

# RESIDENTIAL DEVELOPMENT CONTROL PLAN 2012

As amended June 2018



# CONTENTS

<b>PART 1 INTRODUCTION .....</b>	<b>1</b>
1.1 Name of this Plan and when this Plan came into force .....	1
1.2 Plan repealed by this Plan .....	1
1.3 Land to which this Plan applies .....	1
1.4 Savings and transitional provisions .....	1
1.5 Aims of this Plan .....	1
1.6 Definitions and Notes.....	2
1.7 Relationship of this Plan to other plans and policies .....	2
1.8 How this Plan is organised .....	3
1.9 How Council assesses proposed development.....	3
<b>PART 2 DEVELOPMENT APPLICATION REQUIREMENTS.....</b>	<b>5</b>
2.1 Steps to Preparing a Development Application .....	5
2.2 Site analysis.....	7
2.3 What to submit with your development application .....	8
<b>PART 3 NOTIFICATION OF APPLICATIONS .....</b>	<b>9</b>
3.1 Applications for which notification is not required .....	9
3.2 Notification of applications .....	9
3.3 Notification of different types of development.....	10
3.4 Revised plans .....	11
3.5 Modification applications.....	11
3.6 Review applications .....	11
3.7 Post determination notification.....	11
<b>PART 4 PRIMARY PLANNING CONTROLS .....</b>	<b>12</b>
4.1 Subdivision of land.....	12
4.2 Siting and scale .....	14
4.3 View sharing .....	21
4.4 Landscaping.....	25
4.5 Preservation of trees or vegetation.....	31
<b>PART 5 SITE PLANNING AND DESIGN.....</b>	<b>35</b>
5.1 Streetscape and building design.....	35
5.2 Carport and garage design .....	39
5.3 Fences and walls .....	44
5.4 Semi-detached dwellings .....	47
5.5 Medium Density Housing.....	51
5.6 Heritage conservation.....	56
5.7 Privacy and security.....	62
5.8 Solar access .....	66
5.9 Energy efficiency .....	69
5.10 Transport, access and parking .....	72
5.11 Accessible buildings and adaptable housing.....	79
5.12 Site facilities .....	81
5.13 Stormwater management .....	83
5.14 Excavation and site management .....	84
5.15 Waste management.....	85
<b>PART 6 MISCELLANEOUS CONTROLS .....</b>	<b>88</b>
6.1 Bed and breakfast accommodation .....	88
6.2 Swimming pools, spa pools/baths and water features .....	91
6.3 Inclinator.....	94

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6.4	Tennis courts .....	96
6.5	Foreshore land and natural watercourses .....	97
6.6	Land affected by hazards .....	98
6.7	Lane and accessway widening .....	100
6.8	Utility infrastructure .....	101
6.9	Significant rock faces and retaining walls .....	103
6.10	Advertising and signage (non-residential) .....	104
6.11	2 Illawarra Street, Mosman .....	107
<b>PART 7 THE TOWNSCAPES .....</b>		<b>118</b>
7.1	Mosman's Character .....	118
7.2	Objectives of this Part .....	119
7.3	How to use this Part .....	119
7.4	The Townscapes .....	122
(1)	Balmoral Townscape .....	123
(2)	Belmont Townscape .....	126
(3)	Bradleys Head Road Conservation Area .....	129
(4)	Clifton Gardens Townscape .....	132
(5)	The Crescent Conservation Area .....	135
(6)	Glover and Nathan's Estates Conservation Area .....	138
(7)	Holt Estate Conservation Area .....	141
(8)	Keston Avenue Conservation Area .....	144
(9)	Killarney Estate Conservation Area .....	147
(10)	Lang Street Conservation Area .....	150
(11)	Lower Boyle Street Conservation Area .....	153
(12)	Middle Harbour/Pearl Bay Townscape .....	156
(13)	Military Road Conservation Area .....	159
(14)	Mosman Bay Townscape .....	162
(15)	Orlando Conservation Area .....	165
(16)	Ourimbah Townscape .....	168
(17)	Raglan Street Conservation Area .....	171
(18)	Rosherville/Wy-ar-gine Townscape .....	174
(19)	Shadforth Street Conservation Area .....	177
(20)	Sirius Slopes Townscape .....	180
(21)	Spit and Military Roads Townscape .....	183
(22)	Upper Avenue Road Conservation Area .....	186
<b>APPENDIX 1 DICTIONARY .....</b>		<b>189</b>
<b>APPENDIX 2 REFERENCES .....</b>		<b>192</b>

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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 Residential Development Control Plan.

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

Amendments to the DCP were made as detailed below:

<b>Date amendment adopted by Council</b>	<b>Date amendment came into effect</b>
5 February 2013	21 February 2013
3 December 2013	19 December 2013
2 September 2014	12 December 2014
14 November 2017	9 February 2018
5 June 2018	21 June 2018

### **1.2 Plan repealed by this Plan**

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

- Mosman Residential DCP (1999; amended June 2004)
- 2 Illawarra Street DCP (July 2002)
- Mosman Transport DCP (June 2005)
- Mosman Notifications DCP (July 2002)
- DCP for the consolidated Water Board, Mosman Council & Telecom Brady Street Sites (February 1995)
- DCP 647 & 653 Military Road, Mosman (September 2004)
- 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 residential under the provisions of Mosman Local Environmental Plan ('the LEP') 2012 being:

- R2 Low Density Residential
- R3 Medium Density Residential

### **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.

The amendments to Part 4.2 (O1 and P1) and Part 4.4 (O1, O2 and O3 and P1) which came into effect on 12 December 2014 do not apply to an application lodged with Council before this date.

### **1.5 Aims of this Plan**

The aim of this Plan is to support the provisions of LEP by way of more detailed planning and design guidelines for development in residential zones. This Plan is based on a clear understanding of how Mosman sees future residential development and aims to achieve development that relates to the townscape areas and the municipality.

The particular aims of this Plan are to:

- a) protect and conserve the natural and built heritage of Mosman;
- b) identify and sensitively manage the desired future character of Mosman and the individual townscape areas of Mosman;
- c) enhance and protect the scenic amenity of Sydney and Middle Harbours;
- d) protect, conserve and enhance the landform and vegetation, especially foreshores and bushland, in order to maintain the landscape amenity of Mosman;
- e) minimise view loss to and from water and foreshore reserves, public areas, streets and residential allotments;
- f) limit potential for large bulky dwelling houses and encourage sensitive siting of buildings and leafy garden character;
- g) limit potential for additional traffic on the road system and to reduce car dependence by encouraging public transport, cycling and walking;
- h) 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;
- i) ensure that the housing needs of senior residents and residents with disabilities are met with appropriate housing design and accessibility;
- j) promote innovation in housing design, including energy efficiency and adaptable housing;
- k) encourage waste minimisation and reduce the overall environmental impacts created by waste;
- l) provide a balance between flexibility and certainty in the assessment process;
- m) provide guidelines for ancillary uses in residential areas which do not significantly affect the amenity of adjoining properties; and
- n) set out specific requirements for notifying proposed development and tree removal.

## **1.6 Definitions and Notes**

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

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

## **1.7 Relationship of this Plan to other plans and policies**

### **State policies**

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

### **Exempt and Complying Development**

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

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

### **Sydney Harbour Federation Trust Management Plan—Mosman No. 3 (Markham Close)**

Certain land in Markham Close, Georges Heights, is subject to the provisions set out in the Sydney Harbour Federation Trust Management Plan—Mosman No. 3 (Markham Close) (9 December 2003, and amended 28 February 2005). Wherever there is a difference between Council's Residential DCP (this Plan) and the SHFT Management Plan, the planning controls in the SHFT Management Plan will prevail.

In this Plan, 'Sydney Harbour Federation Trust Management Plan' refers to the Trust's land in Mosman that is subject to the Trust's Comprehensive Plan 2003, and the Trust's Management Plans prepared in accordance with the Comprehensive Plan, and any subsequent amendments.

### **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 Primary Planning Controls—sets out primary planning controls for the siting and scale of buildings, subdivision, views and landscaping;
- Part 5 Site Planning and Design—sets out general design criteria applying to all types of development in residential zones;
- Part 6 Miscellaneous Controls—sets out controls for ancillary uses within the residential zone and miscellaneous controls;
- Part 7 The Townscapes—details planning controls for 22 townscape areas in Mosman;
- 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 future character of the townscape 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 desired character of the townscape 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.

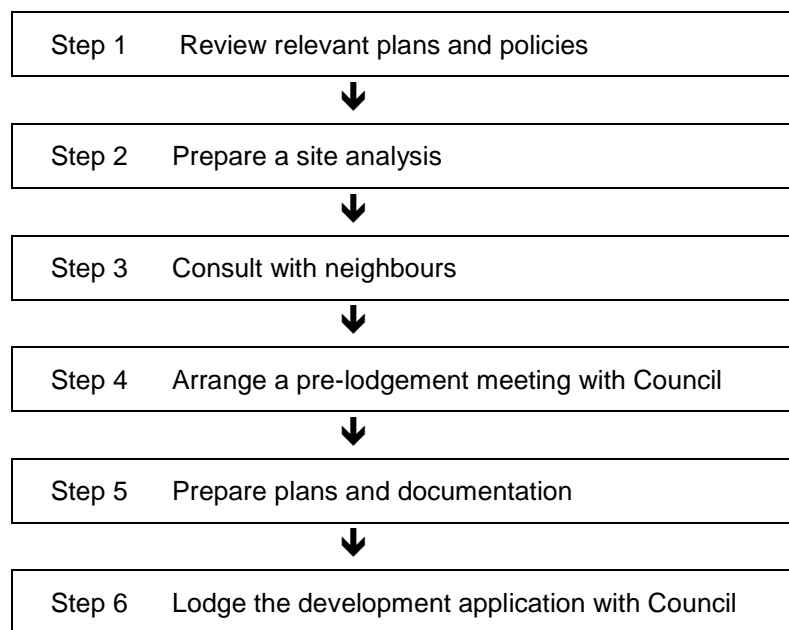
An approval can be modified under Section 4.55 of the Act but only if the development remains substantially the same as that which was approved. You will need to discuss any such proposed changes with Council's Assessment Officer.



## PART 2 DEVELOPMENT APPLICATION REQUIREMENTS

### 2.1 Steps to Preparing a Development Application

The principle 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 residential zoned land, the main controls that you need to be aware of are contained in this Plan and 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
- other State policies such as the NSW Rural Fire Service document 'Planning For Bushfire Protection'.

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

#### Step 2—Prepare a site analysis

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

### **Step 3—Consult with your neighbours**

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

### **Step 4—Arrange a pre-lodgement meeting with Council**

For works small in scale and/or impact, it is recommended that an informal meeting be held with Council's Duty Planner to discuss the development proposal and draft plans. This meeting will assist in identifying any potential problems and will save time in processing as a result. For other types of works, it is recommended that a formal pre-DA meeting be arranged by contacting Council's Duty Planner. This will require a form to be completed and lodged with the applicable fee, draft plans and supporting documentation prior to the meeting.

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

### **Step 5—Prepare plans and documents**

A range of plans, a statement of environmental effects, and other documentation must be submitted with your development application. Refer to the development application form on Council's website.

### **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.

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

## **2.2 Site analysis**

### **The importance of site analysis**

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

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

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

### **Requirements for a site analysis**

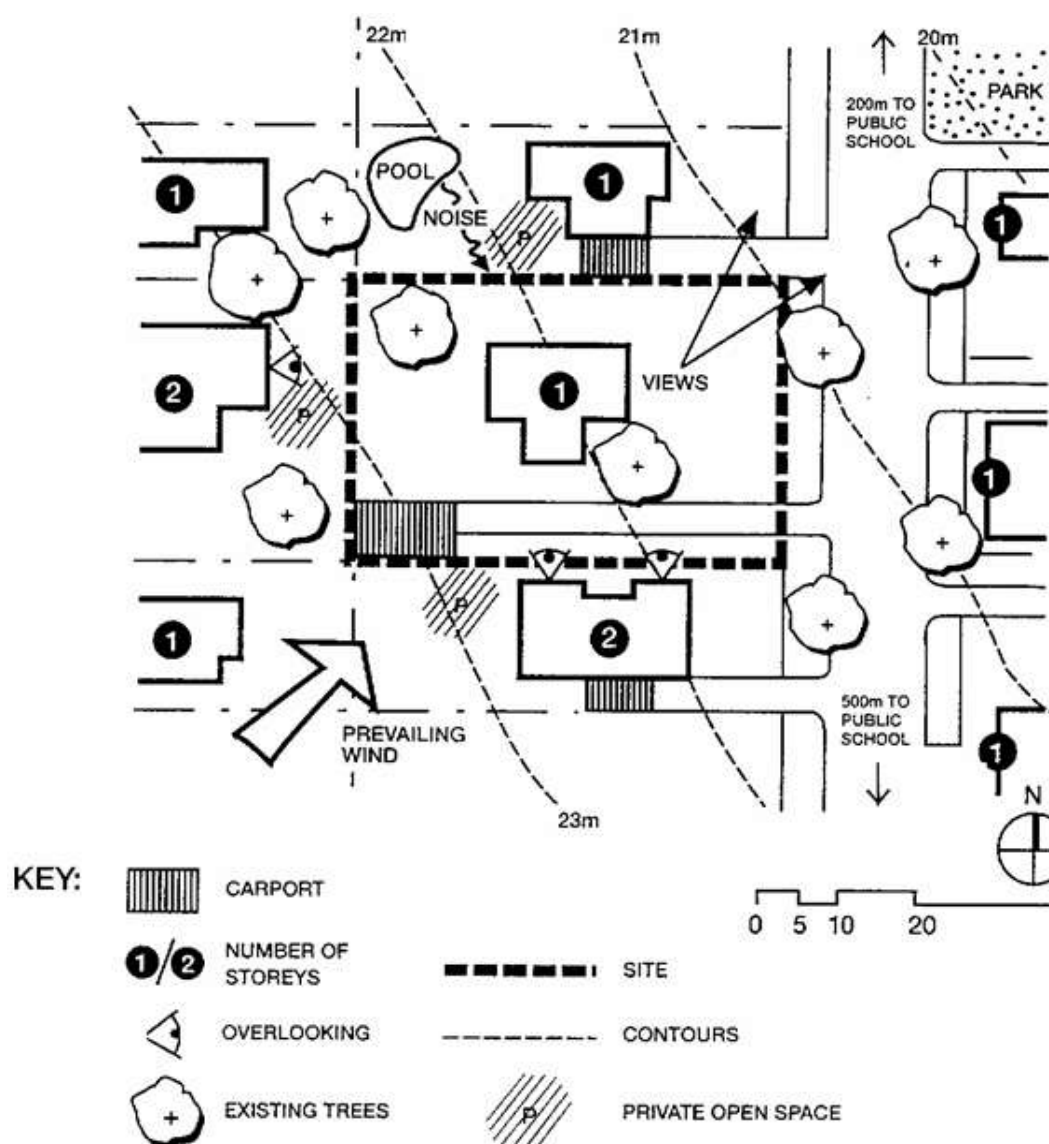
Council's requirements for a site analysis aim to reduce delays in the assessment process because the task of undertaking a site analysis should:

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

### **Preparing a site analysis**

Investigation of the site and its surroundings should identify:

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



Site analysis example  
(Source: NSW Model Code)

## 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, however notification letters will not be sent to tenants.

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

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

### **3.3 Notification of different types of development**

#### **Local development**

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

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

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

Development applications that involve the clearing of vegetation (as defined under SEPP (Vegetation in Non-Rural Areas) 2017) that is or forms part of a heritage item or that is within a heritage conservation area will not be notified, except if determined otherwise by the Director of Environment and Planning / Manager Development Services. Refer to Part 4.5 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 Council's website or by telephone.

### **3.4 Revised plans**

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

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

### **3.5 Modification applications**

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

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

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

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

### **3.6 Review applications**

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

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

### **3.7 Post determination notification**

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

## PART 4 PRIMARY PLANNING CONTROLS

### 4.1 Subdivision of land

A range of minimum lot sizes apply depending on the location of land (i.e. adjoining the foreshore, or in close proximity to shops and transport) or type of development proposed on the land (i.e. semi-detached dwellings or other residential buildings). Compliance with these minimum sizes is no guarantee of approval.

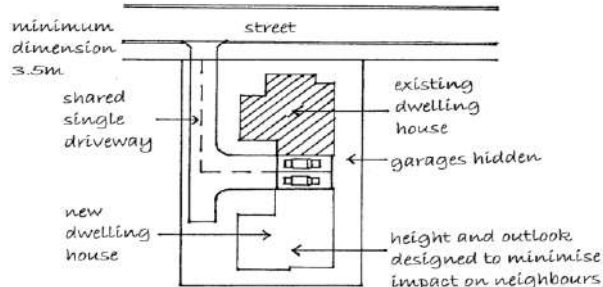
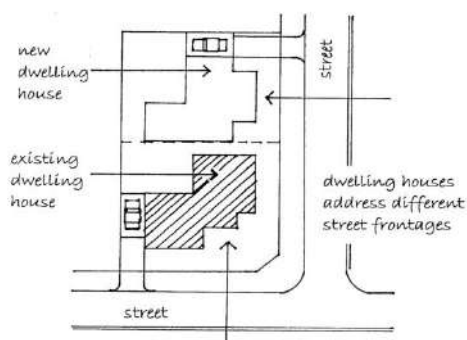
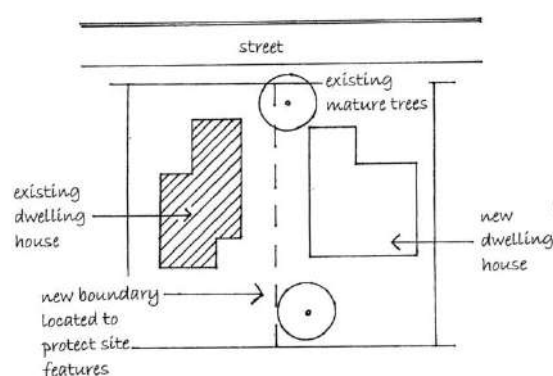
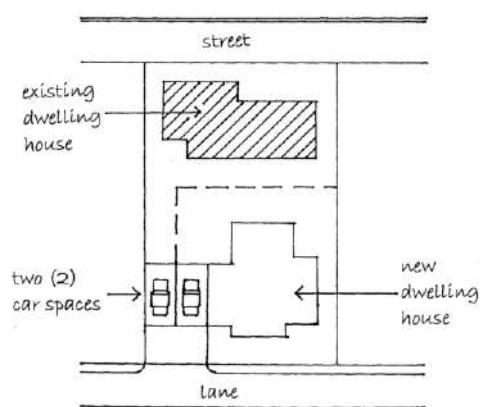
New development on any newly created allotment has the potential to affect the streetscape and amenity of the locality. Consequently, it is important that the other design elements contained in this Plan are considered when proposing to subdivide land to ensure that future development of the site maintains the character and amenity of the townscape area.

Development standards for minimum lot size for subdivision of land zoned residential are set out in Part 4 Principal Development Standards of the LEP. Additional objectives and planning controls are set out below.

OBJECTIVES	PLANNING CONTROLS
O1. To have lots with a minimum size which would be sufficient to provide useable space for building, landscaping and services.	<p>P1. Lot sizes and dimensions must enable development to be sited to:</p> <ul style="list-style-type: none"> <li>(a) receive sufficient solar access and be energy efficient;</li> <li>(b) accommodate vehicular access;</li> <li>(c) achieve minimum landscaped area requirements;</li> <li>(d) accommodate services (e.g. mail, waste, power, water etc);</li> <li>(e) provide for stormwater management;</li> <li>(f) accommodate easements; and</li> <li>(g) address the street.</li> </ul> <p>P2. The minimum width for an access handle is 3m for a single dwelling and may be greater where length, number of lots or dwellings and/or topography necessitate. Multiple dwelling access may require a wider access handle to accommodate passing bays.</p>
O2. To have the siting of development which minimises the effect on neighbours' amenity.	P3. Lot sizes and dimensions must enable development to be sited to minimise the effect on neighbours' amenity including access to sunlight, daylight, privacy, and views.
O3. To have the existing subdivision pattern in the R2 Low Density Residential Zone maintained.	P4. Lots are to conform with the existing subdivision pattern evident in the vicinity of the site, including block width, dimension, orientation and layout.



OBJECTIVES	PLANNING CONTROLS
<p>O4. To have significant topographical and geographical features taken into account when creating lots, and minimise the affect on important site features.</p>	<p>P5. Lot sizes and dimensions must enable development to be sited to:</p> <ul style="list-style-type: none"> <li>(a) protect natural or cultural features including heritage items and their curtilage;</li> <li>(b) acknowledge site constraints such as terrain or soil erosion;</li> <li>(c) retain special features such as trees, rock outcrops and public views;</li> <li>(d) avoid significant changes to the natural topography as a result of future development;</li> </ul> <p>P6. In considering an application to subdivide land, Council will consider any potential environmental impacts arising from the subdivision or likely future development.</p>
<p>O5. To have the original subdivision pattern of heritage conservation areas and heritage items maintained.</p>	<p>P7. For heritage items or conservation areas, subdivisions should be characteristic with the original subdivision pattern of the area.</p>



Examples of subdivision and dwelling layout for 300sqm sites on R3 zoned land where dwelling house stock is retained. Left to right from top: Lot with rear lane access; Side of lot development; Corner lot development; Rear of lot development

## 4.2 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 scale of development that maintains a satisfactory relationship with neighbouring properties and the wider street context. Buildings should be designed “from the ground up” with ground floors located at or near ground level.

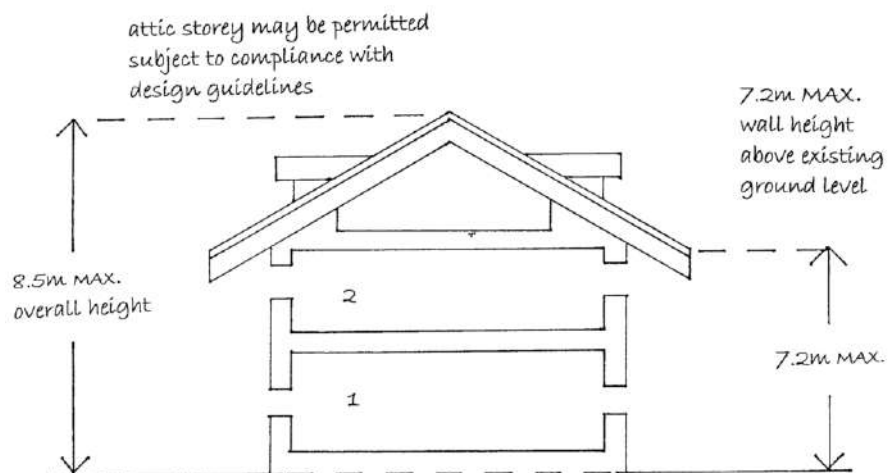
### Height and floor space ratio (FSR)

Height and floor space ratio (FSR) controls regulate the height and bulk of development, and intend to reflect the existing or desired pattern of housing scale having regard to the location of the site and townscape area character.

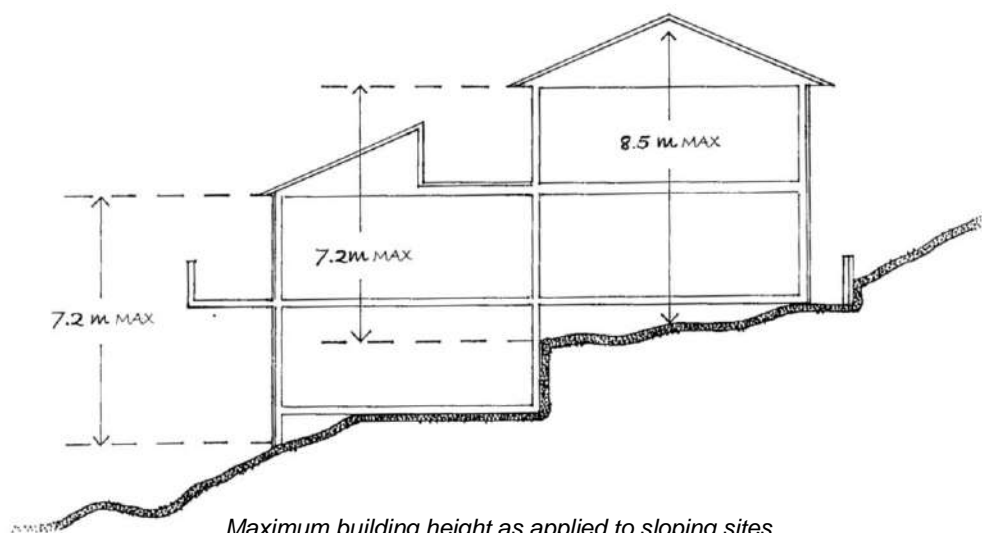
A greater building height and bulk is generally encouraged on larger sites located near to public transport, shops and services, reflecting best practice sustainability and urban consolidation principles.

Development standards that control the maximum height and FSR of buildings are set out in Part 4 Principal Development Standards of the LEP. Additional objectives and planning controls are set out below.

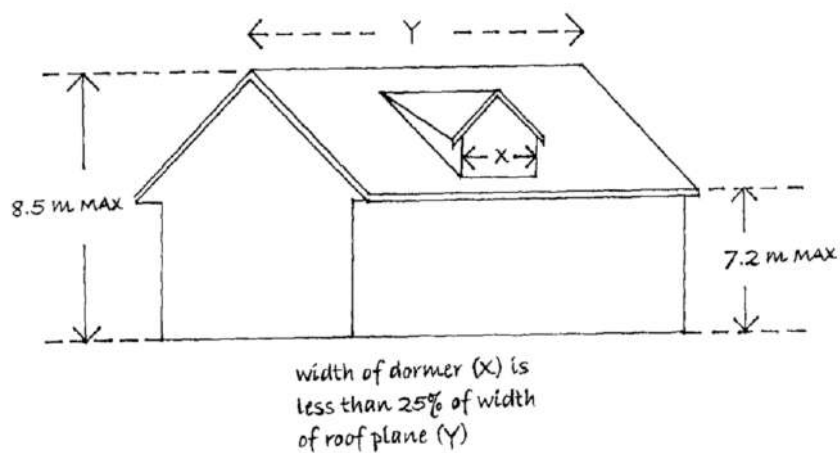
OBJECTIVES	PLANNING CONTROLS
O1. <i>Omitted 12/12/2014.</i>	P1. <i>Omitted 12/12/2014.</i>
O2. To have a scale of development which is not excessive and is consistent with the existing or desired future townscape area character.	P2. Council may consider pitched roof forms to extend beyond the maximum building height set out in the LEP where a consistent pitched roof style is an important local character element or it is appropriate for an identified heritage item. New works should sit comfortably in the existing context without being visually dominant or overly prominent.
O3. To have a built form that is typical of traditional building types in Mosman, and encourage pitched and gabled roof forms.	



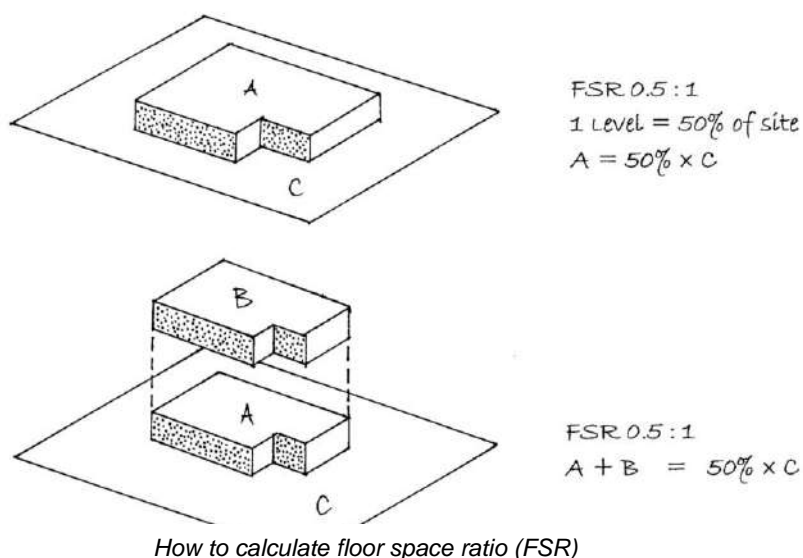
Maximum building height in all residential zones, except certain identified sites on R3 zoned land



Maximum building height as applied to sloping sites



How to calculate dormer width for the purpose of wall height



### Building setback

Setbacks define the overall footprint of a building and the outer extremities of that building in relation to the front, side and rear boundaries.

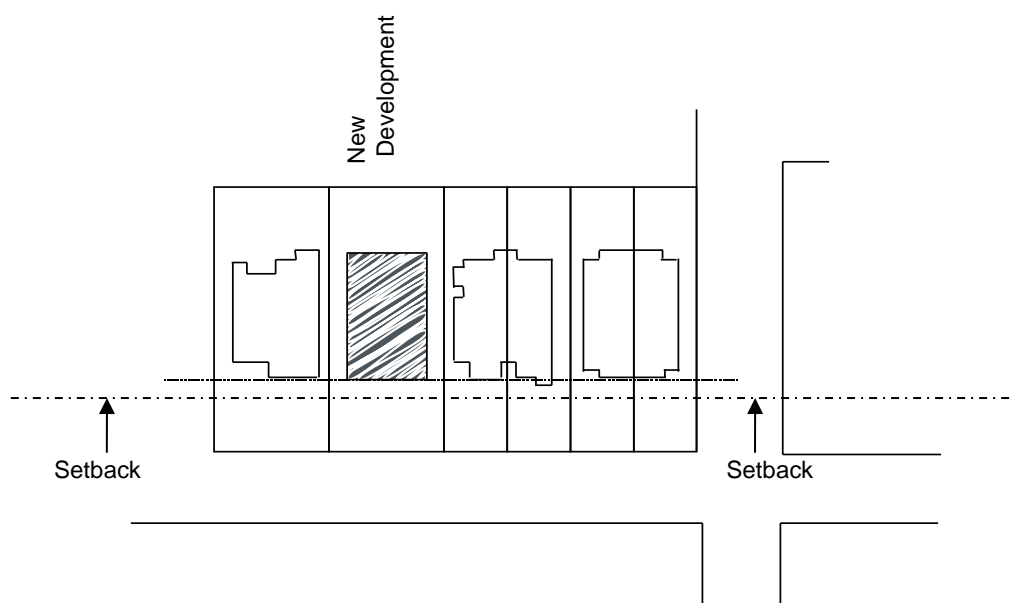
Appropriate street setback controls can contribute to the public domain by enhancing the streetscape character and the continuity of street facades. The separation between buildings is important and determines the urban form of the building, the proportion of buildings in the street and the streetscape, and affect neighbour amenity. Rear setbacks provide space for planting, private open space and privacy between buildings.

OBJECTIVES	PLANNING CONTROLS
O4. To have front setbacks complementing existing setbacks in the street.	<p>P3. If a new development is to take place in a street with an established pattern of development, new buildings should be setback a similar distance from the street.</p> <p>P4. Where there is no established pattern of development, front setbacks will be considered on their merits.</p>
O5. To have adequate side setbacks for basement excavation to allow for deep soil planting between buildings.	<p>P5. The setback of any basement area must be at minimum equivalent to the setback of the ground floor of the building.</p> <p>P6. Excavation is not permitted within the minimum setback area except for shallow excavation (less than 1m depth) required for the provision of utility services. This will require all footings, drainage works, structural support etc. to be located beyond the minimum setback.</p> <p>P7. Excavation for works or structures not related to the main building must have a minimum setback of 2m.</p>

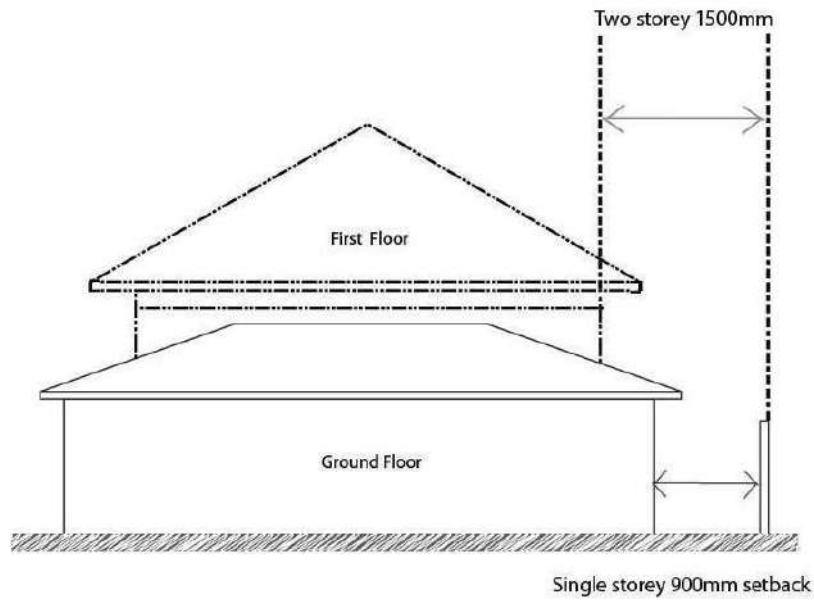
OBJECTIVES	PLANNING CONTROLS
<p>O6. To have adequate side setbacks to provide spatial relief between buildings, encourage view sharing, and minimise overshadowing of neighbouring properties.</p>	<p>P8. Development must have a minimum side boundary setback of:</p> <ul style="list-style-type: none"> <li>(a) single storey (or less than 3.6m wall height): 900mm.</li> <li>(b) two storey (or up to 7.2m wall height): 1.5m.</li> <li>(c) three storey (or over 7.2m wall height): 3m.</li> <li>(d) four storeys (or up to 11m wall height): 4m.</li> </ul> <p>Only storeys predominantly above ground level (existing) are to be included in the calculation of number of storeys, i.e. any basement level is not included.</p> <p>P9. Upper storey additions must be set back from the side boundary to comply with the above.</p> <p>P10. For new buildings the side boundary setback should be equal for all levels of the building.</p> <p>P11. Building bulk should be distributed to minimise overshadowing to neighbours, streets and public open space. Building forms should enable a sharing of views with surrounding residences and permit views from public streets and open space.</p> <p>P12. Council may require an additional side setback to ensure adequate daylight and sunlight access to adjacent buildings or to minimise view loss. In particular, an additional side setback from the southern boundary for east-west oriented lots, especially for first floor additions, may be required.</p> <p>P13. Where sites adjoin single storey dwelling houses, development should be stepped back at upper floors in addition to the setbacks specified above to ensure adequate privacy for these properties and to minimise overshadowing.</p> <p>P14. In certain circumstances Council may allow a nil setback to a side boundary for semi-detached dwellings, and dwellings on small lots (i.e. lots less than 300m<sup>2</sup>), where all the following are met:</p> <ul style="list-style-type: none"> <li>(a) there would be minimal adverse effects on adjoining properties; and</li> <li>(b) walls do not contain windows; and</li> <li>(c) the maximum wall height at the boundary is 3.5m (unless matching an existing or simultaneously constructed wall on the adjoining property); and</li> <li>(d) the proposal does not result in an adverse visual impact for surrounding properties; and</li> <li>(e) the proposal complies with minimum planning guidelines for solar access; and</li> <li>(f) the roof design is to prevent stormwater</li> </ul>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>spill-over onto the adjoining property; and</p> <p>(g) the nil setback is applied to only one side boundary.</p> <p>P15. The construction of garages and carports with a nil setback to a side boundary, or to a rear boundary that abuts a laneway, may be considered subject to compliance with the listed criteria above.</p> <p>P16. Where a dwelling is proposed on a small lot (i.e. lot less than 300m<sup>2</sup>) with a nil setback to a side boundary and is detached (i.e. the dwelling is not attached to a dwelling on an adjoining lot), the maximum wall length of the dwelling on the boundary is 50% of the length of that boundary.</p>
<p>O7. To have generous side setbacks on land in the Rosherville/Wy-ar-gine Townscape to allow for views between buildings and deep planting.</p>	<p>P17. Development in the Rosherville/Wy-ar-gine Townscape must have a minimum side boundary setback on one side of:</p> <p>(a) for single storey development – 1.5m;</p> <p>(b) for two storey development – 3m</p> <p>Only storeys predominantly above ground level (existing) are to be included in the calculation of number of storeys, i.e. any basement level is not included.</p> <p>P18. Other side setbacks should accord with Council's normal requirements set out in this part. Where practical, the increased setbacks should match similar setbacks on the adjoining property to increase views and planting opportunities.</p> <p>Note—Land in the Rosherville/Wy-ar-gine Townscape is identified on the map in Part 7 of this Plan.</p>
<p>O8. To have rear setbacks which complement existing setbacks and which provide sufficient space for substantial planting, provide adequate separation of buildings, and have regard to cross views of neighbouring properties.</p>	<p>P19. Where the existing pattern of development displays an established rear setback, development should retain this setback to provide sufficient space for substantial planting, provide adequate separation of buildings, and have regard to cross views of neighbouring properties.</p> <p>P20. In the case where a foreshore building line affects a property (as applied under the LEP, the foreshore building line is the prevailing rear setback control unless there is an established pattern of development.</p> <p>Development will only be permitted up to the foreshore building line where issues of height, bulk, views, visual appearance, sunlight, overlooking etc. are resolved to Council's satisfaction.</p>

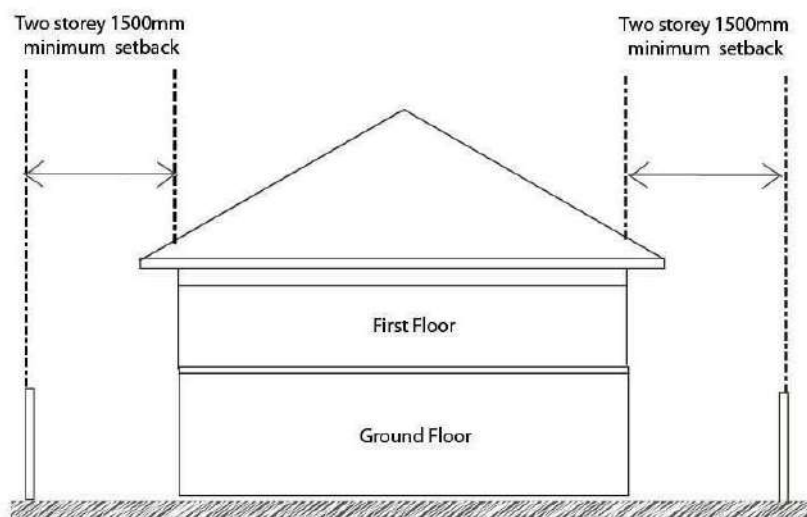
OBJECTIVES	PLANNING CONTROLS
<p>O9. To have buildings which are sited to relate to the topography with minimal cut and fill, preserve existing significant trees, vegetation, rock outcrops, water courses, natural features and promote new vegetation links.</p>	<p>P21. Buildings should be sited having regard to topographical features. The building footprint should be designed to minimise cut and fill. Refer to excavation and site management controls of this Plan for more details.</p> <p>P22. Buildings should be sited to preserve existing significant trees, vegetation, rock outcrops, water courses and natural features and promote new planting.</p> <p>P23. Where a property adjoins bushland or natural water courses and creeks a minimum setback of 5m applies.</p> <p>P24. Where a property is within a bushfire prone area, additional setbacks may apply. Refer to land affected by hazards controls of this Plan for details.</p>



*Buildings should be setback a similar distance from the street*



*Upper storey addition setback 1.5m from side boundary to comply with minimum guidelines*



*New two storey dwelling house setback minimum 1.5m from side boundaries*



### 4.3 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. Some important public views and vistas in townscape areas are identified in Part 7 of this Plan.

