which is characterised by a variety of roofs and buildings stepping up the slopes, is to be maintained.</p> <p>P18. Planting fronting the street is to be similar in character predominant in the streetscape, characterised by screen shrub, large feature trees and feature garden beds consisting of shrubs and groundcovers.</p> <p>P19. Built form should reinforce proportions inherent in the existing residential development pattern, and design, detailing and materials should add visual interest to the street.</p> <p>P20. Large monotonous facades which dominate the streetscape or Balmoral slopes are to be avoided.</p> <p>P21. New development is to comply with the desired future character of the Balmoral Townscape (as identified in Mosman Residential DCP).</p> <p>P22. The effects in the built form generated by the subdivision pattern are to be maintained, so that each building is composed of smaller architectural units, to help break down the overall bulk and scale of the development.</p> <p>P23. The effect of buildings being set within a dominant vegetated landscape, as viewed from the foreshore or nearby public open space, is to be maintained.</p> <p>P24. Buildings should address the street and have clear definable entries.</p>



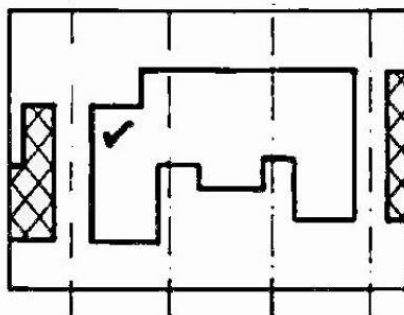
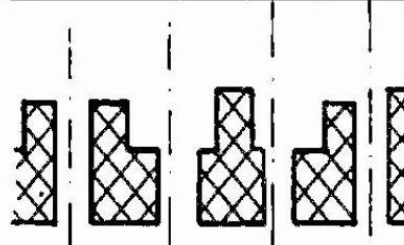
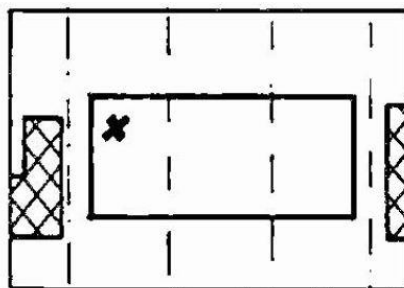
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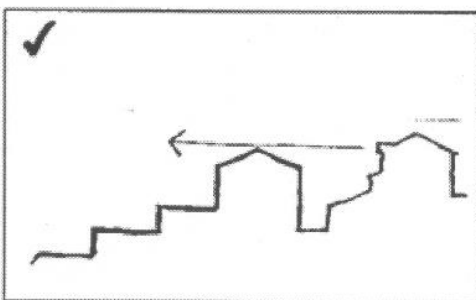
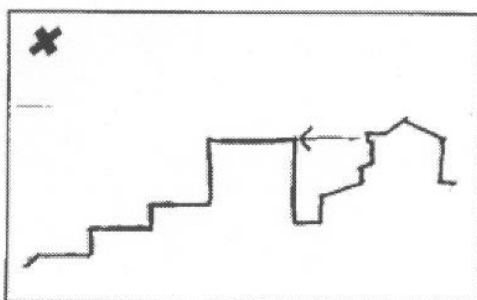
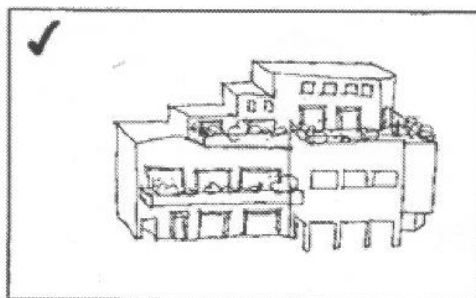
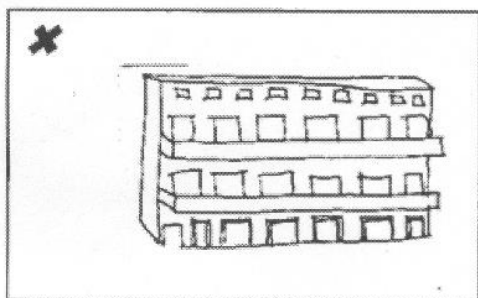
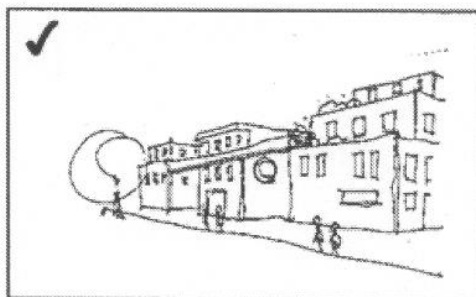
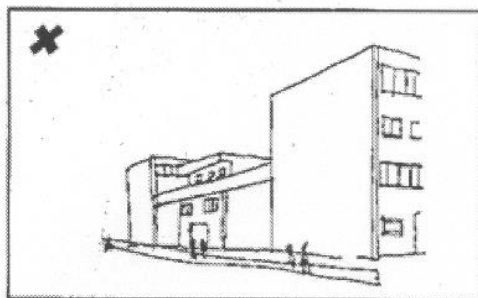
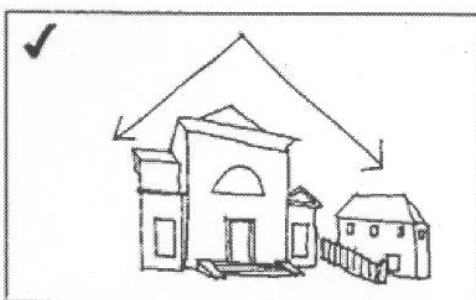
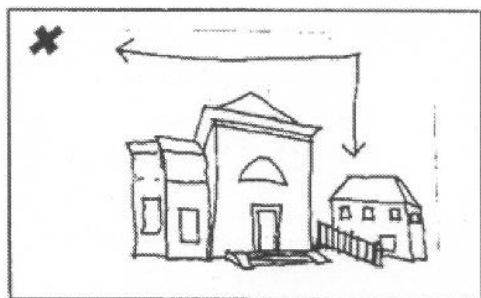
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P22

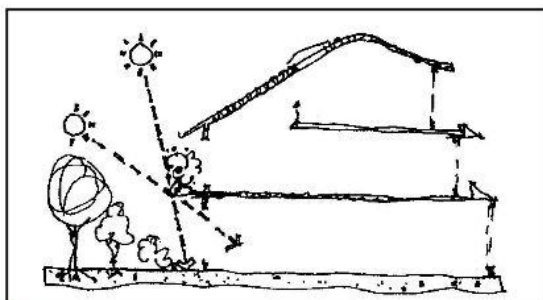


*Summary of urban and building design criteria*

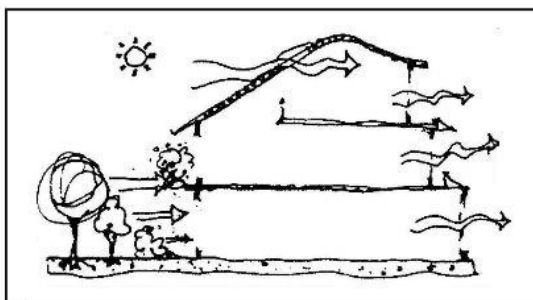
**(8c) Environmentally appropriate design**

In order to reduce the long term costs to the community and the environment, it is important that new development is designed for energy efficiency, passive climate control, erosion prevention and general conservation of resources.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have development that incorporates energy efficiency and ecologically sustainable design (ESD) principles.</p> <p>O2. To have water conservation.</p> <p>O3. To have stormwater management.</p> <p>O4. To have a limit on the amount of excavation.</p> <p>O5. To have an efficient site planning design for all the school sites.</p> <p>O6. To have soil erosion minimised.</p> <p>O7. To have compact and efficient development within the school sites.</p>	<p>P1. Minimise excavation so as not to affect the integrity of the site and to ensure geotechnical stability.</p> <p>P2. Excavation should be limited to the extent that adequate provision needs to be made for car parking, storage areas and level floor space.</p> <p>P3. Comply with excavation and site management controls in this Plan.</p> <p>P4. Maximise existing services and infrastructure.</p> <p>P5. Methods of reducing water use, on-site waste water and stormwater management, treatment and reuse are to be incorporated in the development as far as possible. Refer to stormwater management controls in this Plan for details.</p> <p>P6. Facilitate solar access by appropriate site planning and building design.</p> <p>P7. New development should demonstrate adequate thermal performance.</p> <p>P8. Favourable air movement should be facilitated by appropriate site planning and building design.</p> <p>P9. Create multiple layers of planting and intersperse low level vegetation with trees to reduce wind velocity near the ground.</p> <p>P10. Layout of each building cluster should prevent shading of north façade of each cluster between 9:00am and 3:00pm in midwinter.</p> <p>P11. Maximise cross ventilation of spaces through the use of appropriate building and landscaping design.</p> <p>P12. Connections to services such as electricity, gas, and telecommunications are to be located underground.</p>

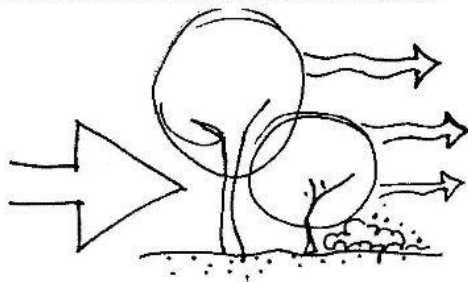


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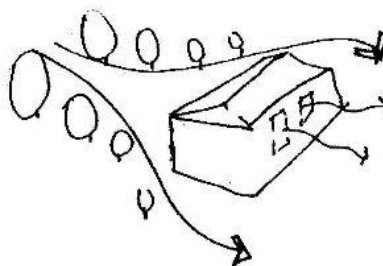
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multiple layers of planting reduce wind velocity near ground



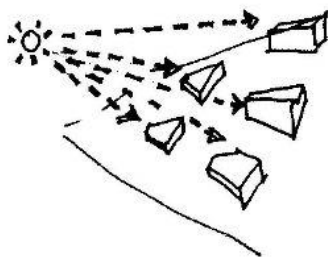
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landscaping and building design should facilitate cross ventilation



P9

layout should facilitate solar access

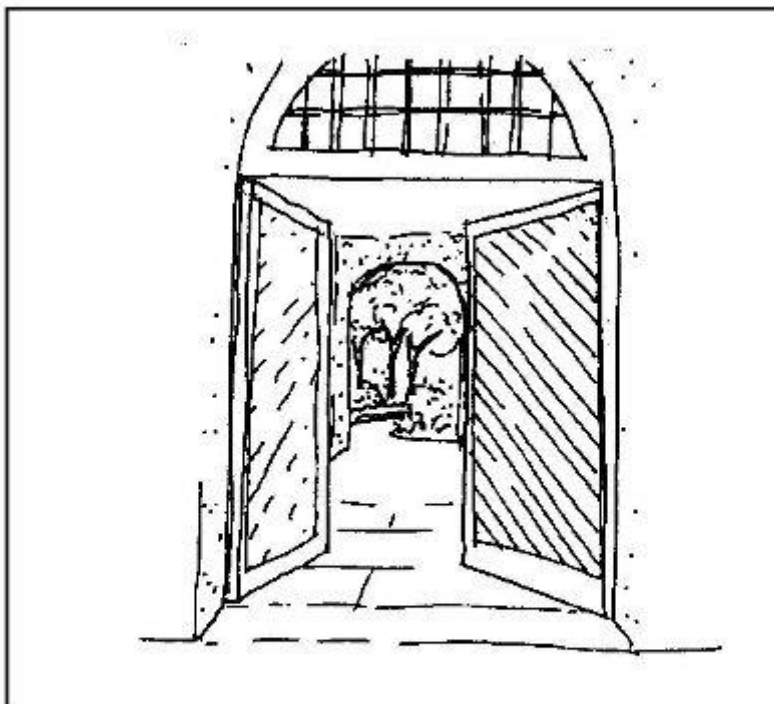


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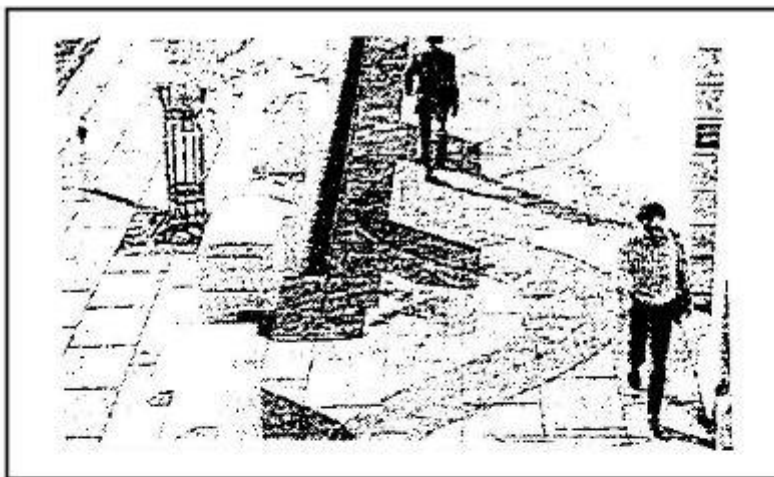
**(8d) Adequate school facilities**

An adequate school design will not only provide for the needs of the students and staff of the school, but it will also help prevent later ad-hoc additions, whilst at the same time, provide for a group of buildings which form a valuable contribution to the locality.