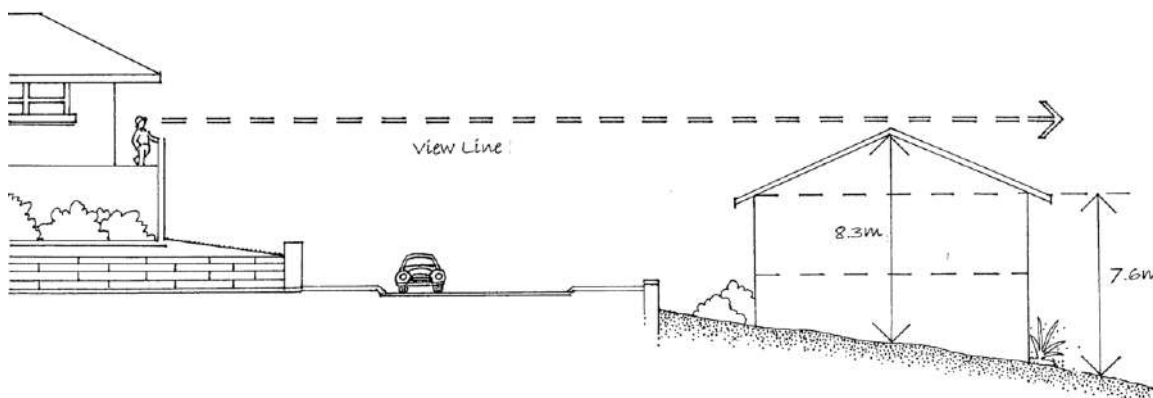
New development should be designed to minimise view loss to the public and to adjoining and adjacent properties while still providing opportunities for views from the development itself. This approach is called "view sharing". Sensitive new building design can ensure the reasonable sharing of views. 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. In assessing applications for development, Council must consider the importance and need to protect views identified in the site analysis process.

Council will consider the following steps in the assessment of reasonable view sharing:

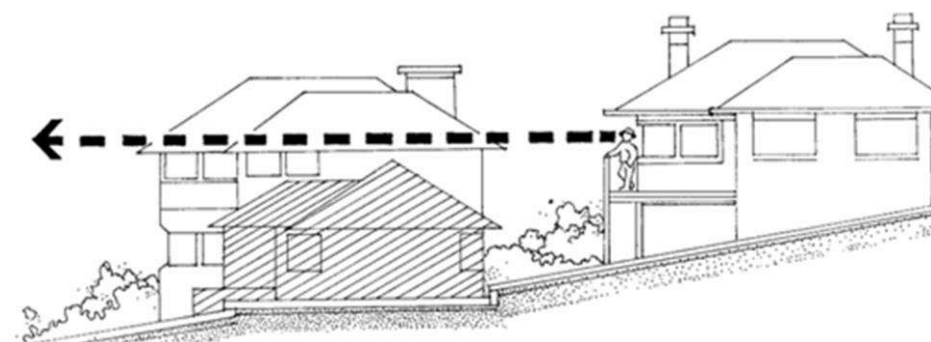
1. **What views are to be affected?** In this Plan, a reference to views is a reference to water views and views of significant landmarks (e.g. The Heads, Opera House and Harbour Bridge). Such views are more highly valued than district views or views without significant landmarks. District views and 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 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
<p>O1. To have opportunities for public vistas and public views from streets and public places protected.</p>	<p>P1. Public views and vistas, some of which are identified in townscape areas in Part 7 of this Plan, must be protected and maintained where possible.</p> <p>P2. Important public views and vistas should be enhanced by the form and treatment of buildings including roofscapes.</p> <p>P3. Where public views are available from the street, these should be preserved by the use of open style fencing and carports, and by avoiding inappropriate plantings and design elements</p>
<p>O2. To have the value of existing views from private dwellings recognised and encourage view sharing through building design, location and landscape design, whilst not restricting the reasonable development potential of a site.</p>	<p>P4. New development should be designed to minimise view loss to adjoining and adjacent properties while still providing opportunities for views from the development itself.</p> <p>P5. Development must not significantly obstruct views enjoyed from living and entertainment areas of neighbouring properties. 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. Views from private dwellings considered in development assessment are those available to an observer standing 1m from a window or balcony edge (less if the balcony is 1m or less in depth).</p> <p>P6. Design solutions must respond graphically to the site analysis outcomes through the use of plans, elevations, photographs and photomontages to demonstrate how view sharing is to be achieved and illustrate the effect of development on views. In some cases, reasonable development may result in the loss of some views, but development must not significantly obstruct views.</p> <p>P7. In cases involving buildings which breach the LEP height standards and in the case of iconic views, Council may require the erection of height poles/building templates (certified by a registered surveyor) to indicate the height of the proposed development and to quantify the extent of view loss.</p>

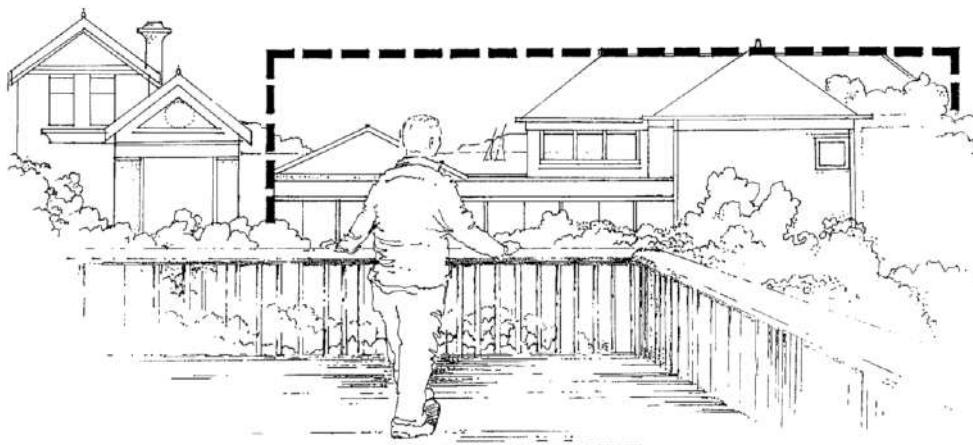
OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P8. Measures to be used to facilitate view sharing include building setbacks, gaps between buildings, minimal floor to ceiling heights, raked ceilings to upper floors, roof forms such as gables or hipped, splay corners and use of open materials for balustrades on balconies and decks.</p> <p>P9. Where there is potential for loss of a view, Council may require a maximum building height of less than the statutory height limit provided by the LEP.</p> <p>P10. 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>



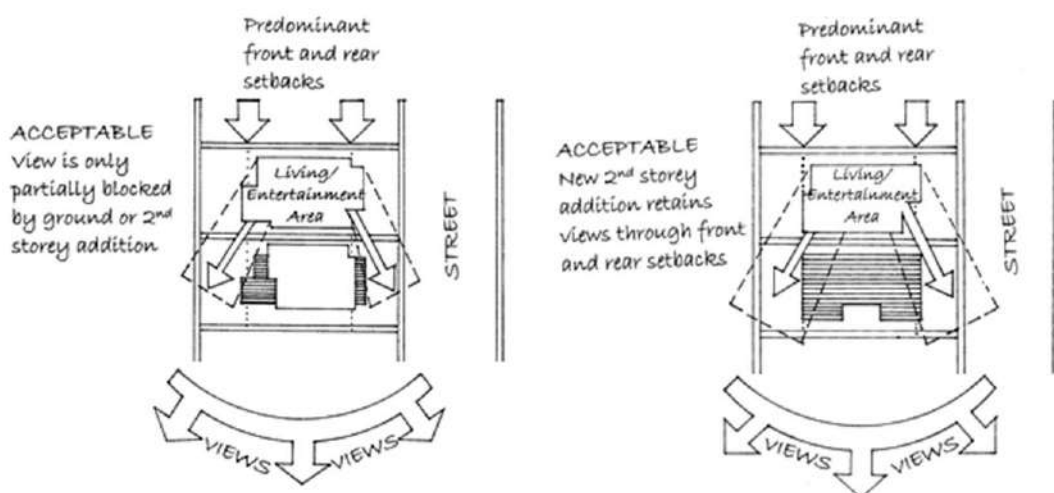
*Building on sloping site that complies with building height control, allows views from neighbouring property, yet exceeds maximum wall height at a certain point*



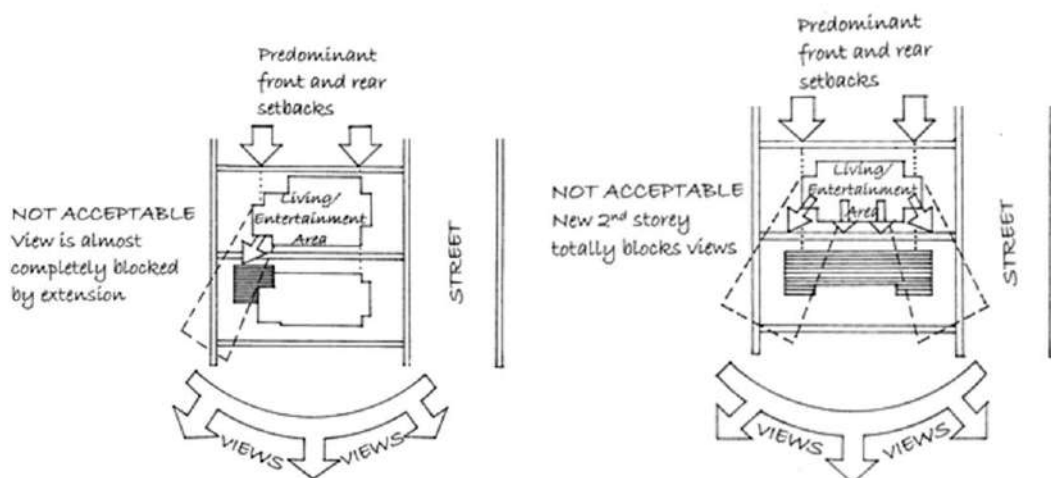
*Single storey buildings with low pitched or flat roofs facilitate view sharing*



Where there is a potential view loss, Council may require a maximum building height of less than 8.5 metres for part of the building



New development should be designed to minimise view loss to adjoining and adjacent properties while still providing opportunities for views from the development itself



Development must not significantly obstruct views enjoyed from living and entertainment areas of neighbouring properties

## 4.4 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.

Maintenance of the dominance of landscape over built elements is to be achieved in Mosman through retaining the land form, significant vegetation, rock outcrops and other landscape elements, as well as through achieving a minimum percentage of landscaped area on the site.

For land zoned R2 Low Density Residential, the minimum landscaped area as required in the LEP is based on the site area to encourage planting whilst not unreasonably restricting development. The greater the site area, the greater the landscaped area required.

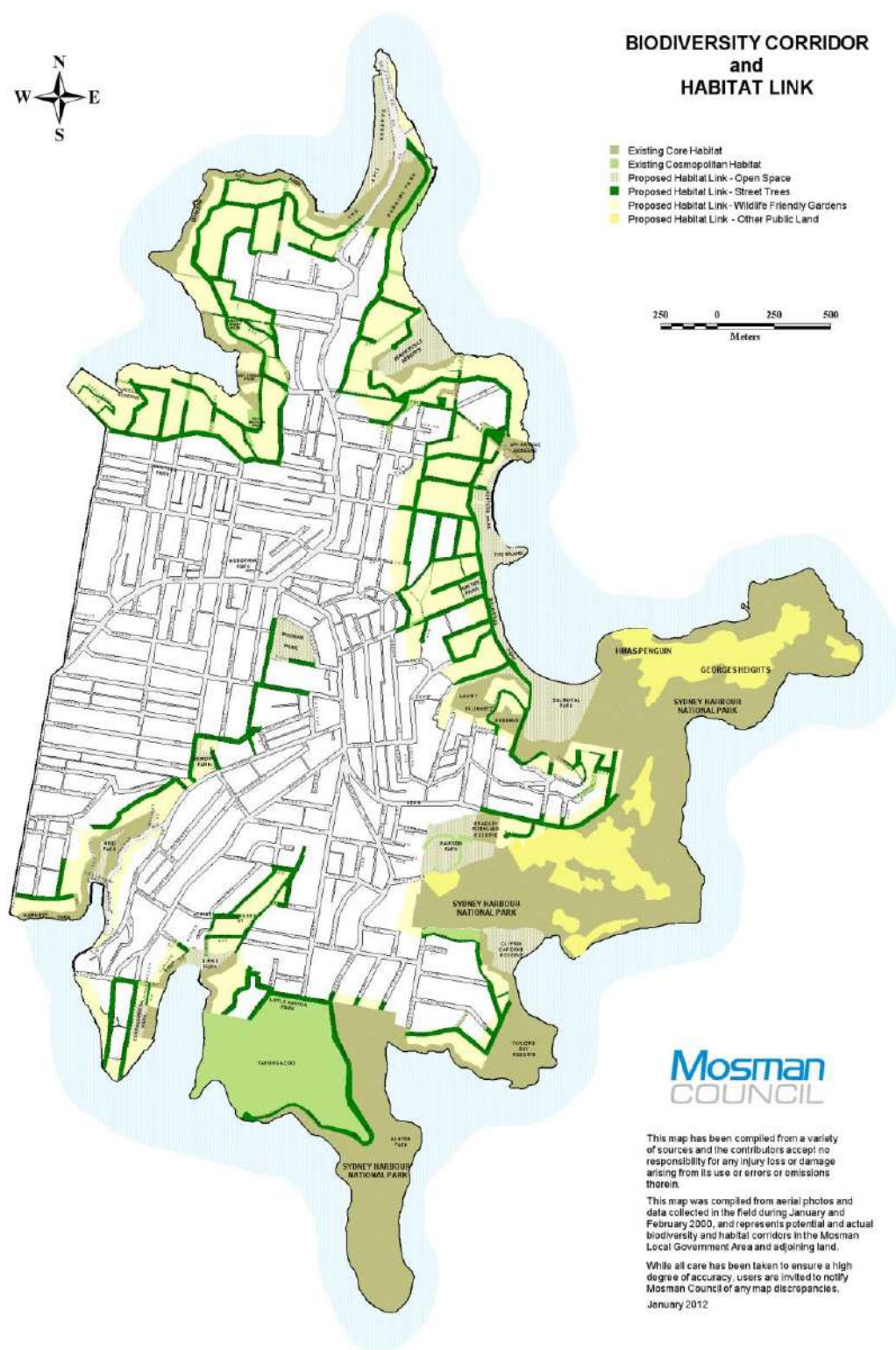
For land zoned R3 Medium Density Residential, the minimum landscaped area as required in the LEP is dependent on the location of the site. A greater building bulk and consequently lesser landscaped area is generally accepted on sites located near to public transport, shops and services, reflecting increased densities and best practice sustainability and urban consolidation principles.

The term 'landscaped area' is defined in the LEP.

OBJECTIVES	PLANNING CONTROLS
O1. <i>Omitted 12/12/2014.</i> O2. <i>Omitted 12/12/2014.</i> O3. <i>Omitted 12/12/2014.</i>	P1. <i>Omitted 12/12/2014.</i>
O4. To have the existing canopied and vegetated landscaped character of Mosman protected and enhanced.  O5. To have existing established trees protected.	P2. Existing established trees which contribute to the amenity of the area and trees listed in Council's Urban Forest Management Policy are to be retained and incorporated into the landscape design.  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.
O6. To have front gardens and areas forward of the front building alignment include vegetation and landscaping that makes a positive contribution to the streetscape.	P4. Vegetation and landscaping should: (a) soften the built form; (b) be consistent with the theme of vegetation in the streetscape, if a predominant theme exists; (c) form part of the overall streetscape, and therefore contribute as a unifying element within the street.
O7. To have the streetscape character, context and curtilage of heritage items and conservation areas maintained through appropriate landscaping.	P5. The landscape design for heritage items or within a conservation area is to: (a) utilise appropriate plant species in achieving a setting for the item or conservation area; (b) avoid changing characteristic landscapes; (c) avoid landscape designs which have no relationship to the period of the item or conservation area; and (d) be simple rather than complex.

OBJECTIVES	PLANNING CONTROLS
<p>O8. To have the appearance, amenity and energy efficiency of buildings enhanced through innovative landscape design.</p>	<p>P6. Vegetation types and landscaping styles which blend the development into the streetscape and any surrounding bushland or parks, and are complementary to planting identified for the townscape area, are to be incorporated into the landscape design.</p> <p>P7. 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>P8. The landscape design is to consider personal safety by providing landscaping that can be maintained to ensure good visibility along paths and driveways, avoid shrubby landscaping near thoroughfares, and provide adequate sight lines for vehicles and pedestrians, especially near street corners and intersections. Landscaping should where required also provide privacy between buildings.</p> <p>P9. 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>P10. The landscape design is to contribute to energy efficiency and amenity by providing substantial shade in summer, especially to east and west-facing windows, and admitting winter sunlight to outdoor and indoor living areas. 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>P11. For multiple dwelling developments, advanced street trees are to be incorporated into all designs. Where paving is provided to driveways, walkways, entries, outdoor patios and in the vicinity of garbage bin enclosures, letter boxes and clothes lines, such paving should be in materials and colours which complement the development and the local streetscape and should be permeable where possible.</p>

OBJECTIVES	PLANNING CONTROLS
<p>O9. To have indigenous planting used with new landscaping where appropriate.</p>	<p>P12. 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, into any landscape plan. Applicants must have regard to the retention and where possible extension of habitat for native fauna.</p> <p>P13. The landscape design is to complement any bushland in the vicinity of the site to 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>Note: Refer to 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” for a list of appropriate species</p> <p>P14. Where sites adjoin bushland zoned RE1 Public Recreation or E2 Environmental Conservation, a buffer zone of local indigenous tree, shrub and ground cover species which represents the structure and floristics of existing bushland in the area is to be provided. Refer to State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19) for specific provisions.</p>
<p>O10. To have natural ground levels maintained, especially near boundaries.</p>	<p>P15. Cutting and filling is to be minimised as far as practicable and should not affect natural drainage lines. Fill material is to be virgin excavated natural material only and placed in such a manner not to disturb local indigenous bushland or plant and tree species.</p>





OBJECTIVES	PLANNING CONTROLS
O11. To have landscaping over slabs appropriately designed.	<p>P16. 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>P17. 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>P18. 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>
O12. To have adequate private open space for residents.	<p>P19. For new dwelling houses, at least 24sqm of principal private open space must be provided, that meets the following:</p> <ul style="list-style-type: none"> <li>(a) is an area that is directly accessible from, and adjacent to, a habitable room, other than a bedroom (such as a living room), and</li> <li>(b) is at least 4m wide, and</li> <li>(c) is at ground level (existing) and not steeper than 1:50 gradient, however, on sloping sites where this may be difficult to achieve an alternative design may be considered.</li> </ul>

*The landscape design allows visual surveillance of the street*

*Deciduous trees admit winter sunlight and provide shade in summer*



*A mix of shrubs and canopy trees which relate to the building scale soften the built form and blend the development into the streetscape*

## 4.5 Preservation of trees or vegetation

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

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

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

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

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

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

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P5. Council, in determining an application to clear vegetation, must have regard to:</p> <ul style="list-style-type: none"> <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 the application to achieve reasonable development;</li> <li>(c) Effects in the nature of erosion, soil retention or diversion or increased flow of surface waters;</li> <li>(d) The number of trees in the relevant area and the effect on the amenity of such area;</li> <li>(e) The number of healthy trees that a given parcel of land will support; and</li> <li>(f) Whether the tree(s) in question provide habitat for fauna.</li> </ul> <p>*Note: In cases where an applicant has claimed that a tree is dangerous or hazardous, an independent arborist report will be required to be carried out by a qualified (AQFS, minimum level 4) consulting arborist who does not carry out tree pruning or removal work. Council does not provide tree consultancy services or tree hazard assessments for trees on private property.</p> <p>P6. Council may issue a permit or development consent to clear vegetation subject to specific conditions including that a replacement tree(s), which will attain a minimum height as specified by Council, 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>

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

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

- (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, *Contoneaster* spp.
    - Cypress, *Cupressus* Spp.
    - Giant Bird of Paradise, *Strelitzia nicolai*
    - Hackberry, *Celtis australis*.
    - Hibiscus, *Hibiscus* spp.
    - Leyland Cypress (Leighton Green) and its cultivators, *Cupressocyparis Leylandii*
    - 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.

## PART 5 SITE PLANNING AND DESIGN

### 5.1 Streetscape and building design

Streetscape refers to the way a street looks and is fundamental in defining neighbourhood identity and townscape area character. 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.

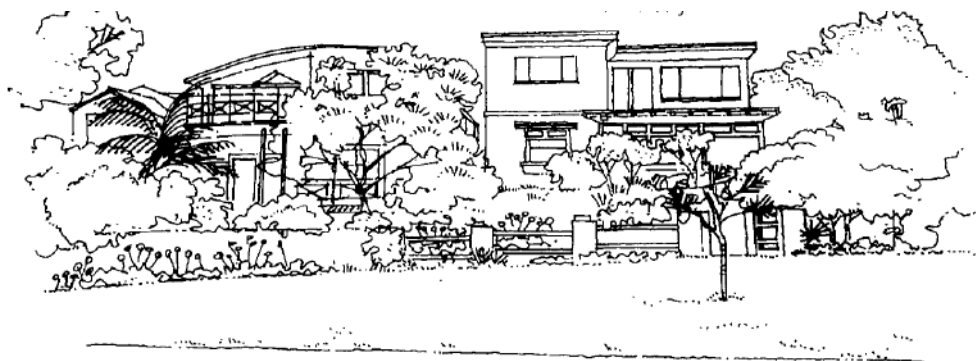
A predominant townscape characteristic of Mosman is pitched roofs, particularly when viewed from the harbours and foreshores. Refer to Part 7 of this Plan for specific planning controls for townscape areas.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have development of a scale and appearance which is in keeping with the street and desired future townscape area character.</p> <p>O2. To have building bulk controlled by incorporating facades that are well articulated.</p> <p>O3. To have variety within development, where consistent with the street and desired future townscape area character.</p>	<p><i>General design criteria:</i></p> <p>P1. New development should incorporate articulated facades to avoid a bulky appearance and to create proportions consistent within the streetscape. The use of elements such as recesses, modulation and setbacks in building walls, and varied materials is encouraged so as to avoid expansive uniform elevations. Pergolas, verandahs, decks and planter boxes are also appropriate provided they are suitably dimensioned and do not contribute to building bulk.</p> <p>P2. Applicants must demonstrate that buildings are designed "from the ground up" with ground floors located at or near ground level and incorporating reasonable ceiling heights. The use of extensive void areas under or within a building is discouraged.</p> <p>P3. Development on sites with two or more frontages should promote the corner elements of buildings as architectural features to add prominence and diversity to the streetscape.</p> <p>P4. The design of additions and alterations to existing buildings should demonstrate architectural unity with the existing building. The extension or replication of roof pitches and the matching of external finishes is generally encouraged, and should be compatible with the townscape area.</p>

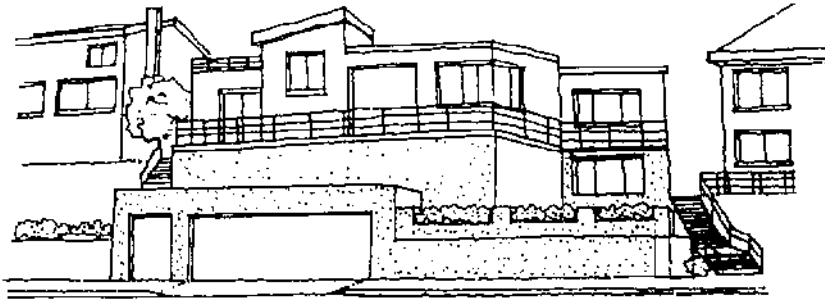
OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P5. First floor additions should be well integrated into the development design to avoid a bulk/scale relationship that would dominate the existing building, neighbouring buildings or the street.</p> <p>P6. Contemporary alterations and additions, where appropriate, are limited to the rear of the building.</p> <p><i>Roof design of building:</i></p> <p>P7. Roof pitch should not be excessive. Where the predominant roof form is pitched, new roofs should be of a similar pitch and material.</p> <p>P8. Flat roofs, when well designed, may be acceptable and allow for the retention of views from neighbouring properties and public views. Where flat roofs are selected, particular attention should be given to the detailing of the wall/roof junction. Parapet walls are discouraged where they contribute to the bulk of the building or have adverse amenity effects e.g. view loss, overshadowing.</p> <p>P9. Deep eaves on buildings are encouraged as a design element and for passive solar control.</p> <p>P10. For multiple dwellings, roof design should have regard to detailing of lift overruns and air conditioning units so that they are integrated into the design and suitably screened.</p> <p><i>Materials and finishes:</i></p> <p>P11. The colour and surface of external finishes should be sympathetic to the street and desired future townscape area character and contribute to the overall appearance of the development.</p> <p>P12. The use of single colour finishes and/or materials within large areas of non-articulated walls is discouraged.</p> <p>P13. Avoid the removal of original architectural details and finishes, including avoiding painting face brick work or sandstone, replacing timber with aluminium, replacing unglazed terra cotta tiles or slate with other material, or removing chimneys.</p> <p>P14. Use of highly reflective materials, including glazed balustrades on north facing elevations, reflective factory finished roof sheeting and glazed roof tiles is discouraged. The use of pre-weathered zinc and copper as an alternative material for roof sheeting is encouraged.</p>



OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	P15. In highly visible areas particular attention needs to be given to materials, textures, finishes and the extent of glazing to reduce solar glare. Barrel shaped roofs will not be permitted where there will be extended periods of solar reflection on adjoining properties.
O4. To have the front setback contribute to the streetscape in terms of a landscaped setting, with minimal hard surface areas.	P16. Provide sufficient area within the front setback which incorporates gardens and space for appropriate trees to balance the built form.  P17. Hard surfaces should be minimised within the front setback, and sufficient soft landscaping provided to overcome the pressures within the front setback of car parking and driveways.
O5. To have streetscapes which are compatible with the townscape areas.	P18. Development should satisfy particular planning controls for the townscape areas outlined in Part 7 of this Plan.
O6. To have ancillary structures sited and designed to integrate with the built form and not be dominating.	P19. Ancillary structures that are located within the front building setback or that are visible from the street – such as carports, garages, fences, garbage bin areas, letter boxes, electricity substations, solar panels etc. – are to be designed and sited to be compatible with the building without becoming the dominant feature on the site.  P20. Garages and carports are to be designed so as to minimise bulk. Roofs generally should be flat or low pitched. The use of large gables and ornamentation to replicate the main dwelling should be avoided. In new and existing development, garage doors should be recessed behind the face of the structure in which they are located to minimise their dominance.



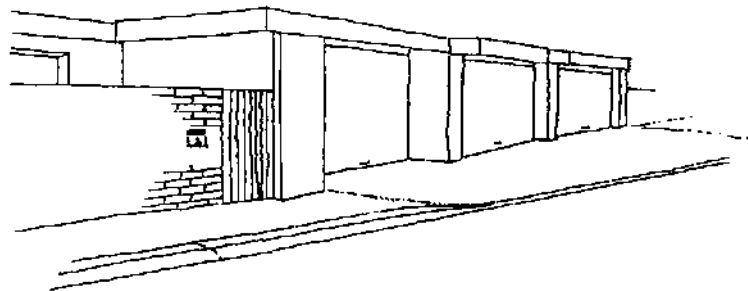
*Variety in building form without loss of neighbourhood character*



*Inappropriate development: Large bland facades which dominate the streetscape, small side setbacks and inadequate tree planting*



*Pitched roof with attic rooms minimises overlooking, retains bungalow character and minimises shadows to neighbours*



*Inappropriate development: garage frontages should be minimised and front fences should enable an outlook to the street*

## 5.2 Carport and garage design

This Part provides guidelines for the design and siting of garages and carports. Refer also to transport, access and parking controls contained later in this Plan.

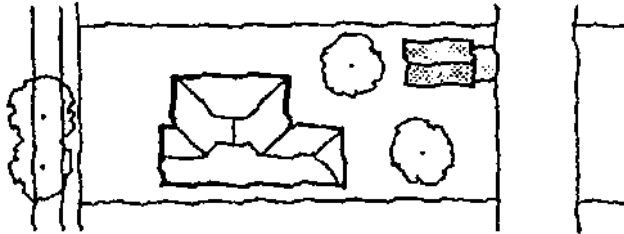
The provision of car parking should reasonably satisfy the needs of current and future residents but recognise the need to balance car parking access and provision with design, heritage and sustainability objectives.

Careful consideration should be given to the effect of the garage or carport on the overall appearance of the building and the streetscape, particularly a dwelling house or semi-detached dwelling. In almost every case garages and carports have a substantial impact if constructed on or near the front boundary; for this reason Council has identified preferred locations for garages and carports—at the rear, side and, finally, at the front of the dwelling house or semi-detached dwelling.

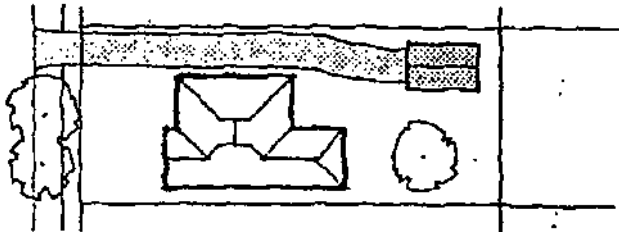
OBJECTIVES	PLANNING CONTROLS
<p>O1. To have carports and garages designed to be in sympathy with the residential building without becoming the dominant feature on the site.</p> <p>O2. To have areas forward of the front building alignment reserved predominantly for vegetation and landscaping and to make a positive contribution to the streetscape.</p> <p>O3. To have the siting of car-parking structures respect the character of the streetscape and retain public views where they exist over the site.</p> <p>O4. To have existing rear lanes used for access for vehicles, particularly for semi-detached dwellings and dwelling houses.</p> <p>O5. To have carports in conservation areas designed to respect and maintain the significance of such areas.</p>	<p>P1. For new development, the siting of garages or carports must be integrated into the building design at the time of the application.</p> <p>P2. For existing development, garages or carports should be sited having regard to the following hierarchy:</p> <ul style="list-style-type: none"> <li>(a) garage or carport located at rear of the site with access from a rear lane; or</li> <li>(b) garage or carport located at the rear of the site with access from the street frontage or at the side of the dwelling behind the front building alignment; or</li> <li>(c) where a garage or carport cannot be provided at the rear or side of the dwelling, a hardstand area (preferably in the form of wheel strips) forward of the front building alignment which is integrated into the landscape character of the front yard is the preferred approach.</li> </ul> <p>P3. No garages will be permitted forward of the front building alignment. Some exception to this may be permitted in certain circumstances as outlined in this Part.</p> <p>P4. A variation to the landscaping requirement (as set out in this Plan) may be considered where the siting of the garage or carport is setback from the street to observe the prevailing building setback and integrated into the building design. In this instance the driveway should be of a material that has a minor effect on the landscaped character of the property (e.g. wheel strips).</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P5. Council may consider a single carport forward of the front building alignment only where:</p> <ul style="list-style-type: none"> <li>(a) there is no rear lane or side access;</li> <li>(b) the site does not contain a heritage item or is not within a heritage conservation area (some exception to this may be permitted in certain circumstances as outlined in this Part);</li> <li>(c) the site is of sufficient width where the carport will not dominate the existing building;</li> <li>(d) the distance between the building and the front property boundary is a minimum 5.5m;</li> <li>(e) it is of a simple posted design, with no side panel infill; not over elaborate in its decoration and colour; and does not detract from the existing building and its setting;</li> <li>(f) there is no solid panel lift or roller shutter door proposed and security is afforded by inward swinging or sliding gates or a panel lift type shutter which has the appearance of a low type open style fence;</li> <li>(g) the structure has a minimal visual impact (an open form pitched roof may be appropriate to reduce the presence of the carport; the use of large gables which have a dominating presence to the street are not appropriate);</li> <li>(h) a public view would not be adversely affected; and</li> <li>(i) consideration is given to the predominance (or otherwise) of carports in the street in the immediate locality of the site.</li> </ul> <p>P6. In some exceptional circumstances, Council may consider a single carport forward of the building alignment in a heritage conservation area only where it:</p> <ul style="list-style-type: none"> <li>(a) complies with general guidelines for a single carport forward of the front building alignment listed above;</li> <li>(b) does not significantly detract from the heritage significance of the area;</li> <li>(c) does not exceed 3m or 20% of the width of the block frontage, whichever is the lesser;</li> <li>(d) is located close to the side property boundary; and</li> <li>(e) does not significantly affect the landscaped front garden or involve removal of a street tree.</li> </ul> <p>These guidelines are to be read in conjunction with heritage conservation controls in this Plan.</p>

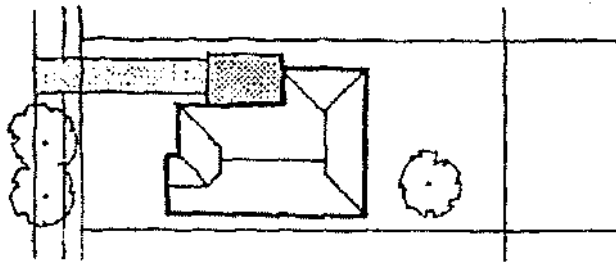
OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P7. The design of all garages and carports should:</p> <ul style="list-style-type: none"> <li>(a) be complementary in style and finish to the dwelling to which it relates, but generally be simple in detail (the use of large gables and ornamentation to replicate the main dwelling should be avoided);</li> <li>(b) be no greater than one storey in height (however, accommodation may be permitted under garages or carports where the topography allows the additional floor level to be screened from the street or where it will not have an adverse visual affect on the street, and where such space is not occupied as a separate domicile);</li> <li>(c) not exceed the following width: <ul style="list-style-type: none"> <li>i. where not located forward of the front building alignment - 40% of the block frontage or up to 6m, whichever is the lesser, depending on frontage width; or</li> <li>ii. where located forward of the front building alignment - 40% of the block frontage or up to 3m, whichever is the lesser, depending on frontage width (this does not apply to heritage conservation areas; refer to controls above);</li> </ul> </li> <li>(d) not incorporate structures such as decks and patios on the roof of the garage or carport;</li> <li>(e) where located on a rear lane, be designed having regard to the same issues of streetscape identified in this Plan as if located on the main street frontage; a setback from the rear lane may be required to facilitate manoeuvring of vehicles in particular having regard to the possibility of vehicle being parked in the lane; and</li> <li>(f) be designed to recess garage doors behind the face of the structure in which they are located to provide a shadow line and to minimise their dominance.</li> </ul>
<p>O6. To have parking provided by the development that relates to the environmental and built constraints of the site.</p>	<p>P8. Elevated carparking structures and driveways on steeply sloping sites are discouraged. However, where site topography suggests an elevated parking structure, the design considerations set out above apply. Any public view should not be adversely affected.</p> <p>P9. On some steeply sloping sites requiring excavation, garages will be considered at the front of sites subject to satisfactory visibility for users entering and leaving; external finishes of the exterior and doors; and integration into the landscape. Excessive excavation should be avoided.</p>



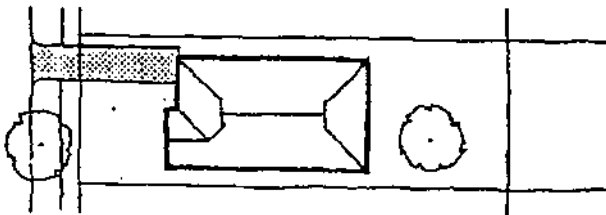
*1. Locate at rear with access from rear lane*



*2. Locate at rear with access from street*

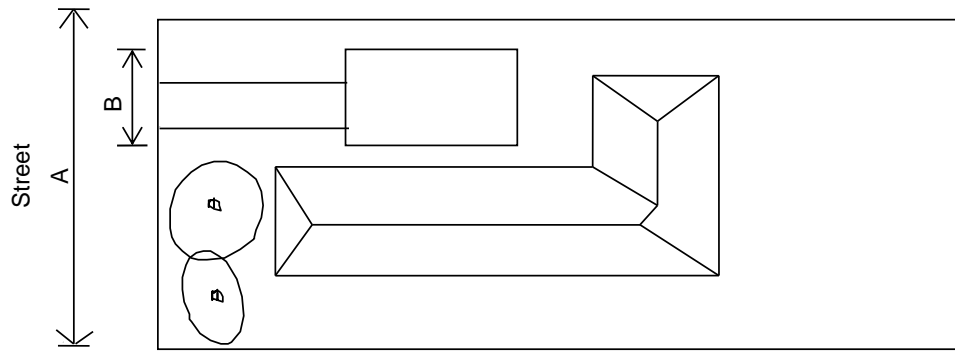


*3. Locate at side of dwelling behind front building alignment with access from street*



*4. Provide a hardstand area located forward of the front building alignment*

*Preferred location of car spaces*



*Maximum width of garages and carports (areas other than heritage conservation areas):*

*A = width of lot to the street.*

*B = width of garage or carport, that is, maximum 40% of A or 6m, whichever is the lesser*



*Examples of acceptable carports in Mosman.*

*The carports are of a simple design, not over elaborate in decoration and colour, and do not detract from the existing building and its setting.*

### 5.3 Fences and walls

Fences and walls play major roles in determining the appearance of developments and their contribution towards the streetscape. Carefully designed fences and walls help to integrate development into the existing streetscape; however, when poorly designed, they have the ability to unduly dominate the streetscape and reduce opportunities for neighbourhood surveillance and social interaction.

OBJECTIVES	PLANNING CONTROLS
O1. To have new fences and walls that are compatible with positive elements of the streetscape and satisfy the character objectives for the townscape area.	<p>P1. Fences and walls must be consistent with identified streetscape and townscape area character elements.</p> <p>P2. A fence must not incorporate barbed wire in its construction or be electrified. Factory pre-coloured metal fences are expressly discouraged.</p>
<p>O2. To have low open style front fencing as a means of reducing the visual impact of solid fencing styles, encourage safety through passive surveillance of streets and private property, and allow for public views.</p> <p>O3. To allow higher front fencing only in certain circumstances where there is a dual street frontage, where consistent with the scale or heritage value of a property, or to mitigate noise on streets with a high traffic volume.</p>	<p>P3. Front fences, and side fences forward of the building line, should be no more than 1.2m in height above footpath level.</p> <p>P4. In certain circumstances Council may allow front fences, and side fences forward of the building line, greater than 1.2m in height above footpath level only where:</p> <ul style="list-style-type: none"> <li>(a) there is dual street frontage, provided fences are articulated and do not have an adverse streetscape impact; or</li> <li>(b) in the case of a heritage item or property in a heritage conservation area, where consistent with the scale or heritage value of a property and where historical evidence can be provided to support this; or</li> <li>(c) the property adjoins one of the following streets with high traffic volume: <ul style="list-style-type: none"> <li>Belmont Road,</li> <li>Cowles Road (south of Ourimbah Road),</li> <li>Macpherson Street (south of Ourimbah Road),</li> <li>Military Road (west of Spit Road),</li> <li>Ourimbah Road,</li> <li>Rangers Avenue,</li> <li>Spit Road,</li> <li>Spofforth Street (north of Reginald Street).</li> </ul> </li> </ul> <p>In such cases, Council may allow a fence up to 1.8m in height of solid material provided it can be shown that the fence acts as an effective noise barrier. Such fences are to be either set back from the boundary to allow landscaping to soften the bulk or the structure is to be articulated as an alternative to a solid blank wall.</p>



OBJECTIVES	PLANNING CONTROLS								
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P5. In the case of semi-detached dwellings, a higher fence will only be permitted, in circumstances set out above, if both of the semis in the pair seek consent concurrently.</p> <p>P6. For picket fences less than 1.2m in height, the spacing between pickets should be not greater than 25% of the width of the picket. For picket fences at or above 1.2m in height, the spacing between pickets should be not greater than 50% of the width of the picket.</p> <p>P7. Where public views are available from the street, these should be preserved by open style fencing.</p>								
<p>O4. To have side and rear fencing that provides for privacy and resident amenity.</p>	<p>P8. Side fences (behind the front building setback) and rear fences should not be higher than 1.8m on level sites, or 1.8m as measured from the low side where there is a difference in level either side of the boundary.</p> <p>P9. For sites that adjoin a public reserve, additional restrictions may apply. Refer to Part 7 of this Plan for specific controls for relevant townscape areas.</p>								
<p>O5. To have fences and walls that are sympathetic to heritage items and heritage conservation areas.</p>	<p>P10. Modifications to the front fence of a heritage item or within a conservation area must be designed in a manner which contributes to the historic style of the building and streetscape context.</p> <p>P11. A variety of fence types may exist in the vicinity of the site. The predominant character should be adopted and interpreted to maintain visual continuity and cohesion.</p> <p>P12. The visual impact of fences is to be limited by selecting materials compatible to the age of the house. As a guide:</p> <table border="1" data-bbox="754 1462 1329 1722"> <thead> <tr> <th><i>House style</i></th><th><i>Fencing</i></th></tr> </thead> <tbody> <tr> <td>Late Victorian</td><td>Use Cast Iron Pallisades</td></tr> <tr> <td>Federation to interwar arts and crafts</td><td>Timber picket and brick, stone or combination of these materials</td></tr> <tr> <td>Bungalow to post war</td><td>Brick piers and rails, woven wire or sandstone</td></tr> </tbody> </table> <p>P13. Avoid using pre-painted steel pike fences.</p> <p>P14. Sympathetic reconstructions of front fences are to be encouraged if original fences cannot be repaired.</p>	<i>House style</i>	<i>Fencing</i>	Late Victorian	Use Cast Iron Pallisades	Federation to interwar arts and crafts	Timber picket and brick, stone or combination of these materials	Bungalow to post war	Brick piers and rails, woven wire or sandstone
<i>House style</i>	<i>Fencing</i>								
Late Victorian	Use Cast Iron Pallisades								
Federation to interwar arts and crafts	Timber picket and brick, stone or combination of these materials								
Bungalow to post war	Brick piers and rails, woven wire or sandstone								

OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	Note—Refer to Mosman Council's A Guide to Traditional Fence Styles in Mosman for more information.



*Traditional fence styles in Mosman. From top, left to right: paling fence; wire fence; post and rail fence; palisade fence; picket fence; pier and infill fence.*

*(Source: A Guide to Traditional Fence Styles in Mosman, Mosman Council)*

## 5.4 Semi-detached dwellings

The stock of semi-detached and terrace housing in Mosman comprises more than 400 pairs and incorporates a number of architectural styles developed between the 1880's and the 1930's including examples of Victorian Italianate, Federation Queen Anne, Federation Arts and Crafts, Edwardian Bungalow, Californian Bungalow and Inter-war Modern. A number of significant examples of these styles are included as individual heritage items or within conservation areas listed in the LEP. Applicants should be conscious of the significance of these styles before considering any alterations and additions to semidetached dwellings.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have the concept of the semi-detached dwelling as one of a pair or group of dwellings retained, maintaining traditional scale, character and established streetscape values.</p>	<p>P1. Any alteration to an individual semi should recognise it as being one of a pair or group of similar, identical or complementary buildings. In this regard, any extension should be carefully integrated with the building to which it is attached, both in its present form and on the assumption that the adjoining owner may wish to undertake extensions in the future.</p> <p>P2. Applicants should demonstrate how the adjoining semi-detached dwelling could be treated to maintain character.</p>
<p>O2. To have alterations and additions to a semi-detached dwelling which are appropriate to the established scale and building envelope of the original building and to the predominant development in the vicinity.</p> <p>O3. To have alterations and additions to a semi-detached dwelling seen as an extension of the general form of the existing building envelope, appropriately related in form and detail to the adjoining semi-detached dwelling.</p>	<p><i>Bulk, scale:</i></p> <p>P3. Any first floor addition should be set back from the principal street frontage of the building in order to maintain unaltered a substantial portion of the existing roof over the front of the building and to locate the bulk of new development towards the rear. Additions should be located behind the main gable or hipped feature of the street frontage.</p> <p><i>Roof form:</i></p> <p>P4. The style, pitch, material, profile and colour of the proposed roof should match, complement and extend the existing roof form of the building.</p> <p>P5. Characteristic features of the existing roofscape should be identified and where appropriate incorporated into the proposed extension. The positioning and proportion of gables, the use of parapets and gambrel and dormer roof forms should be considered in the context of the surrounding original development.</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P6. Flat roofed areas should only be contemplated where they are not seen from the street or other important viewing positions in the vicinity of the building. Uncharacteristic roof forms and details will not be considered appropriate if they impinge on the street character of the adjoining or nearby semis.</p> <p>P7. Roof forms, which contribute excessively to the visual bulk of the building, such as Mansard roof extensions will not be permitted. Contemporary roof form additions to the rear of traditional semis may be acceptable if the visual impact to the street is minimised.</p> <p>P8. Where extensions are proposed to only one half of a pair of semis, consideration should be given to the roof design as an extension of the established roof lines of the undeveloped semi. This may involve the concurrence of the adjoining owner but will avoid the appearance of a blank dividing wall and will conceal changes to the roof line.</p> <p>P9. The roof design is to prevent stormwater spill-over onto the adjoining semi.</p> <p><i>Dormer roof forms:</i></p> <p>P10. Dormer roofs shall be used in a manner that is characteristic of the particular style of the subject semi.</p> <p><i>Roof materials:</i></p> <p>P11. New roofing should maintain or replace the original roofing of the building in material, profile and colour. Where the roofs of adjoining semis are currently different from each other, the new roof finish should match the adjoining dwelling as closely as possible, unless it can be demonstrated that such a finish is of undesirable architectural merit.</p> <p><i>Terrace house roof forms:</i></p> <p>P12. Where the application is for additions to a single storey or two storey building within a terrace no change to the height or form of the roof to the street frontage will be permitted. Changes behind the front roof form may be permitted subject to an assessment of the potential effect on the adjoining buildings in the terrace.</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p><i>Fenestration:</i></p> <p>P13. Windows should be in scale and proportion to original windows and those on the principal street façade should maintain the original design character of the building and its neighbour. Windows in traditional buildings in Mosman generally have a strong vertical proportion and are either casements or double hung. Large picture windows are uncharacteristic of most of the architectural styles represented in the district.</p> <p>P14. Windows located on the first floor of an addition should, where possible, be aligned with those on the ground floor.</p> <p>P15. Larger areas of glass may be incorporated to the rear of buildings where there is less visual affect on the character of adjoining development.</p> <p>P16. Due to the proximity of many semi-detached dwellings care needs to be taken in the placement of windows to ensure privacy to adjoining owners. Generally windows should be offset with those of adjoining properties.</p> <p>P17. Council will only allow dormer windows, balconies, skylights and solar panels on the front façade where they will not have an adverse streetscape impact.</p> <p>P18. Where they are appropriate, new dormer windows should be consistent with the window proportion of original windows and measure no more than 25% of the width of the roof in that plane.</p> <p><i>Materials and details:</i></p> <p>P19. Unpainted surfaces should be remain unpainted.</p> <p>P20. Painting, rendering or bagging of face brickwork is not an acceptable treatment. New walling at ground level should be selected to blend with the existing materials. A slight step or recess in the wall surface will often assist in allowing differing materials to blend together visually.</p> <p>P21. Upper wall surfaces should reflect the style and character of the original work. In general, rusticated weatherboard, shingles or battened fibre cement sheet are an acceptable solution where the brickwork is not practical. Upper wall surfaces should take into consideration existing finishes in gables or on adjoining semis.</p>

OBJECTIVES	PLANNING CONTROLS
O4. To have potential for complementary development of an adjoining semi-detached dwelling.	P22. Wherever possible it is preferable that both semis forming a pair propose comprehensive and matching additions to be carried out at the same time. However, it is possible to design alterations and additions to one semi of a pair or terrace group which does not detract unreasonably from the architectural integrity of the pair or group. The design approach will vary depending on the form of the semi design. Where symmetry is the dominant characteristic it should be respected, where asymmetry gives the appearance of a single building this should be respectfully acknowledged in the design to maintain that character.



*Symmetrical semi-detached dwellings*



*Asymmetrical semi-detached dwellings*

## 5.5 Medium Density Housing

This Part applies to medium density housing, including the following types of development defined in the LEP:

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

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

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

OBJECTIVES	PLANNING CONTROLS
O1. To have the principles of SEPP 65 assessed as part of any multiple dwellings proposal.	P1. The principles of SEPP 65 (regardless of building type) should be considered in any residential development proposal. The principles relate to: <ul style="list-style-type: none"> <li>(a) context and neighbourhood character;</li> <li>(b) built form and scale;</li> <li>(c) density;</li> <li>(d) sustainability;</li> <li>(e) landscape;</li> <li>(f) amenity;</li> <li>(g) safety;</li> <li>(h) housing diversity and social interactions;</li> <li>and</li> <li>(i) aesthetics.</li> </ul>
O2. To have desired future character considered as foremost in any residential development proposal.	P2. Particular planning controls for the townscape area are to be taken into account in establishing streetscape character and context. Refer to Part 7 of this Plan.  P3. Development should respond to the character of the street, topography etc. There are different building types that may be more suitable for redevelopment of the site.
O3. To have lot sizes and development that is suitable to the local context.	P4. The existing lot patterns in the street should be examined as the amalgamation/subdivision of lots is an important tool for redevelopment. The preferred building types (as per the Apartment Design Guide) should complement the characteristics of the street and the townscape area (refer to Part 7 of this Plan).  P5. Building typologies which depart significantly from those typical in the area will only be acceptable where it can be demonstrated that all other principles and planning guidelines are met.

OBJECTIVES	PLANNING CONTROLS
O4. To have high standard of amenity for occupants of dwellings.	<p>P6. To ensure high amenity of a dwelling, the preferred internal plan depth of building is to be 10-18 metres. Where greater than 18 metres, satisfactory natural ventilation must be demonstrated.</p> <p>P7. The minimum ceiling height is to be 2.7 metres for all habitable rooms on all floors and 2.4 metres for all non-habitable rooms.</p> <p>P8. Where dwellings are arranged off a double-loaded corridor, the number of dwellings accessible from a single core corridor should be limited to eight. Exceptions may be allowed for adaptive re-use buildings.</p>
O5. To have separation of buildings to allow for acoustic and visual privacy.	<p>P9. Where possible, dwellings should have adequate building separation and be arranged to minimise noise transition between dwellings. For example, locate busy, noisy areas next to each other and quieter areas next to each other; and use storage areas or circulation zones to act as a buffer.</p> <p>P10. Where conflict exists with a noise source, consideration is to be given to the use of double glazing; operable screened balconies.</p>
O6. To have suitable side and rear setbacks to allow for deep root planting.	P11. The landscaped area of the site should be a deep soil zone to promote the healthy growth of trees. For more detailed landscape design requirements refer to landscaping controls in this Plan.
<p>O7. To have good orientation to optimise solar access into dwellings.</p> <p>O8. To have the environmental performance of dwellings enhanced.</p>	<p>P12. Living rooms and private open spaces for at least 70% of dwellings in a development should receive a minimum of 2 hours direct sunlight between 9am and 3pm in mid winter.</p> <p>P13. Communal open space should be located to optimise solar access to the dwellings. It should be appropriate and relevant to the context and the building's settings.</p> <p>P14. Where possible, buildings should be oriented to maximise north facing walls (within 30 degrees east and 20 degrees west of north). This must be balanced with maintaining desired streetscape character; providing for enjoyment of views; fitting with the topography etc.</p> <p>P15. The number of single aspect dwellings with a southerly aspect are to be limited to 10% of the total development.</p> <p>P16. Development should allow for an increase in solar access to ground floor dwellings by</p>



OBJECTIVES	PLANNING CONTROLS
	<p>providing higher ceilings and taller windows and by choosing appropriate plantings.</p> <p>P17. Where necessary, development should be designed for shade and glare control, particularly in summer. Devices such as eaves, awnings, louvres, plantings etc should be used.</p> <p>Note—The Apartment Design Guide identifies building types or layouts which respond to the streetscape by optimising solar access e.g. where streets are to be edged and defined by buildings, align buildings to the street on the east/west street.</p>
O9. To have entrances which provide a desirable residential identity.	<p>P18. Entries are to be located so that they relate to the existing street pattern and provide as direct a physical and visual connection as possible to the street and the entry.</p> <p>P19. Where possible, separate entries to the building should be provided for the pedestrian and for the motor vehicle.</p>
O10. To have a diversity of household dwelling types.	<p>P20. Single-aspect dwellings should be limited in depth to 8 metres from a window and the back of kitchen should be no more than 8 metres from a window.</p> <p>P21. The width of a cross-over or cross through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow dwelling layouts.</p> <p>P22. Development should provide for a variety of dwelling types, being 1, 2 and 3+ bedroom apartments.</p>
O11. To have all dwellings provided with useable private open space.	<p>P23. Primary balconies should be located off main living areas and be sufficiently large enough to promote indoor/outdoor living. In this instance a minimum depth of 2 metres is appropriate.</p> <p>P24. Secondary balconies (e.g. juliet balconies) should be considered in larger dwellings and adjacent to bedroom, laundries etc.</p> <p>P25. For any ground floor dwellings, access to private open space preferably as a terrace or garden should be provided. Front gardens and terraces should contribute to the spatial and visual structure of the street whilst maintaining the adequate privacy for the dwelling occupants.</p>
O12. To have safe active streets.	<p>P26. Balustrades should be designed to allow views and casual surveillance whilst at the same time providing for safety and visual privacy.</p>

OBJECTIVES	PLANNING CONTROLS
O13. To have adequate storage within easy access of dwellings.	<p>P27. Suitable storage facilities are to be provided within the dwelling and also a dedicated storage on each floor within the development.</p> <p>P28. In addition to the kitchen cupboards and bedroom wardrobes, accessible storage facilities should be provided at the following rates:</p> <ul style="list-style-type: none"> <li>(a) Studios: 6m<sup>3</sup></li> <li>(b) 1-bed: 6m<sup>3</sup></li> <li>(c) 2-bed: 8m<sup>3</sup></li> <li>(d) 3+bed: 10m<sup>3</sup></li> </ul>
O14. To have sufficient daylight access and fresh air provided to all habitable rooms and common space.	<p>P29. To allow for better access to natural light, development should include the use of ceiling heights which promote the use of taller windows, highlight windows and fan lights.</p> <p>P30. Any new development should be oriented to maximise the northern aspect and the number of dwellings receiving daylight access should be optimised.</p> <p>P31. The building layout and internal dwelling layout should be utilised to promote cross ventilation. At least 60% of dwellings should be naturally cross ventilated. More than 25% of kitchens within a development should have access to natural ventilation.</p>
O15. To have high architectural quality in multiple dwellings.	<p>P32. New development should consider the whole building form and its relationship with the façade and building elements. For example, columns, beams, floor slabs, windows or openings etc. can be revealed or concealed into simple or complex patterns.</p> <p>P33. The facade of any development should have an appropriate scale, rhythm and proportion, which respond to the building's use and desired townscape area character. Single coloured rendered and painted finishes are expressly discouraged.</p> <p>P34. Any new development should identify design solutions to improve the look of the facade e.g. defining a base, middle, and top in relation to the overall proportion of the building; changes in materials; articulating the building entries with awnings, porticos etc. (Note: Refer to Residential Flat Building Pattern Book (UDAS) for further details).</p>
O16. To have high quality roof design.	P35. The roof design should generally include elements of a hipped or gabled form and should relate to the desired townscape character of the area. Use of traditional materials is encouraged.

OBJECTIVES	PLANNING CONTROLS
	<p>P36. The visual intrusiveness of service elements should be minimised by integrating them into the design of the roof.</p> <p>P37. Where a lift is to be provided, the amount of lift overrun should be minimised and incorporated into the design of the building. In this regard, lift motor rooms should not be located on rooftops unless it can be demonstrated that the lift motor room will not have an adverse visual impact.</p>
O17. To have the streetscape context of heritage conservation areas maintained.	P38. Any development proposal located within a heritage conservation area is to consider and be guided by the statement of significance for the conservation area.

## 5.6 Heritage conservation

Mosman's heritage includes houses, flats, shops, divided roads, parks, 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 Heritage Office and outlined in the NSW Heritage Manual, based on the principles of the Burra Charter. An extract of the statement of heritage significance of each of Mosman's conservation areas from the Mosman Heritage Review 1996 or other heritage study is included in Part 7 of this Plan.

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 noncomplying 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 the streetscape context and curtilage of heritage items and conservation areas maintained.</p> <p>O3. To have the streetscape character of a conservation area maintained through appropriate design, built form, architectural style and landscaping and to ensure any infill development also respects the character of the streetscape.</p> <p>O4. To have sympathetic additions to buildings with use of appropriate massing, scale, proportion, materials and details.</p>	<p><i>Alterations and additions:</i></p> <p>P1. For additions, be consistent with the original in terms of massing, scale, and proportion of the existing fabric. Use similar scale and bulk to the original building to ensure that new structure does not dominate and overwhelm. New buildings should be smaller in size than the original.</p> <p>P2. Site new additions carefully. They should be located at the side or rear, to avoid changes to the street façade and therefore minimise the impact of change.</p> <p>P3. For some building designs it will be appropriate to set back any first floor addition from the principal street frontage of the building in order to maintain unaltered a substantial portion of the existing roof over the front of the building and to locate the bulk of new development towards the rear, and/or to locate additions behind the main gable or hipped feature of the street frontage.</p> <p>P4. Respect the design of existing building form. Roof type, pitch and material; proportion of windows and doors; the ratio of solids to voids are all important in ensuring a compatible design.</p> <p>P5. Keep the original fabric intact and distinct with new work clearly distinguishable. New building work should be distinguished from the old original work.</p> <p><i>Building materials and details:</i></p> <p>P6. Reinstate the architectural detailing to the original part of a building and particularly to the main building form, such as barge board, finial trim, window awnings and front verandahs by selecting appropriate profiles and detailing trim for heritage items and within conservation areas.</p> <p>P7. Avoid painting or rendering face brickwork by retaining original wall treatments. When modifying face brick buildings through additions, note how brick bonds are used, window heads are formed and whether the mortar joints are tuck pointed.</p>

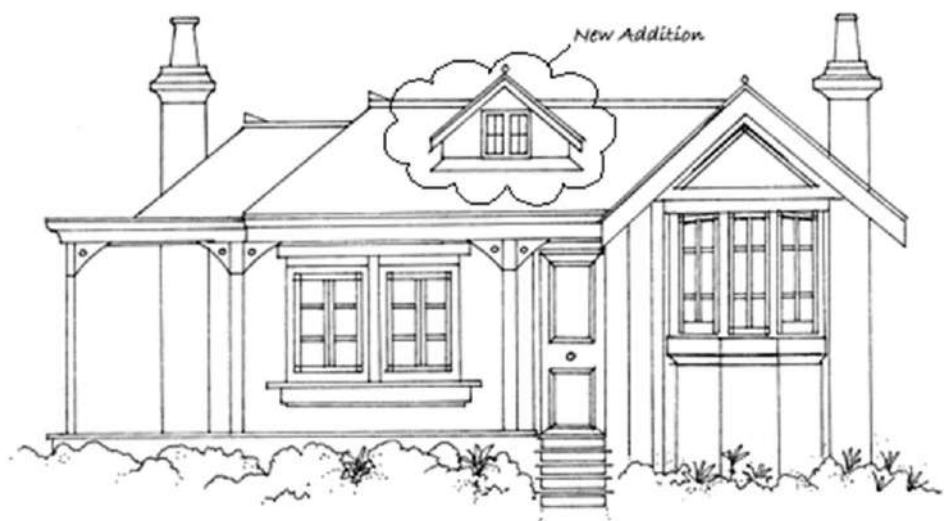
OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P8. The re-painting of timber detailing must ensure that the architectural detailing is articulated in the same manner as the original colour rendering of the building. Contemporary colours are not discouraged, but should be combined in an intelligent way. Avoid the use of single colour solutions and attempt a complimentary colour combination.</p> <p>P9. When cement render is to be used, ensure a proper understanding of the different types of cement render and how it was used in different architectural styles. Rough cast, pebble dash and smooth render have been used in different ways and applied to different architectural elements. The appropriate material must be consistent with the building form and style.</p> <p>P10. New walling at ground level should be selected to blend with the existing materials. A slight step or recess in the wall surface will often assist in allowing differing materials to blend together visually.</p> <p>P11. Upper wall surfaces should reflect the style and character of the original work. In general, rusticated weatherboard, shingles or battened fibre cement sheet are an acceptable solution where the brickwork is not practical. Upper wall surfaces should take into consideration existing finishes in gables.</p> <p>P12. New development need not seek to replicate period details of original buildings, but rather, respect the form and scale of, and be sympathetic to, the immediate area. Contemporary design for additions and infill development is encouraged.</p> <p><i>Roofing:</i></p> <p>P13. The following roof characteristics should be considered in the context of the item or area: pitch, scale, materials, profile, symmetry/asymmetry, gable, verge and eave details.</p> <p>P14. Characteristic features of the existing roofscape should be identified and where appropriate incorporated into the proposed extension. The positioning and proportion of gables, the use of parapets and gambrel and dormer roof forms should be considered in the context of the surrounding original development.</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P15. Council may consider pitched roof forms to extend beyond the maximum building height set out in the LEP where a consistent pitched roof style is an important local character element or it is appropriate for an identified heritage item. New works should sit comfortably in the existing context without being visually dominant or overly prominent.</p> <p>P16. When re-roofing or extending select slate, terracotta tiles (unglazed or glazed) or corrugated iron (not zincalume) of recessive colour as a material where appropriate, and one which will enhance and be consistent with the original. Avoid roofing materials that have a larger profile and appearance than the original material.</p> <p>P17. Maintain existing chimney stacks even where fireplaces are to be removed as these are important elements in establishing heritage character.</p> <p>P18. Council will only allow dormer windows, balconies, skylights and solar panels on the front façade where they will not have an adverse streetscape impact or affect the heritage significance of the item or conservation area.</p> <p><i>Fenestration:</i></p> <p>P19. New windows should be in scale and proportion to original windows and those on the principal street façade should maintain the original design character of the building and its neighbour.</p> <p>P20. Windows located on the first floor of an addition should, where possible, be aligned with those on the ground floor. Larger areas of glass may be incorporated to the rear of buildings where there is less visual affect on the character of adjoining development.</p> <p>P21. Where they are appropriate, new dormer windows should be consistent with the window proportion of original windows and measure no more than 25% of the width of the roof in that plane.</p> <p><i>Streetscape:</i></p> <p>P22. Modifications to the front fence of a heritage item or within a conservation area must be designed in a manner which contributes to the historic style of the building and streetscape context. (See other parts of this Plan for planning guidelines for carports/garages and fences/walls).</p>

OBJECTIVES	PLANNING CONTROLS
<p>O5. To have any works undertaken with a proper knowledge of the heritage significance of the item or conservation area.</p>	<p>P23. 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 heritage 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 within a heritage conservation area. (Refer to Mosman Council's website for details.)</p> <p>P24. 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>
<p>O6. To have new infill developments within conservation areas or adjacent to heritage items which are sympathetic to and do not mimic the established character.</p>	<p>P25. New infill developments should respect the architectural character of the heritage item/s or the important character of the conservation area. Design should be in a similar scale and proportion to the townscape area character, be sympathetic to the heritage item, and not dominate or overwhelm the item/s of importance.</p> <p>P26. Do not replicate or mimic design features of the heritage item/s in the vicinity. New development should be clearly distinguishable from older development.</p> <p>Refer to the NSW Office of Environment and Heritage guideline Design in Context; Guidelines for Infill Development in the Historic Environment for more information.</p>
<p>O7. To have heritage items adaptively re-used where appropriate and to ensure that the heritage significance of the item is maintained.</p>	<p>P27. 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.</p>



OBJECTIVES	PLANNING CONTROLS
O8. To have increased housing choice by encouraging, where appropriate, conversion of large dwelling houses that are heritage items or within a heritage conservation area into multiple dwellings provided the heritage significance of the building is not compromised.	P28. When proposing to convert large dwelling houses into multiple dwellings, the single dwelling house appearance should be maintained to conserve the heritage significance of the building. Careful consideration should be given to the design and siting of access to individual dwellings and car parking.



*Additions should minimise disruption to the front façade and roofline e.g. gablets*

## 5.7 Privacy and security

Good design can minimise the loss of visual and acoustic privacy by reducing the extent of overlooking between dwellings and into the private open space of neighbouring dwellings, and through the careful placement of rooms and facilities.

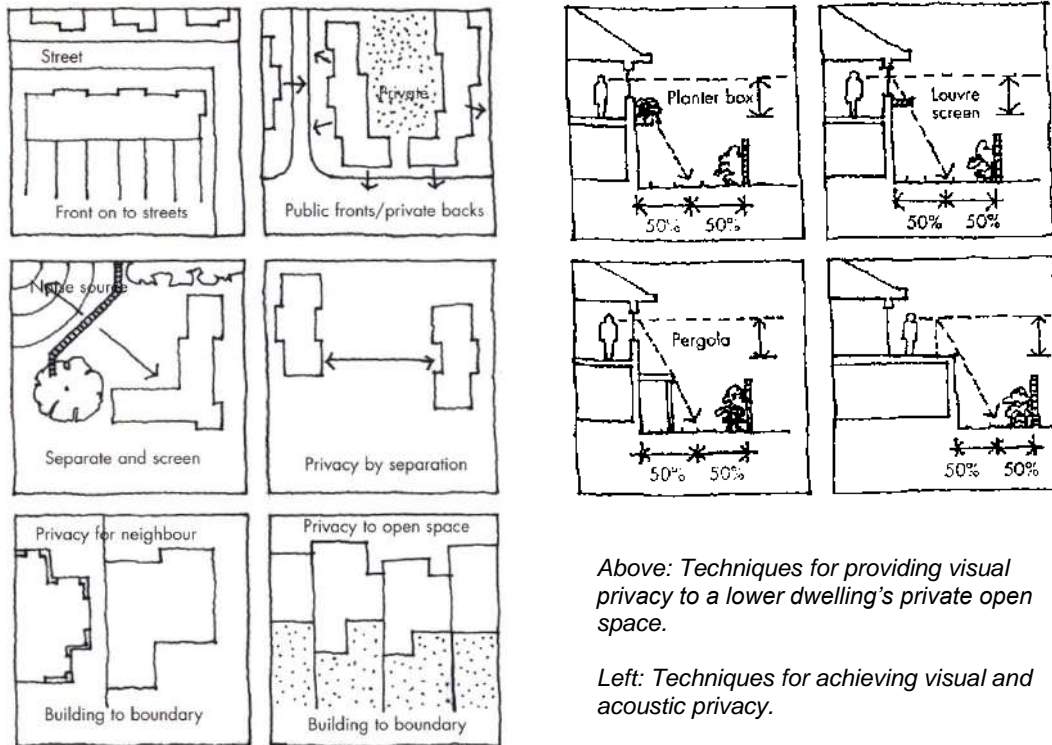
Privacy and protection from unreasonable noise are important quality of life considerations in relation to housing and should influence all stages of design, from the siting and internal layout of dwellings to the detailed characteristics such as fencing. It is important to note, however, that absolute levels of privacy in a densely built up environment such as Mosman are not always possible.

Good design can also reduce opportunities for crime and contribute to the security and safety of residents and visitors.

OBJECTIVES	PLANNING CONTROLS
O1. To have adequate visual privacy levels for residents and neighbours.	<p>P1. For new dwellings and additions, habitable room windows with a direct sightline to the habitable room windows or private open space in an adjacent dwelling within 9m should be either:</p> <ul style="list-style-type: none"> <li>(a) offset from the edge of one window to the edge of the other by a distance equivalent to the width of the existing window; or</li> <li>(b) have sill heights of 1.6m above floor level; or</li> <li>(c) have permanently fixed translucent glazing in any part of the window below 1.6m above floor level.</li> </ul> <p>P2. Above ground balconies, terraces, decks, verandahs, and outdoor spaces must not directly overlook rooms and private landscaped areas of adjoining properties unless screening can mitigate overlooking. When overlooking would be likely, permanent screening will be required to mitigate overlooking.</p> <p>P3. Due to their potential to affect privacy and views, roof top terraces are not permitted unless it can be demonstrated that there is no loss of privacy or view impact.</p> <p>P4. For multiple dwelling developments, windows and balconies of an upper-level dwelling should be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below and within the same development.</p>
O2. <i>Relocated to Part 4.4 Landscaping, O12, of this DCP (June 2018).</i>	P5. <i>Relocated to Part 4.4 Landscaping, P19, of this DCP (June 2018).</i>

OBJECTIVES	PLANNING CONTROLS
<p>O3. To have adequate acoustic privacy levels for residents and neighbours.</p>	<p>P6. In all locations, noise control measures should be applied to development at the design stage so that during occupation internal noise levels are acceptable.</p> <p>P7. Proper consideration must be given to noise mitigation measures at the source, in the transmission path, and at the noise receiver, including:</p> <ul style="list-style-type: none"> <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 sensitive areas of use such as bedrooms and living areas away from the area most exposed to a noise source, and locating less sensitive areas closest to the noise source; and</li> <li>(g) building construction methods and insulating building elements such as doors, walls, windows, floors, roof and ceilings. Shared walls and floors between dwellings must be constructed in accordance with the sound transmission and insulation requirements of the Building Code of Australia as a minimum.</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>

OBJECTIVES	PLANNING CONTROLS
<p>O4. To have provision for the personal and property security of residents and visitors, and enhance resident and community safety.</p>	<p>P8. Dwellings should be oriented towards the street with entrances and street numbering clearly visible.</p> <p>P9. Development should be designed to provide or enhance effective surveillance by providing:</p> <ul style="list-style-type: none"> <li>(a) clear sightlines between public and private places e.g. no blind corners, low, open style fencing, and habitable rooms that look onto the street and entrances to the building; at least one habitable room window must have an outlook to the street or open space;</li> <li>(b) 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> <li>(c) effective lighting of public and private places e.g. lighting of entrances to sites and service areas that does not produce glare, dark shadows or create a nuisance for neighbours; to control light spill, outdoor lighting should be designed consistent with requirements set out in AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.</li> </ul> <p>P10. Development design should avoid the creation of hiding or entrapment spots, such as recesses, alcoves, dense landscaping, in or near streets and public places, and should clearly define transitions and boundaries between public and private space e.g. through fencing, gardens, varying textured surfaces, etc.</p> <p>P11. Development comprising 20 or more dwellings must be designed having regard to Crime Prevention through Environmental Design (CPTED) principles. Council may also require consideration of these principles for other large scale development. (Refer to the NSW Government's publication <i>Crime Prevention and the Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979</i> for details).</p>



*Above: Techniques for providing visual privacy to a lower dwelling's private open space.*

*Left: Techniques for achieving visual and acoustic privacy.*

*(Source: Australia's Guide to Good Residential Design)*

## 5.8 Solar access

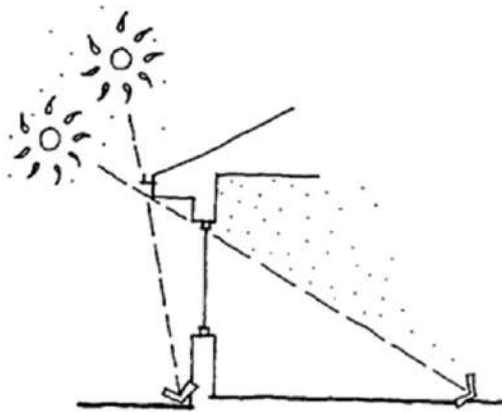
The amenity of any building is influenced by the amount of solar access received. Residential developments should consider orientation and siting to maximise sunlight and daylight to habitable spaces and to minimise the degree of overshadowing of its neighbours. The amount of sunlight also has implications for achieving energy efficient and passive solar design.

Council will consider the following steps in assessing the impact of development on the solar access of neighbours:

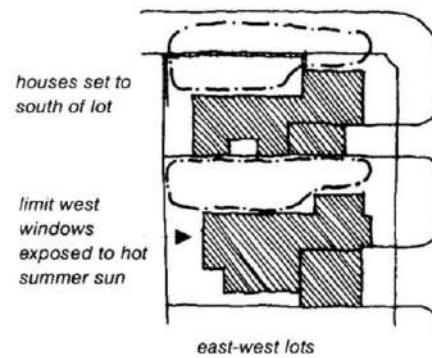
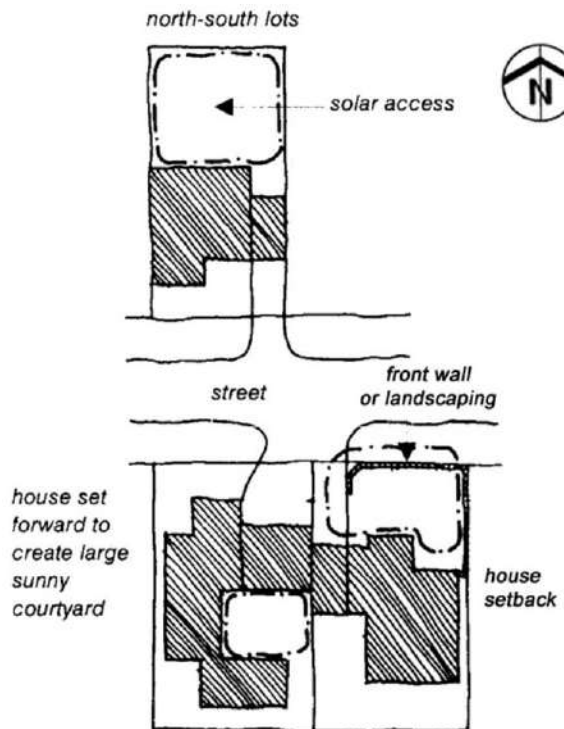
1. **What is the density of development?** The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed). At higher densities sunlight is harder to protect and the claim to retain it is not as strong.
2. **How much sunlight will be lost?** The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.
3. **Is the development well designed?** Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.
4. **How is sunlight measured?** For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formula are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.
5. **How is sunlight to private open space measured?** For private open space to be assessed as receiving adequate sunlight, regard should be had to the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.
6. **What overshadowing should be ignored?** Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.
7. **Is the area undergoing change?** In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.

The above are planning principles of the Land and Environment Court, *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have sunlight to habitable rooms and private open spaces, and daylight access to all habitable rooms, to ensure high levels of residential amenity.</p>	<p>P1. Buildings should be sited and designed to maximise sunlight to north-facing windows of living areas and principal areas of open space, having regard to the planning principles listed above.</p> <p>P2. Windows should be appropriately located, sized and shaded to reduce summer heat load and permit entry of sun in winter.</p> <p>P3. Windows to habitable rooms should open to the sky or a verandah.</p>
<p>O2. To have the degree of overshadowing of neighbouring properties minimised.</p>	<p>P4. North-facing windows to living areas and main ground level private open space of neighbouring dwellings should not have sunlight reduced to less than 3 hours between 9am and 3pm on 21 June.</p> <p>P5. Where less than 3 hours of sunlight is currently available on 21 June it should not be further reduced. In instances where the proposal results in a further decrease in sunlight available in midwinter, Council may consider the merits of the case having regard to:</p> <ul style="list-style-type: none"> <li>(a) the planning principles listed above;</li> <li>(b) whether the proposed development is designed “from the ground up” with ground floors located at or near ground level, incorporating reasonable ceiling heights and a roof pitch that is not excessive;</li> <li>(c) the particular circumstances of the neighbouring site, e.g. how close a dwelling on a neighbouring property has been built to the boundary, and the resultant proximity of windows within such a building to the boundary and whether this makes compliance difficult for the subject proposal;</li> <li>(d) any exceptional circumstances of the subject site making strict compliance unreasonable, e.g. heritage, built form, topography;</li> <li>(e) the sunlight available in March and September (which shall not be reduced between 9am and 3pm).</li> </ul> <p>P6. Council may require an additional side setback to ensure adequate daylight and sunlight access to adjacent buildings. In particular, an additional side setback from the southern boundary for east-west oriented lots, especially for first floor additions, may be required.</p> <p>P7. Overshadowing of solar panels on adjoining properties should be minimised.</p>



*Eave width allows penetration of sun into each room in winter and shades the dwelling during summer*



*Siting of dwellings to maximise solar access to private open space and north facing living areas*

*(Source: AMCORD)*



## 5.9 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 dwellings help preserve non-renewable energy sources and reduce the level of greenhouse gas emissions, whilst providing significant savings and year round comfort for the occupants.