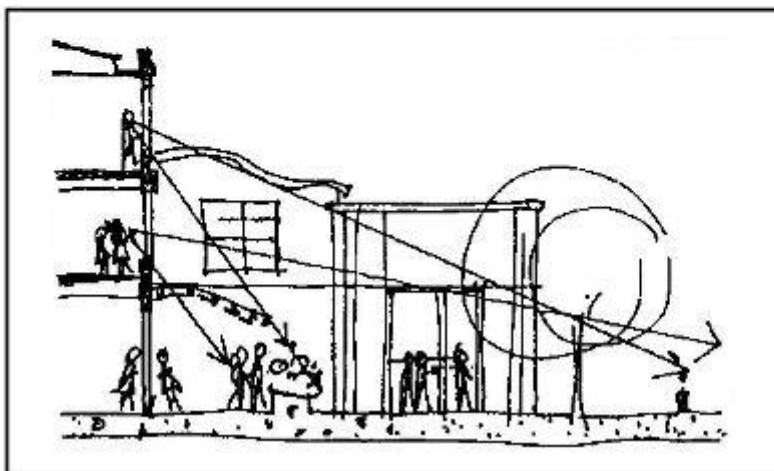
OBJECTIVES	PLANNING CONTROLS
<p>O1. To have adequate school facilities that meet the present and likely future requirements of the staff and students of the school and the general community expectations.</p>	<p>P1. The building design should provide adequate room sizes, circulation corridors, parking and general amenity appropriate to the intended functional use of the space.</p> <p>P2. The built form should facilitate a modern, progressive and flexible learning environment.</p> <p>P3. Adequate amenity and safety for the students, staff and visitors of the school must be provided.</p> <p>P4. The built form should provide interaction between inside and outside, and allow for safety and convenience of use.</p> <p>P5. Opportunity should be taken to acknowledge the school's presence by encouraging appropriate artwork at street entry.</p> <p>P6. Provide clear signage that does not detract from the visual character and amenity of the locality.</p> <p>P7. Provide vandal and graffiti resistant finishes.</p> <p>P8. There is to be equitable access for all potential users and visitors to each site.</p> <p>P9. Design building entrances to encourage observation and surveillance of people entering or leaving the site.</p> <p>P10. Ensure recreational and outdoor spaces are in full view from internal spaces for adequate supervision.</p> <p>P11. Adequate visual and acoustic privacy for neighbours and for school users should be provided. School activities within a redeveloped building or buildings should be located to ensure that noise generating activities (e.g. band rooms, technical rooms, etc) are positioned away from adjacent residential properties or adequately sound insulated.</p> <p>P12. Mail and garbage collection areas should be integrated with building and landscaped areas, and located in such a way so that they do not adversely affect on the adjoining properties, or the streetscape.</p>



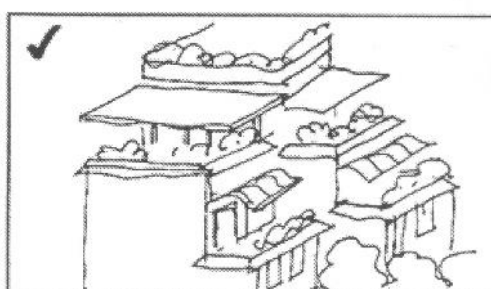
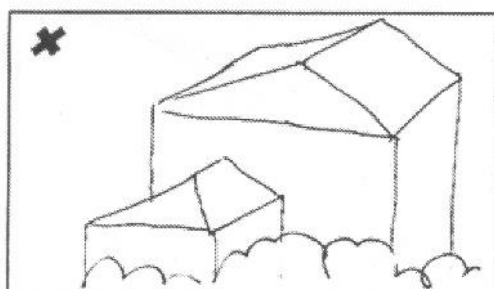
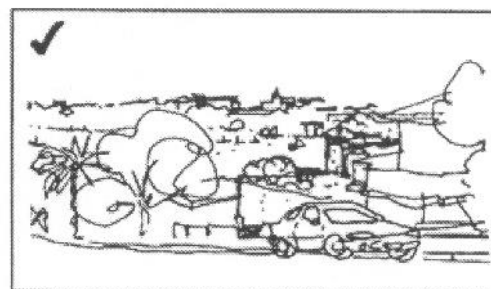
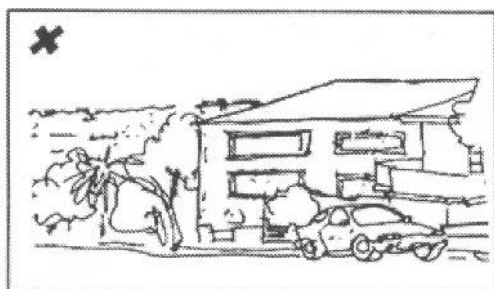
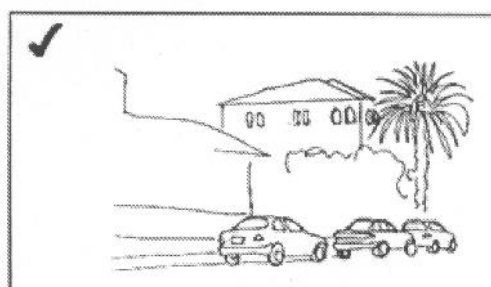
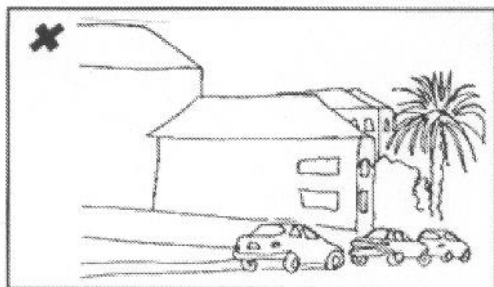
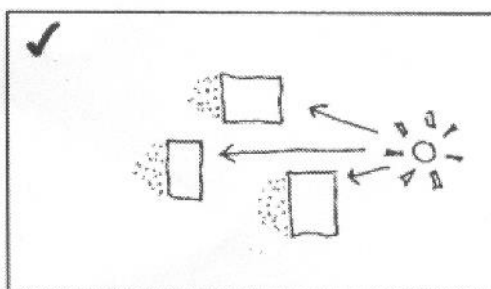
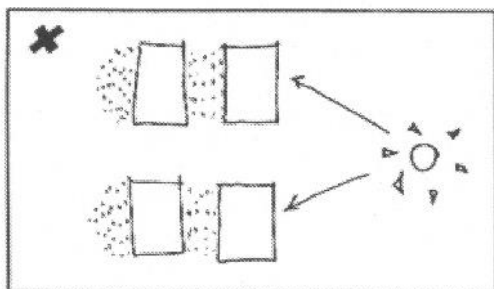
P4



P5



P9



Summary character, ESD and facilities

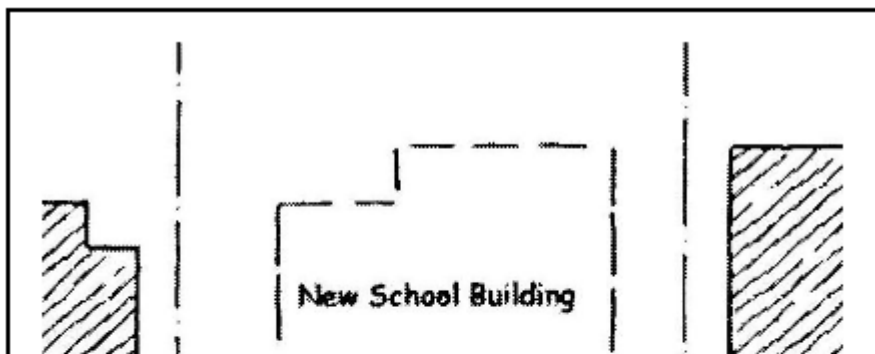
**(8e) Streetscape**

Streetscape quality contributes to the identity of local areas and defines the character of streets. Streetscape is composed of a series of elements which provide for local amenity and should positively contribute to the quality of the area. The elements defining streetscape are fencing, landscape, entries, building design, lighting setbacks and vehicular access. The form, location and arrangement of these determine the identity and overall character.

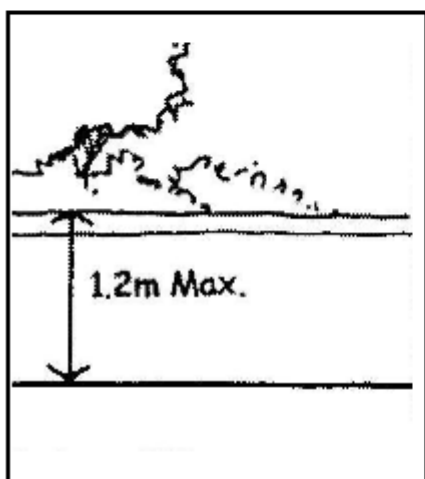
Building form, scale and style contribute to the character of the streetscape and reinforce its identity. New design could include variety in design and should introduce attractive and interesting elements to the street. The creation of attractive streets contributes to the community's amenity and can foster interaction between residents and pedestrians.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have street frontages of school sites that are responsive to built form, landscape and environmental conditions of the surrounding area and contribute to the streetscape.</p> <p>O2. To have building forms to the street that are of scale and form in keeping with the existing streetscape.</p> <p>O3. To have the front setback of new buildings complement the existing setbacks prevailing in the street.</p> <p>O4. To have fences that positively contribute to the streetscape character and adjacent properties and promote crime prevention by providing for surveillance to the street.</p> <p>O5. To have a built form reflect the character of Balmoral (characterised by pitched roofs and buildings stepping up the slopes).</p> <p>O6. To have planting to streetscape that reflects the vegetative character predominant in the streetscape characterised by screen shrub, large feature trees and feature garden beds consisting of shrubs and groundcovers.</p>	<p><i>Setbacks:</i></p> <p>P1. Buildings are to be set back in keeping with adjacent properties and prevailing street character.</p> <p>P2. Where existing residential buildings are demolished the new buildings are to have a front setback equal to or within 1m of the existing setback.</p> <p><i>Fencing:</i></p> <p>P3. Front fences and side fences forward of the building line should be no more than 1.2m high if solid.</p> <p>P4. Higher front fences may be considered if they are required for privacy or security and are to be a maximum of 1.8m high and at least 50% transparent and preferably incorporating planting.</p> <p>P5. Front fences and walls are to enable outlook from buildings to the street and to highlight site entries.</p> <p>P6. Style of new fencing should be in keeping with character of the building and use materials in keeping with the streetscape character.</p> <p><i>Landscaping:</i></p> <p>P7. Species used should be in keeping with street character and blend the development into the streetscape.</p> <p>P8. Where possible indigenous plant material should be reinstated to regenerate Balmoral's vegetation character. Refer to landscaping controls in this Plan for details.</p> <p><i>Pedestrian Entries:</i></p> <p>P9. Hierarchy of entries to sites is to be clearly identifiable.</p> <p>P10. Pedestrian entries are to be clearly defined within the streetscape.</p> <p>P11. Direct street level is to be provided to the entry lobby for equitable access to all potential users.</p>

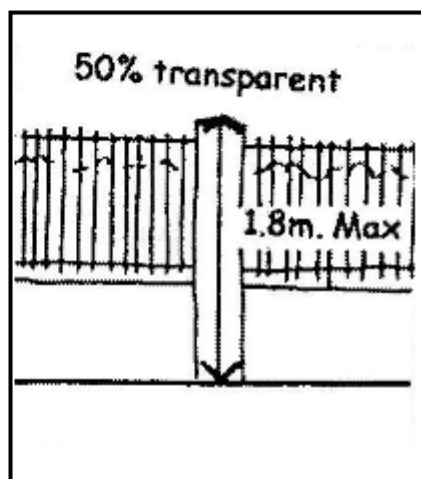
OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	P12. Entries are to have clear visibility to ensure safety of users and passers-by



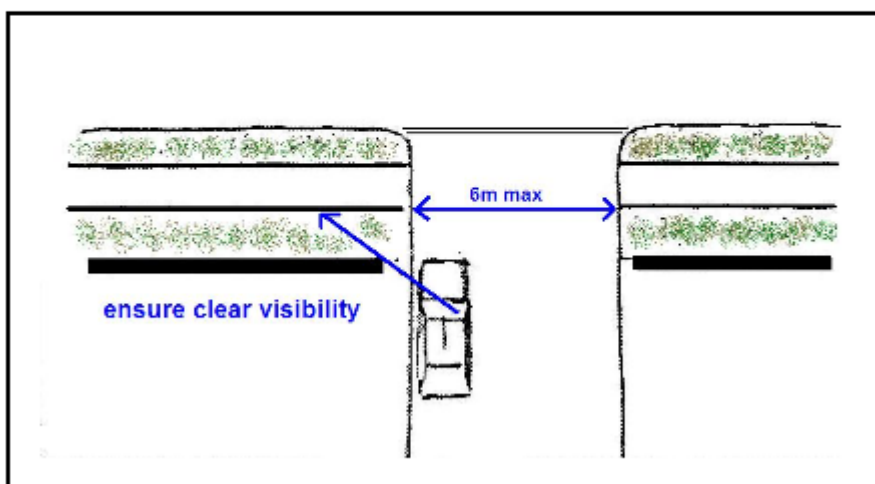
P1



P3



P5

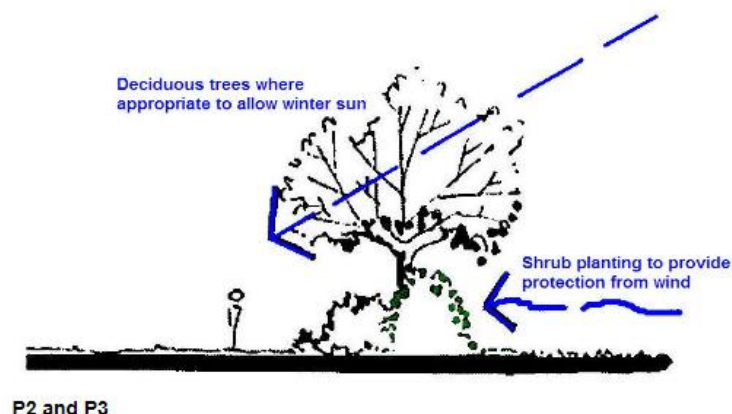


P12

**(8f) Open space**

Open space within the school provides for both active and passive recreation and plays an important role in defining the character of the school. Open space is both on ground and on slab providing outdoor recreational space in the form of courtyards, terraces, balconies and open air sporting facilities. Within the open space are areas of both hard and soft landscaping offering opportunities for a wide range of uses. Open space also improves the visual amenity of the school and the surrounding area.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have adequate and useable open space for the students and staff.</p> <p>O2. To have open space areas for both active and passive recreation.</p> <p>O3. To have open space areas that are designed for all year round comfortable use providing summer shade and winter sun coverage during school use times, in particular recess and lunch and wind protection.</p>	<p><i>Open Space:</i></p> <p>P1. A minimum of 8-10 sqm per student should be provided as outdoor open space for recreation incorporating hard and soft space (to be calculated across the 3 sites, incorporating undercover sporting courts/areas).</p> <p>P2. Provision of on ground open space should meet the objectives, by incorporating elements such as deciduous trees for winter sun and seating for students.</p> <p>P3. There should be provision of shade areas, seating facilities and areas protected from wind in all open spaces.</p> <p><i>Hard Landscaped Areas:</i></p> <p>P4. There should be provision of useable hard open space including roof decks, terraces, and balconies but not including driveways, carparking areas or service areas.</p> <p>P5. There should be provision of soft landscaping to all hard spaces incorporating shrub planting to screen views to adjoining properties.</p> <p><i>Soft Landscaped Areas:</i></p> <p>P6. There should be provision of grassed areas within the on ground areas of the school that allow for ease of maintenance and are a minimum size of 5m x 5m to provide for useable grassed space.</p>



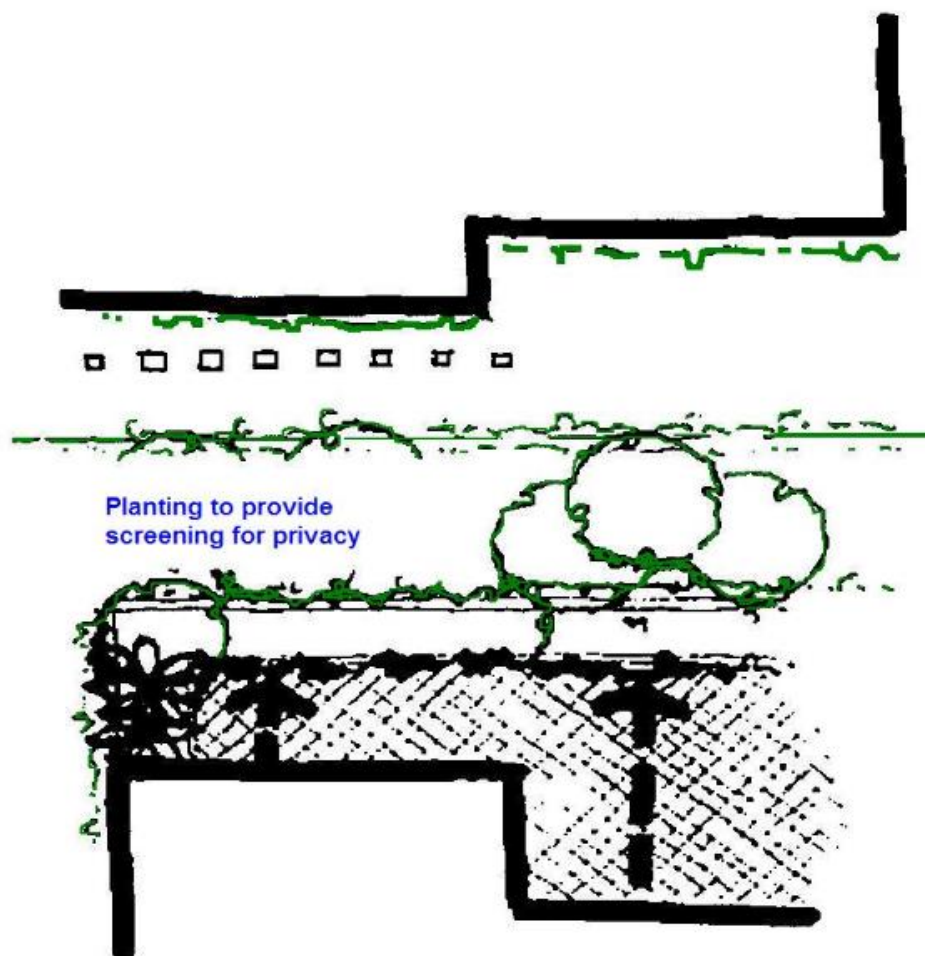
**(8g) Landscaping**

Within the open space areas the landscaping consists of both hard and soft landscaped areas. Hard landscapes consist of paved areas including paths, courtyards, terraces, and soft landscapes consist of turf and planting areas.