### Residential development:

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

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

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

More information on BASIX and access to the BASIX tool can be found on the BASIX website at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

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

### Non-residential development:

The following objectives and planning controls apply.

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

OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	<p>P5. The construction and design of buildings are to incorporate thermal insulation within the building envelope. Insulation materials are to be selected to suit specific applications and must suit climatic conditions of the area.</p> <p>P6. Building materials are to be non-polluting, manufactured in an environmentally acceptable manner, and manufactured from abundant or renewable resources.</p>
<p>O2. To have more sustainable energy sources, fitouts, fixtures and systems incorporated into the design of non-residential buildings.</p>	<p>P7. Solar hot water systems are encouraged to:</p> <ul style="list-style-type: none"> <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> <p>P8. In circumstances where solar access is poor, 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>

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

## 5.10 Transport, access and parking

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

Refer also to carport and garage design controls in this Plan for planning guidelines for the design and siting of garages and carports.

### Infrastructure SEPP

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

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

### Disability (Access to Premises – Building) Standards 2010

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

OBJECTIVES	PLANNING CONTROLS
O1. To have the width of street vehicular crossings and driveways limited (depending on the site frontage) to minimise visual impact, to maximise on street parking space and allow opportunities for street planting.	<p>P1. Vehicular crossings should not be more than 3m in width. This width may vary if it can be shown that safe vehicular access is adversely affected by the width restriction.</p> <p>P2. Car parking and driveway design is to preserve mature and significant trees and vegetation on the site and in the streetscape.</p> <p>P3. Preference will be given to parking solutions which lead to a net increase in parking by having regard to the location and dimensions of vehicular crossings.</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.

OBJECTIVES	PLANNING CONTROLS
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>
O4. To have facilities that are designed to have adequate provision for the parking and manoeuvring of motor vehicles, and having regard to accessibility for traffic, cyclists and pedestrians.	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 regard to the proposed cycle network set out in the Mosman Bicycle Strategy 2014-2019.	P8. 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.

**The following planning guidelines apply to multiple dwellings (refer to definition in Dictionary in this Plan) and non-residential development—**

OBJECTIVES	PLANNING CONTROLS
O6. To have car parking areas of multiple dwellings located underground, or designed to have minimal adverse affect on the streetscape.	<p>P9. Car parking areas (other than for dual occupancy development) should be located underground.</p> <p>P10. Where located at ground level, car parking areas should not be visible from the street. The edge of driveway entrances should be landscaped to minimise the appearance of hard surfaces. If parking is provided above ground, it must not be visible from the street or a public place.</p>

OBJECTIVES	PLANNING CONTROLS								
<p>O7. To have car parking facilities that are designed having regard to accessibility.</p>	<p>P11. Accessible car parking for people with a disability must be provided in accordance with the <i>Disability (Access to Premises – Building) Standards 2010</i>, Building Code of Australia (BCA) and provisions of the current AS/NZS 2890.6: 2009 Parking Facilities – Off-Street Parking For People with Disabilities, and AS 1428 (set) – 2010 Design for Access and Mobility Set.</p> <p>P12. In addition to the above, for residential development in a mixed use or multiple dwelling development, accessible car parking is to be provided at the following rate:</p> <table border="1" data-bbox="751 719 1361 875"> <tr> <th>Total number of car parking spaces in the development</th><th>Number of accessible car parking spaces to be provided</th></tr> <tr> <td>1 -50 spaces</td><td>1 space</td></tr> <tr> <td>Over 50 spaces</td><td>2 spaces</td></tr> </table>	Total number of car parking spaces in the development	Number of accessible car parking spaces to be provided	1 -50 spaces	1 space	Over 50 spaces	2 spaces		
Total number of car parking spaces in the development	Number of accessible car parking spaces to be provided								
1 -50 spaces	1 space								
Over 50 spaces	2 spaces								
<p>O8. To have motorcycles and scooters catered for in the design, recognising that these are becoming an increasingly popular form of sustainable transport.</p>	<p>P13. Motorcycle parking should be provided at the minimum rate of 1 motorcycle space per 25 car parking spaces.</p> <p>P14. Motorcycle parking spaces are to have dimensions of 1.2m x 2.5m.</p>								
<p>O9. To have walking and cycling encouraged as a form of transport through the provision of appropriate facilities including bicycle parking.</p>	<p>P15. Bicycle parking facilities should be provided as follows:</p> <table border="1" data-bbox="751 1223 1361 1536"> <tr> <th>Land use</th><th>Rate</th></tr> <tr> <td>Residential (multiple dwellings)</td><td>1 space per 4 dwellings</td></tr> <tr> <td>Commercial/retail</td><td>1 space per 200sqm gross floor area or 3-5% number of staff/visitors, whichever is greater</td></tr> <tr> <td>Health/education/ community facility</td><td>3-5% number of staff/ students</td></tr> </table> <p>P16. Residential cycle parking, intended for use by residents rather than visitors, should be provided with an additional level of security, e.g. a lockable cage or cycle lockers within the basement parking area.</p> <p>P17. 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	Residential (multiple dwellings)	1 space per 4 dwellings	Commercial/retail	1 space per 200sqm gross floor area or 3-5% number of staff/visitors, whichever is greater	Health/education/ community facility	3-5% number of staff/ students
Land use	Rate								
Residential (multiple dwellings)	1 space per 4 dwellings								
Commercial/retail	1 space per 200sqm gross floor area or 3-5% number of staff/visitors, whichever is greater								
Health/education/ community facility	3-5% number of staff/ students								

OBJECTIVES	PLANNING CONTROLS												
<i>The objective/s from the preceding page apply.</i>	<p>P18. 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)											
O10. To have provision for the safe loading and unloading of vehicles.	<p>P19. 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>P20. 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>P21. New developments cannot rely on the provision of existing on-street loading zones, i.e. alternative loading and unloading facilities must be identified.</p>												
O11. To have on site car wash bays in mixed use and multiple dwelling developments.	<p>P22. Provision must be made for a car washing area at the rate of 1 wash bay per 12 dwellings or part thereof.</p> <p>P23. Car washing bays are to have dimensions of 3.8m x 5.5m.</p> <p>P24. Visitor spaces may be used as car wash bays. Car wash bays are not to be used for engine degreasing or mechanical repairs and must be signposted to reflect this prohibition.</p>												

OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	<p>P25. The disposal of wastewater from residential vehicle wash bays is to be in accordance with Sydney Water requirements. The three options are:</p> <ul style="list-style-type: none"> <li>(a) removal off-site by a liquid waste disposal contractor that has been licensed by the Office of Environment and Heritage ;</li> <li>(b) irrigation of landscaped areas around the site with the wastewater if land is available and approval is obtained from DECC;</li> <li>(c) discharge to the sewer via appropriate pre-treatment equipment. Sydney Water restrictions apply.</li> </ul>
<p>O12. To have the use of mechanical car parking systems discouraged and only considered in limited circumstances and where the effects of such systems are minimised.</p>	<p>P26. The use of mechanical car parking systems is not encouraged.</p> <p>P27. 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 owners of individual dwellings or 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
<b>Residential development:</b>		
Attached dwellings; Dual occupancies; Multi dwelling housing; Residential flat buildings;	<p>1 space per 1 bedroom dwelling 1.5 spaces per 2 bedroom dwelling 2 spaces per 3 or more bedroom dwelling 1 visitor space per 4 dwellings</p> <p>For development less than 200m (actual walking distance) from Spit and Military Roads or ferry wharves: 1 space per 1 bedroom dwelling 1.2 spaces per 2 bedroom dwelling 1.5 spaces per 3 bedroom dwelling 1 visitor space per 4 dwellings</p>	<p>For the purpose of calculating gross floor area only carparking to meet the requirements of Council (including access to that car parking) is excluded from the calculation.</p> <p>A standard car parking space is 5.5m x 2.4m. If the side boundary of a space is a wall or a fence, or if there are obstructions such as columns which restrict door opening, then 300mm should be added to the width of the space for each side obstructed</p>
Dwelling houses	Minimum 1 space per dwelling, being no more than 18sqm. A maximum of 2 spaces applies, being no more than 36sqm	For the purposes of calculating gross floor area only carparking to meet the requirements of Council (including access to that car parking) is excluded from the calculation.
Semi-detached dwellings	1 space per dwelling, being no more than 18sqm.	For the purposes of calculating gross floor area only carparking to meet the requirements of Council (including access to that car parking) is excluded from the calculation.
Seniors housing	Provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 apply.	For a copy of the Policy refer to <a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a> .
Other types of residential development	On merit	Traffic and Parking Impact Study required. Assessment should consider nature of the dwelling, the proposed residents and the number of staff.

LAND USE	CAR PARKING REQUIREMENT	NOTE
<b>Non-residential development:</b>		
Bed and breakfast accommodation	1 space per guest room in addition to the parking for the dwelling	Parking should be sited behind the front building line and suitably screened in order to maintain residential character.
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 for long day care centres</i> . 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.
Home businesses	1 space per non-resident employee in addition to the parking for the dwelling	Parking should be sited behind the front building line and suitably screened in order to maintain residential character. Visitor parking may also be required depending on the type of use proposed.
Neighbourhood shops	1 space per 16sqm gross floor area	-
Other types of non-residential development	On merit	Traffic and Parking Impact Study required.

## 5.11 Accessible buildings and adaptable housing

This Part applies to multiple dwellings and non-residential development.

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

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

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

In general terms the Premises Standards apply to all common areas of residential flat buildings, group homes, boarding houses, hostels, bed and breakfast accommodation, short term holiday accommodation, schools, community facilities and other assembly buildings such as places of public worship and centre-based child care facilities.

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

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

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

*An accessible ramp enables easy access from the street to the entrance of this multiple dwelling development*



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>Note—Refer to transport, access and parking controls in this Plan for requirements for accessible parking spaces.</p>
<p>O3. To have adaptable housing in mixed use and multiple dwelling developments to provide for greater housing choice.</p>	<p>P2. Adaptable units designed in accordance with AS 4299: 1995 - Adaptable Housing must be incorporated into multiple dwelling developments. The minimum number of adaptable units to be provided is as follows:</p> <ul style="list-style-type: none"> <li>(a) all ground floor dwellings, or</li> <li>(b) where a development comprises 5 or more dwellings, 10% of the total number of dwellings (rounded up to the nearest whole number);</li> </ul> <p>whichever is the greater.</p> <p>P3. Adaptable units must be certified as “adaptable housing units” by an independent, suitably qualified person.</p>

## 5.12 Site facilities

Site facilities include:

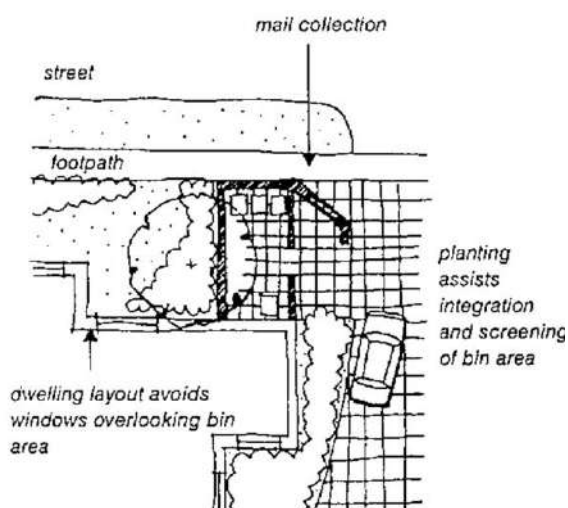
- air conditioning units;
- clothes drying areas;
- external gas heaters;
- external laundry facilities;
- external storage areas;
- letter boxes;
- rainwater tanks;
- telecommunication facilities;
- waste and recycling storage areas.

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

The design of site facilities for multiple dwellings needs particular consideration as these facilities are shared. They need to be designed and located so that they are accessible by all residents and do not detract from the amenity of any dwelling.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have adequate provision made for site facilities.</p> <p>O2. To have site facilities that are functional, accessible and easy to maintain.</p> <p>O3. To have site facilities thoughtfully and sensitively integrated into development so as not to be obtrusive, noisy or unsightly.</p>	<p>P1. Consideration should be given in the design stage of development to the provision of functional and accessible site facilities.</p> <p>P2. Air conditioning units must be suitably screened if visible from the street, a public place or an adjoining residence. (Refer also acoustic privacy provisions 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. In multiple dwelling developments, letter boxes should be visible from at least some of the dwellings.</p> <p>P4. Dwellings are to be provided with adequate and practical internal and external storage. In multiple dwelling developments, external storage areas should be integrated visually with other built elements and individually lockable.</p> <p>P5. Dwellings are to be provided with external clothes drying areas which are easily accessible and access sun and/or breeze. In multiple dwelling developments, external clothes drying areas should be located in a secure location that does not reduce the amenity of shared open space or any individual dwelling.</p> <p>Note: strata by-laws may apply.</p>

OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	P6. TV aerials and satellite reception dishes are to be located at the rear of a building in order to minimise intrusion within the streetscape. All subscriber connection cabling is to be undertaken in a non-intrusive fashion and should not be mounted on the front façade of a dwelling.
O4. To have telecommunications facilities and technological innovation incorporated into the design of new development.	P7. Telecommunications facilities should be incorporated into the design and planning stage of new development.



*Mail and garbage collection areas should be integrated with building and landscaped areas*

*(Source: AMCORD)*

### 5.13 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, such as mixed use and multiple dwelling developments, new dwelling houses (including where an existing building is demolished), tennis courts, and alterations and additions which may have an effect on the capacity of Council's existing stormwater drainage system.

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

## 5.14 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. Compliance with guidelines for excavation within the setback area in the siting and scale controls in this Plan must be achieved.</p> <p>P2. Site excavation must be designed and located with an aim to minimise cut and fill requirements (especially on sites that have steep slopes). There must be minimal site disturbance.</p> <p>P3. For development that requires the use of fill, only virgin excavated natural material is to be used.</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 may be required.</p> <p>P6. Where open space to the front, side or rear of adjoining properties follows the same level or fall of the natural ground level, the level is to be retained when open space is reinstated after excavation for a new development.</p>



OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	P7. Existing natural features including trees and rock features should be retained and incorporated as landscape features on the site in order to maintain the natural character of the landscape.
O3. To have necessary environmental safeguards applied to earthworks in order to conserve important elements of the landscape and protect the surrounding environment.	<p>P8. 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>P9. Site management during demolition, excavation and construction is to be undertaken in accordance with Managing Urban Stormwater: Soils and Construction (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>



*Inadequate erosion and sediment control measures*

*Waste is not stored in designated bin area*

*No stabilised vehicular access is provided to site*

*Sediment spills into street due to lack of appropriate sediment fencing*

## 5.15 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 designed and located 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
O1. To have sufficient on site temporary storage of waste.	<p>P1. All applications for development will be assessed against the relevant controls in the Mosman Waste Minimisation Policy 2012.</p> <p>P2. All buildings must include a designated waste/recycling storage area or room, designed and located in accordance with the Waste Policy as applicable. These areas must be able to accommodate Council's waste, recycling and garden waste bins and be adequately located to facilitate removal of waste to the Council collection point. (Refer Appendix C: Indicative Bin Sizes of the Waste Policy).</p> <p>P3. 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>P4. Plans submitted for attached dwellings, multi dwelling housing and residential flat buildings must show the location of communal waste/recycling storage facilities in the form of a waste/recycling storage room (or rooms) designed in accordance with Appendix D: Waste Recycling Storage Rooms in Multi-Unit Dwellings of the Waste Policy.</p> <p>P5. If attached dwellings, multi dwelling housing and residential flat buildings have less than six separate dwellings, individual storage areas may be provided instead of a communal waste/recycling area.</p>

OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	<p>P6. For residential development that includes six or more dwellings, a dedicated room or caged area of a minimum of 8m<sup>3</sup> must be provided for the temporary storage of discarded bulky items which are awaiting removal. The storage area must be readily accessible to all residents and must be located close to the main waste storage room or area.</p> <p>P7. Non-residential uses in residential zones, such as community centres and neighbourhood shops, must have regard to Part 4.3 of the Waste Policy.</p> <p>P8. Commercial uses which are part of a mixed use development must design their waste storage area/room in accordance with Appendix G: Commercial/Industrial Waste and Recycling Storage Areas of the Waste Policy.</p>
O2. To have well designed waste storage areas.	<p>P9. 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>P10. Communal bin 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, not the stormwater drain.</p> <p>P11. Waste/recycling storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites.</p>
O3. To have demolition and construction activities that ensure appropriate collection and storage of waste and that, where possible, re-use and recycle resource materials.	P12. All applications for development must comply with the Site Waste Minimisation and Management Plan (SWMMP) submission requirements outlined in the Waste Policy.

## PART 6 MISCELLANEOUS CONTROLS

### 6.1 Bed and breakfast accommodation

Bed and breakfast accommodation is a type of tourist and visitor accommodation within a dwelling that provides temporary accommodation for a limited number of travellers, providing opportunities for low key, home style accommodation within established residential areas.

Bed and breakfast accommodation is defined in the LEP and is permitted in certain zones only with development consent.

For more information about bed and breakfast accommodation, see *Guidelines for Bed and Breakfast Operations* (Local Government and Shires Association of NSW, October, 1998).

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have opportunities for low key, home style accommodation which enhances visitors' experience of Mosman while complementing the amenity of the area.</p> <p>O2. To have bed and breakfast accommodation which is of a scale appropriate for the site and which complements the amenity of the area.</p>	<p>P1. Development should maximise use of existing dwelling stock and have regard to the cultural heritage of the area.</p> <p>P2. Where dwellings are altered or extended to provide for bed and breakfast accommodation the building should retain its domestic scale and appearance.</p>
<p>O3. To have off street parking which meets the likely demands of permanent residents and guests.</p>	<p>P3. Compliance with parking requirements in this Plan must be achieved.</p>
<p>O4. To have buildings designed or adapted in a manner which ensures the visual and aural privacy of neighbours.</p>	<p>P4. Common areas likely to be used by guests should not overlook living areas of adjoining properties and noise sources (including swimming pools, spas and water features) should be located having regard to the acoustic privacy of neighbours.</p> <p>P5. Noise control measures should be applied to development at the design stage so that during occupation internal noise levels are acceptable.</p>

OBJECTIVES	PLANNING CONTROLS
O5. To have any advertising sign for the use reflect the low key domestic nature of the bed and breakfast activity.	<p>P6. Only one advertising sign is permitted per bed and breakfast accommodation which meets the following requirements:</p> <ul style="list-style-type: none"> <li>(a) maximum dimension of 0.75sqm;</li> <li>(b) is not internally, illuminated or flashing;</li> <li>(c) is attached to the front of the building;</li> <li>(d) only includes either the street address or name of the dwelling, and the letters B &amp; B to denote bed and breakfast accommodation.</li> </ul>
O6. To have safe, healthy, clean and functional areas to cater for the sleeping, storage and amenity of visitors and their belongings.	<p>P7. Each sleeping room is of a suitable size and appointed in a manner in keeping with its use.</p> <p>P8. Each guest bedroom should be provided with:</p> <ul style="list-style-type: none"> <li>(a) a waste container;</li> <li>(b) appropriate window coverings;</li> <li>(c) a non key operated latching device on the bedroom door and the dwelling's exit doors as per BCA requirements;</li> <li>(d) a night light or other suitable illumination;</li> <li>(e) sufficient hanging space for guests' possessions;</li> <li>(f) a fly screen or at least an operable window if the room is not air conditioned;</li> <li>(g) a mirror;</li> <li>(h) mattresses and pillows provided with washable coverings, with impermeable coverings on mattresses to keep them clean;</li> <li>(i) adequate clear floor space to allow easy exit from the room in the case of emergency.</li> </ul>
O7. To have adequate protection, early warning and provision for escape from fire for guests, residents, neighbours and fire fighters.	<p>P9. For all premises:</p> <ul style="list-style-type: none"> <li>(a) smoke detector alarms must be installed in accordance with the Building Code of Australia;</li> <li>(b) portable fire extinguisher (3.5kg carbon dioxide) and 1.2sqm fire blanket mounted on a kitchen wall with clear instructions for use;</li> <li>(c) no deadlocks on bedrooms or exit doors which require an internal key release;</li> <li>(d) no bars or restrictions to egress from windows;</li> <li>(e) instructions for action in the event of fire to be placed in each guest room;</li> <li>(f) escape path to be kept clear;</li> <li>(g) for all new construction: interconnection of self-contained smoke alarms to provide an additional level of protection for occupants.</li> </ul>

OBJECTIVES	PLANNING CONTROLS
O8. To have food storage and meal preparation areas and processes which are conducive to the safe and hygienic preparation and consumption of food by guests.	<p>P10. The kitchen facilities and equipment used for the preparation and storage of food for supply to guests shall be designed in accordance with the requirements of Standard 3.2.3 of the Australia New Zealand Food Standards Code under the Food Act 2003, noting that the standard specifies exemptions from some of its requirements based on practicalities.</p> <p>P11. No cooking appliances are to be installed in the guest rooms other than a kettle or similar suitable for boiling water.</p>
O9. To have adequate toilets and showers of an acceptable standard to cater to the requirements of all occupants.	P12. Separate toilets and bathrooms are available for the use of permanent residents and guests in locations and numbers to meet their respective requirements.
O10. To ensure that dignified, equitable, cost effective and reasonably achievable access to rooms and facilities and services within buildings is provided for people with a disability.	<p>P13. For existing dwellings where only minor building works are proposed, reasonable provision is made for people with a disability.</p> <p>P14. Bed and breakfast accommodation which is new or which involves extensive alterations or additions must comply with the <i>Disability (Access to Premises – Building) Standards 2010</i> and the Building Code of Australia (BCA). The Premises Standards, which are aligned with the BCA, set out the:</p> <ul style="list-style-type: none"> <li>(a) technical requirements to achieve non-discriminatory access to a building, and</li> <li>(b) number of rooms, dependent on the total number of guest rooms available, which must be made accessible to people with a disability.</li> </ul> <p>P15. Bed and breakfast accommodation which is new or which involves extensive alterations or additions must comply with adaptable housing design requirements in AS 4299: 1995 - Adaptable Housing.</p>
O11. To have good management of bed and breakfast accommodation.	P16. The statement of environmental effects submitted with a development application must demonstrate that the operation of the bed and breakfast would not adversely affect the amenity of the area, and identify how any problems would be mitigated.

## 6.2 Swimming pools, spa pools/baths and water features

Swimming pools and spa pools/baths are not calculable as ‘landscaped area’ under the LEP.

BASIX (Building Sustainability Index) is a State government web-based planning tool designed to assess the potential performance of residential developments against a range of sustainability indices. BASIX is a mandatory component of the development approval process for a new swimming pool (or pool and spa) with a capacity of 40,000 litres or more.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have pools, spas and water features appropriately located to minimise the visual impact of the structure, and their impact on the amenity of adjoining residents.</p>	<p><i>Siting:</i></p> <p>P1. Pools/spas should be located behind the front building line, preferably at the rear of the main building.</p> <p>P2. Water features may be permitted at or near the street front if the amenity and streetscape issues are considered and are satisfactory to the Council.</p> <p>P3. Any pool/spa/water feature must be setback from a property boundary by a minimum of 2m to the external edge of the pool surround. In cases where a proposed pool is adjacent to habitable rooms of an adjoining dwelling, a greater setback than 2m may be required. The setback area must be appropriately landscaped.</p> <p>P4. Any pool/spa surround must be located at or below ground level (existing). Elevated pool/spa structures above the natural ground level are expressly discouraged. If a pool/spa structure is proposed that is located above the ground at any point, the finish of the structure should blend into the background environment and or landscaping and not be visible from a public place.</p> <p>P5. In waterfront locations, pools/spas must be located above the mean high water mark (MHW), blend into the topography and be erected to ensure minimal disturbance to the existing vegetation. Pools/spas are not acceptable below mean high water mark (MHW). Refer to the LEP and Part foreshore land controls in this Plan for further controls.</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p><i>Fencing:</i></p> <p>P6. Pool/spa fencing that is visible from a public place, or in a foreshore location must be designed to reinforce the landscape quality of the locality and where located near to or abutting a front boundary should be required to include – planting to shield and or reduce its solid barrier effect to the satisfaction of the Council.</p> <p>P7. Balustrades/fences of reflective material (for example glass/plastic) are not acceptable when visible from a public place and/or the foreshore or waterway.</p> <p>P8. A child-resistant barrier must be constructed or installed in accordance with the requirements of the Swimming Pools Act 1992.</p> <p><i>Location and siting:</i></p> <p>P9. The location of a pool/spa/water feature and its equipment/plant must ensure that disturbance to the occupants of adjoining property and buildings is minimised. This includes noise emissions arising from equipment/plant as well as from water movement when the water feature is in full operation.</p> <p>P10. The water feature and mechanical equipment must be appropriately sited and acoustically treated so that it is not audible when measured from within the nearest habitable room of any adjacent premises (windows open). This could be achieved by:</p> <ul style="list-style-type: none"> <li>(a) providing enclosures around the noise source so that the noise is contained;</li> <li>(b) choosing noise efficient technology;</li> <li>(c) appropriate separation between the noise source and the receiver ;</li> <li>(d) locating acoustic barriers between the noise source and the receiver.</li> </ul> <p><i>Lighting:</i></p> <p>P11. In order to protect the night time amenity of neighbouring residents, light spillage must be minimised and designed consistent with AS 4282: 1997 - Control of the Obtrusive Effects of Outdoor Lighting.</p> <p>P12. The lighting of pools/spas/features must be designed to avoid glare and light spill onto adjoining recreation spaces, habitable rooms, and public places.</p>



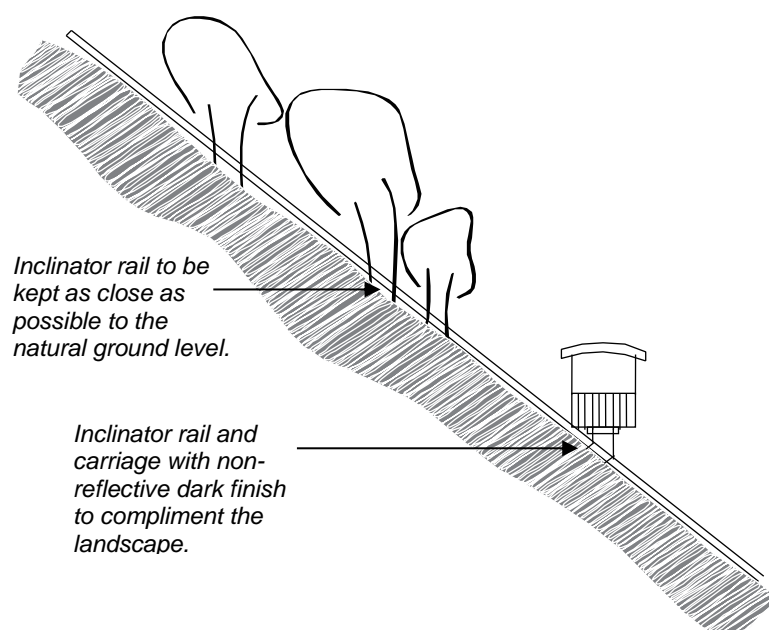
OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	<p>P13. Consideration in this regard will be given to the proximity of the pool/spa/feature to adjoining property and buildings, and to a public place.</p> <p><i>Heating:</i></p> <p>P14. Where solar heating elements are to be installed, they should be located in an appropriate position that does not adversely affect the aesthetics of the building or detract from the streetscape.</p>
O2. To have the landscape quality of the locality maintained and enhanced.	<p><i>Excavation:</i></p> <p>P15. Wherever possible, natural features of a site including rock outcrops, slopes or other topographical features shall be kept.</p> <p>P16. Excavation should be limited to the footprint and depth of the pool/spa/ feature.</p>
O3. To have minimal adverse impact of water spillover and the pool/spa/feature adequately drained.	<p><i>Drainage:</i></p> <p>P17. All drainage, including overflow associated with the pool/spa/feature is to be piped drained to the nearest sewer system in accordance with requirements of Sydney Water.</p> <p>P18. No drainage, including overflow from a pool/spa/feature is to enter the Council's stormwater system.</p> <p>P19. There is to be no water spill over onto adjoining property, buildings or people.</p> <p>P20. All pool surrounds must be constructed to ensure any spill over drains back into the pool/spa/feature.</p> <p>P21. Council may require, where there are exceptional site conditions or proximity of adjoining buildings:</p> <ul style="list-style-type: none"> <li>(a) the installation of an overflow retention tank to ensure the discharge of all drainage, including overflow, from a pool into the nearest sewer;</li> <li>(b) the spillage of all waters from a pool to drain into a gutter system and then flow into the nearest sewer.</li> </ul>
O4. To have pools/spas/water features that have safe and adequate access in accordance with legislative requirements.	P22. The pool/spa/water feature must comply with relevant matters under the Swimming Pools Act 1992 and Regulations, for example, fencing and gates, depth marker, safety chart, etc.

### 6.3 Inclinator

An inclinator is a device comprising a rail and carriage for moving people up or down a slope.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have the landscape setting of the site when viewed from the harbour and public places protected and enhanced.</p> <p>O2. To have the visual impact of inclinator when viewed from the harbour and public places minimised.</p>	<p>P1. The appearance of an inclinator and associated structures should minimise any negative effects on the townscape area and landscape attributes of the locality.</p> <p>P2. The length of an inclinator must be kept to a minimum and the inclinator rail must be kept as close as possible to the natural ground level.</p> <p>P3. The siting and constructed components of an inclinator and associated structures is to adapt to the existing topography of the site. Excessive excavation below, or elevation of the track or running rail above, existing ground level should be avoided.</p> <p>P4. The siting and design of an inclinator and associated structures is to have regard to the existing vegetation and landscape features of the site.</p> <p>P5. The rail and carriage of the inclinator is to be factory pre coloured in a medium to dark non reflective finish to complement the landscape setting of the site.</p>
<p>O3. To have the visual impact of inclinator when viewed from adjoining properties minimised.</p> <p>O4. To have the effects of the operation of inclinator on the amenity of adjoining residents minimised.</p>	<p>P6. The siting and operation of an inclinator and associated structures should not affect adversely the amenity of adjoining residents by reason of noise, light spill, loss of privacy, loss of vegetation or loss of outlook.</p> <p>P7. Any inclinator and associated structures should be setback a sufficient distance from the side boundary to ensure planting of an appropriate scale can be established adjacent to that boundary.</p> <p>P8. The siting of an inclinator and associated structures adjacent to the windows and private outdoor areas of buildings on adjoining properties is to be avoided to minimise the affect on adjoining residents.</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P9. Where topography, adjoining development or vegetation do not permit adequate privacy, Council may consider enclosed carriages or treated landing stations to achieve suitable levels of visual or aural privacy in addition to other planning controls set out in this Part.</p> <p>P10. The inclinator motor must be appropriately sited and acoustically treated so that it is not audible when measured from within the nearest habitable room of any adjacent premises (windows open). This could be achieved by:</p> <ul style="list-style-type: none"> <li>(a) providing enclosures around the noise source so that the noise is contained;</li> <li>(b) choosing noise efficient technology;</li> <li>(c) appropriate separation between the noise source and the receiver ;</li> <li>(d) locating acoustic barriers between the noise source and the receiver.</li> </ul> <p>P11. The lighting of the inclinator and landing stations must be designed to avoid glare and light spill onto adjoining recreation spaces, habitable rooms, and public places, and designed consistent with AS 4282: 1997 - Control of the Obtrusive Effects of Outdoor Lighting. Consideration in this regard will be given to the proximity of the inclinator to adjoining property and buildings, and to a public place.</p>
<p>O5. To have inclinator that are safe and in accordance with legislative requirements.</p>	<p>P12. The design of landing stations must comply with relevant WorkCover Authority requirements.</p>



## 6.4 Tennis courts

Tennis courts (other than lawn courts) are not calculable as 'landscaped area' under the LEP.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have tennis courts only on sites which are topographically suited to their construction.</p> <p>O2. To have tennis courts sited in a manner which limits their impact on the visual and aural amenity of adjoining properties and the area.</p>	<p>P1. Courts should be sited on land which is generally level and does not require cut or fill. Cut and fill may be allowed due to the slope of the site.</p> <p>P2. Where any court is elevated above natural ground level the setback should be equal to the height above ground level measured at the lowest point on the adjoining boundary.</p> <p>P3. In assessing the siting of a court Council will have regard to the presence on the site of natural landscape features such as rock outcrops and mature vegetation.</p> <p>P4. Courts should be situated in rear or side yard areas and not intrude on the appearance of the dwelling when viewed from the street or a public place.</p> <p>P5. The fenced area of the court is to be setback at least 2m from any property boundary, or 3m from a habitable room of any building on an adjoining property (whichever is the greater).</p> <p>P6. The area between the court fences and the property boundaries should be screen planted with species likely to achieve a mature height comparable to the court fence at that point.</p>
<p>O3. To have suitable construction materials to allow tennis courts to blend into their surroundings.</p>	<p>P7. Court fences should have a maximum height of 3.6m above court level and constructed in black elements with black plastic-coated mesh.</p>
<p>O4. To have tennis courts used only for private recreation purposes on sites in residential areas.</p> <p>O5. To have hours of play which are in keeping with the residential siting of tennis courts.</p>	<p>P8. Courts on residential sites should be used for private recreation by the residents and their guests and are not used for paid tuition or organised competition.</p> <p>P9. Courts are not to be illuminated.</p> <p>P10. Courts hours of use are generally confined to 7am to 8pm daily.</p>

## **6.5 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.

### **The Sydney Harbour REP and DCP**

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

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

### **Foreshore building line**

A foreshore building line applies to certain residential zoned land in Mosman adjoining Sydney and Middle Harbours.

Clause 6.3 Foreshore Building Line of the LEP must be considered when proposing any development on land affected by a foreshore building line, as certain restrictions to development are specified.

### **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.

## 6.6 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).

The NSW Rural Fire Service has developed a 'Building in bushfire prone areas: single dwellings' kit to assist people building a new dwelling or altering or adding to an existing building in a bushfire prone area.

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

*Table 1. Some Activities that may Cause Contamination:*

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

<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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#### **Sea level rise and instability:**

The following objectives and planning controls apply:

<b>OBJECTIVES</b>	<b>PLANNING CONTROLS</b>
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>

## 6.7 Lane and accessway widening

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

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

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



## 6.8 Utility infrastructure

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

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have reduced overhead cabling and utility infrastructure which is thoughtfully and sensitively integrated into the site which it serves and, where the public domain is involved, complements the streetscape.</p> <p>O2. To have means by which the extent of overhead cabling is reduced progressively as development takes place.</p> <p>O3. To have utility infrastructure which is functional and accessible to utility providers.</p> <p>O4. To have the impact of infrastructure on public and private views reduced.</p>	<p>P1. Where any proposed new development adjoins an area where existing power cables are already located underground, or is located in an identified street (listed below), the applicant must underground the power, where located on that side of the street, for the extent of the frontage of the site.</p> <p>Identified streets include: Awaba Street east of Spit Road, Bay Street, Beauty Point Road, Boyle Street, Bradleys Head Road, Burran Avenue, Carrington Avenue, David Street, Harbour Street north of Art Gallery Way, Hopetoun Avenue, Iluka Road, Lower Boyle Street, Middle Head Road, Musgrave Street, Parriwi Road, Pearl Bay Avenue, Raglan Street, Rangers Avenue, Redan Street, The Esplanade, Vista Street north of Art Gallery Way.</p> <p>P2. Where a site to be developed for multiple dwelling development 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 multiple dwelling developments 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 multiple dwelling development approval must be located wholly within the development site and be landscaped in a manner which complements that of the remainder of the site and the street.</p> <p>P5. In the event that existing street trees are lost as a result of trenching related to undergrounding of cables, a suitable replacement/s must be installed in keeping with Council's Street Tree Master Plan.</p> <p>P6. Where a new building or buildings are erected, or existing buildings are substantially altered, the house service line is to be located underground and no "A poles" are to be erected.</p>

OBJECTIVES	PLANNING CONTROLS
<p>O5. To have utility infrastructure which meets the design specifications for Council and the appropriate utility provider.</p>	<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>

## 6.9 Significant rock faces and retaining walls

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

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

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have Mosman's significant rock faces and retaining walls protected from inappropriate development.</p>	<p>P1. No excavation of, or other works to, rock faces or retaining walls identified as significant in the Rock Faces and Retaining Walls Study or subsequent study, and on the Significant Rock Faces and Retaining Walls Map as updated from time to time, is allowed, except under special circumstances.</p> <p>P2. Special circumstances should be considered when any of the following is met:</p> <ul style="list-style-type: none"> <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/complimentary 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>

## 6.10 Advertising and signage (non-residential)

Non-residential uses occur in the residential zones. Planning controls for advertising for bed and breakfast accommodation are set out in Part 6.1 of this Plan.

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.

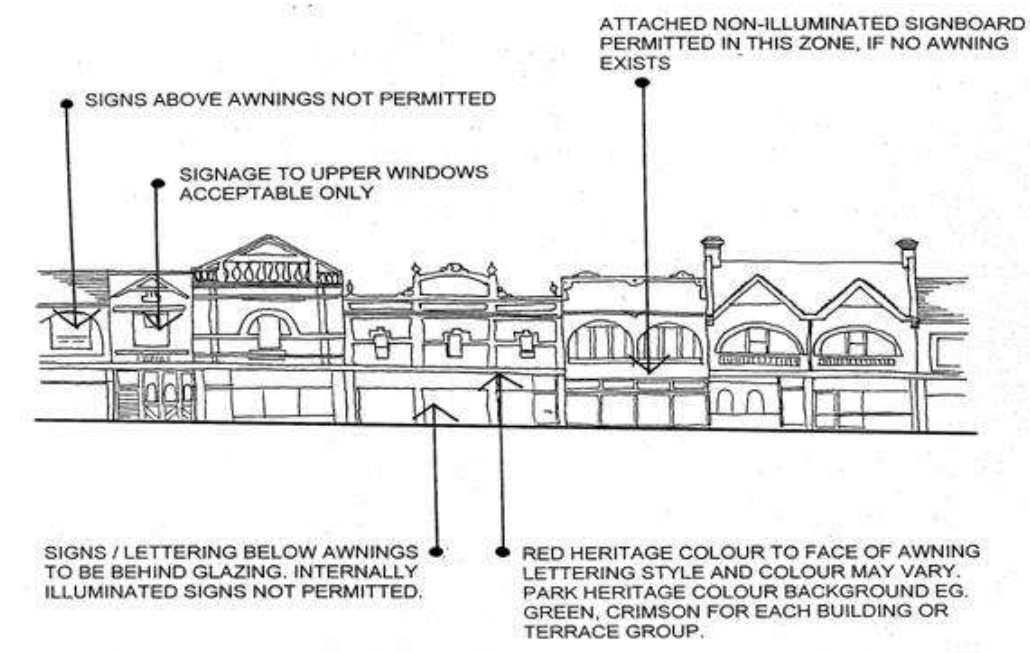
Controls on advertising in the Plan provide a consistent approach to the design and siting of advertisements and business signs. In particular, the controls assist to minimise the visual clutter of business centres and ensure the architectural features of buildings remain prominent.

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

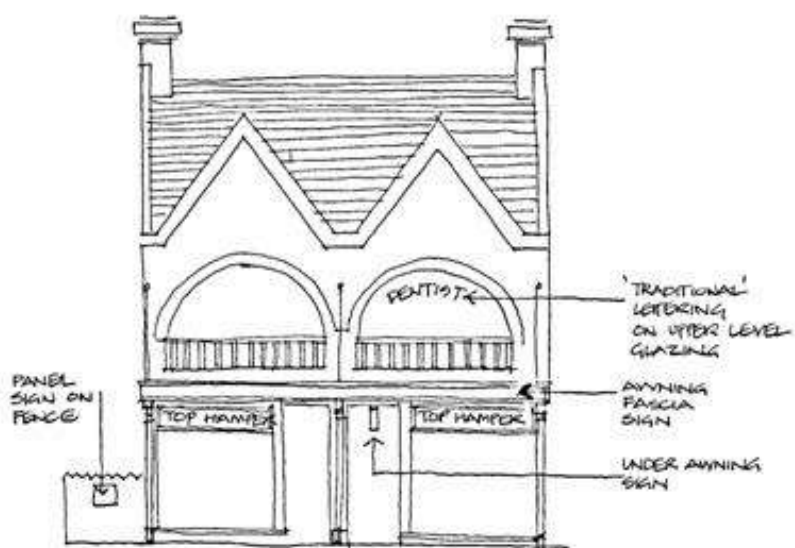
The following objectives and planning controls also apply.

OBJECTIVES	PLANNING CONTROLS
O1. To have an attractive streetscape and prevent visual clutter.	<p>P1. Signage above the awning is generally not permitted.</p> <p>P2. Where there is no awning, signage is only permitted below the window sill of the first floor windows.</p>
O2. To have the size, scale, proportion and form of signage appropriate for both the building on which it is located and the wider streetscape character.	<p>P3. An under awning sign is attached to the under side of an awning at right angles to the building wall, and must:</p> <ul style="list-style-type: none"> <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 setback 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> <p>P4. An awning fascia sign is attached to the fascia or return of an awning, and must:</p> <ul style="list-style-type: none"> <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 setback 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 setback 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*

## **6.11 2 Illawarra Street, Mosman**

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

This Part applies to land at 2 Illawarra Street, Mosman (Lot B DP411026) as identified in Figure 1 – Locality Plan. Throughout this Part the identified land is referred to as “the site” or “the land”.

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

The purpose of this Part is to provide clear objectives and detailed design guidelines for development of the site which:

- a) ensure development of the site responds to key characteristics of this site and its locality;
- b) facilitate development or uses within the site which will not adversely affect the heritage significance of the heritage item.

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

The objectives of this Part are to:

- a) maintain the identified Cultural Heritage of 2 Illawarra Street in the context of its landscape setting;
- b) retain the principal heritage and cultural landscape features of the site;
- c) facilitate and guide appropriate future development of the existing building and other portions of the site, enabling opportunity for a range of design responses including contemporary;
- d) provide clear constraints and opportunities for assessment of future development options for the site.

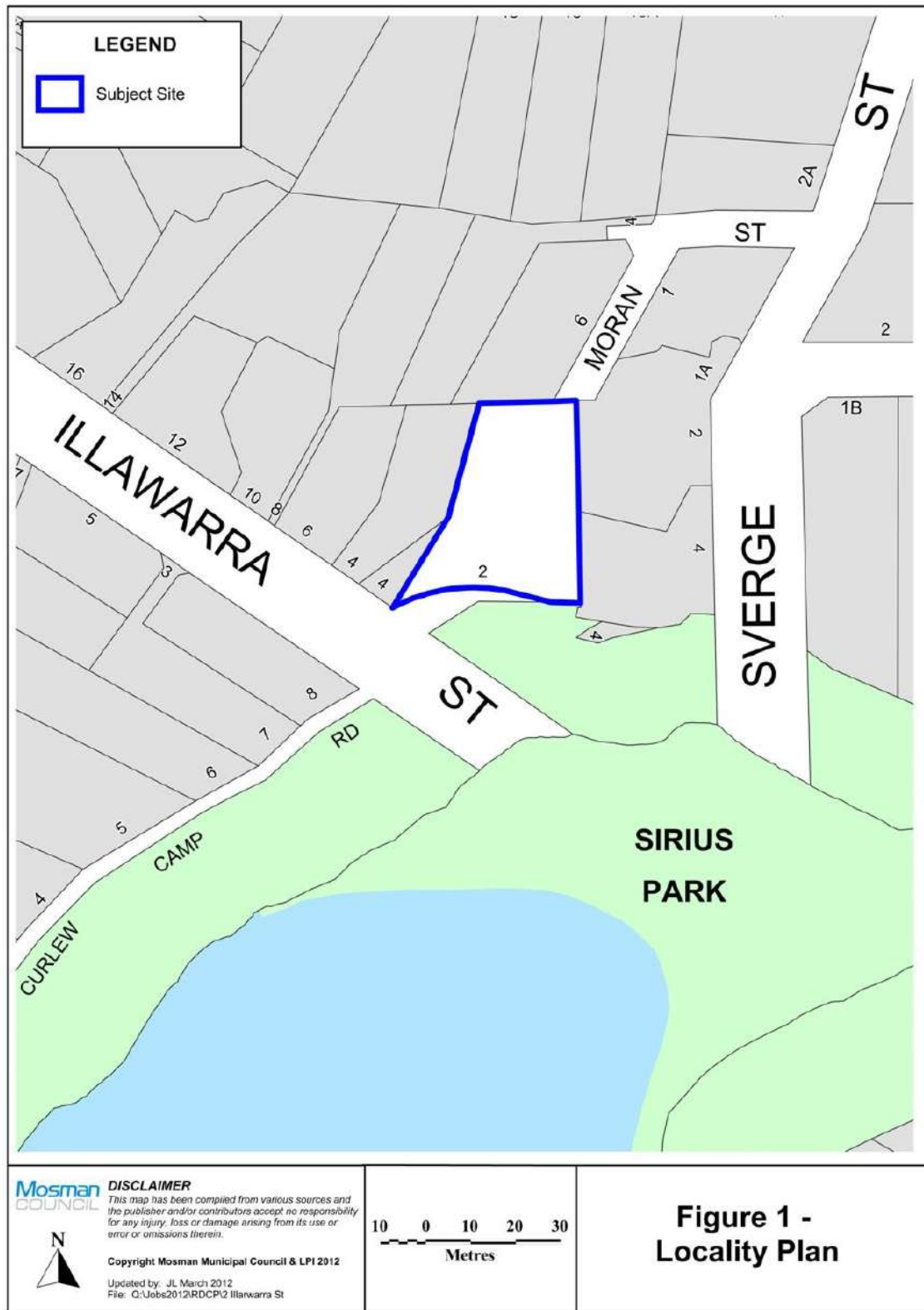
### **(4) How does this part relate to other plans?**

This Part should be read in conjunction with the LEP and other provisions of this Plan. Any proposal for new development shall incorporate the design controls as outlined in this Plan, as well as the specific design controls outlined in this Part.

### **(5) Background**

The house at 2 Illawarra Street is listed under the LEP as a Heritage Item of Local Significance (Schedule 5) and accordingly should be retained and conserved. The Item is included in the State Heritage Inventory (Item No. 2060207).

The heritage conservation provisions of the LEP apply to development proposals in respect of this identified Heritage Item.





Council resolved on 10 July 2001 to prepare a site specific DCP following representations from the owner regarding potential development options for the site and the impact of Heritage Listing under the then Mosman LEP 1998. The DCP was then prepared following a heritage assessment of the site undertaken by the owner with financial assistance from the Council. A detailed heritage assessment was carried out by Dr Jack Meyer, dated May 2001. A summary of the historic background of the site and the development of the buildings is appended to the Heritage Assessment. The DCP for 2 Illawarra Street was adopted by Council on 14 May 2002 and came into force on 4 July 2002. It was repealed with the commencement of the Mosman Residential DCP.

In preparing the Mosman Residential DCP, relevant provisions of the DCP for 2 Illawarra Street were carried across into this Part without significant change.

#### **(6) Development application requirements**

To make a development application for the site which is the subject of this Part, it is necessary to follow the steps outlined in Parts 1 'Introduction' and 2 'Development Application Requirements' of this Plan. The following considerations are also relevant:

- a) Consent Authority — Because the item is considered to be of Local Heritage Significance, the appropriate consent authority for assessing works which may impact on its cultural heritage values is Mosman Council.
- b) Compliance — When making an application for any development on this site, the applicant must demonstrate that the primary aims and objectives of this Part have been met and that all other statutory requirements are fulfilled. Where the applicant proposes an alternative way of achieving the objectives of this Part, the Statement of Environmental Effects and Statement of Heritage Impact submitted with the Development Application must clearly demonstrate how this is to be achieved in a manner at least as satisfactory as that of a fully complying scheme.
- c) Site Analysis — The site analysis, as outlined in Part 2.3 in this Plan, should also include reference to the heritage significance, character and setting of the place as outlined below.

#### **(7) Heritage Significance**

The house at 2 Illawarra Street was originally identified as having heritage significance in the Mosman Heritage Study 1988 (Travis & Partners) and was again identified and assessed as being of local significance in the Mosman Heritage Review 1996 (Item No. 207, Godden Mackay Heritage Consultants). A Heritage Assessment was carried out for the owner by Dr Jack Meyer in May 2002 and additional research was conducted by Council's staff.

2 Illawarra Street, Mosman is an example of the early development of the suburb and its urban consolidation. The house and its setting and gardens constitute one of the few examples of early Victorian era residences in the area. The house combines the use of sandstone and weatherboard in a picturesque treatment reminiscent of a "cottage orne". The use of Sydney sandstone in the east wing demonstrates an affinity with the setting. The property has a significant connection with Robert Moran, a stevedore after whom the nearby street is named. The property strongly relates to the Harbour, both through the original ownership and in its scenic position on the Harbour foreshore.

The building is listed as an item of LOCAL heritage significance. The house demonstrates the State Heritage Theme of HOUSING and the Local Heritage Theme of RESIDENTIAL EXPANSION.

### **(8) Character and Setting**

The house and its setting also add to the picturesque qualities of Little Sirius Cove.

The current R2 Low Density Residential zoning is characterised by larger lots in this sensitive foreshore area. The minimum lot size requirement in this zone is 930sqm. The area of the site is not sufficient in terms of subdivision under Torrens Title.

Consideration should also be given to the character elements of the townscape area within which the site is located. Refer to Part 7 of this Plan.

Various parts of the building and site referred to in these guidelines are identified on Figure 2 – Existing Site Plan.

### **(9) Specific Design Criteria**

The existing planning controls for the R2 Low Density Residential zone are under the LEP and this Plan. Any development proposals for 2 Illawarra Street should also be designed to satisfy the following specific controls developed as a result of site survey and conclusions identified in the Heritage Assessment prepared by Jack Meyer, Heritage & Urban Design Consultants, May 2001.

This section is divided into 2 sections:

- (9a) Heritage Conservation deals with criteria relating to the retention of the existing heritage item, including what is to be kept, and how this is to be addressed in the design and application for any proposal.
- (9b) Development Opportunities provides guidelines for any new work proposed, particularly related to achieving the criteria set under (9a).

**(9a) Heritage Conservation of the Existing Dwelling and Site**

This section deals with criteria relating to the retention of the existing heritage item, including what is to be kept, and how this is to be addressed in the design and application for any proposal.

OBJECTIVES	PLANNING CONTROLS
<p>O1. To have the existing highly significant fabric of the heritage item preserved, and to preserve evidence of the historic evolution of the place.</p> <p>O2. To have any archaeological evidence recorded and/or conserved, to maintain stability of the item and to preserve the integrity of the connection between the original building and the original ground.</p> <p>O3. To have significant views to and from the heritage item preserved.</p> <p>O4. To have a significant setting for the heritage item preserved and to maintain the prominence and visual significance of the heritage item.</p> <p>O5. To have the cultural significance of the heritage item maintained and to ensure appropriate heritage conservation of the existing heritage item in accordance with the principles of the Burra Charter.</p> <p>O6. To have new development that is compatible with the identified significance of the item.</p>	<p>P1. In any proposal it will be necessary to retain the entire section of the sandstone wing of the house (East Wing).</p> <p>P2. Any proposal should either retain the West Wing as this wing represents part of the early history of the building or replace it with a new structure reflecting the overall form and proportions of the existing west wing.</p> <p>P3. In the event of consent being issued for demolition of any portion of the building (excluding the carport), an archival recording in accordance with NSW Heritage Office guidelines will be required as a condition of the consent. Any replacement building is to be designed in accordance with the requirements of this Plan (refer in particular Built Form, Massing and Siting in (9b) below).</p> <p>P4. Special consideration should be given to retain the archaeologically sensitive ground around the East Wing intact (Area 1 on Figure 3). Minimal disturbance for maintenance work or introduction of services may be permitted.</p> <p>P5. Retain the visual link between the Harbour foreshore and the building, particularly the East Wing.</p> <p>P6. Retain and protect the major landscape features of the site and in particular the significant trees along the east boundary.</p> <p>P7. Retain a section of the front lawn area together with part of the stone retaining wall sufficient to maintain a substantial setting for the item, and to maintain the open character of the front lawn enhancing visual connection with the Harbour and surrounding landscape.</p> <p>P8. A Statement of Heritage Impact in accordance with the requirements of NSW Office of Environment and Heritage Guidelines shall be prepared to accompany any proposed development (refer requirements in this Plan and the LEP).</p>

**(9b) Development Opportunities**

This section provides guidelines for any new work proposed, particularly related to achieving the criteria set under (9a) Heritage Conservation of the Existing Dwelling and Site.

In order to satisfy objectives for Heritage Conservation, a plan has been prepared identifying constraints and opportunities for any new development on the site. Figure 3 – Design Opportunities and Constraints should be read in conjunction with the following objectives and planning guidelines.

Any application for the development of the site will require the preparation of a Statement of Heritage Impact in accordance with the guidelines made available by the NSW Office of Environment and Heritage. This Statement is to assess the impact of the proposed development on the heritage significance of the heritage item and its setting, and outlines any measures proposed to minimise any identified impact.

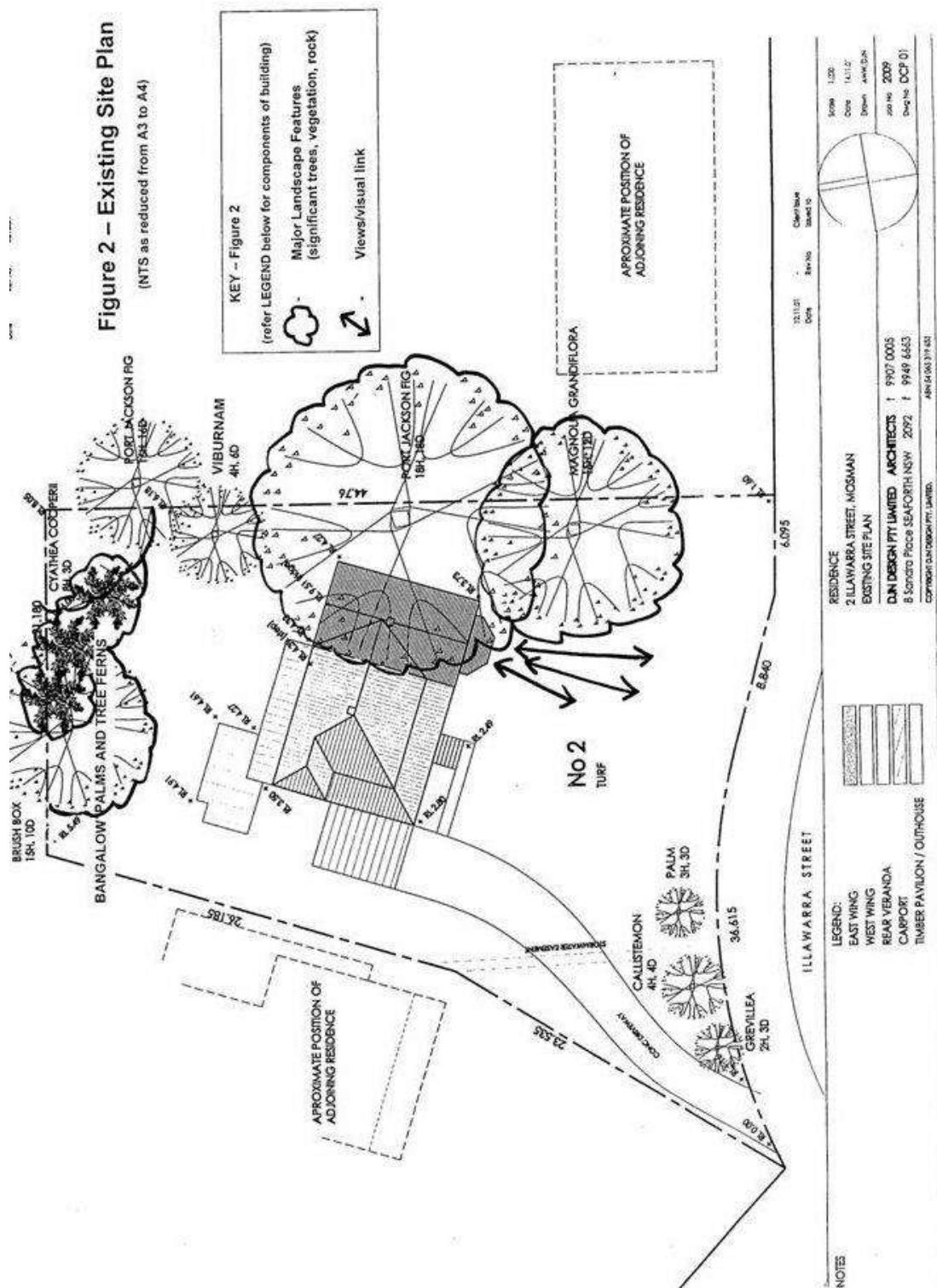
OBJECTIVES	PLANNING CONTROLS
<p>O1. To have appropriate development designed in accordance with the identified opportunities and constraints for the site.</p> <p>O2. To have the ground area around the East Wing appropriately protected from unnecessary disturbance.</p> <p>O3. To have a built form and intensity of new development that respects the scale and character of the house and does not detrimentally affect the amenity of the area.</p> <p>O4. To have a built form and intensity of new development that respects the townscape area.</p> <p>O5. To have any new buildings or structures located on the site employ building form, roofscapes, building materials and finishes which respect the cultural significance of the heritage item, its setting and the local context.</p> <p>O6. To have principal views to, from and over the site protected and ensure buildings are of a height and scale which allows the sharing of views.</p>	<p><i>General:</i></p> <p>P1. Any development proposal for the site is to take into account design criteria contained in Figure 3 – Development Opportunities and Constraints.</p> <p>P2. No works are to be carried out within the area marked Area 1 on Figure 3 which will adversely affect the stability of the heritage item, the integrity of the connection between the original ground and the original building, or the archaeological sensitivity of this area. Compliance is required at all times with the relics provisions of the Heritage Act.</p> <p><i>Height and View:</i></p> <p>P3. In Area 2 excavation is to be kept to a minimum and building heights are not to exceed limits set under the LEP and this Plan.</p> <p>P4. Development in front of the existing building line, being Area 3, may be acceptable subject to appropriate design but must not exceed a maximum finished height limit of RL 2.5m or the base of the existing stone entry stairs (RL 2.49). Such development should incorporate a lawn setting for the existing building.</p> <p>P5. Where possible existing views from adjoining or nearby properties are to be maintained.</p> <p><i>Built Form, Massing and Siting:</i></p> <p>P6. Any attached building mass should be sympathetic in form and character and should not compete with the principal stone façade element of the house. Where traditional roof pitches are employed they are to match existing.</p> <p>P7. Any new development to the west of the existing house and attached to the West Wing must be connected no closer than the west wall of the</p>

OBJECTIVES	PLANNING CONTROLS
<p>O7. To have all significant vegetation on the site protected.</p> <p>O8. To have the significant character of Sirius Park and Little Sirius Cove protected and retain a landscape link to the Harbour.</p> <p>O9. To have proposed fencing of a style appropriate to respect the cultural significance of the item and its setting.</p> <p>O10. To have the siting and design of carparking structures respect the heritage significance of the item, and not dominate the item or its setting or the existing streetscape.</p> <p>O11. To have the existing subdivision pattern of larger lot sizes in this foreshore area maintained.</p> <p>O12. To have a maintenance agreement prepared if the site is subdivided to ensure the sharing and ongoing care and maintenance of the item and its landscape setting.</p>	<p>front bedroom (currently Bedroom 1). Any new development in this section of the site (Area 2 on Figure 3) should not exceed 2 storeys above natural ground level and should be sympathetic in form to the character of the existing house.</p> <p>P8. In the event of a development proposal to remove all or part of the West Wing, a replacement building should be designed to reflect the overall form and proportions of the existing West Wing structure as a sympathetic link between the stone wing (East Wing) and any proposed building.</p> <p>P9. Detached development may be considered in terms of Council's Heritage Incentives provisions subject to compliance with this Plan, and subject to compliance with the requirements of Heritage Incentives clause 5.10 of the LEP.</p> <p>P10. Any detached building mass may incorporate other sympathetic roof forms.</p> <p>P11. The use of outstanding contemporary design idioms for any development on the site may be acceptable subject to acceptable impact on the heritage item and its setting.</p> <p><i>Building Materials and Finishes:</i></p> <p>P12. Building materials for new development in a traditional or vernacular style, or contemporary idiom, may include any of the following:</p> <ul style="list-style-type: none"> <li>• rock face or sawn sandstone;</li> <li>• bagged masonry – integral colour;</li> <li>• rendered masonry in integral or applied colour;</li> <li>• weatherboard cladding – stained or painted;</li> <li>• precoloured corrugated steel roofing;</li> <li>• copper or zinc sheet roofing;</li> <li>• timber, aluminium or powdercoated metal windows;</li> <li>• exposed steel framing under weatherboard cladding (stained or painted);</li> <li>• prefinished building panels.</li> </ul> <p>P13. This list is not to be regarded as absolute or exclusive. Other finishes will be considered on merit. A sample board of materials, finishes and colours will be required to be submitted with the development application to demonstrate compatibility with the identified heritage values of the item.</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p><i>Fencing:</i></p> <p>P14. Any proposed fencing to side and rear boundaries must be stone to match existing.</p> <p>P15. Front fencing, and side fences forward of the building line shall be of a traditional form with a maximum height of 1.2m and should allow views through to the item from public areas to the south. Appropriate style includes traditional stone and iron palisade fences such as those which are common throughout Mosman.</p> <p><i>Trees, Vegetation and Natural Features:</i></p> <p>P16. No development or major excavation affecting the root system is to take place within the area identified as Area 1 in order to protect the Magnolia grandiflora (Area 1), and the Port Jackson Fig located on the subject site in proximity to the heritage item. These trees are significant generally and also contribute to the significance of the heritage item. During any construction works, portions of Area 1 will be required to be appropriately fenced off along the perimeter shown on Figure 3 or as otherwise determined by Council to accommodate further growth of the Magnolia grandiflora, during all periods of construction to ensure that no access for equipment, nor storage of materials etc occurs.</p> <p>P17. No development or excavation is to take place affecting the root zone of significant trees and vegetation at the rear of the site (rear Area 2) subject to the provision of a detailed Arborist's report at the time of any proposed development of this area. In order to protect the root zone to the dripline of the significant trees and vegetation including the groups of Cyathea Cooperii (tree ferns) and Bangalow Palms an area determined by Council will be required to be appropriately fenced off during all periods of construction to ensure that no access for equipment, nor storage of materials etc occurs.</p> <p>P18. In the event of any minor works being necessary in Areas 1 or 2, such as minor trenching works for any services or disturbance for maintenance, requests will need to be referred to Council for consideration. Any such works within these areas must be supported by evidence from a suitably qualified arborist that the works will have no adverse impact on the trees required to be protected. Council may require that hand digging only under the supervision of a suitably qualified arborist occurs for any such work.</p>

OBJECTIVES	PLANNING CONTROLS
<p><i>The objective/s from the preceding page apply.</i></p>	<p>P19. Council may consider, subject to application under clause 5.9 of Mosman LEP 2008, or with any development application, pruning or removal of the Viburnum near the eastern boundary between Areas 1 and 2 and the Port Jackson fig located on the adjoining property (2 Sverge Street).</p> <p>P20. Natural rock shelves forming part of the north setting of the original building shall be retained intact.</p> <p><i>Carparking:</i></p> <p>P21. Above ground garaging or carports proposed adjacent to the West Wing (Area 3) are to be incorporated into the design of any addition to the building in this area, with minimal entry so as not to appear as dominant in the façade or to dominate the heritage item. If carparking accommodation alone is proposed in this area to the west of the existing item, no garages or carports are to be sited forward of the front building alignment of the existing heritage listed house, and the structures are to be designed so as not to dominate the item.</p> <p>P22. Carparking accommodation may be considered in front of the building line established by the adjoining residence to the west (4 Illawarra Street), identified as Area 2, subject to it being cut into the site and will only be considered if it does not impact on the presentation of the heritage item.</p> <p><i>Subdivision, Maintenance and Management:</i></p> <p>P23. In the event of proposed development comprising more than one dwelling, subject to compliance with the requirements of Heritage Incentives clause 5.10 of the LEP, and Council's consent, subdivision of the site under Strata or Community Title may be considered. This is to ensure compliance with the objectives of the LEP and this Plan.</p> <p>P24. A management agreement (as for example under the Community Titles Act) is to be submitted with any application for subdivision and addresses matters including, but not limited to:</p> <ul style="list-style-type: none"> <li>(a) on-going care and maintenance of common areas and facilities;</li> <li>(b) conservation management of the significant elements of the heritage item;</li> <li>(c) funding arrangements; and</li> <li>(d) insurances.</li> </ul>

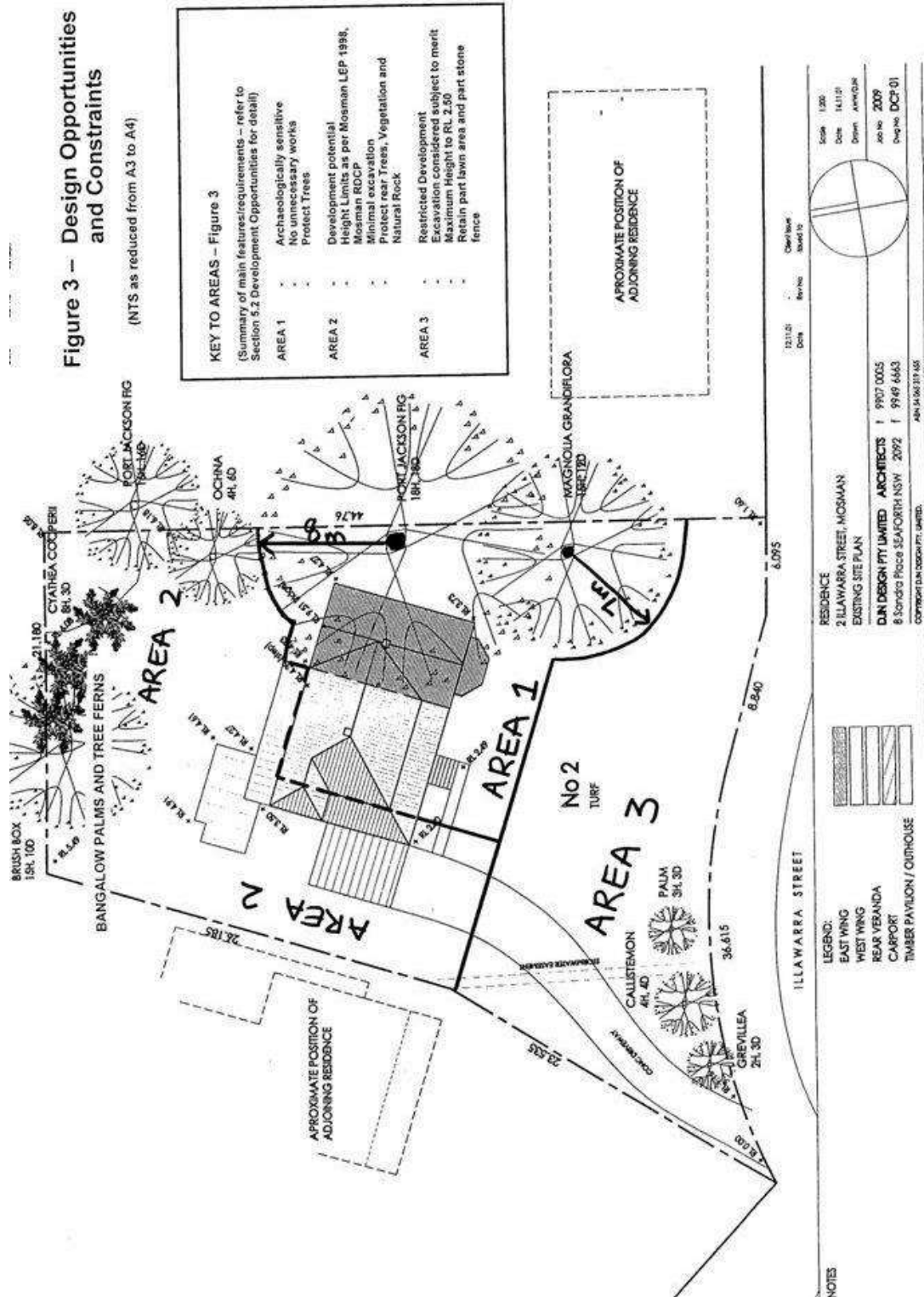
OBJECTIVES	PLANNING CONTROLS
<i>The objective/s from the preceding page apply.</i>	P25. Upon approval such management plan will form a binding part of any consent.





**Figure 3 – Design Opportunities and Constraints**

(NTS as reduced from A3 to A4)



## PART 7 THE TOWNSCAPES

### 7.1 Mosman's Character

The planning principles and controls in this Plan reflect the special characteristics and development issues facing Mosman. This Part details the unique qualities of Mosman and outlines why we need a DCP which responds to Mosman's landform and attributes.

Mosman has a rich cultural heritage created by the combination of harbour setting, dramatic topography, diverse vegetation, history and variety of built elements. These physical and cultural attributes create the unique and special character that is Mosman.

#### *The harbour asset:*

Mosman has a strong relationship with both Sydney and Middle Harbours. It is the spirit and backdrop of Mosman.

There are dramatic views of the harbour, making it a valuable and memorable community asset. The many bays, coves, inlets and beaches along the foreshore provide waterfront access and opportunities for recreation.

#### *A varied topography:*

Mosman's distinctive topography consists of plateaux and ridges grading from gentle to steep slopes forming valley sides. A significant north-south ridge runs from Spit Road in the north to Bradleys Head in the south. Another ridge runs in an east west direction from Middle Head joining the north-south ridge at the central Mosman plateau. These ridges create the predominant landform, define the major road corridors and afford harbour and city views.

Extending from the foreshore area are outcrops of land which are extensions of the ridges. The steep slopes generally comprise cliffs, terraces and rock outcrops. The slopes comprise cliffs and terraces, together with enclosed gullies and valleys formed around the natural drainage lines.

#### *A wealth of views and vistas:*

Views are available to and from most areas in Mosman due to the topography, particularly from the ridges and sloping foreshore areas. Views of Middle Harbour, Sydney Harbour and city skyline are widespread from private properties and are also afforded by public streets, walkways and spaces and through gaps between buildings.

#### *A wooded landscape:*

Mosman is an important element within the harbour landscape, particularly when viewed from Sydney Heads, the City of Sydney and the eastern suburbs. The area is also recognised for the natural bushland character of its headlands and leafy foreshore areas. Retaining urban bushland, tree canopy and the leafy character of Mosman is important not only as a key physical feature of Mosman, but also to promote biodiversity and habitat.

The landscaping of Mosman is diverse and reflects the history and pattern of development. Federation and Post War landscaping are significant elements in Mosman. At the time of Federation, parks and reserves were planted with species such as Brush Box, Figs and Silky Oaks.

The Inter war period saw smaller bungalow dwelling houses with small front gardens and larger rear yards. Plantings included Washingtonia, Poplar and Plane trees. In the Post War II era, less successful species were replaced by new plantings including indigenous species such as angophoras, eucalypts and ficus. Increasingly, small trees and shrubs which helped maximise views became increasingly popular.

*Mosman's heritage:*

Mosman has a complex heritage created by the interplay of its harbour setting, topography, vegetation and built environment. These elements create the unique character and place values of Mosman. These elements have been recognised by the community and Council through the identification and preservation of those items in the LEP.

The area is characterised by a variety of domestic buildings built predominantly during the Federation and Inter War periods in a range of scales from semi detached dwellings to dramatic free standing mansions set in spacious grounds. Building development in the interwar period resulted in the construction of significant areas of Mediterranean, Spanish, Georgian revival and other identifiable architectural styles as well as small scale residential flat buildings. Residential development of the post war period is also rich and varied, including notable examples of the Sydney regional aesthetic and contemporary design, as well as medium density and high rise buildings.

Heritage conservation areas possess an identified level of unity and include features such as consistent building style, streetscape and setting. The values of these places are important for not only their group characteristics, but for protecting their qualities for the present community and future generations.

The following sections outline the measures to preserve these important character elements and attributes of Mosman.

## **7.2 Objectives of this Part**

The objectives of this Part are to:

- (1) Maintain and enhance the essential residential character of the townscapes by:
  - a. encouraging well designed, high quality housing which fits into the existing character of the townscape areas and is well integrated into the site topography; and
  - b. maintaining the architectural diversity of housing which characterises Mosman.
- (2) Maintain a general dominance of landscape over buildings by:
  - a. retaining existing significant trees and natural features including sandstone outcrops, stands of Angophora and foreshore vegetation; and
  - b. the sensitive location of buildings, driveways or other structures on the site; and
  - c. designing buildings to sit lightly on the site and not include excessive excavation.
- (3) Retain significant views to water and foreshore reserves from public areas and streets.

## **7.3 How to use this Part**

This Part identifies 22 townscape areas in the Mosman municipality which have been defined by:

- Neighbourhood character—this is comprised of a variety of elements including topography, landscape, streetscape, subdivision pattern and built form;
- Heritage conservation areas—there are 13 conservation areas identified in the LEP and each is recognised as its own townscape area.

When using this Part applicants need only to refer to the particular townscape area that applies to their development site. The townscape area boundaries are illustrated on the map that follows.

For each townscape area a description of important character elements is outlined. This is followed by planning controls for the townscape area in relation to building form and design,

materials and finishes, fencing, garages and carports, landscaping, views etc. Maps identify the location of significant public views and vistas within each townscape area which should be maintained.

Planning controls for the townscape areas in this Part relate only to residential zoned land, despite the townscape area boundary encompassing a broad area which includes non-residential zoned land. All developments should comply with the relevant planning controls for the townscape area.

For each heritage conservation area townscape, also included is the statement of heritage significance from the Mosman Heritage Review or relevant heritage studies, and reference to the 'conservation area ranking' of each building. The aim of this ranking is to assist Council to maintain the identified character of the area in the process of development control. The conservation area rankings were updated following a study undertaken during 2017-18. The description of each ranking and objectives of development control are outlined in the table below.

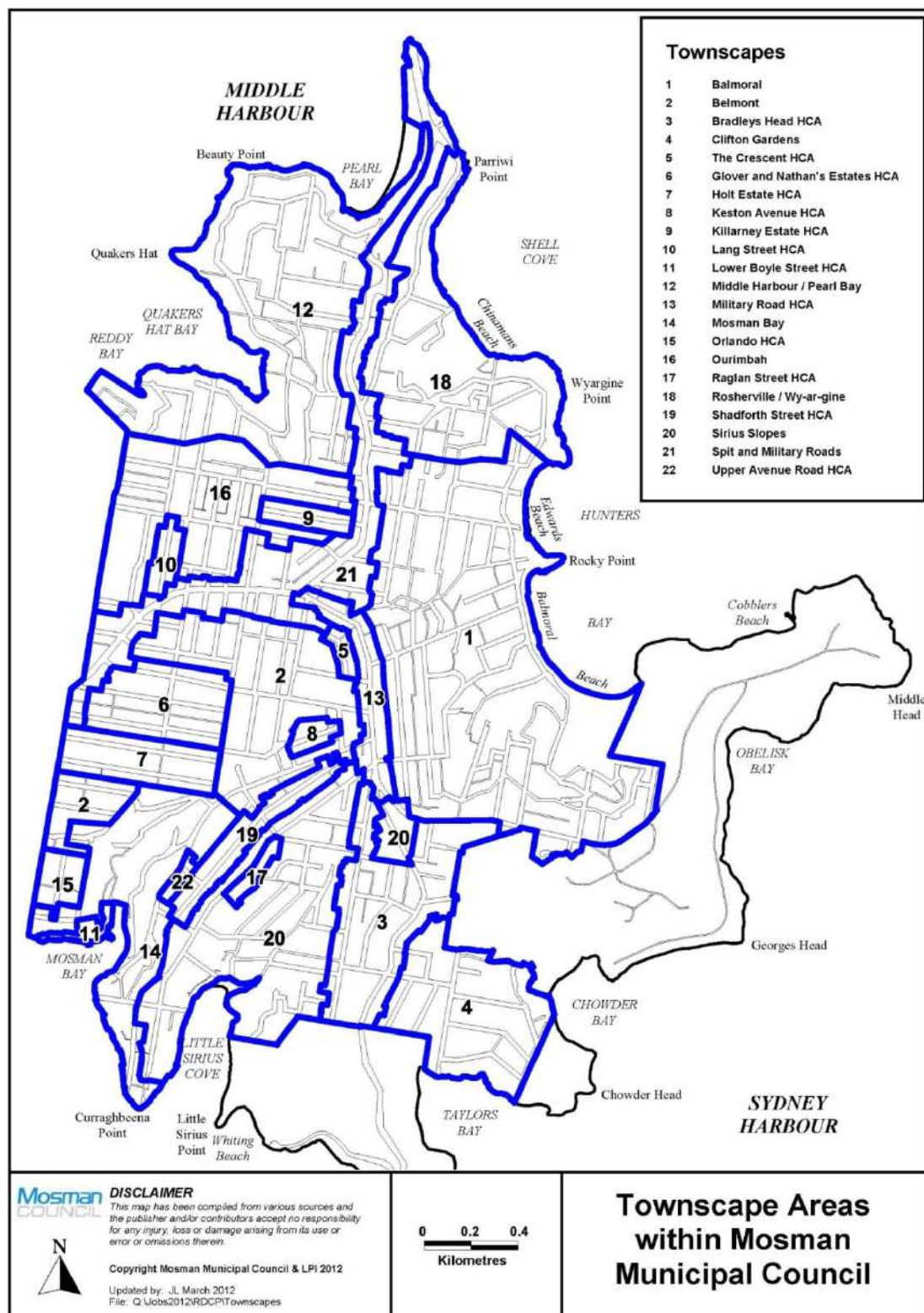
The statement of heritage significance, and ranking of the building within the conservation area, must be considered and guide any works.