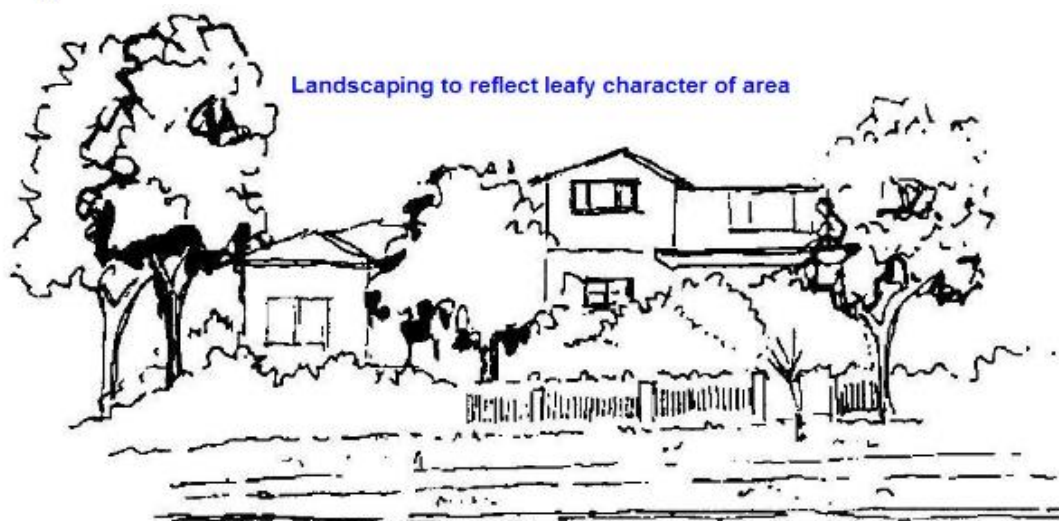
Vegetation contributes to the character of the area and softens the visual appearance of the built form within the landscape. Planting provides screening and privacy between adjoining buildings and is important for energy efficiency.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have existing mature trees identified as significant retained in a way that ensures their ongoing health.</p> <p>O2. To have existing rock outcrops and features incorporated into design where retained.</p> <p>O3. To have the visual quality of the site and buildings improved through innovative and appropriate landscape design.</p> <p>O4. To have indigenous species to the area and native plants incorporated in the landscape design.</p> <p>O5. To have landscaping that reflects and complements the predominant vegetation patterns in the locality.</p> <p>O6. To have porous landscaped areas maximised.</p> <p>O7. To have wind protection to exposed areas, privacy to surrounding residences, summer shade and winter sun achieved through appropriate landscaping.</p> <p>O8. To have existing views maintained from surrounding properties to foreshore area.</p>	<p><i>General Landscaping:</i></p> <p>P1. Planting is to provide screening for privacy to prevent direct views from school open space areas into adjoining properties.</p> <p>P2. Ensure that extent of vegetation after redevelopment is more than on existing sites owned by the school.</p> <p>P3. Plant species selected are to be suitable for site conditions including strong winds, salt conditions, sandstone geology.</p> <p>P4. Plant species and sizes when selected are to consider school conditions and need to be low maintenance.</p> <p>P5. Ensure paths entering and within the school have clear visibility for safety.</p> <p>P6. All on slab planting areas are to be irrigated and sufficiently drained. Refer to landscaping controls in this Plan for details.</p> <p><i>Existing Vegetation and Site Features:</i></p> <p>P7. Existing trees identified as significant are to be retained, protected and incorporated into the landscape design.</p> <p>P8. Protect and enhance existing sandstone outcrops within the site where possible.</p> <p><i>Trees:</i></p> <p>P9. Trees removed are to be replaced with a tree of the same mature height.</p> <p>P10. Selection of large trees is to consider views from adjoining properties and shadows to adjoining properties.</p> <p>P11. Tree planting is to be used to contribute to energy efficiency and climate control by providing summer shade and winter sun to both indoor and outdoor spaces.</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p><i>Pedestrian Network:</i>  P12. Provide a clear system and hierarchy of paths that are identified by scale, material and associated planting.</p> <p>P13. Use a defined palette of paving materials that defines the path hierarchy.</p> <p><i>Paving:</i>  P14. A cohesive palette of paving materials is to be used to define open space uses and hierarchy.</p> <p><i>Plant Species:</i>  P15. Plants to be selected from the Building and Sustainability Index (BASIX) “Table D2.1 Indigenous Plant List for Mosman” and Council’s “Guide to Native Plant Species for Mosman Gardens”.</p> <p>P16. Landscape design to incorporate both natives and exotics to achieve objectives and design intent.</p>



P1



P16

**(8h) Parking and access**

Car parking provision does not result in adverse environmental impact, whilst it also meets the needs of the staff and visitors to the site. Additionally, adequate ease of access should be provided for all potential users, whether mobile, or mobile-impaired.

OBJECTIVES	PLANNING CONTROLS
O1. To have minimum impact in terms of traffic and parking by keeping driveway access away from the main roads.  O2. To have equitable and safe access for all potential visitors and uses of the school.	P1. Provide adequate on-site car parking facilities without impinging on the amenity of the locality.  P2. Integrate adequate car parking and access without compromising street character, landscape or pedestrian amenity and safety.  P3. Car parking should generally be underground. Any on site car parking should be screened with well designed structures.  P4. Maintain adequate driveway width whilst ensuring pedestrian safety.  P5. Driveway width should be preferably 3m and must not exceed 6m in width to minimise affect on footpath and facilitate pedestrian safety.  P6. Driveways are to be located to preserve significant existing trees and vegetation.  P7. Driveways are not to visually dominate the site frontage and street character.  P8. Noise generated from cars entering and exiting the site should be minimised by the use of adequate driveway design.  P9. One service bay should be provided within the car-parking area for each site.

### (9) Specific guidelines for each site

Additional controls which are specific to each site are set out below. Development on each of the Queenwood sites is to comply with the general provisions outlined in (8a) to (8h) above, as well as the site-specific provisions set out below.

#### (9a) Upper School Site: Mandolong Road

This is the main school site and it is located at No. 47 Mandolong Road.

The site contains the properties at Nos. 47 - 51 Mandolong Road, and Nos. 21 - 23 Hunter Road.

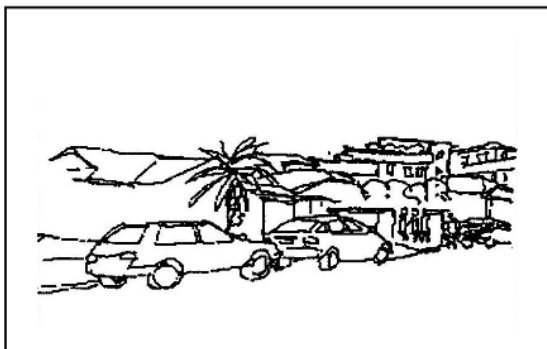


The general location of the site is shown circled in the adjacent aerial photograph.

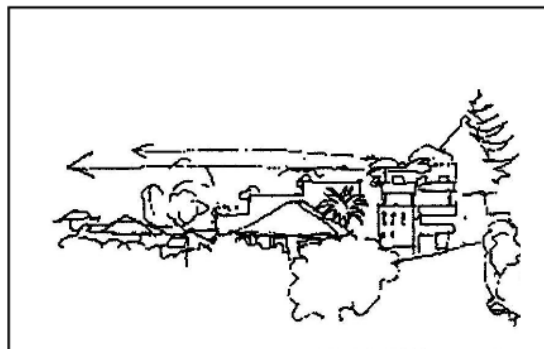
OBJECTIVES	PLANNING CONTROLS
<p>O1. To have no net additional shadows cast over the adjoining properties between 9:00am and 3:00pm in the winter solstice.</p> <p>O2. To have development of a scale and bulk that does not adversely affect the neighbouring properties.</p> <p>O3. To have privacy and amenity of adjoining properties and locality maintained.</p> <p>O4. To have any potential conflict at the interface with the street and with the surrounding residential zones minimised.</p> <p>O5. To have good urban and building design.</p>	<p><i>Siting:</i></p> <p>P1. Most of the new development should be sited closest to the western (rear) boundary</p> <p>P2. Setbacks from the street should be similar to adjoining properties. Notwithstanding the requirements of (8a) P6 above, side setbacks at 17, 19 and 25 Hunter Road and 53 Mandolong Road may be determined by a height plane set at 45° taken from natural ground level at the side boundary, unless otherwise determined by the site conditions (e.g. landform, sunlight, daylight, compatible form and scale, etc.).</p> <p>P3. Setback from the rear boundary to the west should be sufficient to allow for daylight access and ventilation to the new building.</p> <p>P4. New buildings and structures should be sited to allow for maintenance of views and solar access to the adjoining properties.</p> <p>P5. Sufficient landscaping buffer should be incorporated to provide for visual and physical separation between the new buildings and the neighbouring properties. In addition, the separation distance between the boundary and any new buildings should be comparable to that enjoyed by adjoining residential buildings at 17 and 19 Hunter Road and 53 Mandolong Road, to reinforce the 'backyard' character of the area.</p> <p>P6. Noise attenuation is to be achieved by the use of devices such as distance from the boundary and masonry walls / barriers which are screened by planting.</p> <p><i>Massing and Built Form:</i></p> <p>P7. New buildings should not restrict views from adjoining or nearby properties to the bay.</p> <p>P8. Any large volume should be articulated and composed of coherent smaller units to ensure</p>
<p><i>The objective/s from the preceding page apply.</i></p>	

OBJECTIVES	PLANNING CONTROLS
	<p>reduction of bulk.</p> <p>P9. New buildings should fit into the urban and natural settings.</p> <p>P10. The effect of terracing along the hillside should be maintained, and incorporated in the design.</p> <p>P11. Gradual change in increase in height and reduction in mass, stepping upwards along the hillside, as perceived from the foreshore, or public open space in the vicinity</p> <p>P12. Transition zones, such as terraces, should be used to facilitate stepping back and change of level.</p> <p>P13. Lengths of blank walls should be kept to a minimum and large horizontal wall massing as perceived from the foreshore, or nearby open space should be avoided.</p> <p>P14. Wall surfaces should be articulated and colours and finishes are to be appropriate so as to contribute to the character of the townscape in a positive manner.</p> <p>P15. Noise attenuation devices such as masonry walls should not be of a scale and bulk that will be overbearing to the neighbouring properties.</p> <p>P16. Adequate outdoor lighting should be provided for security reasons. There should be no light spillage onto adjoining properties.</p> <p><i>Car Parking and Access:</i></p> <p>P17. Equitable access should be provided for all potential users and visitors to the site.</p> <p>P18. The car parking area should be located underground and should not contain more than 15 car spaces.</p>

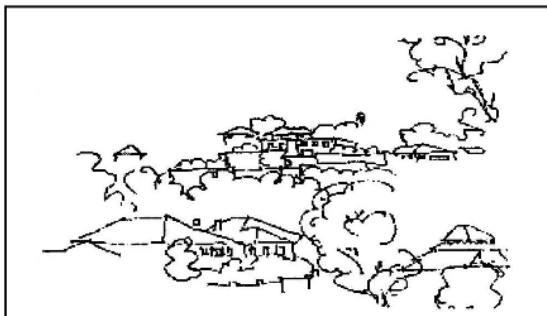
OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P19. No more than 2 car spaces may be located at grade. These spaces should be screened from the street with appropriate landscaping devices.</p> <p>P20. Driveway access should be off Hunter Road, to minimise conflict with traffic in Mandolong Road. Pedestrian access to the school should be provided off Hunter Road towards the centre of the site and through internal corridors. Access through buffer zones at the site's perimeter is not permitted.</p> <p>P21. Access for loading and service vehicles should be shared with the driveway access to the car parking area, off Hunter Road. However, the number and frequency of service vehicles entering and exiting the site should be kept to a minimum and is to be negotiated with Council at the time of the Application. All garbage and recycling collection for the upper school will be from the Mandolong Road frontage.</p> <p><i>Open Space and Landscaping:</i></p> <p>P22. Significant existing trees within the site as identified in the site analysis are to be retained.</p> <p>P23. All trees in adjacent properties along the school boundaries are to be retained and protected during and after building works to ensure their ongoing health.</p> <p>P24. Trees selected should not affect existing direct views from adjoining residence to the foreshore and harbour.</p> <p>P25. The site layout should incorporate open space in a way that continues the 'backyard' arrangement prevalent in the locality.</p>



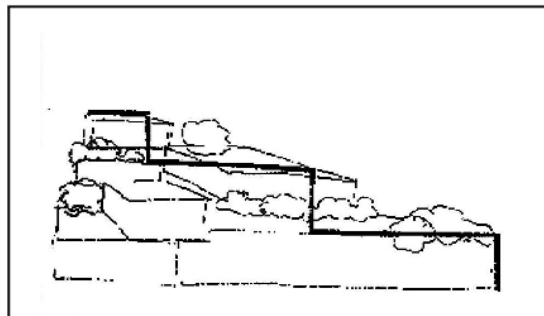
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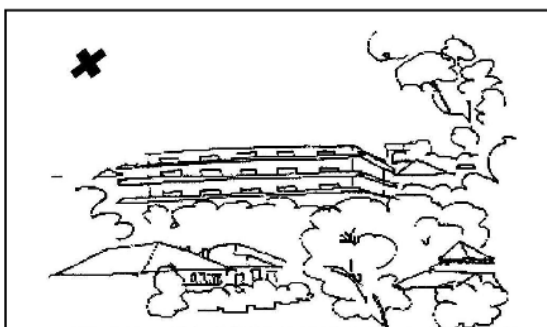
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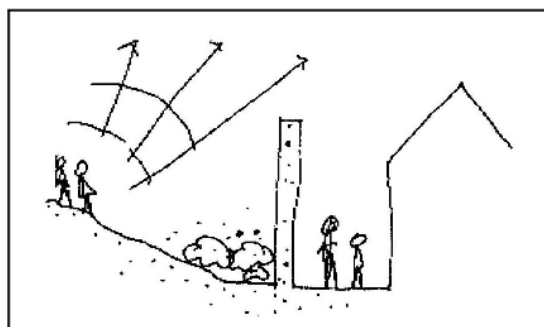
P9



P10



P13



P15

**(9b) Lower School Site:****Mandolong Road**

The lower school site located on the corner of No. 44 Mandolong Road and Waitovu Street.