<i>Ranking</i>	<i>Description</i>	<i>Objectives of development control</i>
*	Heritage item:  Buildings individually listed as a heritage item in Mosman LEP 2012	Maintain the heritage significance of the item
1	Contributory 1:  Buildings that clearly reflect a Key Period of Significance for the HCA and are key elements of the HCA.  This ranking was assigned where the main front portion of the building is largely unaltered as viewed from the street. Includes houses with rear additions which do not affect the main front roof.	Maintain heritage characteristics and streetscape intactness
2	Contributory 2:  Buildings that have been altered but are still identifiable as dating from a Key Period of Significance for the HCA. They retain their overall form from the original date of construction and, even though altered, are contributory to the HCA character.  This ranking was assigned where a building has alterations such as cement rendering to Federation or Inter-war period brickwork or a first floor addition which affects the main front roof form, but the period and style of the house remains discernible.	Reconstruct original features by removing unsympathetic additions or using more appropriate decorative treatment

<i>Ranking</i>	<i>Description</i>	<i>Objectives of development control</i>
3	<p>Neutral:</p> <p>Buildings that are either heavily altered to an extent where the construction period is uncertain, or are from a construction period which falls outside any Key Period of Significance for the HCA, but which reflect the predominant scale and form of other buildings within the HCA, and therefore do not detract from the character of the HCA.</p> <p>This ranking was assigned where the building is either so altered the period and style is no longer evident, or it is a recent building which is of a height, form and scale which is consistent with the streetscape.</p>	Maintain benign affect
4	<p>Detracting:</p> <p>Buildings from a construction period which falls outside any Key Period of Significance for the HCA and that have scale or form that is not consistent with the key characteristics of the area.</p> <p>This ranking was assigned where the building is recent/late 20<sup>th</sup> century and is out of scale, not consistent with the height, form and scale of buildings within the streetscape.</p>	Encourage the ultimate replacement of the building with one less assertive, or amelioration of its adverse impact by sympathetic alterations, plantings, more appropriate colour scheme or other treatment

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

## 7.4 The Townscapes



## **(1) Balmoral Townscape**

### **Description of area and character**

The Balmoral Townscape is an amphitheatre sloping east and north east down from the Spit/Military Roads ridgeline to the foreshore at Hunters Bay in Middle Harbour, with dramatic views down main access roads. The subdivision pattern is a cylindrical grid following the contour alignment, creating the amphitheatre form. The topography and development create an enclosed feeling to the harbour. Some roads are divided by sandstone retaining walls to suit the slope.

The ridgeline and upper slopes typically contain medium sized lots with large one and two storey Federation and bungalow housing of a similar scale and design including roof pitch and building material. Detached and semi-housing styles on small to medium sized lots exist on the lower slopes. Low rise residential flat buildings are found along the beachfront; the Esplanade running parallel to Balmoral Beach is predominantly comprised of residential flat buildings from the 1930s onwards interspersed with modern townhouses and some dwelling houses. The varied lot and house sizes contain consistent small front gardens; sandstone and garden wall elements are common.

Light tree cover is found on sloping lands increasing in density toward the foreshore. Significant vegetation types include eucalyptus, acacia, casuarina and jacaranda, whilst Port Jackson and Moreton Bay figs are predominant along The Esplanade. The south east slope behind Balmoral Park is more densely vegetated with bushland areas and parkland near Coronation Avenue, which also has a unique residential character.

Balmoral Beach and its associated attractions are central to the heart of Balmoral. The attributes of the beach include recreation and leisure facilities, cafes, historic elements such as the Bathers' Pavilion and rotunda, landscape features and views which combine to create its unique environment. Other community facilities in the townscape area include Balmoral Park, Queenwood School for Girls, and sailing and swimming clubs. One of the oldest Aboriginal middens in the Sydney Region is also found in the townscape area.

## **Planning controls - Balmoral Townscape**

### *Building form and design:*

- (a) Maintain the architectural diversity of the area and limit bulky mega dwelling houses with horizontal emphasis across allotments.
- (b) Encourage facades that address the street, and do not turn their back on the street regardless of the elevation from which views may be obtained.
- (c) Facades of larger dwelling houses are not dominating when viewed from Middle Harbour and neighbouring properties.
- (d) Encourage modification of Inter-War and post World War II blocks of flats to break down bulky form and scale, e.g. porticos, window hoods, balconies, landscaping.
- (e) Avoid excessive excavation across entire allotments, and of rock faces and stone walls.

### *Fences:*

- (f) Encourage low open style front fences which allow views/vistas.

### *Landscaping:*

- (g) Maintain the front yard character of Redan Street (west side of road) and Stanley Avenue (north of Awaba Street).
- (h) Maintain light tree cover and leafy character.

### *Materials and finishes:*

- (i) Discourage excessive glazing.

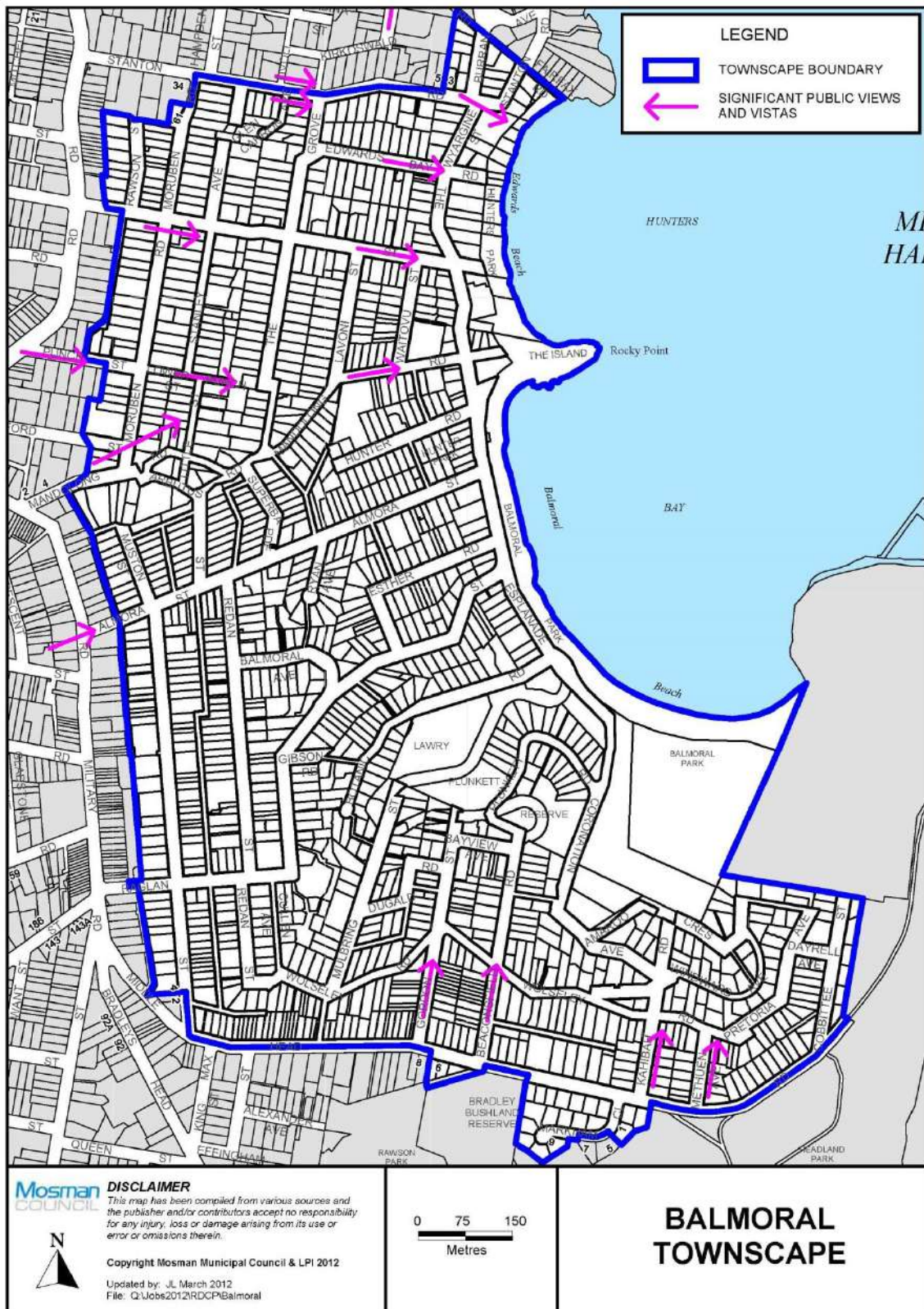
### *Streetscape:*

- (j) Encourage improved streetscape amenity by locating power lines underground for new development in Awaba Street, Burran Avenue, Middle Head Road, Raglan Street, Redan Street and The Esplanade.
- (k) Encourage improved access in Martens Lane, Melaleuca Lane, Post Office Lane, Punch Lane and Ritchie Lane through lane widening.
- (l) Maintain rock outcrops and cliff faces, and stone kerbs and gutters.

### *Views:*

- (m) Maintain the sense of dramatic entry to Balmoral and views to Middle Harbour and foreshore area.
- (n) Public views between buildings from public walkways and streets and those identified on the townscape map should be maintained.





## **(2) Belmont Townscape**

### **Description of area and character**

The Belmont Townscape is a gently sloping area characterised by a grid street layout. A feeling of enclosure is created by a combination of mature street trees and topography.

The area has a distinctive character derived from the unity of general single storey late 19th and early 20th century suburban development. The area is characterised by modest buildings in a range of architectural styles and types. Federation period houses in the Queen Anne and Arts and Crafts styles are dominant, with some late Victorian buildings and Inter-War period styles.

The area has a consistent scale and form of development, with generally small low rise dwelling houses oriented to the street. Semi-detached dwellings is a dominant form of housing. Building materials are generally red brick render, timber, terra cotta tiles and complex roof patterns - steeply pitched with gables, hips and chimneys providing texture.

A predominance of mature street trees is consistent throughout the Belmont Townscape. Brush Box and London Planes dominate. Small front gardens are an integral part of the streetscape with low fences of various materials and styles.

Community facilities include Mosman Park, Mosman Primary School and Mosman Community and Cultural Centre, Allan Border Oval, Bowling Club, Churches.

## **Planning controls – Belmont Townscape**

### *Building form and design:*

- (a) Maintain the predominant small scale low rise building form of the late 19<sup>th</sup> and early 20<sup>th</sup> century dwelling houses and semis and their architectural details such as verandahs, decorative timber, leadlight and window hoods.

### *Fences:*

- (b) Encourage low front fences of brick/timber materials and discourage high front walls and fences which alter the streetscape. High front fences/walls may be acceptable on Belmont Road, Cowles Road, Rangers Avenue and Spofforth Street (north of Reginald Street) to reduce vehicle noise impact.

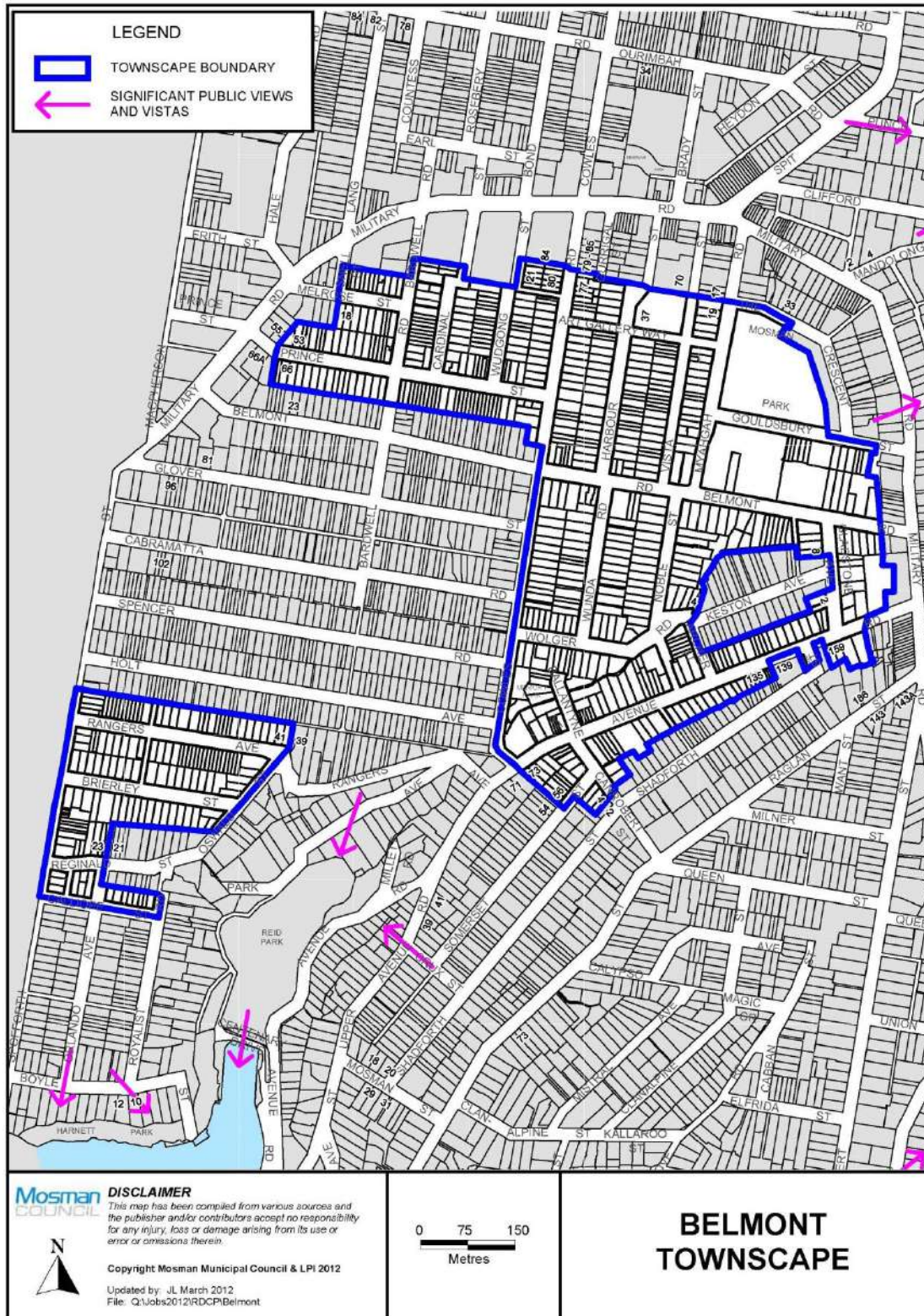
### *Landscaping:*

- (c) Maintain the leafy character of the area, including low front hedges, and encourage the selective use of mature trees in the landscaping of private gardens.

### *Streetscape:*

- (d) Encourage improved streetscape amenity by locating power lines underground for new development in Avenue Road, Harbour Street, Rangers Avenue and Vista Street north of Art Gallery Way.
- (e) Maintain sandstone kerbs and gutters.





### **(3) Bradleys Head Road Conservation Area**

#### **Description of area and character**

The land generally slopes down from the north or Mosman Junction end to the south, where it is bordered by Taronga Zoo and Sydney Harbour National Park. From the ridge of Bradleys Head Road the land slopes down to Prince Albert Street on the west and towards Burrawong Avenue on the east. The elevated land of Rawson Park forms an edge to the area on the northeast. Topography is a vital factor in the character of this area; it determined the curvilinear alignments of the earliest roads and consequently influenced many of the streets created by land speculators.

Bradleys Head Road Conservation Area generally comprises substantial houses on large sites, some allotments having front and rear boundaries to adjacent parallel streets. Many residences have been designed to take advantage of the extensive distant views. Many of the houses were erected in the Federation and Inter-War periods, a factor which contributes to the area's great architectural harmony. Throughout the area, the differences of scale, form and detail between the more modest houses, on smaller or lower allotments, and the larger or more pretentious residences on bigger and more elevated lots, gives the conservation area an enriching diversity.

Street tree plantings are numerous and highly significant, sections of the Brush Box plantings in Bradleys Head Road being particularly notable. Many residences are supplemented by densely planted gardens and fronted by large lawns.

Some of the north-south roads are divided laterally by median strips to accommodate the fall of the land and, with the exception of Prince Albert Street, the streets not only slope but are curved as well, making their streetscapes quite dramatic. Many front fences are of sandstones and act also as garden retaining walls which give continuity and attraction to the frontages.

Community facilities include Mosman Private Hospital, Twilight House, the Blessed Sacrament Church complex and primary school.

#### **Statement of heritage significance**

The Bradleys Head Road Conservation Area demonstrates important aspects of the history of Mosman's residential development in its street pattern, landscape, topography and architecture, from the time of the earliest subdivision until the present time. It demonstrates the very wide range of domestic architecture in scale, style, forms and details, as well as revealing a broad range of responses to conservation of this built environment. It is aesthetically and historically one of the most dramatic and pleasing residential areas of Sydney.

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

## **Planning controls – Bradleys Head Road Conservation Area Townscape**

### *Building form and design:*

- (a) Maintain the low scale/low rise detached dwelling form. Maintain the scale of dwelling houses on large lots where appropriate.
- (b) Encourage alterations and additions to the rear of the dwelling house.
- (c) Avoid second storey additions which often alter the character of a building and thereby diminish or impair its heritage value.
- (d) Avoid excessive excavation.

### *Materials and finishes:*

- (e) Do not paint face brickwork or stone, or replace unglazed terracotta tiles or slate with other materials. One of the essential qualities of Queen Anne and Arts & Crafts buildings is the colour, texture and pattern of brickwork. The painting of face brickwork detracts from the intactness of the architectural style and character of buildings.

### *Garages and carports:*

- (f) Avoid garages and carports forward of the front building line, as this detracts from the character and heritage significance of the conservation area, especially when the 'style' of the garage or carport is made to emulate or imitate the style of the house.

### *Fences:*

- (g) Maintain traditional fences, mostly unpainted brick, timber and stone fences, along the street alignment.
- (h) Encourage low front fences of brick/timber materials.

### *Landscaping:*

- (i) Maintain large formal gardens and the landscape dominance.

### *Views:*

- (j) Maintain public views between buildings from public walkways and streets to Sydney Harbour and the city skyline.

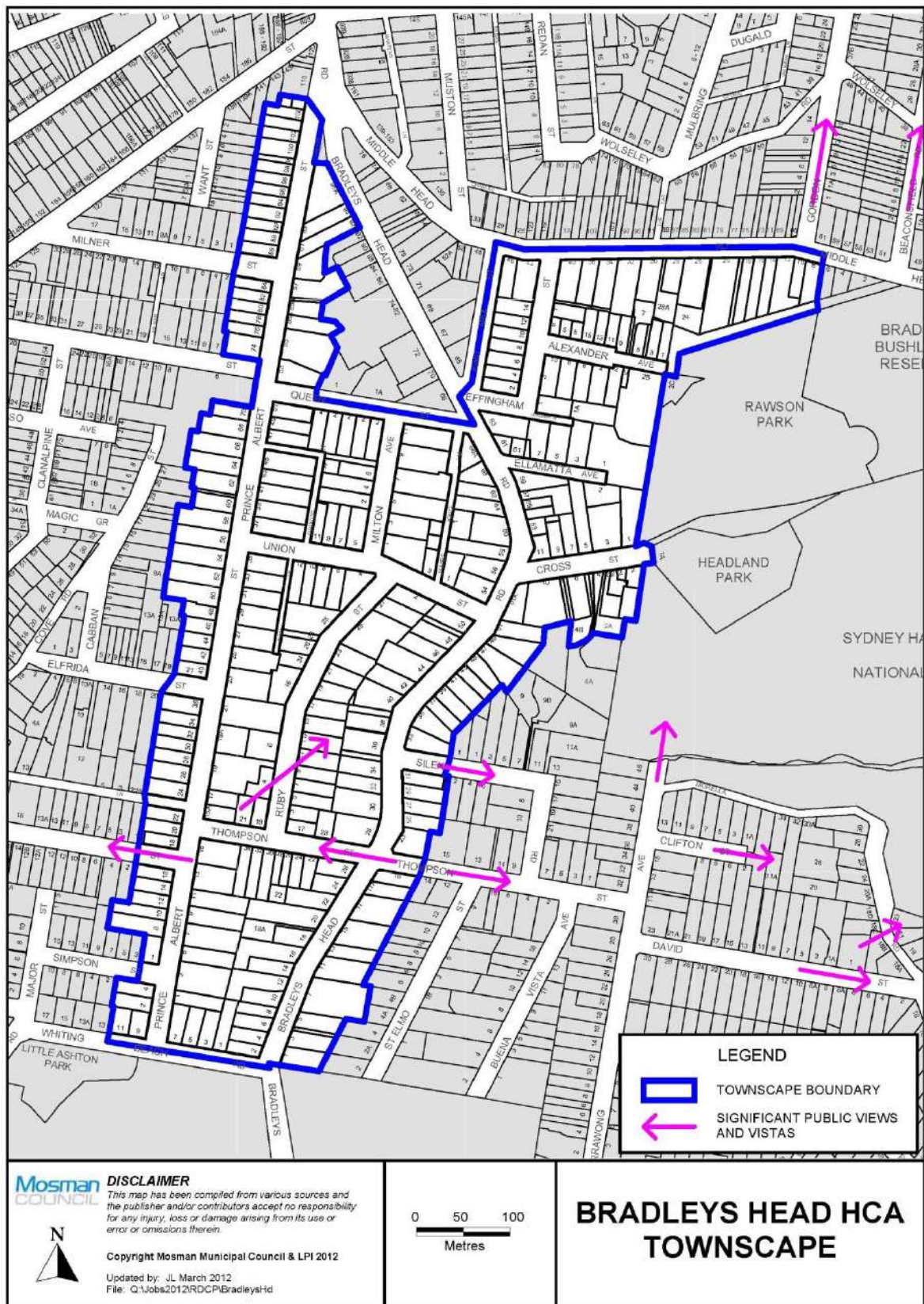
### *Streetscape:*

- (k) Maintain sandstone kerbs and gutters, and sandstone edged gardens in the centre of the street.
- (l) Encourage improved streetscape amenity by locating power lines underground for new development in Bradleys Head Road and Middle Head Road.

### *Heritage conservation:*

- (m) The ranking of the building within the conservation area must be considered and guide any works.





## **(4) Clifton Gardens Townscape**

### **Description of area and character**

The Clifton Gardens Townscape area comprises a ridge flanked by slopes in the south eastern corner of Mosman. Clifton Gardens is set high above the harbour with vistas southward over Taylors Bay. The aspect, water views and topography of this area combine to create a “headland” feeling. A steep descent provides access to the jetty and baths at Clifton Gardens Reserve. The street pattern is essentially north/south and east/west in orientation with some variations in response to steep conditions along Iluka and Morella Roads. The architecture in this area is different from many other parts of Mosman, having been developed in the main, later than other parts of Mosman. The architecture is distinctively post-Victorian, with high quality buildings diverse in style yet harmonious in character, generally older in the more elevated areas and newer in the areas nearer the harbour. Architectural styles dating from the Inter-war years and later are varied, but may be predominantly characterised as that of an English Garden suburb with substantial two storey dwelling houses featuring Arts and Crafts elements including exposed brick, timbered gables, bay windows, dormer windows, and roofs of coloured tiles or slate. A number of Californian bungalows, Inter-war Mediterranean and early modern dwelling houses provide architectural diversity.

Most dwelling houses in this townscape area are oriented to capture water views. Dwelling houses are generally set back from the street in an elevated position with sandstone retaining walls and prominent large front gardens. Pitched roofs contribute significantly to the character of this townscape area.

The land lots in Clifton Gardens, and often the houses on them, are larger and because the housing styles vary, additions made to these houses appear visually to be more acceptable overall, than in other parts of Mosman.

Low fences, stone kerbs and gutters, stone and timber fences, split roads and sandstone walls contribute to the established character of this townscape area. This area is characterised by densely vegetated foreshore. The open street vistas to the Harbour and other open spaces are vital parts of this area and should not be compromised by the introduction of building elements which intrude into the streetscape by their scale, forms or materials.

Clifton Gardens is a handsomely cohesive area in respect of topography, its varied and good quality architecture and its distinctive landscape elements; and the topography and low density housing combine to create a sense of spaciousness.

Community facilities include the Clifton Gardens Reserve, Taylors Bay Reserve, and Ashton Park.



## **Planning controls – Clifton Gardens Townscape**

### *Building form and design:*

- (a) Careful design consideration should be given to exposed undercrofted areas which should be integrated into the design of the residence.
- (b) Roofs on sloping sites may be flat, pitched or fall with the slope of the land. Flat roofs, when well designed, may be acceptable and allow for the retention of views from neighbouring properties.

### *Fences:*

- (c) Fencing between lots adjoining Clifton Gardens Reserve and Taylor's Bay Reserve is discouraged to maintain the blend with the natural environment and allow public views through to the water.

### *Landscaping:*

- (d) Spacious, deep, leafy front gardens, and sensitive siting and planting of appropriate trees are encouraged in order to maintain the leafy character of the townscape.
- (e) Deep front gardens and low fences should be maintained.
- (f) Use native species common to the area such as indigenous *Angophora costata* trees, *Eucalyptus piperita*, Scribbly Gum (*Eucalyptus Haemastoma*) and *Casuarina littoralis*.
- (g) Landscaping within side setbacks adjacent to public reserves should compliment the vegetation of the reserve and existing natural vegetation should be retained.

### *Setbacks:*

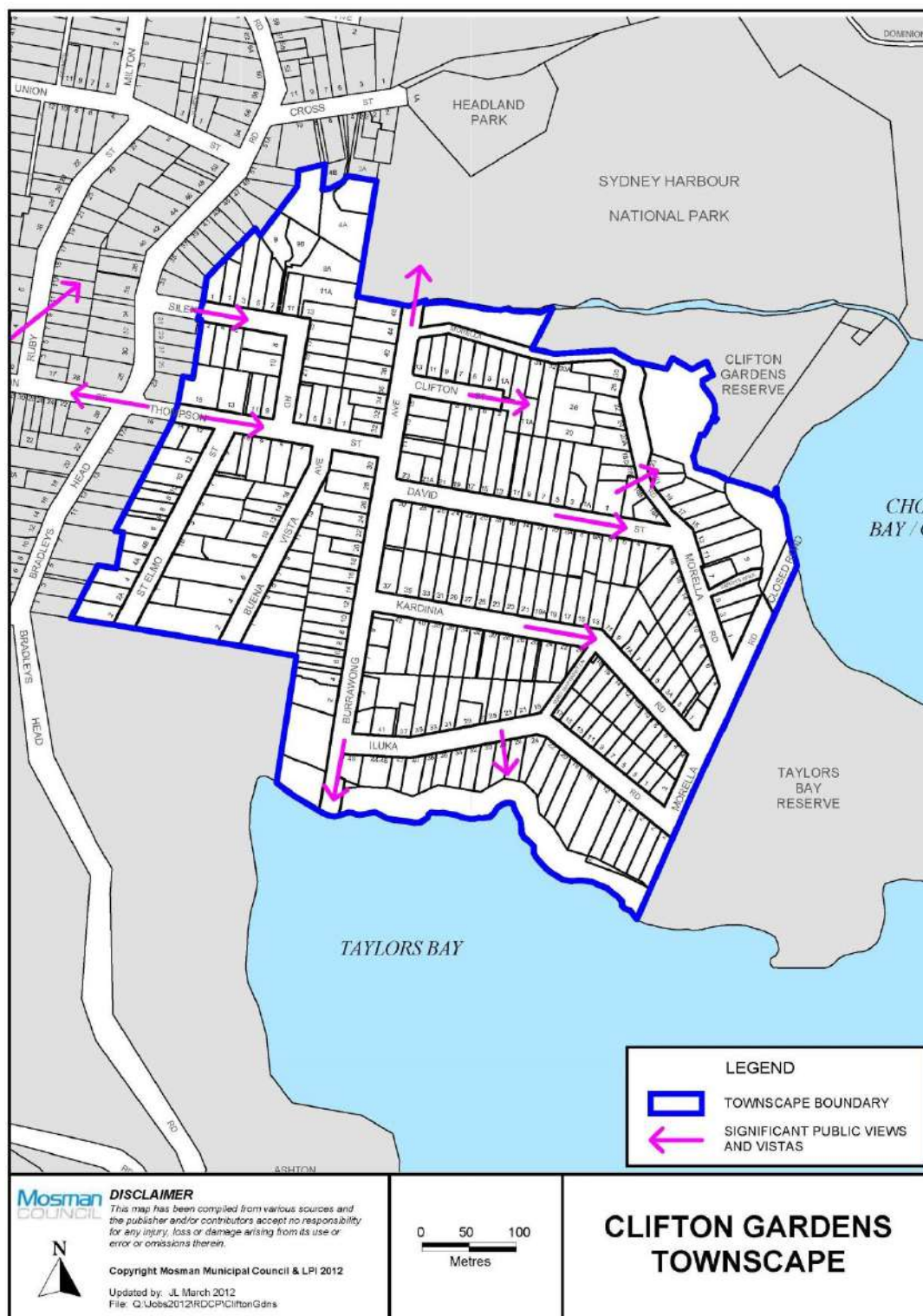
- (h) Setbacks to buildings on sites adjacent to Clifton Gardens Reserve and Taylor's Bay Reserve should be provided to a minimum of 6m.

### *Streetscape:*

- (i) Stone and timber fences, sandstone kerbs and gutters, sandstone cliff faces and outcrops, and sandstone walls such as those in David Street, should be retained, together with details such as decorated vent pipes.
- (j) Encourage improved streetscape amenity by locating power lines underground for new development in David Street and Iluka Road.
- (k) Bulky 'mega-houses' with horizontal emphasis across allotments are discouraged.
- (l) Existing sandstone walling and rock outcrops, and cut sandstone cliff faces to Middle Harbour, should be retained. The extension of new sandstone walling along street edges is encouraged.

### *Views:*

- (m) Public views between buildings from public walkways and streets and those identified on the townscape map should be maintained.



## **(5) The Crescent Conservation Area**

### **Description of area and character**

The Crescent Conservation Area is characterised by a gentle slope and curvature of the street, with grid street layout to the north and east of The Crescent, and Mosman Park to the west.

The area is predominantly characterised by single-storey and comparatively modest housing. The architectural value of the area lies in its harmonious small scale, the predominance of Federation and Inter-War period buildings and the way the few larger sized housing of later periods generally complement this character. Two buildings in this area have heritage significance; they are 'Omaha' at No. 27 and the Third Church of Christ Scientist Church. There are also a number of interesting components in the streetscape including the original fence of timber pickets shaped with an Art Nouveau motif at No. 3 The Crescent.

The Crescent Conservation Area is significant for its aesthetic qualities, including its relationship with the open space and margin foliage of Mosman Park, including some large Banyan-like figs and other fine mature trees.

Community facilities include the former Christian Science Church and Mosman Park, including children's playground in the south-east corner of the park.

### **Statement of heritage significance**

This remnant of the Lennon Estate provides excellent evidence of the character of an early subdivision in Mosman. It is historically associated with an important developer of the Federation period and with the paddock purchased from Gouldsbury Lennon which eventually became Mosman Park and the Allan Border Oval.

The Crescent Conservation Area is significant for its aesthetic qualities deriving from the slope and curvature of the street and its relationship with the open space and margin foliage of the park, including some large Banyan-like figs and other fine mature trees. These particular qualities are unique and not combined this way anywhere else in Mosman.

Its architectural value lies in its harmonious small scale, the predominance of Federation and Inter-War period buildings and the way the few structures of later periods generally complement this character. One of the buildings, the Third Church of Christ, Scientist, Sydney, is deemed to have State heritage significance.

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

## **Planning controls – The Crescent Conservation Area Townscape**

### *Building form and design:*

- (a) Maintain the predominant small scale low rise building form of the late 19<sup>th</sup> and early 20<sup>th</sup> century dwelling houses and semis and their architectural details such as verandahs, decorative timber, leadlight and window hoods.
- (b) First floor additions in smaller/medium developments should consider the use of attic space.
- (c) Encourage buildings with pitched roof elements.

### *Materials and finishes:*

- (d) Do not paint face brickwork or replace timber with unsympathetic material. One of the essential qualities of Queen Anne and Arts & Crafts buildings is the colour, texture and pattern of brickwork. The painting of face brickwork has detracted from the intactness of the architectural style and character of many buildings in the conservation area.
- (e) Maintain stone houses.
- (f) Encourage a mix of building finishes including slate, tile and corrugated iron roofs.

### *Garages and carports:*

- (g) Avoid garages and carports forward of the front building line, as this detracts from the character and heritage significance of the conservation area, especially when the 'style' of the garage or carport is made to emulate or imitate the style of the house.

### *Fences:*

- (h) Encourage low front fences of brick/timber materials.

### *Landscaping:*

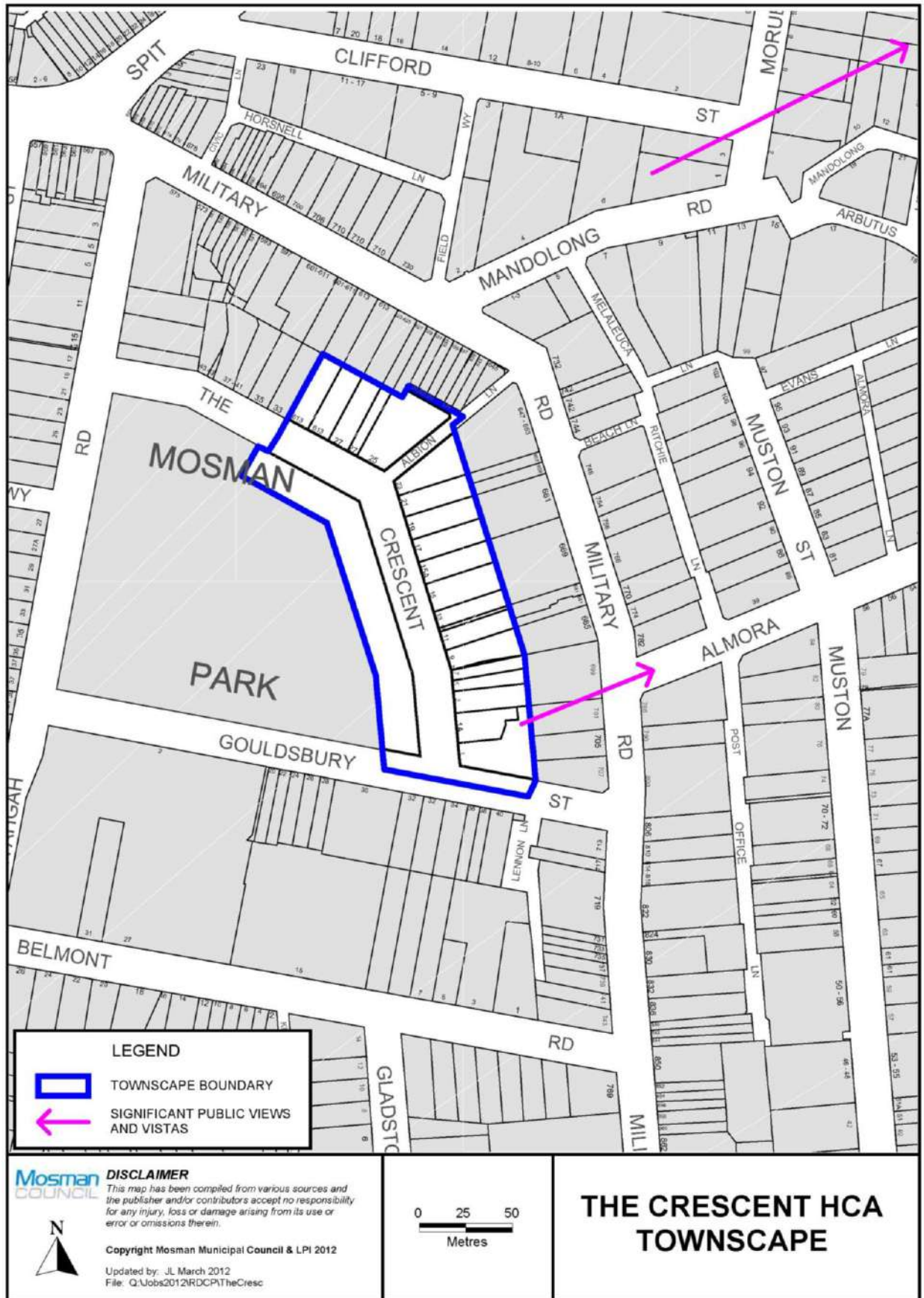
- (i) Maintain the leafy character of the area, including low front hedges.

### *Streetscape:*

- (j) Maintain sandstone kerbs and gutters.

### *Heritage conservation:*

- (k) The ranking of the building within the conservation area must be considered and guide any works.



## **(6) Glover and Nathan's Estates Conservation Area**

### **Description of area and character**

The area slopes gently in a south easterly direction from Military Road down towards Mosman Bay. The gentle slope, as well as the consolidated ownership of the area allowed for the planned regular grid pattern of the streets.

The streetscapes feature a variety of Federation and Inter War period dwellings but are relatively cohesive in their type, form, period of construction, materials and scale. The area is characterised by single storey and predominantly Federation housing constructed after 1900, built in the Queen Anne style. However there are also a few Inter War period dwellings, mostly in the Californian Bungalow style, and some later infill development. Belmont Road has some late 19<sup>th</sup> century dwellings including a row of Italianate cottages on the northern side west of Bardwell Street.

Belmont, Glover and Cabramatta Streets feature avenues of large mature trees which partially over hang the street. These trees, generally Brush Box, make a major contribution to making the streetscape cohesive. There is little evidence of original front gardens layouts and street plantings.

Driveway cross overs are common on those sides of the street where the properties do not have rear lane access. Garages and carports forward of the building line are intrusive elements in the streetscapes, as are high street fences, painting or rendering of original face brick facades, and large, unsympathetic additions and alterations.

### **Statement of heritage significance**

The study area, consisting of Cabramatta Road, Glover Street and sections of Belmont, Cowles and Bardwell Roads, form a precinct that is significant as a relatively intact and representative example of the late 19<sup>th</sup> and early 20<sup>th</sup> century phase of development in the Mosman area. This phase of development was the major period of residential growth in the local area as consolidated estates were subdivided and sold to speculative developers.

The area demonstrates a good diversity of building types and styles as development ranged from the Italianate Cottages of the early 1890s in Belmont Road, Federation period residential development demonstrating cohesive patterns of form, scale and materials, built in Glover Street from 1900 to 1905, and the Californian Bungalows of the 1920s in Cabramatta Road.

The significance of the streetscape has been diminished slightly due to the intrusive, yet reversible, introduction of high walls and the painting of original face brick. However, the study area has been considerably less affected by these intrusive elements than other areas of a similar character and period in the Mosman area.

(Source: *Belmont and Cabramatta Roads, Mosman: Conservation Area Study*, December 2004, prepared by City Plan Heritage)



## **Planning controls – Glover and Nathan’s Estates Conservation Area Townscape**

### *Building form and design:*

- (a) Maintain the predominant small scale low rise building form of the late 19<sup>th</sup> and early 20<sup>th</sup> century dwelling houses and semis and their architectural details such as verandahs, decorative timber, leadlight and window hoods.
- (b) First floor additions in smaller/medium developments should consider the use of attic space.
- (c) Avoid first floor additions over the original front section of a dwelling.
- (d) Contemporary additions to the rear and side of dwellings are appropriate if sympathetic in scale and siting, and recessive.
- (e) Avoid new intrusive changes or elements, including the enclosure of verandahs.
- (f) Encourage buildings with pitched roof elements.

### *Materials and finishes:*

- (g) Do not paint face brickwork or replace timber with unsympathetic material. One of the essential qualities of Queen Anne and Arts & Crafts buildings is the colour, texture and pattern of brickwork. The painting of face brickwork has detracted from the intactness of the architectural style and character of many buildings in the conservation area.
- (h) Encourage a mix of building finishes including slate, tile and corrugated iron roofs.

### *Garages and carports:*

- (i) Avoid garages and carports forward of the front building line, as this detracts from the character and heritage significance of the conservation area, especially when the ‘style’ of the garage or carport is made to emulate or imitate the style of the house.

### *Fences:*

- (j) Encourage low front fences of brick/timber materials, and have picket profiles and spacing that are compatible with styles found in the conservation area. Avoid solid masonry privacy walls, welded steel mesh and pool type fences.
- (k) High front fences/walls may be acceptable on Belmont Road and Cowles Road to reduce vehicle noise impact.

### *Landscaping:*

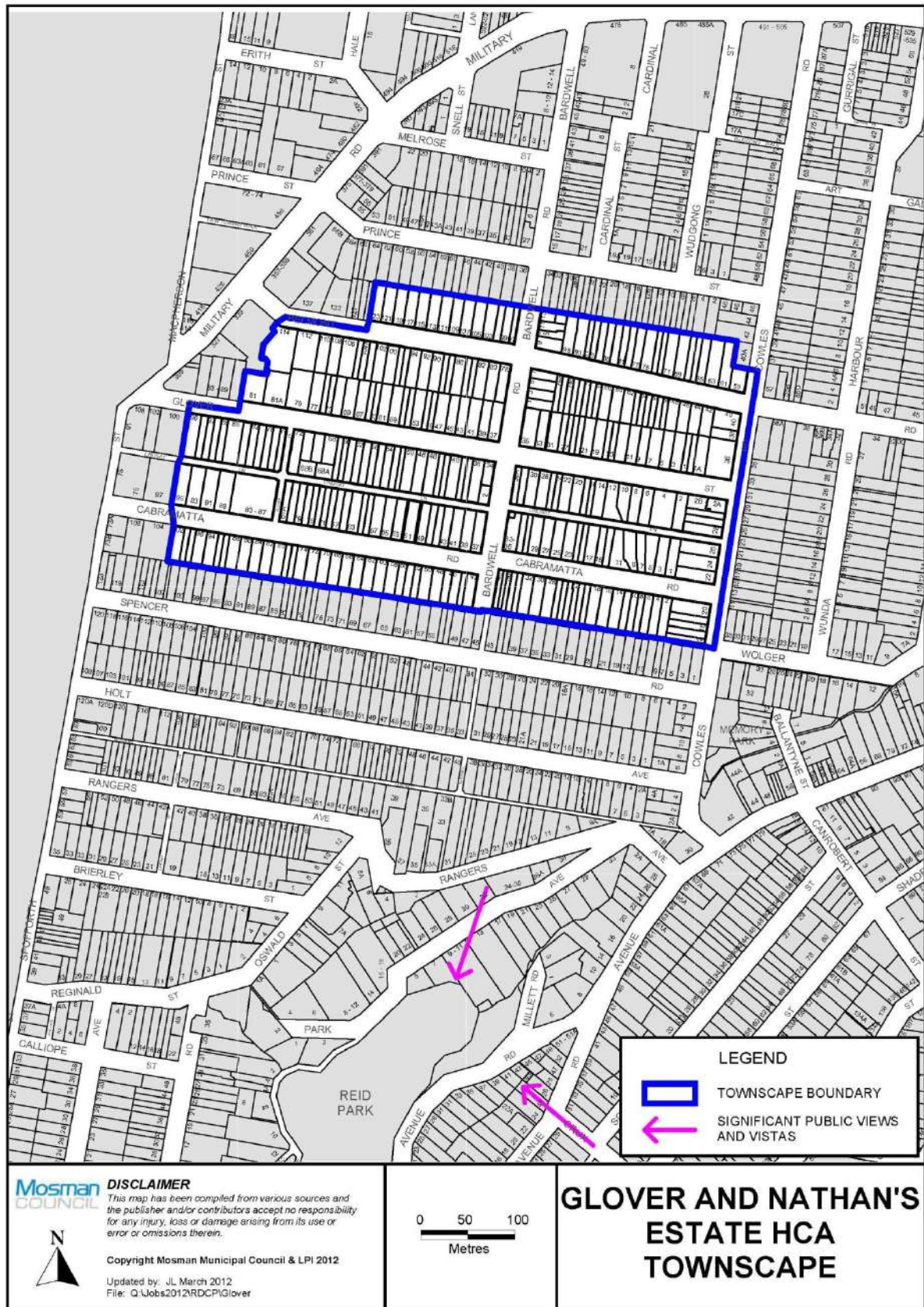
- (l) Maintain the leafy character of the area, including low front hedges and original garden plantings, beds, paths and edgings.
- (m) Avoid large impervious areas, especially in the front garden area.

### *Streetscape:*

- (n) Maintain sandstone kerbs and gutters.

### *Heritage conservation:*

- (o) The ranking of the building within the conservation area must be considered and guide any works.





## **(7) Holt Estate Conservation Area**

### **Description of area and character**

The area slopes gently in a south easterly direction from Military Road down towards Mosman Bay. The gentle slope, as well as the consolidated ownership of the area allowed for the planned regular grid pattern of the streets.

The area comprises houses generally of similar scale and form, most of which would have been erected soon after subdivision in 1902. However, many of the houses in this conservation area have been modified. The modifications are chiefly the painting of face brickwork never intended to be treated this way, the erection of intrusive garages or carports mostly in front of houses, the concealment of the houses by high, opaque front fences, and the building of severe first-floor additions.

The character of the area is now greatly dependent upon the efficacy of the street plantings of plane and brush box trees in both roads, which to some degree conceal or ameliorate the effects of alterations and additions.

### **Statement of heritage significance**

The Holt Estate Conservation Area is a complete early subdivision containing a great many buildings from its original residential development. Its significance has been diminished by modifications which have catered to the requirements of individual owners' amenity at the cost of respecting and retaining heritage values.

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

## **Planning controls – Holt Estate Conservation Area Townscape**

### *Building form and design:*

- (a) Maintain the predominant small scale low rise building form of the late 19<sup>th</sup> and early 20<sup>th</sup> century dwelling houses and semis and their architectural details such as verandahs, decorative timber, leadlight and window hoods.
- (b) First floor additions in smaller/medium developments should consider the use of attic space.
- (c) Encourage buildings with pitched roof elements.

### *Materials and finishes:*

- (d) Do not paint face brickwork or replace timber with unsympathetic material. One of the essential qualities of Queen Anne and Arts & Crafts buildings is the colour, texture and pattern of brickwork. The painting of face brickwork has detracted from the intactness of the architectural style and character of many buildings in the conservation area.
- (e) Encourage a mix of building finishes including slate, tile and corrugated iron roofs.

### *Garages and carports:*

- (f) Avoid garages and carports forward of the front building line, as this detracts from the character and heritage significance of the conservation area, especially when the 'style' of the garage or carport is made to emulate or imitate the style of the house.

### *Fences:*

- (g) Encourage low front fences of brick/timber materials.
- (h) High front fences/walls may be acceptable on Cowles Road, Rangers Avenue and Spofforth Street to reduce vehicle noise impact.

### *Landscaping:*

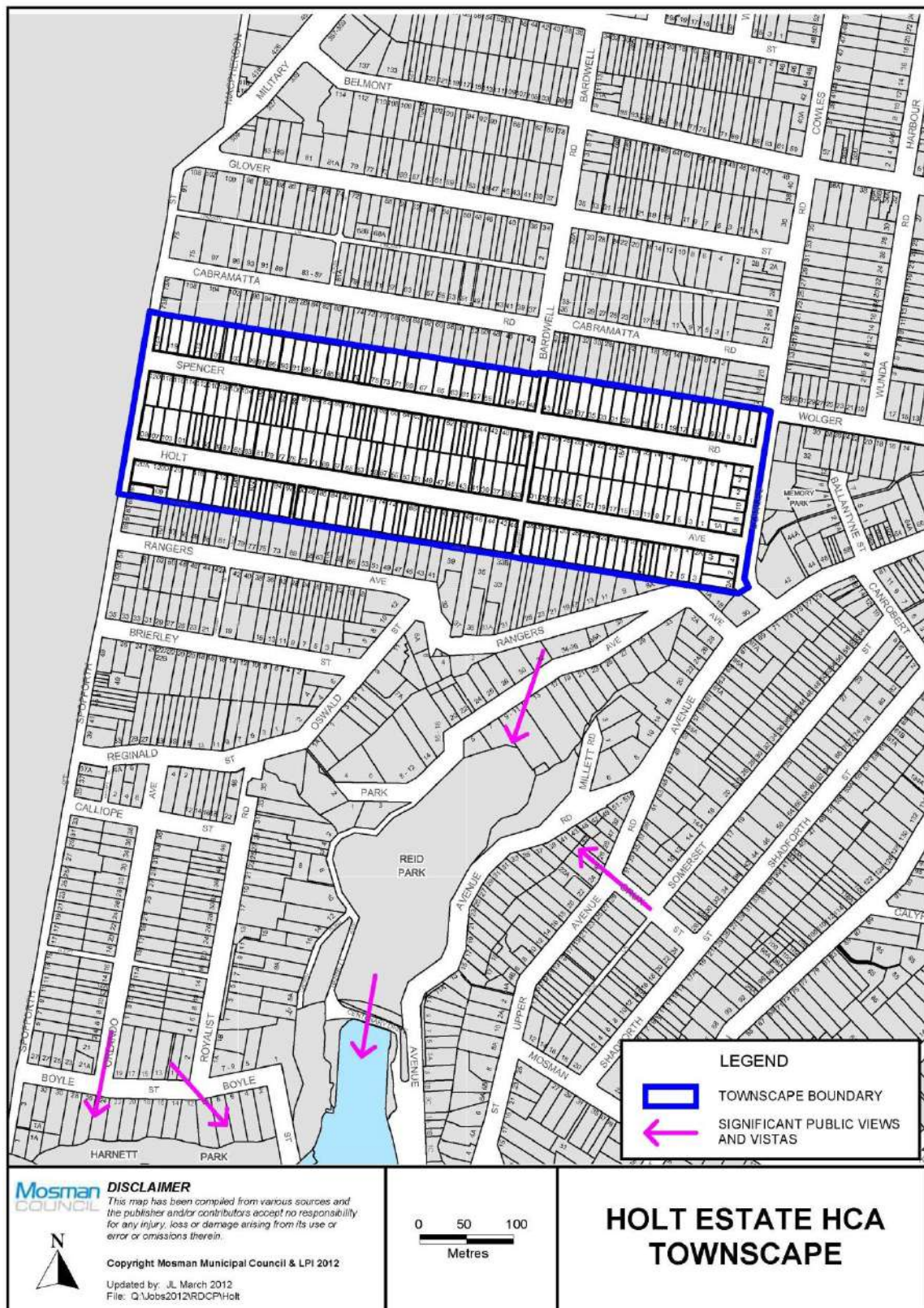
- (i) Maintain the unified pattern of generally small front gardens.
- (j) Maintain the leafy character of the area, including low front hedges.
- (k) Avoid large impervious paved areas, especially in the front garden area;

### *Streetscape:*

- (l) Maintain sandstone kerbs and gutters.
- (m) Encourage improved streetscape amenity by locating power lines underground for new development in Rangers Avenue.

### *Heritage conservation:*

- (n) The ranking of the building within the conservation area must be considered and guide any works.



## **(8) Keston Avenue Conservation Area**

### **Description of area and character**

Keston Avenue is a quiet, residential street which slopes gently upwards from Archer Street at the western end to Gladstone Avenue at the east. The uphill vista is terminated by the large prominent building of Mosman High School in Gladstone Avenue (inventoried as an individual heritage item), while the western downhill view is closed by a clump of trees located where the road changes its direction and level, at the Wolger Road/Archer Street end.

The Keston Avenue Conservation Area has an interesting range of period domestic architecture including interesting varieties of semi-detached housing, Victorian-period buildings and Federation-period houses in the Queen Anne and Arts & Crafts styles. Despite modifications, the houses are generally harmonious in their modest scale, street setback and landscaping. The exception is the Astor Flats, an elegant, small-scale Inter-War multi-unit building.

The street plantings, though they do not have much consistency, are nevertheless harmonising features. Another unifying and very noticeable characteristic is that there are hardly any added garages or carports; this is due to the presence of rear lanes which provide car access and thus remove the necessity for such streetfront elements. Though there are a few obtrusive fences and some detracting painted face brickwork, its occurrence is a lot less than other areas.

### **Statement of heritage significance**

The modest street ensemble, which makes up the Keston Avenue Conservation Area, is one of the least disturbed by intrusive modifications. It has an interesting range of period domestic architecture including varieties of semi-detached housing. It is nevertheless a sensitive area where, mainly because of the gentle scale and lack of pretentiousness of the architecture, modifications can easily damage (and have already begun to affect) the heritage significance of the place.

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

## **Planning controls – Keston Avenue Conservation Area Townscape**

### *Building form and design:*

- (a) Maintain the predominant small scale low rise building form of the late 19<sup>th</sup> and early 20<sup>th</sup> century dwelling houses and semis and their architectural details such as verandahs, decorative timber, leadlight and window hoods.
- (b) First floor additions in smaller/medium developments should consider the use of attic space.
- (c) Encourage buildings with pitched roof elements.

### *Materials and finishes:*

- (d) Do not paint face brickwork or replace timber with unsympathetic material. One of the essential qualities of Queen Anne and Arts & Crafts buildings is the colour, texture and pattern of brickwork. The painting of face brickwork has detracted from the intactness of the architectural style and character of many buildings in the conservation area.
- (e) Encourage a mix of building finishes including slate, tile and corrugated iron roofs.

### *Garages and carports:*

- (f) Avoid garages and carports forward of the front building line, as this detracts from the character and heritage significance of the conservation area, especially when the 'style' of the garage or carport is made to emulate or imitate the style of the house.

### *Fences:*

- (g) Encourage low front fences of brick/timber materials.

### *Landscaping:*

- (h) Maintain the leafy character of the area, including low front hedges.
- (i) Maintain the unified pattern of generally small front gardens.

### *Streetscape:*

- (j) Maintain sandstone kerbs and gutters.

### *Heritage conservation:*

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





## **(9) Killarney Estate Conservation Area**

### **Description of area and character**

The Killarney Estate Conservation Area comprises properties on each side of Dalton Road, between Cowles Road and Spit Road. Dalton Road runs in an east-west direction, following the gentle slope of the topography down to Cowles Road. Dalton Road has been closed at the intersection of Spit Road.

There are diverse housing styles and sizes in this conservation area. This includes 'Killarney' the largest building in the area, semi detached houses as well as free-standing dwellings. These variations make for a lively streetscape and for interesting architectural contrasts. Almost all the houses display Queen Anne or Arts & Crafts forms and details, adding to the harmony of the area which is relatively undisturbed except by a few examples of the same kinds of detractive treatment evident elsewhere in Mosman, predominantly intrusive front fences and garages or carports and painted face brickwork.

Street plantings include Box Brush and Eucalypt. A small mounded and landscaped space is located at the Dalton/Spit Roads intersection where the road has been closed.

Killarney Village Retirement Centre is located at the eastern end of Dalton Road.

### **Statement of heritage significance**

The Killarney Estate Conservation Area is one of the most interesting conservation areas in Mosman, which, because of the modest scale and the first-glance ordinariness of the street, can be easily overlooked. The compelling aesthetic interest lies in the several different, repetitive designs of small houses that can be seen. The historical significance of the area lies first in the architectural and townscape unity which was furthered by rapid development following the 1910 subdivision and sale of the 'Killarney' land, and secondly in the fact that Dalton Street was Mosman's first to be formed in concrete.

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

## **Planning controls – Killarney Estate Conservation Area Townscape**

### *Building form and design:*

- (a) Maintain the predominant small scale low rise building form of the late 19th and early 20th century dwelling houses and semis and their architectural details.
- (b) Encourage ground level single storey additions to the rear of buildings.
- (c) Avoid additions and alterations to the façades which disrupt or compromise the repetitive architectural elements and designs of small houses which contribute to the area's heritage significance.

### *Materials and finishes:*

- (d) Encourage articulation of external finishes of new developments through the use of a range of traditional materials and colours, and face brickwork.
- (e) Avoid single colour render finishes of buildings, painted face brickwork, and replacing timber with unsympathetic material. One of the essential qualities of Queen Anne and Arts & Crafts buildings is the colour, texture and pattern of brickwork. The painting of face brickwork has detracted from the intactness of the architectural style and character of many buildings in the conservation area.

### *Garages and carports:*

- (f) Encourage the location of garages and carports behind the front building line, as this detracts from the character and heritage significance of the conservation area, especially when the 'style' of the garage or carport is made to emulate or imitate the style of the house.

### *Fences:*

- (g) Encourage low style front fences mostly of unpainted brick, timber, stone or wire so as to not obstruct views of buildings and views between buildings.

### *Streetscape:*

- (h) Encourage a streetscape relatively undisturbed by intrusive front fences, garages and carports.

### *Heritage conservation:*

- (i) The ranking of the building within the conservation area must be considered and guide any works.





## **(10) Lang Street Conservation Area**

### **Description of area and character**

This is a pleasant, straight and fairly short street which, from an almost level area at the Military Road end, slopes gently but unevenly down towards Ourimbah Road. In the vicinity of the steeper slope the road is divided by a narrow plantation. The street is not heavily trafficked and is thereby comparatively quiet. The uneven slope provides variations in the views available to the pedestrian from the street, for example southwards up the slope to the stand of eucalypts and north towards the harbour, in every case with houses and their gardens in the foreground. All these factors contribute to the townscape area value and provide a satisfying setting for the houses which line it.

The area's architectural components are generally modest, single-storey houses of the Federation and Inter-War periods. At the southern end, a two-storey shop on the Military Road corner, with a large surf mural painted on the side facing Lang Street, provides a kind of visual portal to the area. At the northern end, the street is framed by a two-storey house on each corner as well as street trees. The housing presents a cohesive visual character predominantly of, and representative of, the early twentieth century, but they possess interesting individual designs and much idiosyncratic interest.

Among the ample street plantings there is a group of significant mature eucalypts on the western side at the southern Military Road end, and for part of its length the street has wide grassed verges. Much of the visual quality derives from these plantings of smooth-stemmed mixed species dominated by *Eucalyptus scoparia* and *Eucalyptus sclerophylla*.

### **Statement of heritage significance**

The small Lang Street Conservation Area is notable for several things. First, it is aesthetically very pleasing on account of ample street plantings, the group at the south end being a significant stand of mixed Eucalypts, by a treed median strip and by wide grassed verges. Its architectural components are modest and varied in type and style presenting a cohesive visual character predominantly of, and representative of, the early twentieth century, but they possess much idiosyncratic interest and have been less seriously tainted by obtrusive modifications than those in many other conservation areas such as high front fences, painted brickwork and inappropriate first floor additions and unsympathetic garages and carports.

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

## **Planning controls – Lang Street Conservation Area Townscape**

### *Building form and design:*

- (a) Maintain the predominant small scale low rise building form of the late 19<sup>th</sup> and early 20<sup>th</sup> century dwelling houses and semis and their architectural details.
- (b) Encourage ground level single storey additions to the rear of buildings.

### *Materials and finishes:*

- (c) Encourage articulation of external finishes of new developments through the use of a range of traditional materials and colours, and face brickwork.
- (d) Avoid single colour render finishes of buildings, painted face brickwork, and replacing timber with unsympathetic material. One of the essential qualities of Queen Anne and Arts & Crafts buildings is the colour, texture and pattern of brickwork. The painting of face brickwork has detracted from the intactness of the architectural style and character of many buildings in the conservation area.

### *Garages and carports:*

- (e) Encourage the location of garages and carports behind the front building line, as this detracts from the character and heritage significance of the conservation area, especially when the 'style' of the garage or carport is made to emulate or imitate the style of the house.

### *Fences:*

- (f) Encourage low style front fences mostly of unpainted brick, timber, stone or wire so as to not obstruct views of buildings and views between buildings.
- (g) High front fences/walls may be acceptable on Ourimbah Road to reduce vehicle noise impact.

### *Landscaping:*

- (h) Maintain the ample street plantings, the treed median strip and wide grassed verges.

### *Heritage conservation:*

- (i) The ranking of the building within the conservation area must be considered and guide any works.



## **(11) Lower Boyle Street Conservation Area**

### **Description of area and character**

The Lower Boyle Street Conservation Area is located in a prominent position overlooking Mosman Bay. The land slopes gently from Lower Boyle Street to the south, becoming steeper and more vegetated within Harnett Park as it leads down to an open grassed area adjoining Mosman Bay.

The conservation area contains five prominent Federation period houses of varied design and style, typifying the best of residential development from the early years of the twentieth century. The houses have had some alteration with infilling of verandahs and addition of decks overlooking the water. The group also contrasts with the more modest housing behind in the conservation area established around Orlando Street. No. 6 is individually listed as a heritage item.

The houses in the conservation area stand out within the generously treed landscape setting. Harnett Park links each of the five properties to the waterfront and extends around the bay to each side providing a heavily bushed area above which the houses sit.

Community facilities include the Harnett Park waterfront reserve and the Mosman Amateur Sailing Club (also individually listed as a heritage item).

### **Statement of heritage significance**

The precinct is of significance as an excellent and largely intact grouping of Federation period residential buildings on a common subdivision oriented to the water and set above a densely vegetated natural reserve. In combination with the waterfront structures noted as heritage items the precinct provides a rare glimpse of the pattern of development that predominated around 1900 and which has remained until the present day.

The strong relationship of these buildings to view and water, the location of the buildings in relation to a split level street to accommodate the steep terrain, their principal orientation to the water rather than the street and the grouping on a prominent and highly visible headland combine to create an unusual and increasingly rare precinct around the Mosman waterfront. Even though several buildings have undergone some adaptation their overall form contributes to the setting.

(Source: *Mosman Heritage Review*, January 2007, prepared by Paul Davies Pty Ltd)



## **Planning controls – Lower Boyle Street Conservation Area Townscape**

### *Building form and design:*

- (a) Maintain the relationship of buildings to view and water, and the principal orientation of buildings to the water rather than the street.
- (b) Maintain original architectural detail of buildings, and the individual and distinctive forms and boatsheds.
- (c) Encourage the reconstruction of original features of buildings by removing unsympathetic additions.
- (d) Avoid new intrusive changes or elements.

### *Materials and finishes:*

- (e) Maintain face brickwork and stone dwelling houses of pre World War II periods.
- (f) Encourage building materials and finishes that reflects the local character and significance of the area.

### *Fences:*

- (g) Encourage low style front fences which allow views of dwelling houses and front gardens.

### *Landscaping:*

- (h) Maintain the generously treed landscape setting and prominence of the buildings as viewed from Mosman Bay or from the streets above.
- (i) Maintain rock outcrops.

### *Views:*

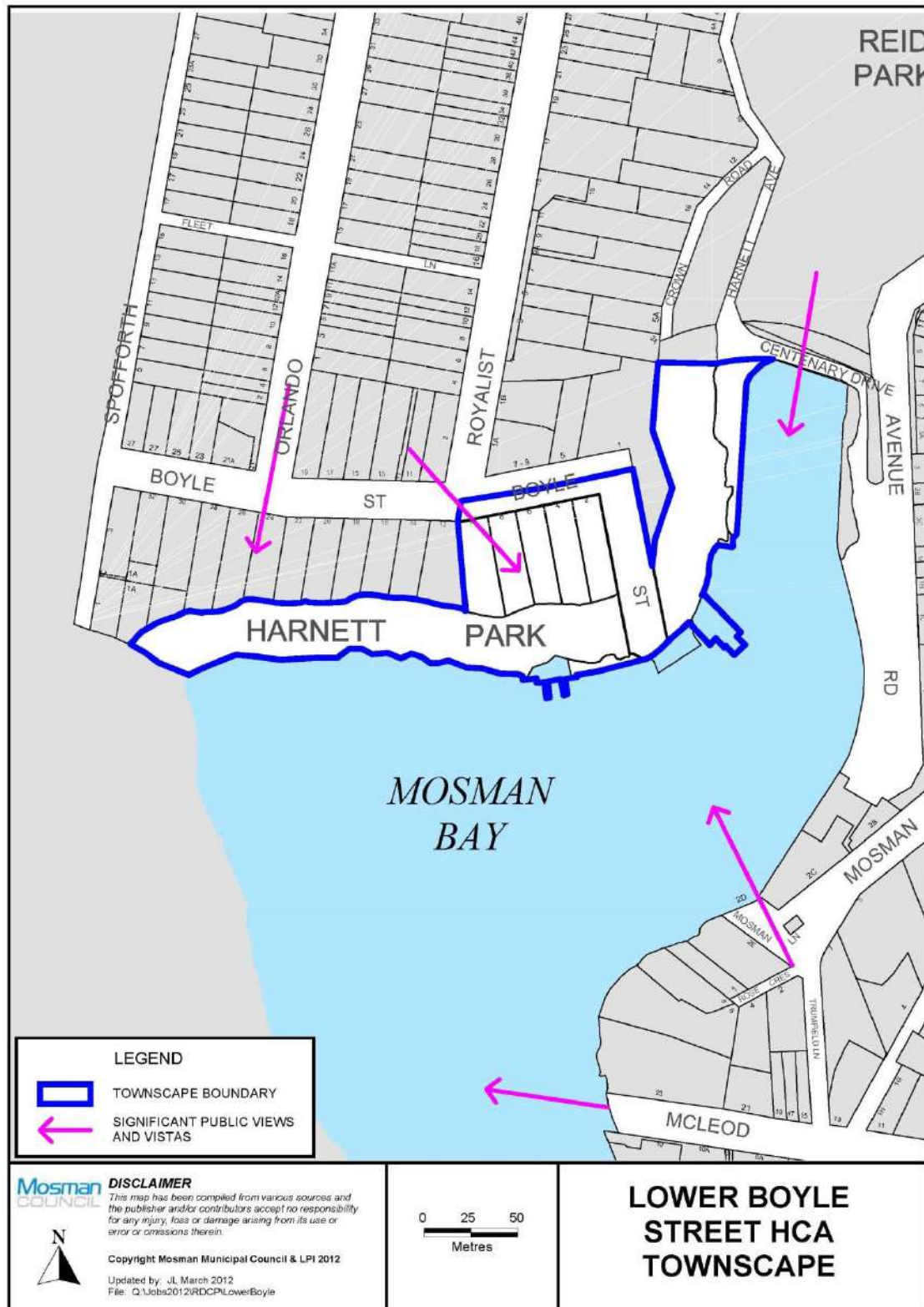
- (j) Maintain public views between and over buildings from public walkways and streets to Mosman Bay, Harnett Park and locality views to other parts of Mosman.

### *Streetscape:*

- (k) Encourage improved streetscape amenity by locating power lines underground for new development in Boyle Street.

### *Heritage conservation:*

- (l) The ranking of the building within the conservation area must be considered and guide any works.



## **(12) Middle Harbour/Pearl Bay Townscape**

### **Description of area and character**

The Middle Harbour/Pearl Bay Townscape is characterised by moderate to steeply sloping topography and foreshore. It has a variety of aspects to Middle Harbour which creates a strong visual relationship with the water. In response to topography, this area has a contour based street pattern.

The area contains modest single storey brick buildings separated by modest suburban gardens. Construction is predominantly post 1920. Gabled roofs are particularly characteristic. Tiles and unpainted red, pink, blonde and liver brick, render and occasional stone detail provide texture. Medium lot sizes with medium to large houses spaced close together are more recent additions to the area, and contribute significantly to the character of this area particularly when viewed from Middle Harbour. Dwelling houses are generally oriented towards views.

This area has a light to medium tree cover consisting of *Angophora costata*, Brush Box, Jacaranda, Plane, *Ficus hillii* and *Agonis hexuosa*. Cut sandstone cliff faces and outcrops are an important character element.

Community facilities include Beauty Point Public School, Quakers Hat Park and Joel's Reserve.



## **Planning controls – Middle Harbour / Pearl Bay Townscape**

### *Building form and design:*

- (a) Maintain the architectural diversity of the area.
- (b) Limit bulky mega dwelling houses with horizontal emphasis across allotments.
- (c) Facades of large dwelling houses are not dominating when viewed from Middle Harbour and neighbouring properties, and relate to the existing streetscape and topography.
- (d) Encourage generous side setbacks.
- (e) Avoid excessive excavation across entire allotments.

### *Fences:*

- (f) Encourage (and maintain) low open style front and side fences of brick, stone and timber.
- (g) Maintain the blend with the natural environment on lots adjoining Quakers Hat Park by discouraging fencing between them.

### *Landscaping:*

- (o) Maintain light tree cover and the leafy character of the area.
- (p) Maintain foreshore bushland.

### *Materials and finishes:*

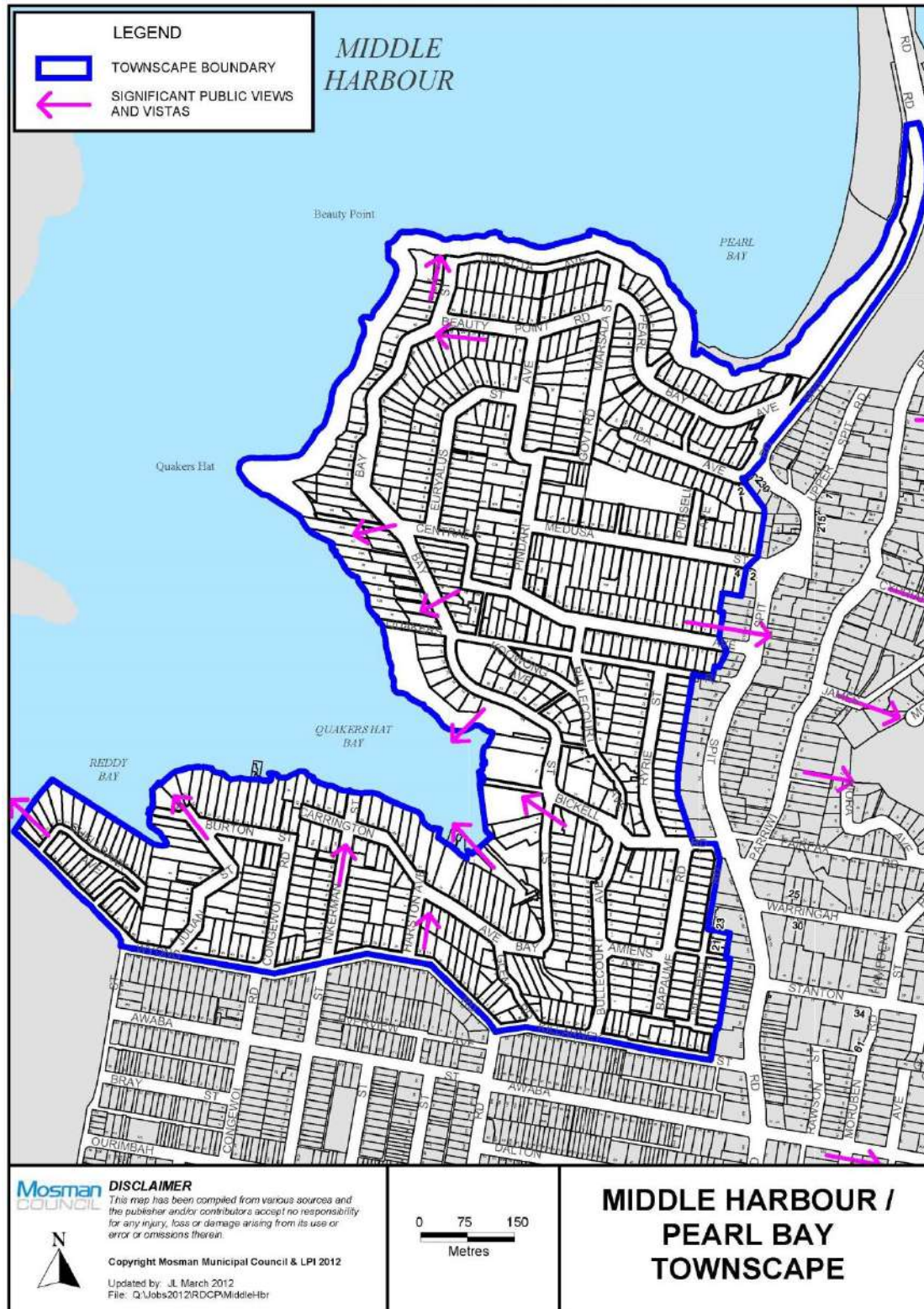
- (h) Encourage use of colours which are sympathetic to their surrounds and consistent with the colour of the landscape and natural features.

### *Streetscape:*

- (i) Encourage improved streetscape amenity by locating power lines underground for new development in Bay Street, Beauty Point Road, Carrington Avenue and Pearl Bay Avenue.
- (j) Encourage improved access in Mitchell Lane through lane widening.
- (k) Encourage developments to present a house front to the street.
- (l) Maintain sandstone rock faces and stone retaining walls.

### *Views:*

- (m) Maintain public views to Middle Harbour.
- (n) Public views between buildings from public walkways and streets and those identified on the townscape map should be maintained.



### **(13) Military Road Conservation Area**

#### **Description of area and character**

This part of Military Road, from Spit to Mosman Junctions, is the heart of Mosman. The Military Road Conservation Area is principally a streetscape, extending from the intersection of Spit and Military Roads in the north and gently sloping down to Mosman Junction to the south. The streetscape is contained by the building facades, shops, verandahs and the like, but it also incorporates the street area and its contents such as street furniture and a bus shelter.

The conservation area also includes a stretch of residential development. The contrast of hard-edged commercial structures and the foliage around these residential buildings is pleasing. The way pedestrian space flows from the footpaths into the cross streets, lanes and walkways is also attractive.

Street trees along Military Road, and within the front gardens of residential development and the high school, enhance the public domain.

In addition to being Mosman's premier retail strip and business hub, important community facilities located in the conservation area include the Mosman Civic Centre and Library, Mosman Fire Station and Mosman High School.

#### **Statement of heritage significance**

The historic significance of Military Road is that it formed part of the earliest residential and military development of Mosman. It is associated with the area as a major defence post in Sydney Harbour. The road influenced the growth of the suburb because it was, and still is, the major traffic route to and from the area. It became the centre of retail and commercial activity in the suburb.

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

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

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

## **Planning controls – Military Road Conservation Area Townscape**

### *Building form and design:*

- (a) Encourage opportunities for housing choice and enable a range of building forms.
- (b) Encourage buildings that address the street. Large expanses of blank and unrecessed walls are not encouraged. Alterations and additions are to be located to the rear of the building.
- (c) Encourage the siting and design of development to enhance noise attenuation from Military Road, such as through appropriate setbacks, landscaping, and location of primary living zones and private open space.

### *Materials and finishes:*

- (d) Maintain original face brickwork and stone houses.

### *Parking and vehicle access:*

- (e) Encourage underground parking which is integrated into the design of development, and minimal garage openings and width of driveway crossings to streets.
- (f) Encourage rear lane vehicular access for sites fronting Military Road, except where no other access is available.

### *Landscaping:*

- (g) Encourage street tree planting, and opportunities for aggregated deep soil planting areas at the Spit and Military Road frontage. Planting is to soften the built form.