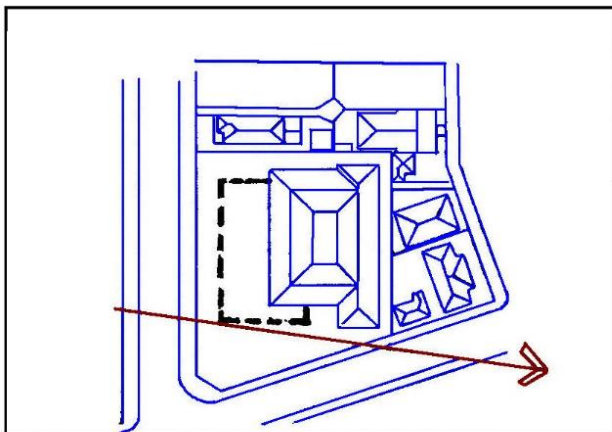
This is the part of the school most likely to contain the physical education and sporting facilities and the laboratories for science.

The general location of the site is shown circled in the adjacent aerial photograph.

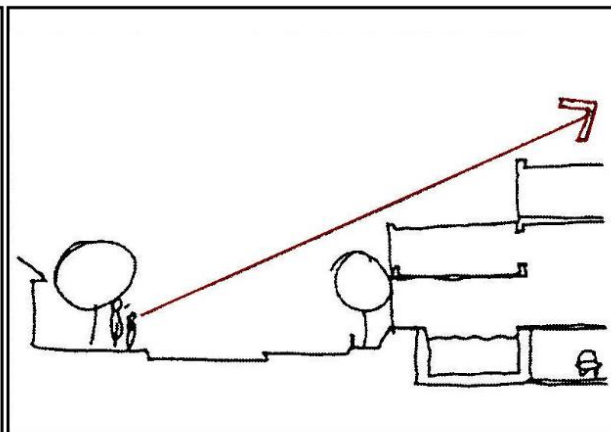


OBJECTIVES	PLANNING CONTROLS
<p>O1. To have no additional adverse affect on adjoining and nearby properties by way of overshadowing, overlooking and loss of views.</p> <p>O2. To have new development that is considerate to its context.</p> <p>O3. To have landscaping that is integral to the overall design.</p> <p>O4. To have appropriate orientation and wind protection for increased thermal performance.</p> <p>O5. To have good urban and building design.</p>	<p><i>Siting:</i></p> <p>P1. New buildings should be designed and sited to avoid overlooking to and from the adjoining properties.</p> <p>P2. A setback similar to the Waitovu Street properties is to be maintained along that street alignment.</p> <p>P3. The siting of the new buildings should maximise solar access and natural ventilation.</p> <p><i>Massing and Built Form:</i></p> <p>P4. New buildings should fit into the urban and natural settings.</p> <p>P5. New buildings should not restrict significant views from adjoining or nearby properties to the bay.</p> <p>P6. Building height and bulk should be carefully distributed across the site.</p> <p>P7. A maximum of two storeys may be built, as viewed from the street. An additional level may be incorporated, if it is substantially set back, so that it is not seen from the street, and does not adversely affect the adjoining properties.</p> <p>P8. The building's façade should be articulated with the use of screening and shading devices incorporated for climate control and thermal comfort.</p> <p>P9. The length of wall should be minimised to reflect use of the internal spaces, so as to create an interesting street front.</p>

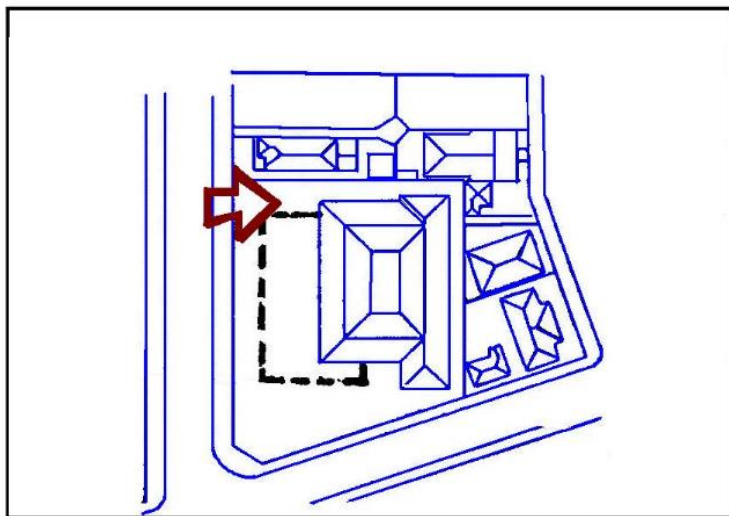
OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p><i>Car Parking and Access:</i></p> <p>P10. Equitable access should be provided for all potential users and visitors to the site.</p> <p>P11. Car parking should be located underground.</p> <p>P12. No more than 4 car spaces should be located at grade. These spaces should be screened from the street with appropriate landscaping devices.</p> <p>P13. Driveway access to visitor car parking and underground car parking area should be off Waitovu Street, to minimise conflict with traffic.</p> <p>P14. Access for loading and service vehicles should be shared with the driveway access to the car parking area off Waitovu Street.</p> <p><i>Open Space and Landscaping:</i></p> <p>P15. Boundary wall to school along street frontages to be retained.</p> <p>P16. Mature trees located in the existing lawn area are to be retained, where possible.</p> <p>P17. The mature Melaleuca quinquernervia and Eucalyptus sp. in the lawn area are to be retained.</p> <p>P18. Any sporting facilities on site are to be screen planted for privacy.</p> <p>P19. The existing grassed and treed open space on the corner of Waitovu Street and Mandolong Road should preferably be retained.</p> <p>P20. Residential boundaries should be buffered by adequate planting, where appropriate.</p>



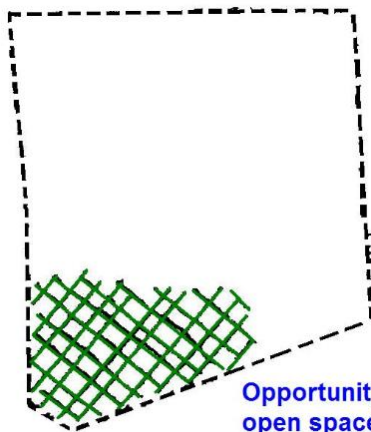
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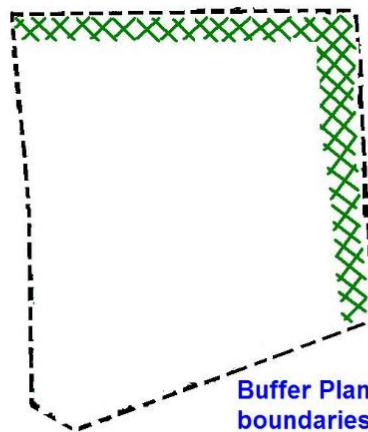


P13



P19

Opportunity for on ground  
open space



P20

Buffer Planting to residential  
boundaries

**(9C) Esther Road**

This is the site of the former Balmoral Infants' School and it is located on the corner of Esther Road and The Esplanade. Its location is a prominent position on Balmoral's urban edge at the foreshore.

New buildings on this site should be appropriate to the position's high visibility and should adopt similar massing and setbacks to neighbouring development fronting The Esplanade.

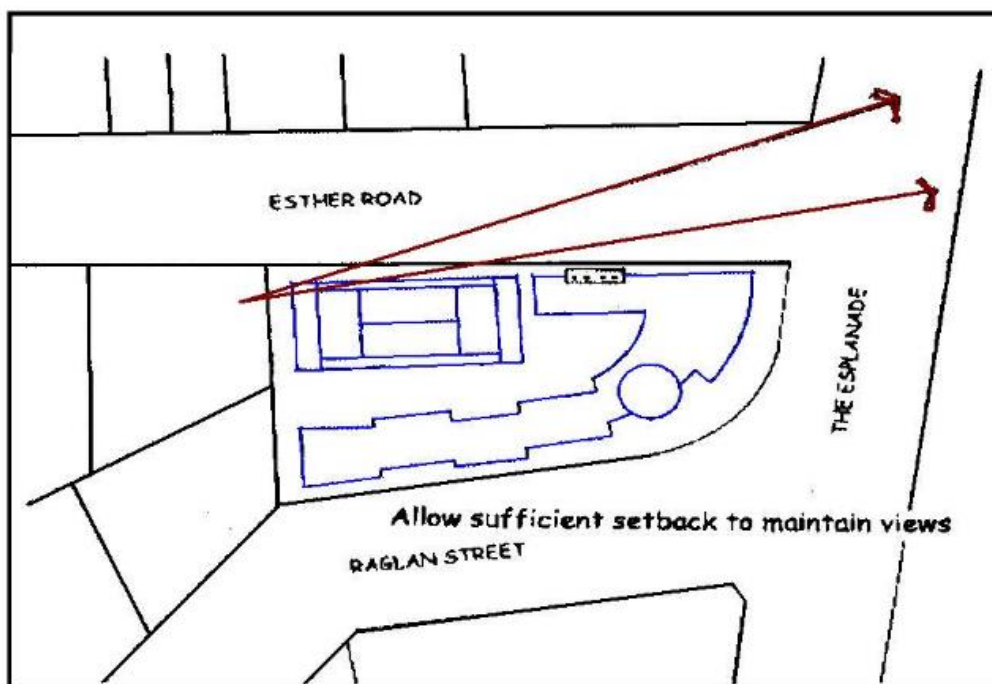
The general location of the site is shown circled in the adjacent aerial photograph.



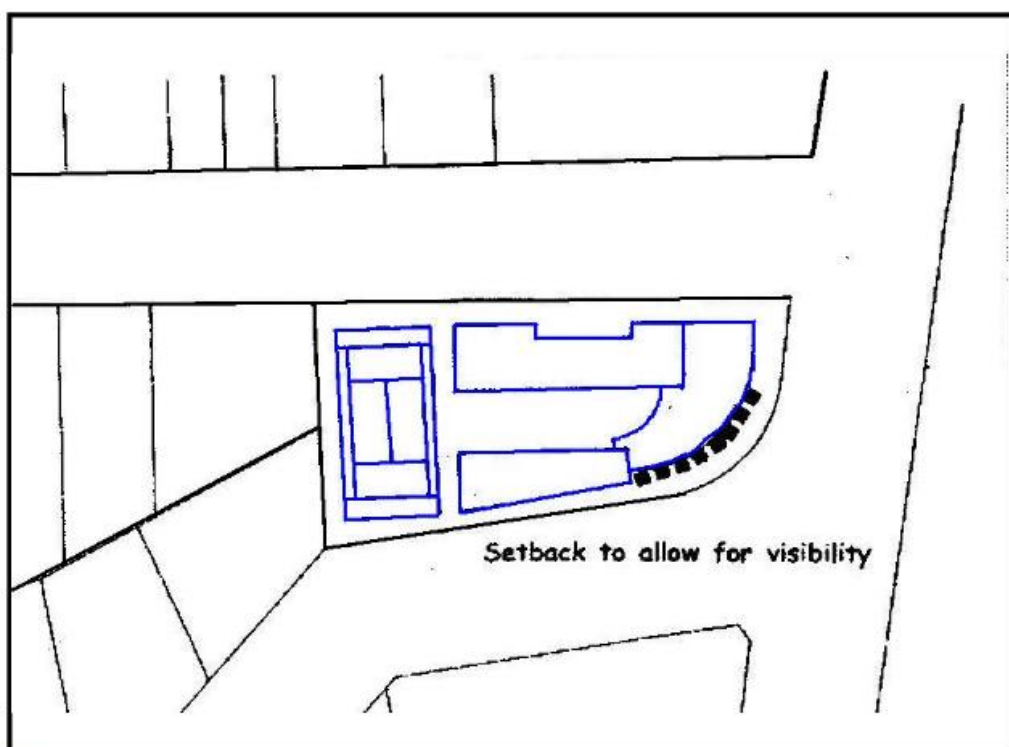
Three options of a hypothetical school development are illustrated below. These options (indicated as a, b, and c) show how the guidelines may be met. Not all illustrations show all the options, and a number of different options should be able to satisfy the guidelines.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have urban forms which are sympathetic to the surrounding townscape and its uses.</p> <p>O2. To have no additional adverse affect on adjoining and nearby properties by way of overshadowing, overlooking and loss of views.</p> <p>O3. To have new development that is considerate to its context.</p> <p>O4. To have landscaping that is integral to the overall design.</p> <p>O5. To have appropriate orientation and wind protection for increased thermal performance.</p> <p>O6. To have good urban and building design.</p> <p>O7. To have adequate usable open space.</p> <p>O8. To have adequate car parking and safe access.</p>	<p><i>Siting:</i></p> <p>P1. New buildings should not restrict visual access from adjoining or nearby properties to the bay.</p> <p>P2. No building should exceed a height limit of 8.5m above natural ground level. New buildings and structures should not adversely affect the adjoining or nearby properties by way of overlooking, overshadowing or significant loss of views.</p> <p>P3. Setbacks should reflect those of the immediately adjacent buildings fronting The Esplanade.</p> <p><i>Massing and Built Form:</i></p> <p>P4. The portion of the school fronting The Esplanade should seek to reinforce the existing landscaped setting of the site.</p> <p>P5. The prominent corner on the intersection of Raglan Street, The Esplanade and Esther Road should be reinforced by an appropriate landscaped form.</p> <p>P6. The building's façade should be articulated with the use of screening and shading devices incorporated for climate control and thermal comfort.</p> <p>P7. The length of wall should be minimised to reflect use of the internal spaces so as to create an interesting street front.</p>

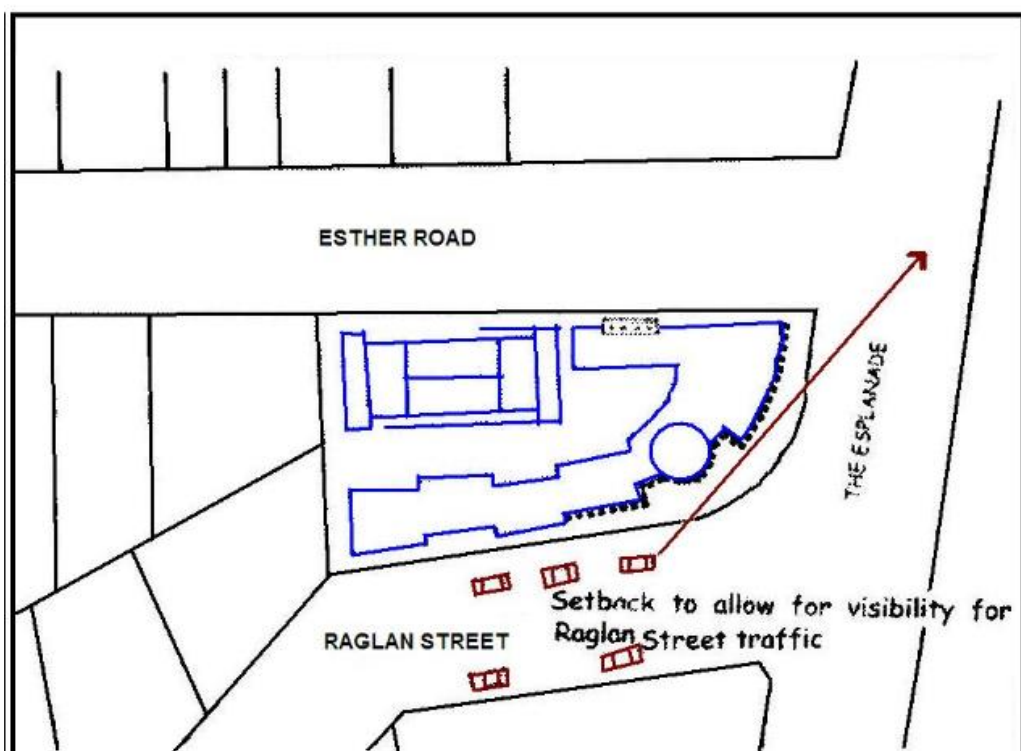
OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P8. The use of blank walls fronting the street is to be avoided.</p> <p>P9. Reflective materials are to be avoided.</p> <p>P10. Colours and finishes are to be appropriate to the prominent location of the site and to its use.</p> <p>P11. The school's communal open space should be protected from the main roads by the building and through landscaping.</p> <p><i>Car Parking and Access:</i></p> <p>P12. Equitable access should be provided for all potential users and visitors to the site.</p> <p>P13. Car parking should be located underground.</p> <p>P14. No more than 2 car spaces should be located at grade. These spaces should be screened from the street with appropriate landscaping devices.</p> <p>P15. Driveway access should be off Esther Road to minimise conflict with traffic in Raglan Street and The Esplanade.</p> <p><i>Open Space and Landscaping:</i></p> <p>P16. The majority of open space on this site should be located on the north-western portion of the site, fronting the Esther Road boundary. This would allow for the continued enjoyment of views from the adjoining property on Esther Road, and the preservation of sunlight access.</p> <p>P17. A tree survey is to be undertaken by a qualified horticulturist to identify the species and location of all vegetation on site.</p> <p>P18. Mature trees identified as having historical significance are to be retained.</p> <p>P19. All trees along the boundary in good health are to be retained where possible.</p> <p>P20. Plants selected for this site are to be tolerant of coastal conditions and respond to the Balmoral foreshore planting character.</p> <p>P21. Planting within the site is not to affect any direct existing views of the foreshore from surrounding residences.</p> <p>P22. Civic open space and relevant artwork may be created / extended on the portion of the land fronting The Esplanade, to commemorate Barney Kearn's Farm.</p>



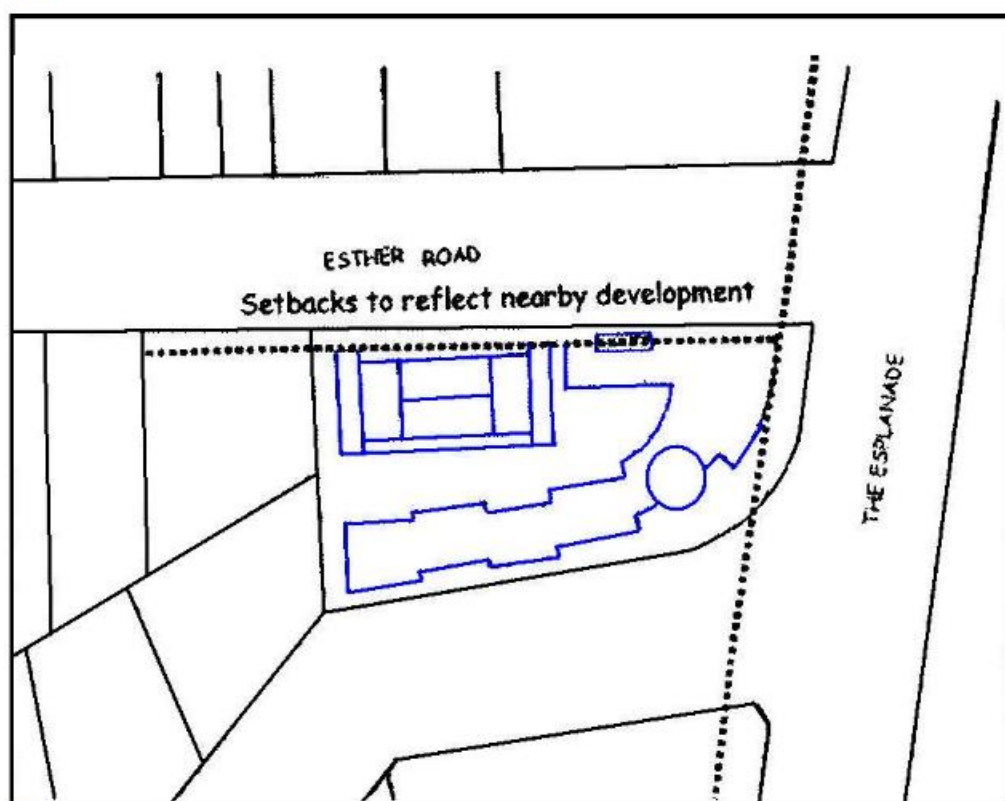
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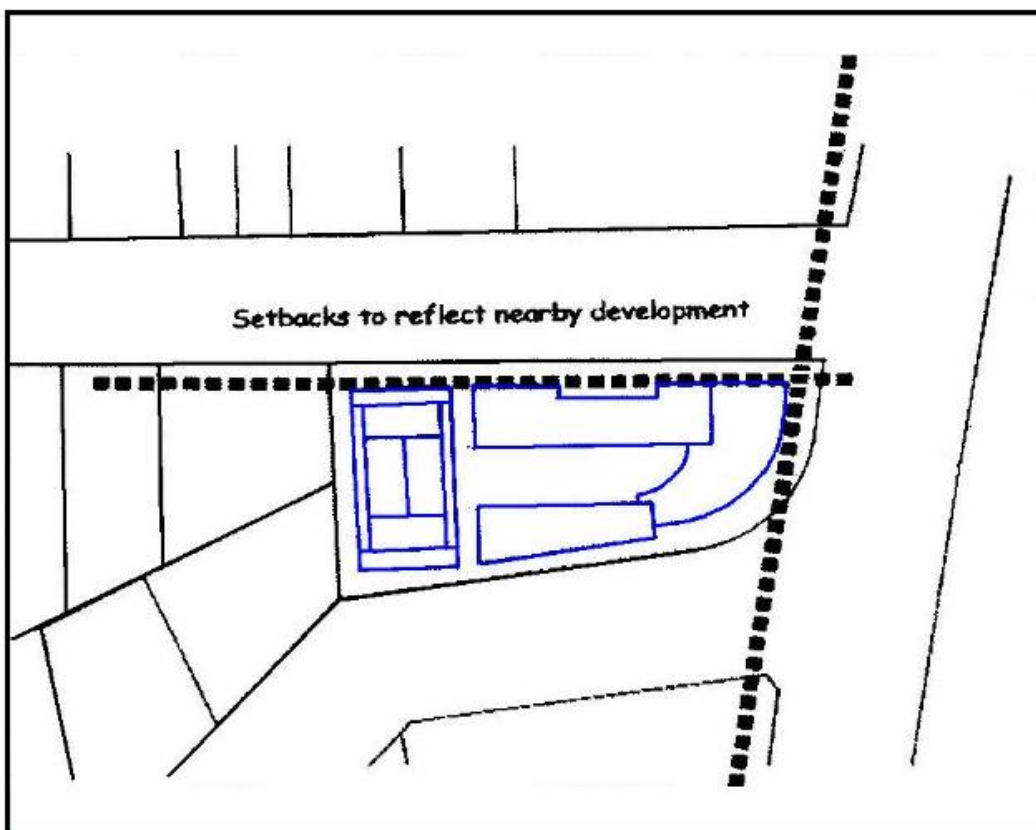
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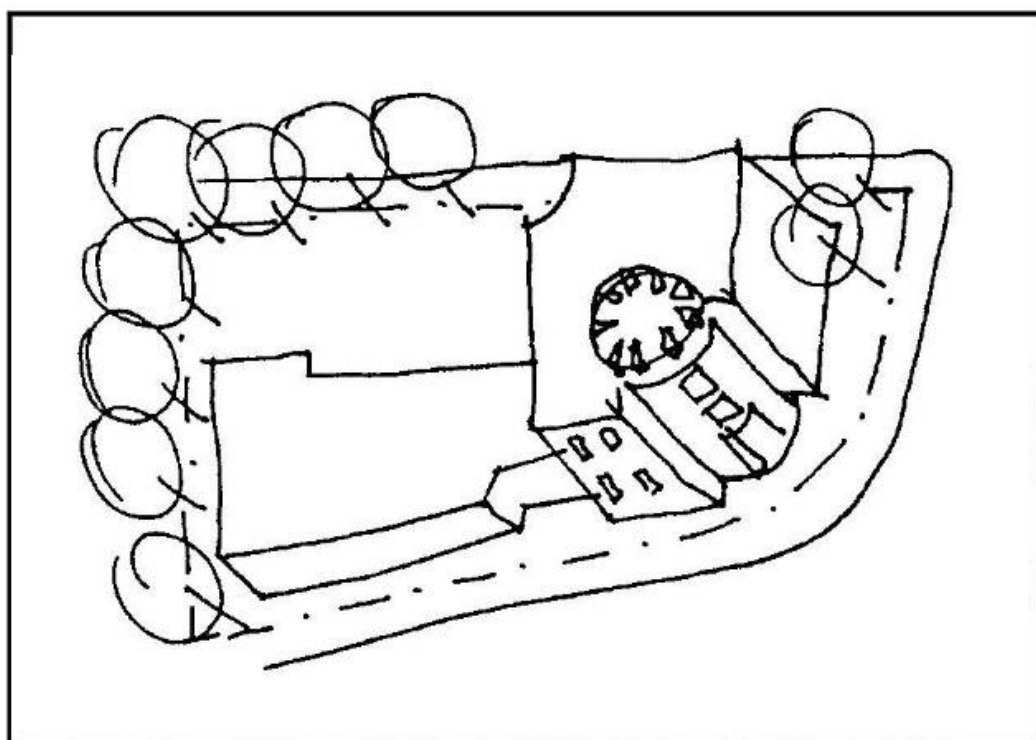
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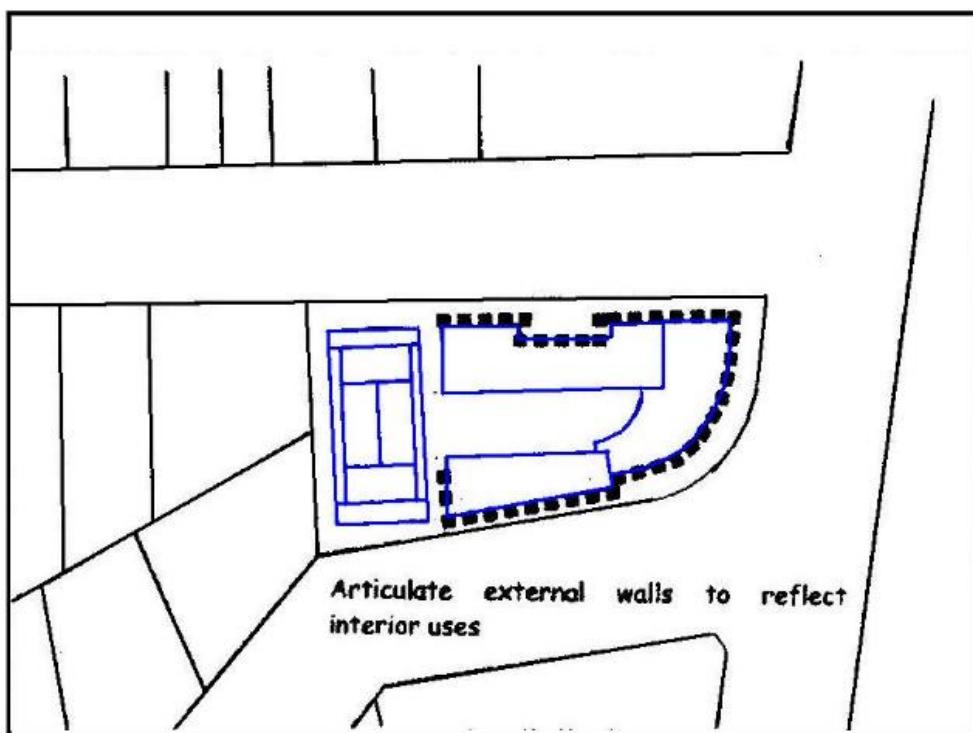
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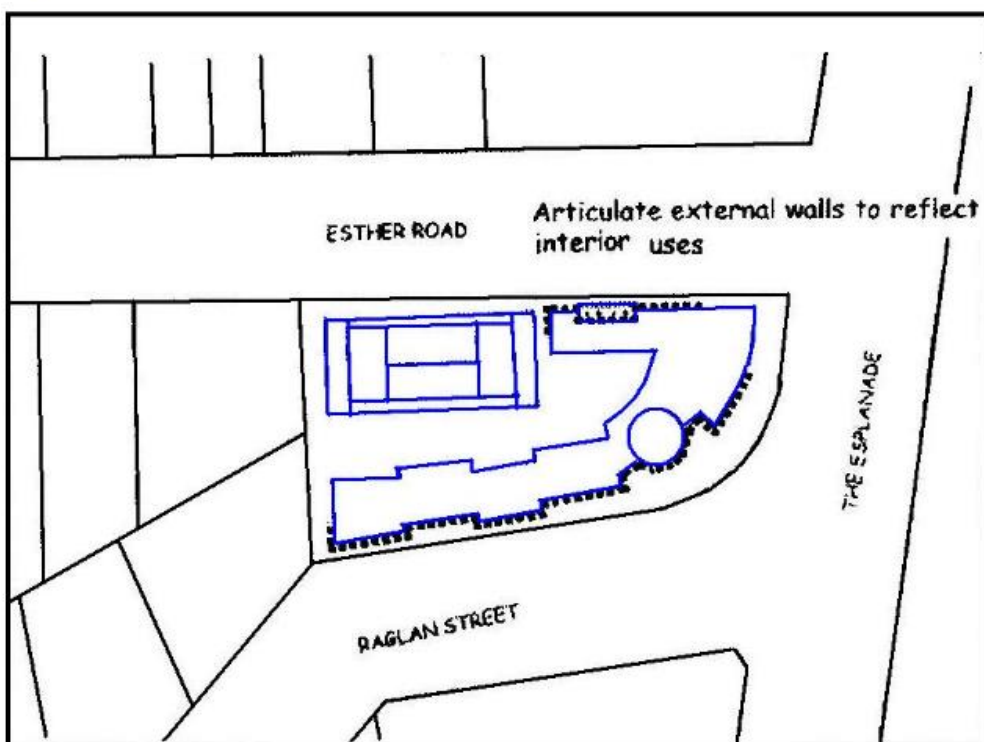
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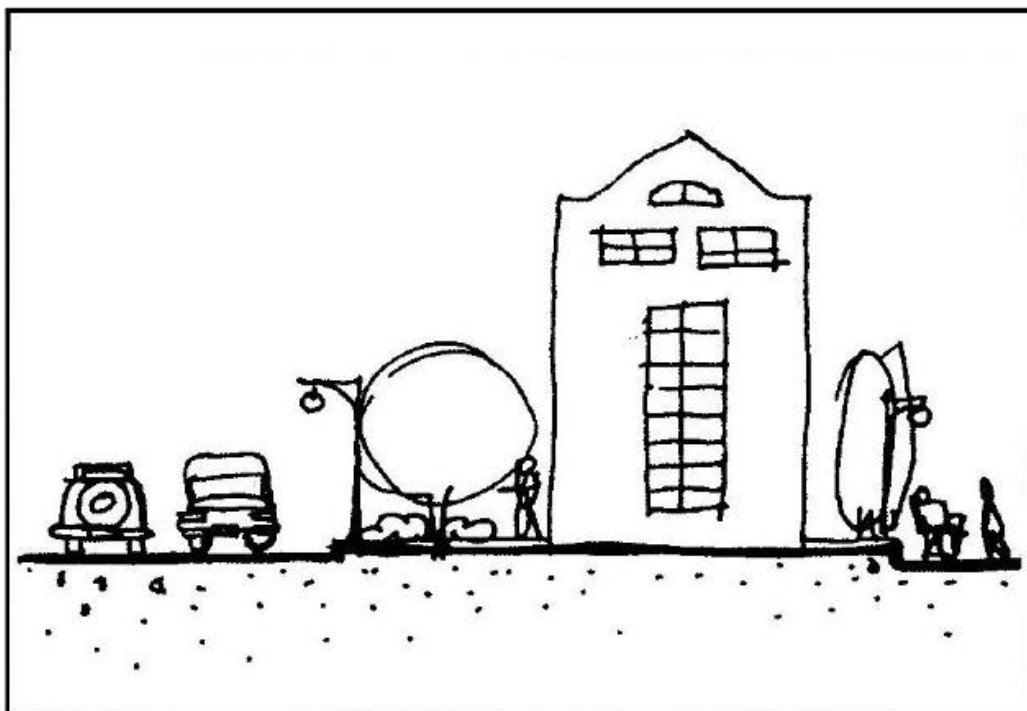
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P7



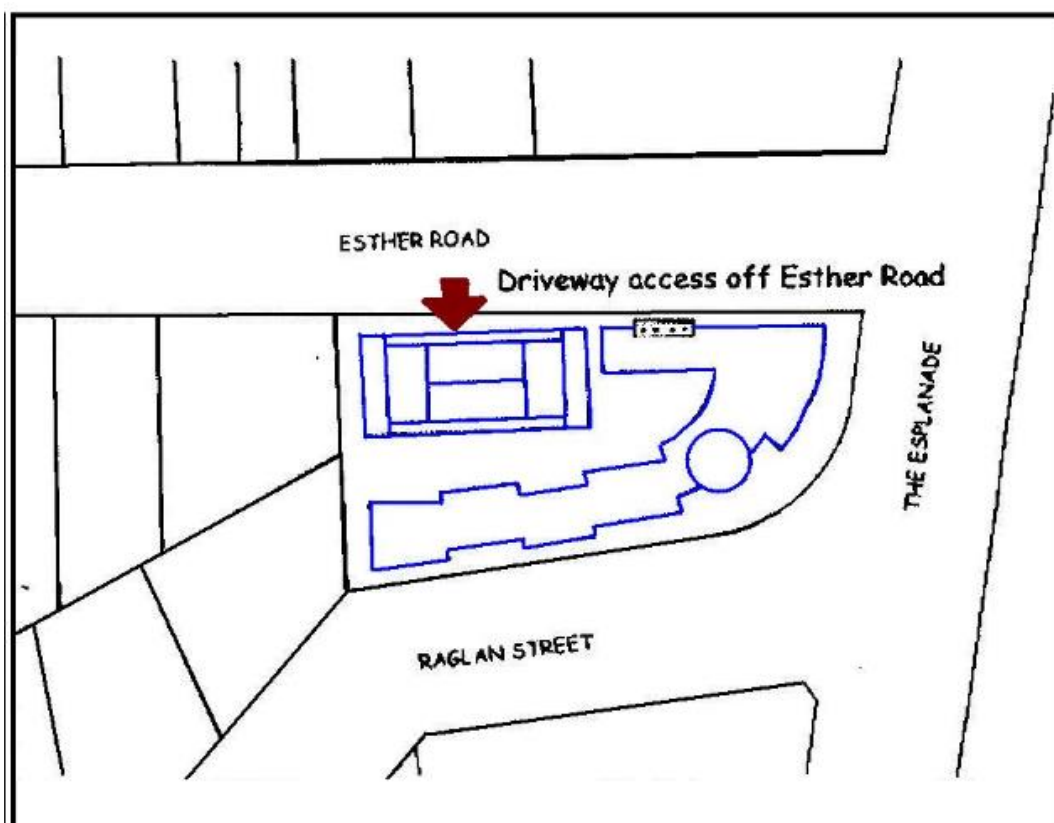
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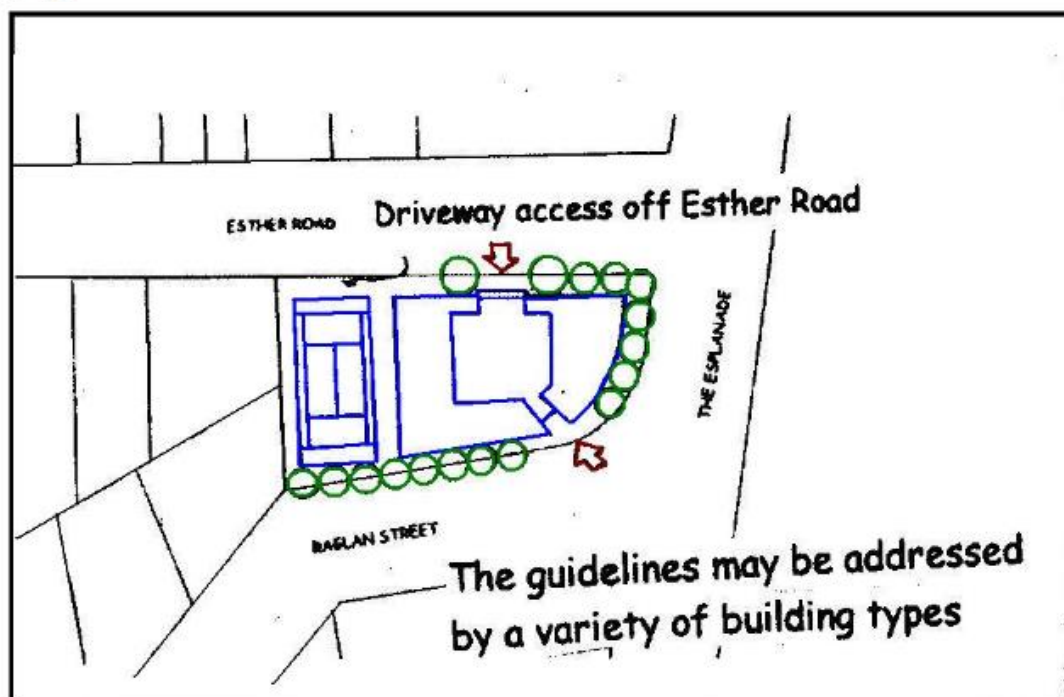
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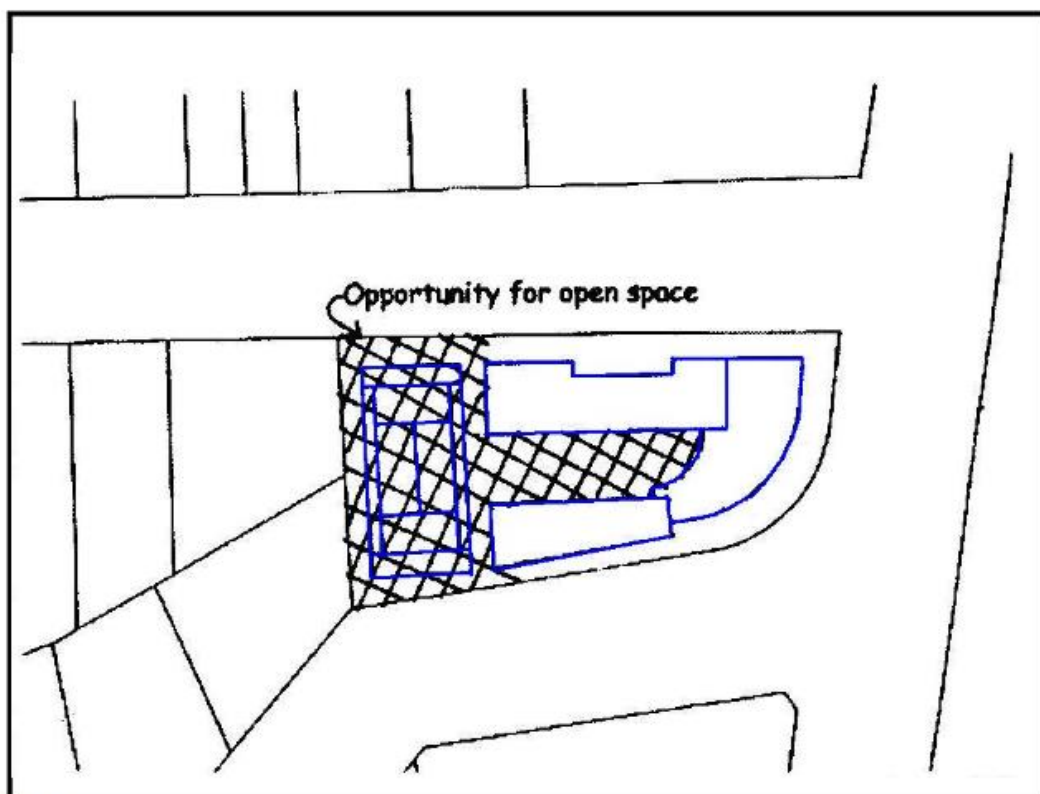
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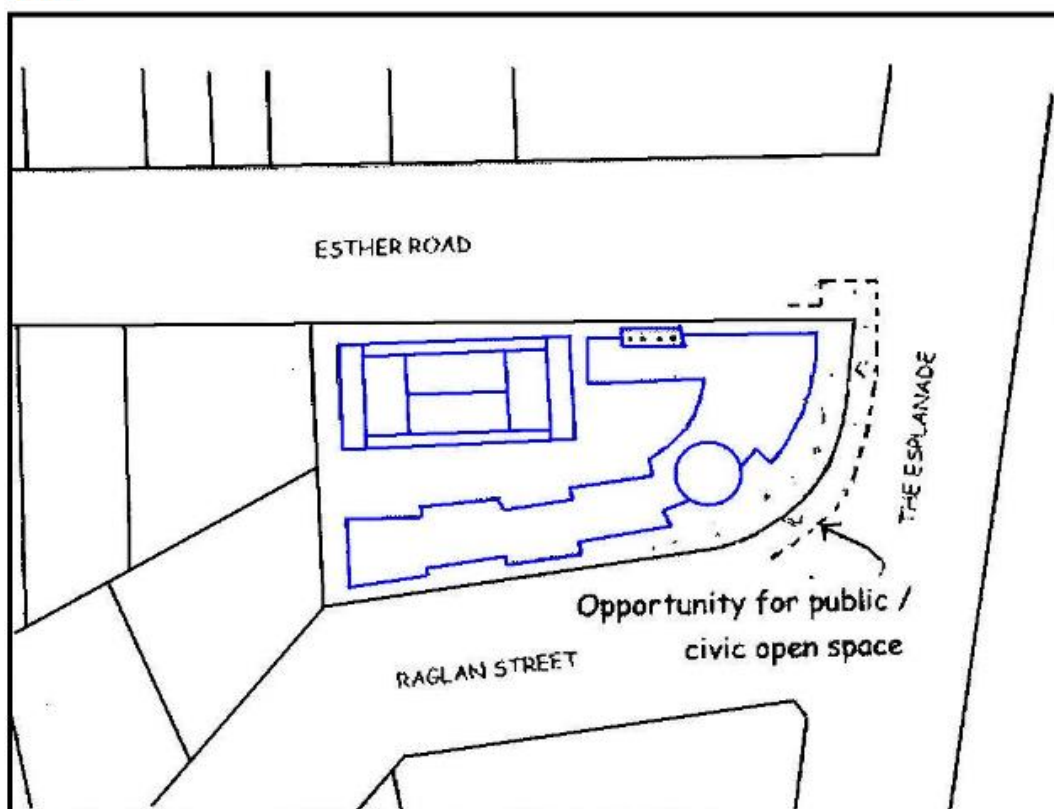
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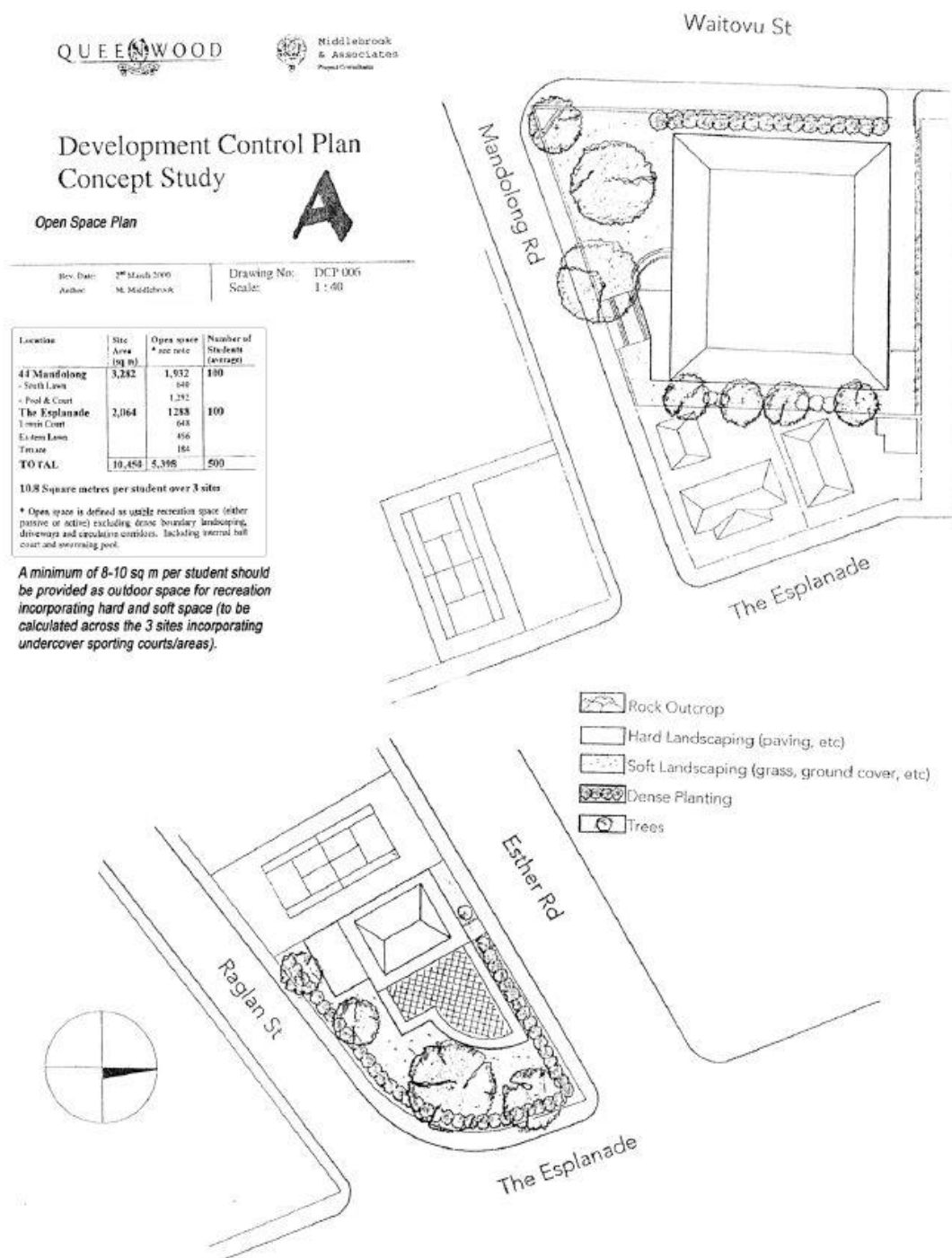
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P16



P22



*Note—The Concept Study plans A to F have been edited to exclude reference to the Upper Mandolong Road site.*

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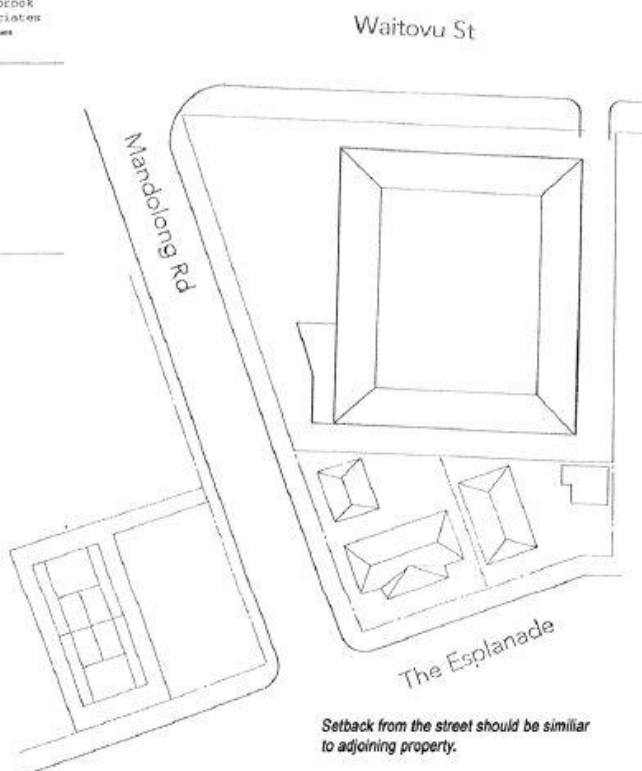
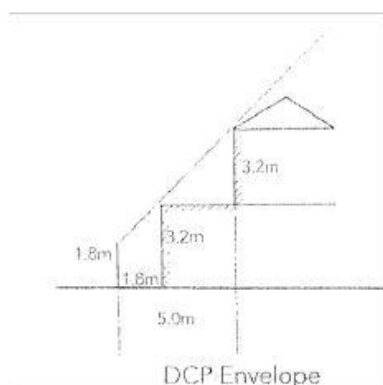
# Development Control Plan Concept Study

## Setback Buffers



Rev Date: 2<sup>nd</sup> March 2011  
Author: M. Middlebrook

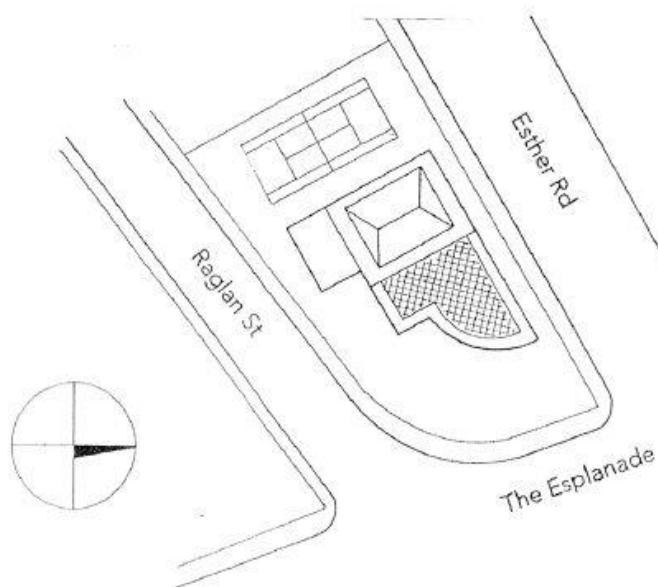
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Setback from the street should be similar to adjoining property.

The site layout should incorporate open space in a way that continues the 'back-yard' arrangement prevailing in the locality.

Side setbacks should generally be determined by a height plane set at 45 degrees taken from 1.8m above the side boundary, unless otherwise determined by the site conditions.



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## Development Control Plan Concept Study

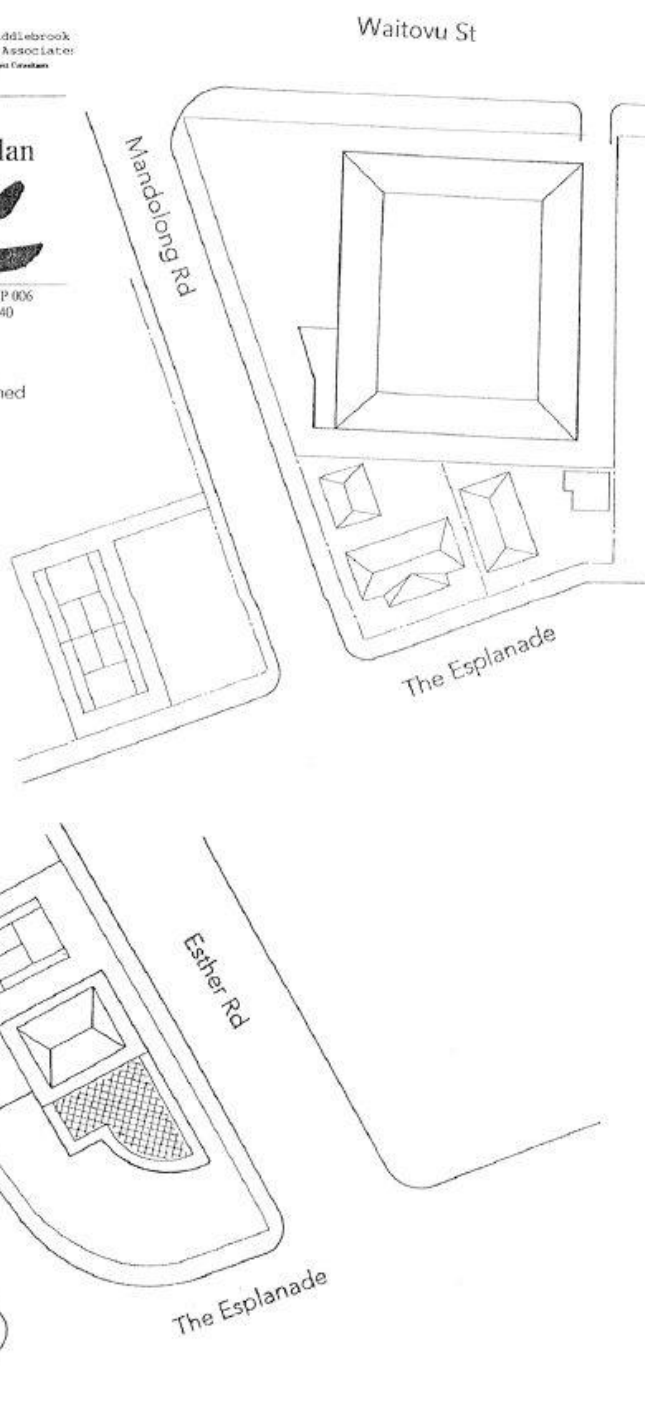
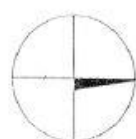
*Sun Access Corridors*

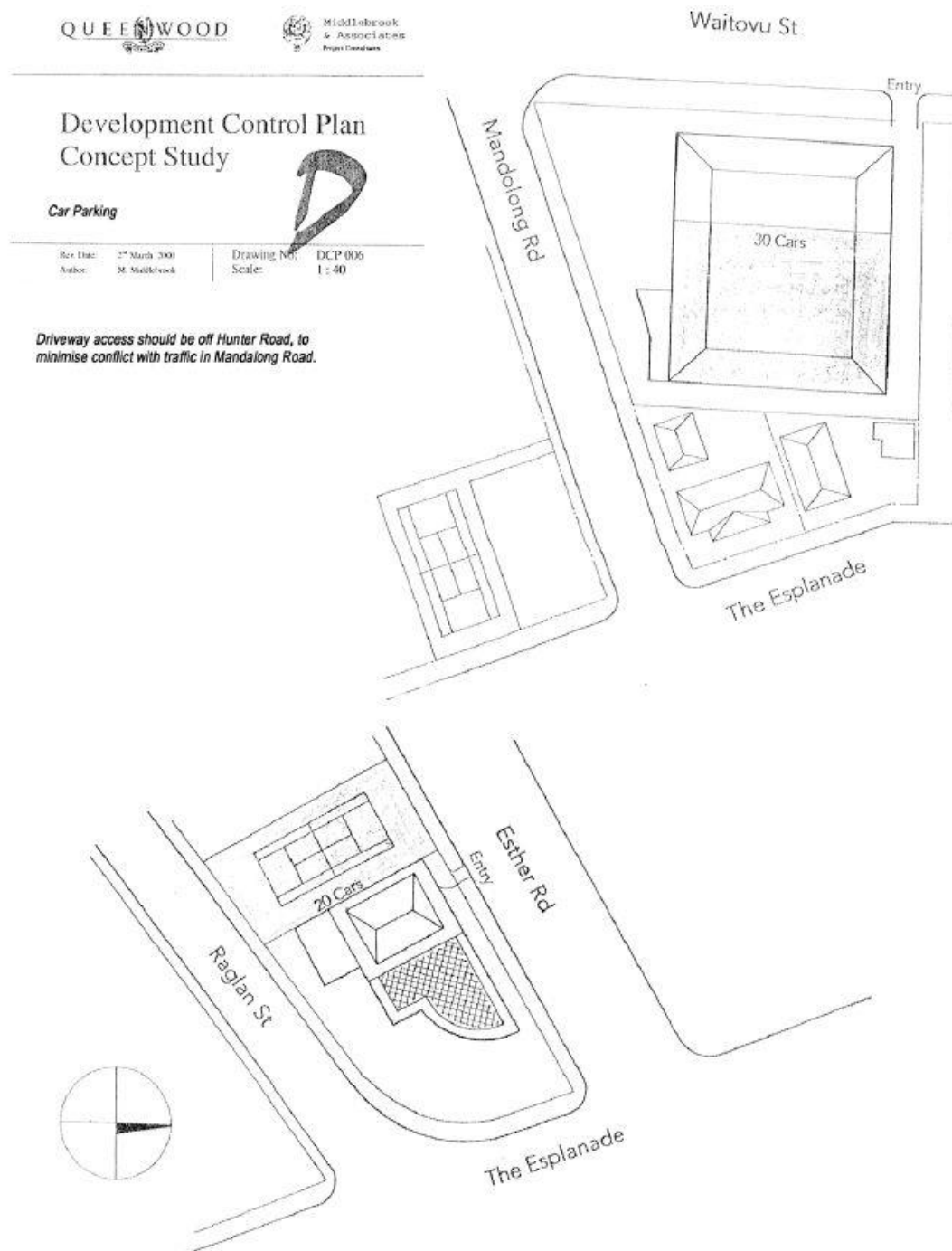


Rev. Date: 2<sup>nd</sup> March 2000  
Author: M. Middlebrook

Drawing No: DCP 006  
Scale: 1 : 40

 Existing Buildings to be Demolished





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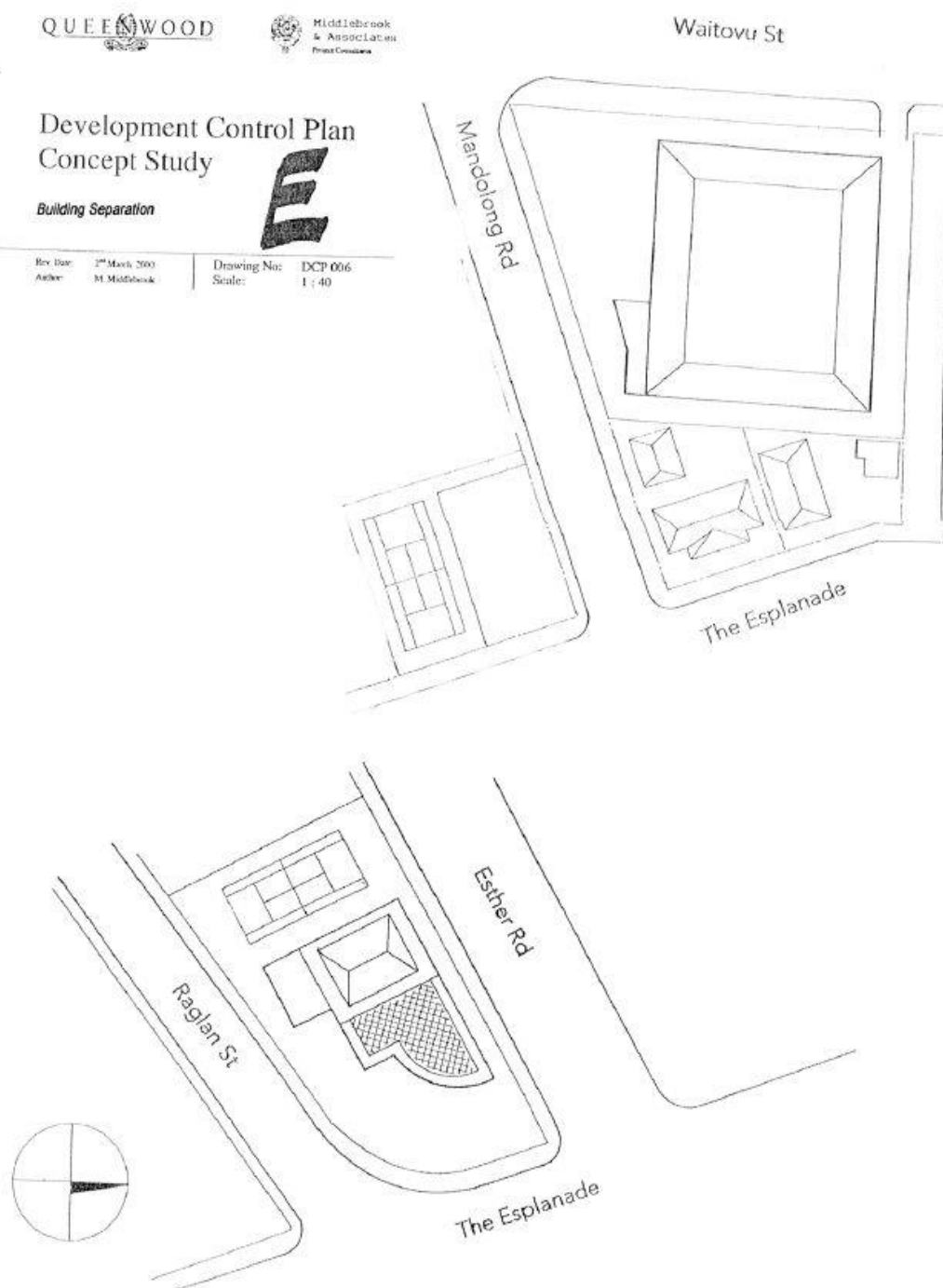
# Development Control Plan Concept Study

Building Separation



Rev Date: 2<sup>nd</sup> March 2003  
Author: M. Middlebrook

Drawing No: DCP 006  
Scale: 1 : 40



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# Development Control Plan Concept Study



## Open Space Plan

Rev Date: 2<sup>nd</sup> March 2009  
Author: M. Middlebrook

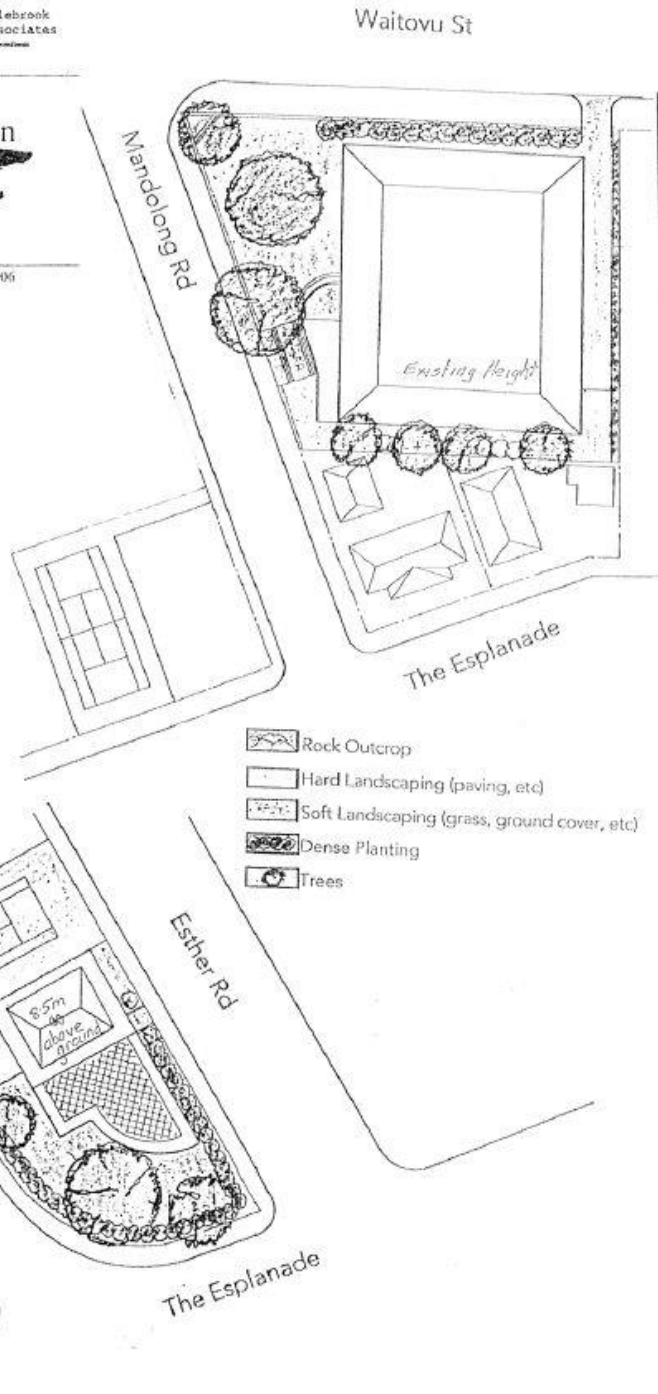
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Location	Site Area (sq m)	Open space * see note	Number of Students (average)
44 Maudslong - South Lane		1,932	100
- Paul & Court		1,200	
The Esplanade - South Lane	2,664	1288	100
Excess Lane		456	
Tennis		184	
TOTAL	10,450	5,398	500

10.8 Square metres per student over 3 sites

\* Open space is defined as usable recreational space (either passive or active), excluding dense boundary landscaping, driveways and circulation corridors. Including internal built court and swimming pool.

A minimum of 8-10 sq m per student should be provided as outdoor space for recreation incorporating hard and soft space (to be calculated across the 3 sites incorporating undercover sporting courts/areas)



- Rock Outcrop
- Hard Landscaping (paving, etc)
- Soft Landscaping (grass, ground cover, etc)
- Dense Planting
- Trees

## **5.6 Warringah Bowling Club (Bradleys Head Road)**

### **(1) Land to which this part applies**

This Part applies to the Warringah Bowling Club comprising land at 72-82 Bradleys Head Road, Mosman (DP 222386) as identified in Figure 1 – Locality Plan.



### **(2) What is the aim of this part?**

The aim of this Part is to provide clear design guidelines that outline criteria for the provision of a 90 place child care centre on the Warringah Bowling Club site which meets the needs of the community, the users of the facility and respects the amenity of the surrounding land users.

The controls in this Part have been designed for the operation of a long day care centre, a pre-school or an occasional child care centre.

### **(3) What are the objectives of this part?**

The objectives of this Part are to:

- (a) encourage the provision of a high quality child care centre which meets the needs of the community, the users of the facility and respects the amenity of the surrounding land users;
- (b) determine the appropriate maximum size, location and built form of the child care centre to minimise potential impacts such as those generated by noise, traffic generation and parking; and
- (c) ensure that a minimum level of child care places are available for children under the age of two years.

### **(4) How does this part relate to other plans?**

This Part should be read in conjunction with the LEP and other provisions of the Mosman Open Space and Infrastructure DCP (this Plan).

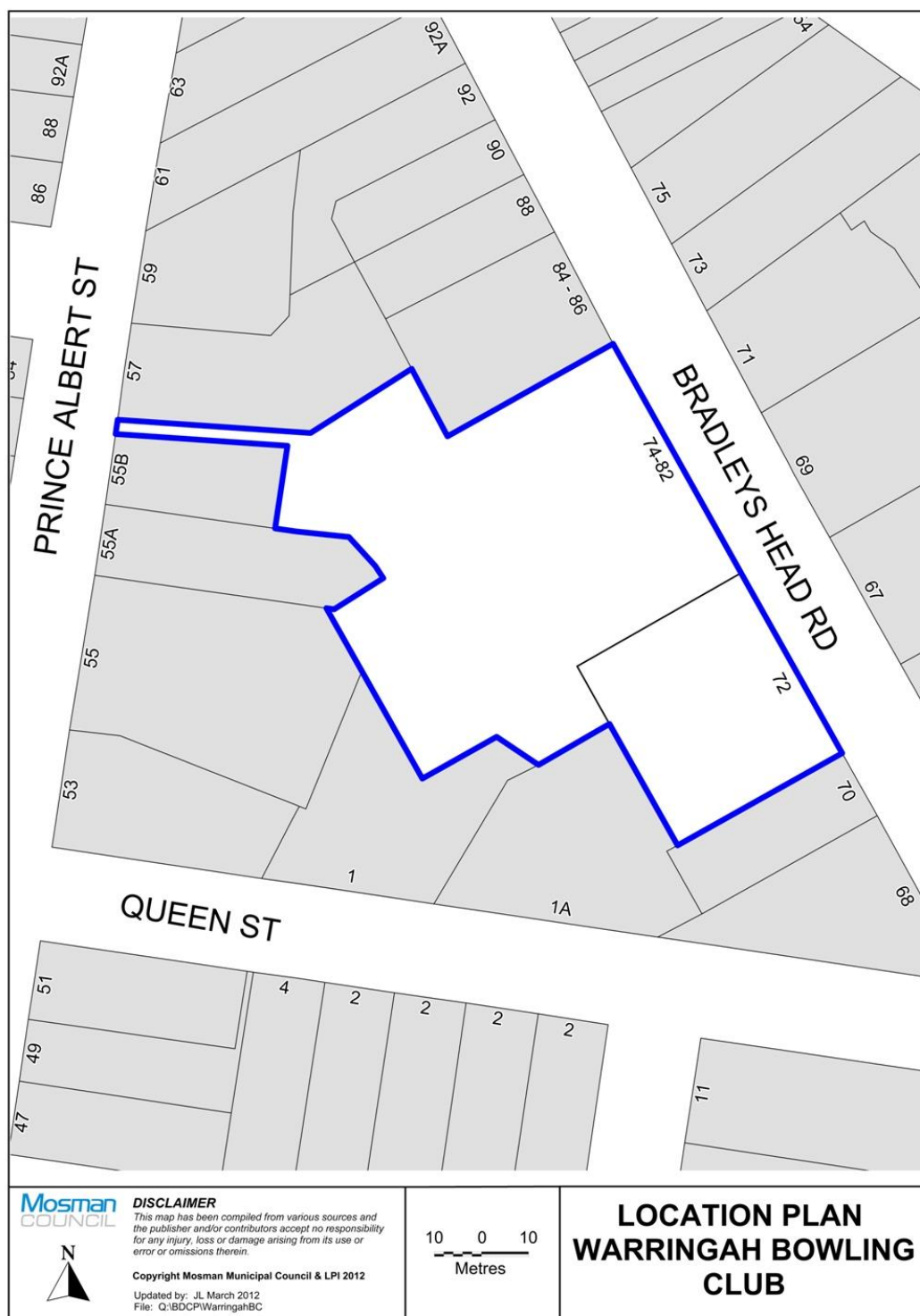
### **(5) Background**

The Warringah Bowling Club Child Care Centre Development Control Plan was adopted by Council on 3 July 2007 and came into effect on 12 July 2007. It was repealed with the commencement of this Plan.

In preparing the Mosman Open Space and Infrastructure DCP, relevant provisions of the Warringah Bowling Club Child Care Centre DCP were carried across into this Part without significant change.

### **(6) Additional development application requirements**

In addition to the development application requirements outlined in Part 2 of this Plan, any application for a child care centre on the Warringah Bowling Club site must be accompanied by a traffic and parking impact study, acoustic report and centre operation plan, an environmental site assessment, landscape plan and shadow diagrams undertaken by suitably qualified persons.



**(7) Department of Community Services regulation**

This Part must be read in conjunction with the *Children's Services Regulation 2004*. The Regulation provides the Department of Family & Community Service's (DoFCS) requirements which include staff-to-children ratios, minimum areas for indoor and outdoor open space and internal amenities.

Applicants must demonstrate in their application to Council that their proposal is capable of satisfying all the DoFCS requirements. DoFCS will only grant a licence after the development application has been approved by Council.

**(8) Planning and design**

Objectives and planning controls set out in this Part relate to:

- (a) maximum size of child care centre
- (b) design and siting
- (c) built form
- (d) visual and acoustic privacy
- (e) indoor and outdoor areas
- (f) traffic, parking and access
- (g) landscaping

**(8a) Maximum size of child care centre**

The maximum number of children that may attend the child care centre is 90 of which a minimum of 25 and a maximum of 30 places must be for children under the age of two years, with a staff to child ratio for the under two year olds of 1:4.

**(8b) Design and siting**

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have development of an appropriate size, scale and bulk so as to be sympathetic to development in the surrounding area.</p> <p>O2. To have a high standard of environmental design which integrates with the existing character of the area.</p> <p>O3. To have the affect on adjoining properties minimised.</p> <p>O4. To have a high quality design provided with generous outdoor space provision that meets the needs of both the children and their carers.</p>	<p>P1. The design and siting of the child care centre must consider the following:</p> <ul style="list-style-type: none"> <li>(a) site orientation and solar access;</li> <li>(b) topography and any vegetation;</li> <li>(c) views to and from the site;</li> <li>(d) vehicular and pedestrian access to and from the site;</li> <li>(e) location and uses of surrounding buildings;</li> <li>(f) predominant built form and character;</li> <li>(g) provision of windows to allow for access to natural light; and access to natural cross ventilation.</li> </ul> <p>P2. The design must be in character with the existing streetscape.</p> <p>P3. The orientation of the building should be designed to preserve the visual and acoustic amenity of adjoining and surrounding development.</p> <p>P4. The colours materials and finishes of the building shall be compatible and consistent with the existing built environment.</p> <p>P5. The design must minimise disturbance to the amenity of adjacent, nearby and surrounding properties.</p> <p>P6. Outdoor play areas are to be adequately separated from adjoining residential properties to ensure that their amenity is not significantly adversely affected.</p>

**(8c) Built form**

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have a well designed, single storey child care centre provided with generous outdoor space provision that is sympathetic to the character of the surrounding area.</p> <p>O2. To have a child care centre that meet the needs of the children and staff of the centre.</p> <p>O3. To have adequate separation from adjoining residential and bowling club uses provided to protect their amenity.</p> <p>O4. To have outdoor play spaces that are not overlooked by surrounding residential properties.</p>	<p>P1. The maximum height of the child care centre is one storey with a maximum wall height of 3.6m and overall building height of 5m.</p> <p>P2. Outdoor play spaces should not be located on the south-west or south-east boundaries to minimise the potential for overlooking of outdoor play spaces from adjoining residential development.</p> <p>P3. Minimum boundary setbacks are determined by a 45 degree height plane measured from the boundary. Council may require additional side setbacks to ensure adequate daylight access to adjacent buildings.</p> <p>P4. North facing windows to living areas and main ground level private open space of neighbouring buildings should not have sunlight reduced to less than two hours between 9am and 3pm on 21 June.</p>

**(8d) Visual and acoustic privacy**

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have any adverse affect on the visual and acoustic privacy and amenity of adjoining and surrounding properties minimised.</p> <p>O2. To have the visual privacy of the children, staff and other users of the centre protected.</p>	<p>P1. The child care centre must be acoustically designed and treated so as to minimise noise affects on adjoining property. An acoustic report prepared by a qualified practicing acoustic engineer must be submitted with the development application.</p> <p>P2. A centre operation plan must be submitted to Council demonstrating how the centre will minimise noise affects on adjoining properties.</p> <p>P3. The location of open spaces and playground areas must be designed to minimise any direct views to or from neighbouring and surrounding properties.</p>

**(8e) Indoor and outdoor areas**

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have generous outdoor play areas that provide a variety of experiences for children, including learning, play, active and quiet time and other developmental experiences.</p> <p>O2. To have safe, secure and functional spaces that enable adequate adult supervision of children at all times.</p> <p>O3. To have noise transmission and other nuisances to the surrounding area minimised.</p>	<p>P1. In accordance with <i>Best Practice Guidelines in Early Childhood Physical Environments</i> a minimum provision of 15m<sup>2</sup> of useable outdoor play space per child is required.</p> <p>P2. Useable outdoor play space is defined as space that can be used in a playground and includes areas such as lawns, sandpits, paved areas, seats and water play but not narrow boundary clearances, gardens or trees. A space is only 'useable' if it can be adequately supervised, that is it can be readily viewed by an adult turning in an arc of 180 degrees.</p> <p>P3. Outdoor play areas should not directly abut neighbouring residential properties.</p> <p>P4. Outdoor play areas should be integrated with indoor space and provide direct and easy access between those areas and allow for constant supervision.</p> <p>P5. Fixed play items are to be located to the edge of the open area. They need to be designed for flexibility and safety and include recognised impact absorbing under-surfacing in potential fall areas in accordance with the Australian Standard. If a sandpit is provided it needs to be constructed to an approved plan and include a cover.</p>

**(8f) Traffic, parking and access**

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have a safe environment around the centre, especially for children.</p> <p>O2. To have adequate drop-off and pick-up areas which do not detrimentally affect the availability of on-street parking in the surrounding area.</p> <p>O3. To have adequate parking for staff and centre users.</p> <p>O4. To have safe vehicular access to and from the site.</p>	<p>P1. The number of car parking spaces provided shall be in accordance with the Roads and Traffic Authority of New South Wales (2002) <i>Guide to Traffic Generating Developments for Long Day Care Centres</i>.</p> <p>P2. On-site parking must be designed to comply with Australian Standard AS 2890.1:2004.</p> <p>P3. Vehicular and pedestrian access must be designed to comply with Australian Standard AS 1428.1 Design for Access and Mobility.</p> <p>P4. On-site vehicular movements must be separated from pedestrian access by safety fencing, gates or other means.</p> <p>P5. Short term convenient parking must be provided to allow safe movement of children to and from the centre. A minimum of six, off-street short term parking spaces (drop off and pick up zone) must be provided in an area immediately adjoining the child care entrance.</p> <p>P6. Vehicular and pedestrian access points to the centre and parking areas are to be appropriately marked and signposted.</p> <p>P7. A Traffic and Parking Impact Study prepared by a suitably qualified traffic engineer shall be submitted with the development application.</p>

**(8g) Landscaping**

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have the landscaped character of the area enhanced.</p> <p>O2. To have a variety of planting which create visual interest for children and provide shading, where appropriate.</p>	<p>P1. A detailed landscape plan prepared by a suitably qualified landscape professional shall be submitted to demonstrate the following elements:</p> <ul style="list-style-type: none"> <li>(a) separation of outdoor space into active and quiet areas;</li> <li>(b) proposed planting with a variety of trees and plants to be used which create visual interest for children and can provide shading where appropriate;</li> <li>(c) location of play equipment;</li> <li>(d) outdoor spaces which include a variety of surfaces such as grass, sand, soft porous paving and the like.</li> </ul> <p>P2. Outdoor play equipment is to comply with Australian Standards.</p> <p>P3. Irrigation should be designed to use rainwater or re-cycled water.</p>

## 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.

### **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, 300mm 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.

### **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.

### **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 a building.

### **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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