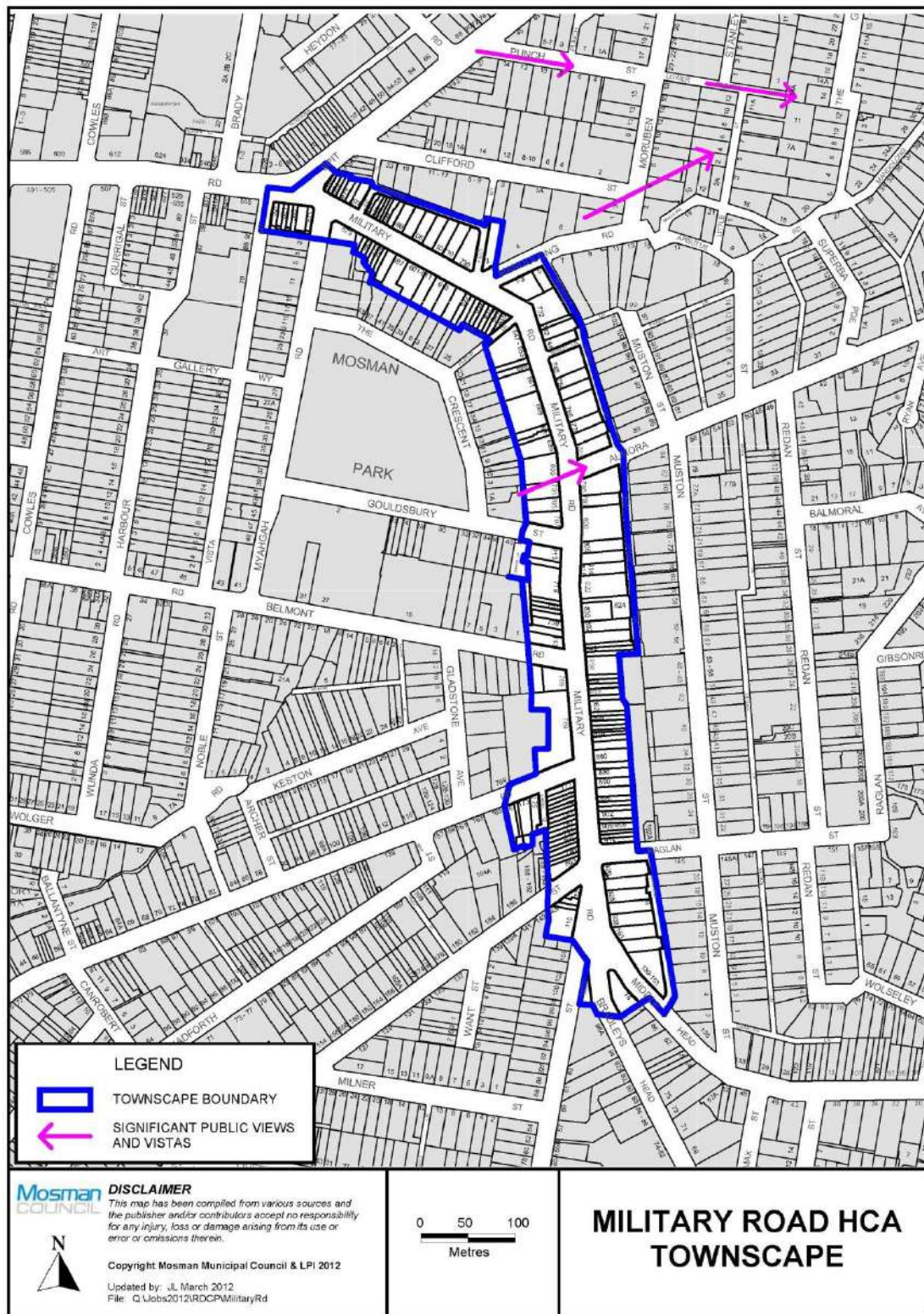
### *Streetscape:*

- (h) Encourage improved streetscape amenity by locating power lines underground for new development in Avenue Road, Bradleys Head Road, Middle Head Road, Raglan Street, and Vista Street.
- (i) Encourage improved access in Horsnell Lane, Lennon Lane, Martens Lane, Melaleuca Lane, Myahgah Mews, Post Office Lane, and Ritchie Lane through lane widening.

### *Heritage conservation:*

- (j) The ranking of the building within the conservation area must be considered and guide any works.





## **(14) Mosman Bay Townscape**

### **Description of area and character**

This townscape area is a steeply sloping valley surrounding Mosman Bay. The topography creates an enclosed and intimate feeling, offering occasional vistas and views to Sydney Harbour, including particularly Mosman Bay. The street pattern follows the contour pattern. The streetscape consists of generally small gardens, street trees, stone retaining walls and low fences. There are occasional rock outcrops, divided roads with natural rock or sandstone block walls.

The townscape area contains small and large single storey dwellings, a number of which are Federation and post-Federation dwelling houses. The older detached buildings provide texture through the use of building materials, roof forms, chimneys and gables. Post war residential flat buildings interspersed with remnant federation era houses of 2 and 3 storeys dominate Curraghbeena Point skyline and the eastern side of Mosman Bay, particularly viewed from the harbour and from the eastern side. A number of boatsheds line the water's edge.

Dominant landscape features include the *Washingtonia robusta*. Garden planting is generally shrubs and low growing trees. Tree cover is generally light.

Reid Park at the waterfront is a central element with access to the foreshore. Mosman wharf is a ferry terminal and transport focus for the area. Other community facilities include Harnett Park, Scout halls, Musgrave Street ferry wharf, Mosman Rowing Club and Mosman Amateur Sailing Club.

## **Planning controls – Mosman Bay Townscape**

### *Building form and design:*

- (a) Modify intrusive elements such as the Inter-War and post World War II blocks of flats to break down their inappropriate scale and form, e.g. light porticos, window hoods, balconies, the painting of out of character modern brickwork, landscaping.
- (b) Retain late Victorian, Federation and Inter-Wars residential buildings with pitched tiled roofs, brick, stone and stucco walls, shingle claddings, verandahs.
- (c) Design of multiple dwelling developments to respect the scale, form, proportions and materials of the Victorian, Federation and Inter-War buildings, without imitation of architectural detail.

### *Fences:*

- (d) Front fences should be low style which allows views of dwelling houses and front gardens. High front fences/walls may be acceptable on Rangers Avenue to reduce vehicle noise impact.

### *Landscaping:*

- (e) Retain rock outcrops and sandstone cliff faces.
- (f) Use selected trees to give a structure and a reference point between the dwelling house and garden, and garden and landscape. Distinctive valley slope trees should grow well here, such as, Sydney red Gum (*Angophora costata*) and Sydney peppermint (*Eucalyptus pipenta*) with colour accents from flowering trees such as Illawarra flame trees (*Brachychiton acerifolium*) and Jacaranda (*Jacaranda mimosifolia*).
- (g) Traditional gardens here are with enclosed grass spaces defined by shrub plantings forming formal and informal hedges.
- (h) Maintain the landscape character and discourage formal gardens viewed from Sydney Harbour.

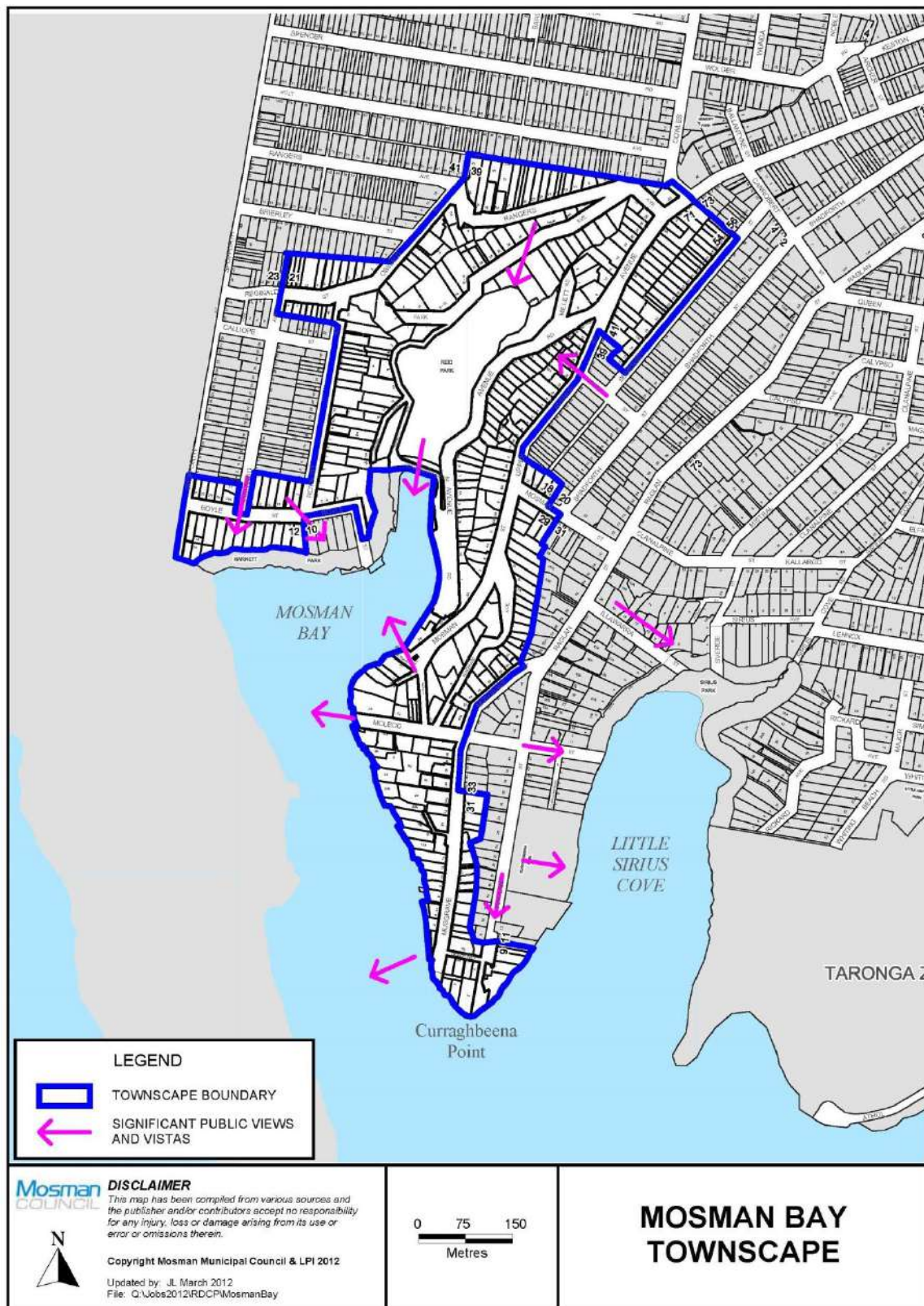
### *Streetscape:*

- (i) Locate power lines underground for new development in Avenue Road, Boyle Street, Musgrave Street, Raglan Street and Rangers Avenue.
- (j) Improve access in Badham Avenue and Trumfield Lane through lane widening.

### *Views:*

- (k) Boundary fences should allow public views through to the water.
- (l) Public views between buildings from public walkways and streets and those identified on the townscape map should be maintained.







## **(15) Orlando Conservation Area**

### **Description of area and character**

Orlando Conservation Area is of residential character containing mostly modest buildings in a wide range of architectural styles and several different types, generally blending well together. There is a strongly Federation-period quality about most of the houses, yet there is a minority which represent a wide field of architectural styles, ranging from the Victorian period through Inter-War and Post-War modes and including recent buildings and modifications. There are also a few timber structures in an area of predominant brickwork. Most, but not all, of these variations of style, scale and design blend well with or complement the overall character.

The impact of planting on both public and private land in this conservation area is notably slight. The street plantings do not generally hold the visual qualities of the area together and the result is that the architecture dominates much more than in some other areas of Mosman. There are some old plantings in Orlando Avenue which, while venerable specimens individually, do little to give a cohesive character to the streetscape. There are opportunities for improvement.

### **Statement of heritage significance**

Orlando Conservation Area is of residential character containing mostly modest buildings in a wide range of architectural styles and several different types, generally blending well together, though Federation and Inter-War period styles are in the majority. The area demonstrates the pattern of building in Mosman in these periods.

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

## **Planning controls - Orlando Conservation Area Townscape**

### *Building form and design:*

- (a) Maintain the predominant small scale low rise building form of the late 19th and early 20th century dwelling houses and semis and their architectural details such as verandahs, decorative timber, leadlight and window hoods.
- (b) First floor additions in smaller/medium developments should consider the use of attic space.

### *Roof design:*

- (c) Encourage buildings with pitched roof elements.

### *Materials and finishes:*

- (d) Do not paint face brickwork or replace timber with unsympathetic material. One of the essential qualities of Queen Anne and Arts & Crafts buildings is the colour, texture and pattern of brickwork. The painting of face brickwork has detracted from the intactness of the architectural style and character of many buildings in the conservation area.
- (e) Encourage a mix of building finishes including slate, tile and corrugated iron roofs.

### *Garages and carports:*

- (f) Avoid garages and carports forward of the front building line, as this detracts from the character and heritage significance of the conservation area, especially when the 'style' of the garage or carport is made to emulate or imitate the style of the house.

### *Fences:*

- (g) Encourage low front fences of brick/timber materials.

### *Landscaping:*

- (h) Maintain the leafy character of the area, including low front hedges.
- (i) Maintain the wide nature strips in Orlando Avenue.
- (j) Encourage street tree planting, particularly in Orlando Avenue, to reduce the dominance of the built form in the conservation area and to give a cohesive character to the streetscape.

### *Views:*

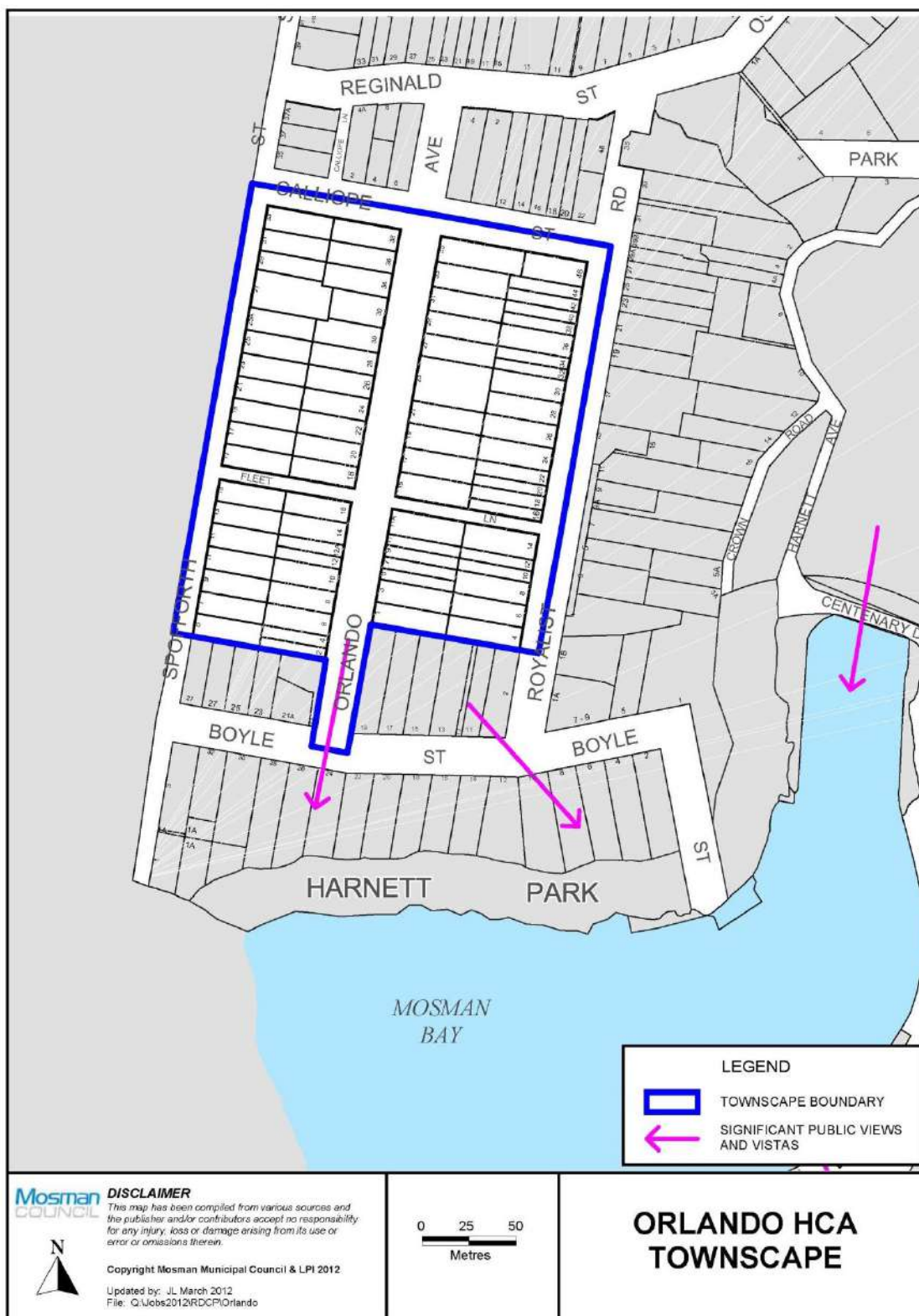
- (k) Maintain public views between and over buildings from public walkways and streets.

### *Streetscape:*

- (l) Maintain sandstone kerbs and gutters.

### *Heritage conservation:*

- (m) The ranking of the building within the conservation area must be considered and guide any works.



## **(16) Ourimbah Townscape**

### **Description of area and character**

The Ourimbah Townscape area has a gentle to moderate slope with a predominantly northern aspect. A sense of spaciousness is created by the combination of topography and light tree cover.

The area displays an overall consistency and modest suburban scale. The built form of this area is relatively consistent in scale. It is characterised by a diversity of housing style and age and a regular grid street pattern. Houses are set within gardens of small shrubs. The post World War I buildings of red and manganese brick, timber, and relatively simple pitched and gabled roofs establish the character of this area. Fences are varied with low brick, stone, timber and wire fences marking the street alignment.

Mixed Eucalyptus street planting (*Eucalyptus scoparia* and *Eucalyptus nicholii*) provides a light tree cover. The landscape of this area largely consists of small scale gardens with small shrubs. A few mature trees remain in some gardens.

Community facilities include Middle Harbour Public School and Mosman Lawn Tennis Club.

## **Planning controls – Ourimbah Townscape**

### *Building form and design:*

- (a) Maintain the architectural integrity of buildings and the area, especially post World War II buildings.

### *Fences:*

- (b) Encourage low style front fences mostly of unpainted brick, timber, stone or wire so as to not obstruct views of buildings and views between buildings. High front walls and fences may be acceptable on Macpherson Street and Ourimbah Road to reduce vehicle noise impact.

### *Landscaping:*

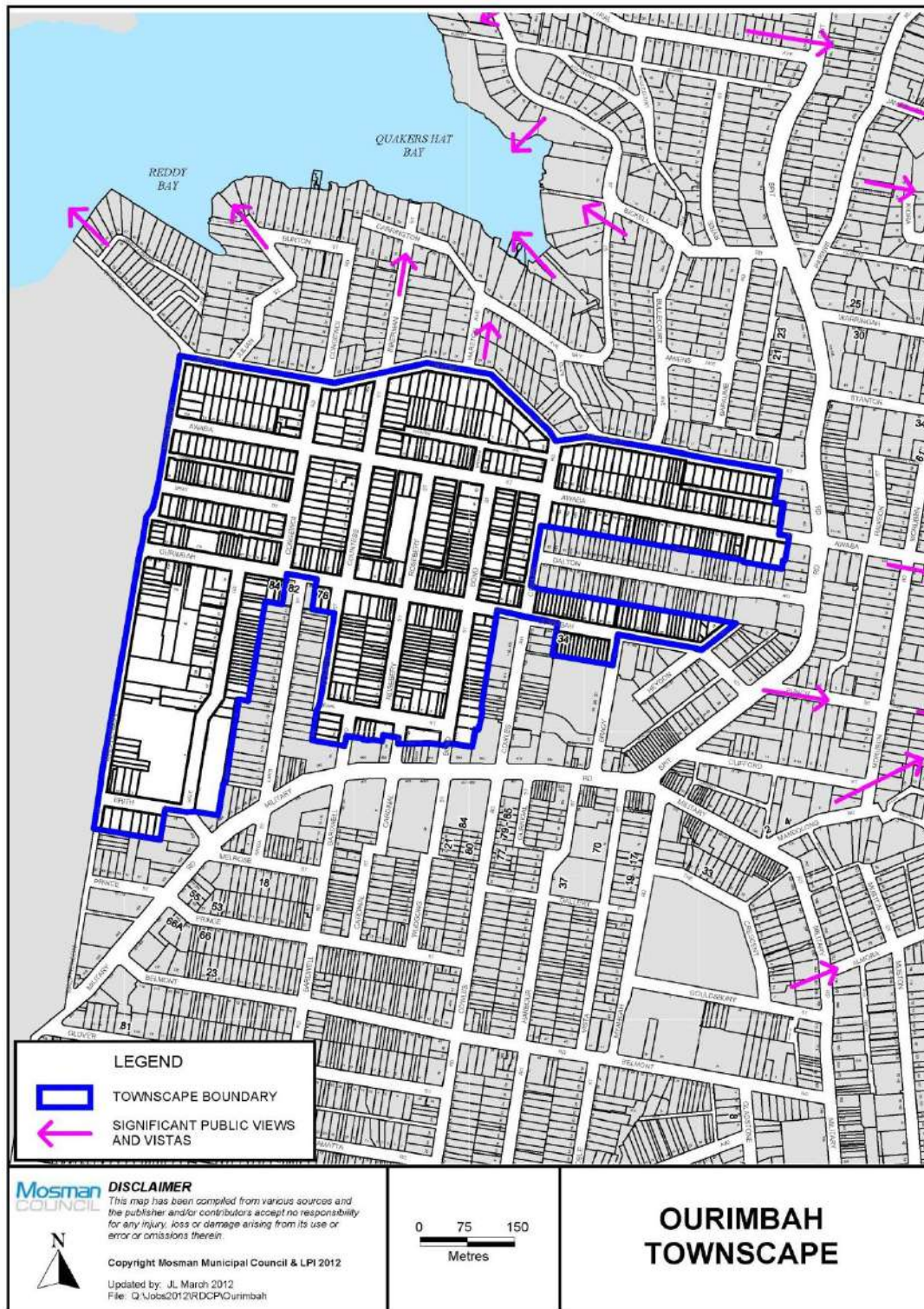
- (c) Encourage light tree cover and small scale gardens.

### *Streetscape:*

- (d) Encourage improved access in Zahel Lane through lane widening.

### *Views:*

- (e) Public views between buildings from public walkways and streets and those identified on the townscape map should be maintained.





## **(17) Raglan Street Conservation Area**

### **Description of area and character**

The Raglan Street Conservation Area is a small, linear area comprising a short length of Mosman's longest street, extending southwest from the corner of Queen Street. This portion of Raglan Street has a slight bend and there is a gentle fall to the southwest.

Most of the housing in the conservation area is small to medium in scale, with a few larger residences on more ample allotments towards the Queen Street end. There are a few garage and carport intrusions and no high fences except at the Queen Street end. Only the buildings on the southeastern side of Raglan Street are included in the conservation area as the houses here are generally well-built, stylish, intact and in good condition.

The street plantings are intermittent and consist of Eucalypt species and Brush Box.

### **Statement of heritage significance**

The land which comprises the Raglan Street Conservation Area is part of Mosman's oldest residential subdivision and its re-subdivision in the 1880s and 1890s demonstrates one of the most important of the suburb's speculative residential ventures. Now it is a conservation area of great significance for its stylish high quality buildings (including a couple of the finest houses in Mosman), its ample gardens and street plantings and its fine streetscape qualities.

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

## **Planning controls – Raglan Street Conservation Area Townscape**

### *Building form and design:*

- (a) Maintain the low scale/low rise detached dwelling form. Maintain the scale of dwelling houses on large lots where appropriate.
- (b) Avoid excessive excavation.

### *Materials and finishes:*

- (c) Do not paint face brickwork or stone, or replace unglazed terracotta tiles or slate with other materials. One of the essential qualities of Queen Anne and Arts & Crafts buildings is the colour, texture and pattern of brickwork, and hence the painting of face brickwork detracts from the intactness of the architectural style and character of buildings in the conservation area.

### *Garages and carports:*

- (d) Avoid garages and carports forward of the front building line, as this detracts from the character and heritage significance of the conservation area, especially when the 'style' of the garage or carport is made to emulate or imitate the style of the house.

### *Fences:*

- (e) Encourage low front fences of brick/timber materials.

### *Landscaping:*

- (f) Maintain ample gardens and street plantings which are of great significance in the conservation area.

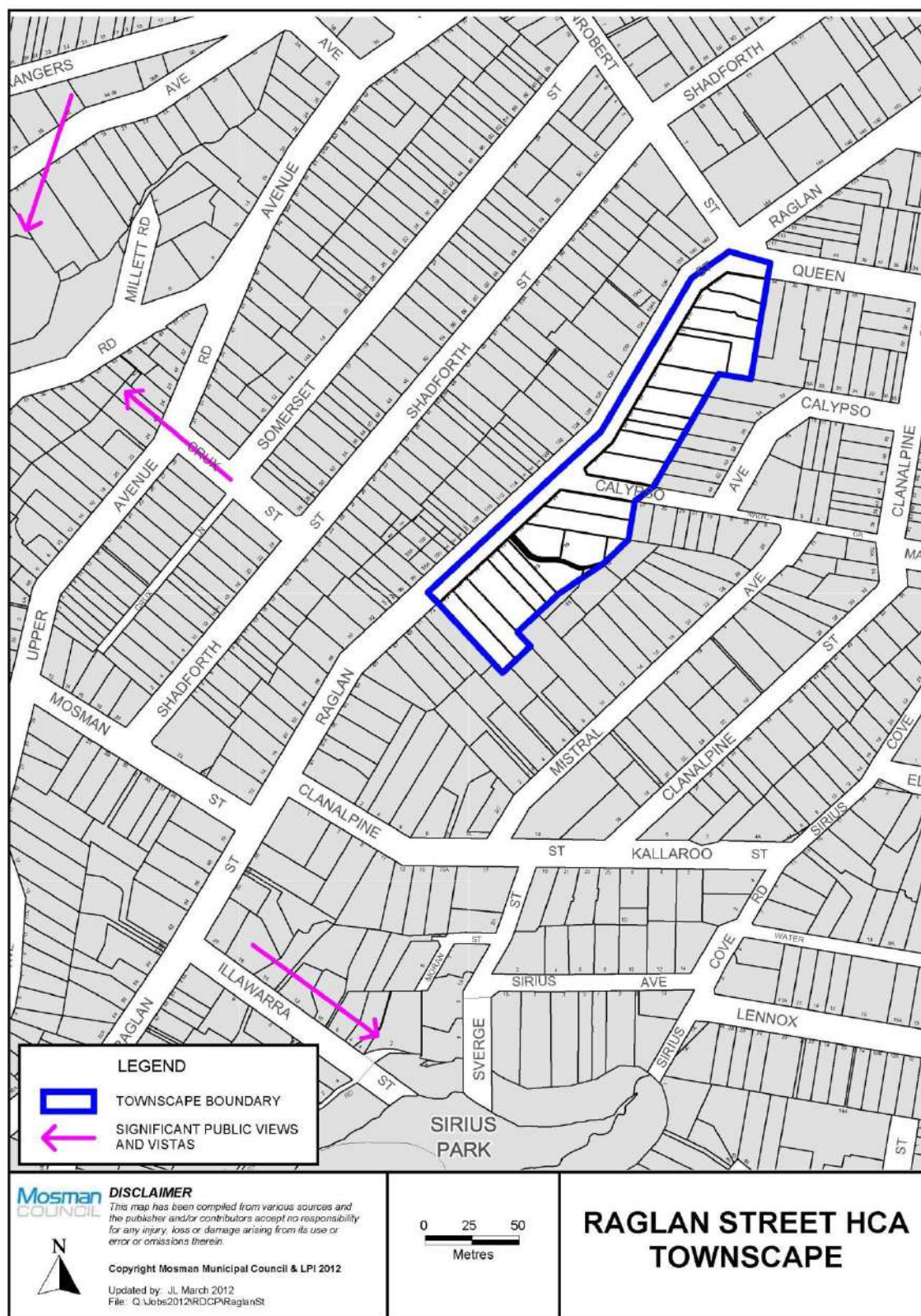
### *Streetscape:*

- (g) Maintain sandstone kerbs and gutters.
- (h) Encourage improved streetscape amenity by locating power lines underground for new development in Raglan Street.

### *Heritage conservation:*

- (i) The ranking of the building within the conservation area must be considered and guide any works.





## **(18) Rosherville/Wy-ar-gine Townscape**

### **Description of area and character**

The Rosherville/Wy-ar-gine Townscape is characterised by sloping topography and a north eastern aspect which forms an amphitheatre around Chinaman's Beach and Rosherville Reserve. The topographical variety is one of the most distinctive features of this area. The varied and irregular lot layout has been substantially influenced by topography. Divided, contour based roads and sandstone retaining walls in response to topography are important character elements.

Buildings are generally well spaced and oriented to water views to Middle Harbour. The majority of housing is post World War II, with substantial development on Wyargine Point. The area has a diverse architectural character ranging from recent large pseudo-Tuscan villas, contemporary urban courtyard housing, to earlier Sydney School style residences. The quality and character of roof elements is particularly important in this area because of the visibility afforded by the topography.

Remnant native Angophora dominated bushland, the open space and foreshore of Chinaman's Beach and Rosherville Reserve, sandstone cliffs and views to Middle Harbour are important features of the area. The area has an exposed landscape with some enclosed valleys. Tree cover varies with remnant bushland, including magnificent Angophoras, and some introduced Norfolk Pines and jacarandas evident throughout the area.

Community facilities include Parriwi Park, Rosherville Lighthouse, Rosherville Reserve and Chinamans Beach.

## **Planning controls – Rosherville / Wy-ar-gine Townscape**

### *Building form and design:*

- (a) Careful design consideration should be given to exposed undercrofted areas which should be integrated into the design of the residence.
- (b) Roofs on sloping sites may be flat, pitched or fall with the slope of the land. Flat roofs, when well designed, may be acceptable and allow for the retention of views from neighbouring properties.
- (c) Roof design should be varied and innovative using non-reflective material with particular attention to form, appearance, materials used and existing views from nearby elevated public and private vantage points.
- (d) Limit bulky mega dwelling houses with horizontal emphasis across allotments.
- (e) Facades of large dwelling houses should be well modulated so that their form and scale relates to the existing streetscape and topography, and are not dominating when viewed from the harbour and neighbouring properties.

### *Landscaping:*

- (f) Landscaping within side setbacks adjacent to public reserves should compliment the vegetation of the reserve, and existing natural vegetation should be retained.
- (g) Maintain the blend with the natural environment on lots adjoining Rosherville Reserve by discouraging fencing between them. Where properties abut Rosherville Reserve there should be a clear delineation between public and private spaces with the use of landscape elements rather than formal fences.
- (h) Retain indigenous Angophora costata trees, and foreshore bushland.
- (i) Maintain the leafy character of the area by sensitive siting and planting of appropriate trees having regard to lot size and locations of buildings.

### *Setbacks:*

- (j) Setbacks to buildings on sites adjacent to Rosherville Reserve should be provided to a minimum of 6m.
- (k) Generous side setbacks should be provided to allow for landscaping, views between buildings and deep planting. Development must have a minimum side boundary setback on one side of 1.5m for single storey developments, or 3m for two storey developments or greater. Only storeys predominantly above ground level (existing) are to be included in the calculation of number of storeys, i.e. any basement level is not included. Refer to siting and scale controls in this Plan for further guidelines.

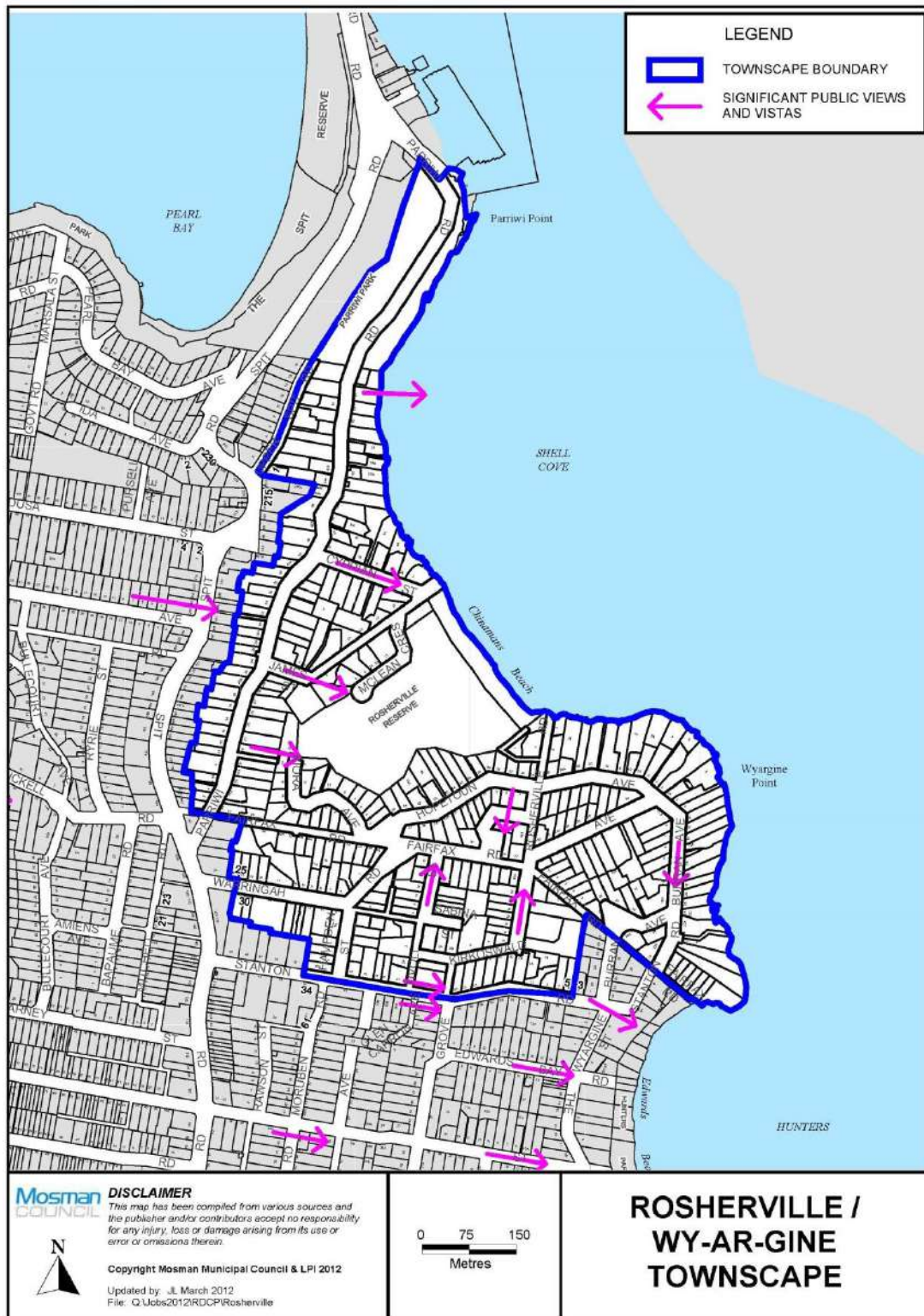
### *Streetscape:*

- (l) Retain existing stone kerbs and gutters together with details such as decorated vent pipes.
- (m) Existing sandstone walling and rock outcrops, and cut sandstone cliff faces to Middle Harbour, should be retained. The extension of new sandstone walling along street edges is encouraged.
- (n) Encourage improved streetscape amenity by locating powerlines underground for new development in Burran Avenue, Hopetoun Avenue and Parriwi Road.

### *Views:*

- (o) Retain existing public views to Sydney and Middle Harbours between buildings, in particular those identified on the townscape map.
- (p) Boundary fences should allow public views through to the water.





## **(19) Shadforth Street Conservation Area**

### **Description of area and character**

Shadforth Street runs northeast from Mosman Street, changes direction slightly at Canrobert Street and ends by bending sharply northwards as it joins Avenue Road. There is a gentle gradient from Mosman Street down to Canrobert Street, from which there is a moderate rise up to the Avenue Road intersection. The topography and road pattern provide visual interest and contribute notably to the attractiveness of the streetscape.

The Shadforth Street Conservation Area is almost entirely residential in character. The architectural character of the buildings is diverse and engaging, and generally gentle in their human scale. There are many variations of shape, form, materials and textures. The street has a large block of home units at each end, with some not-quite-so-large blocks in between. The acceptability of multiple dwellings in this conservation area is dependent on their scale, particularly in relation to street plantings, as well as, or even more than, their form and design.

The pleasing character of the area may be largely attributed to the consistency and unifying canopies of the street trees, dominated by the ubiquitous Brush Box, which helps filter the diverse housing forms and play a crucial part in making their bulk more acceptable.

Community facilities include Mosman Preparatory School.

### **Statement of heritage significance**

The Shadforth Conservation Area is a harmonious collection of buildings, gardens and streetscape elements which are almost entirely residential in character, generally gentle in their human scale and pleasingly diverse in architectural style and quality. The topography, alignments and intersections in the area are visually attractive, while the public plantings are substantial and consistent.

There are several buildings worthy of individual recognition as items of heritage in Mosman, but the area as a whole is redolent of the suburb's distinctive environment; yet it is subtly different from the several other identifiable Conservation Areas in the Council area.

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

## **Planning controls – Shadforth Street Conservation Area Townscape**

### *Building form and design:*

- (a) Maintain the low scale/low rise detached dwelling form. Maintain the scale of dwelling houses on large lots where appropriate.
- (b) Encourage alterations and additions to the rear of the dwelling house.
- (c) Avoid excessive excavation.

### *Materials and finishes:*

- (d) Do not paint face brickwork or stone, or replace unglazed terracotta tiles or slate with other materials. One of the essential qualities of Queen Anne and Arts & Crafts buildings is the colour, texture and pattern of brickwork. The painting of face brickwork detracts from the intactness of the architectural style and character of buildings in the conservation area.

### *Garages and carports:*

- (e) Avoid garages and carports forward of the front building line, as this detracts from the character and heritage significance of the conservation area, especially when the 'style' of the garage or carport is made to emulate or imitate the style of the house.

### *Fences:*

- (f) Maintain traditional fences, mostly unpainted brick, timber and stone fences, along the street alignment.
- (g) Encourage low front fences of brick/timber materials.

### *Landscaping:*

- (h) Maintain the general dominance of landscape over buildings.

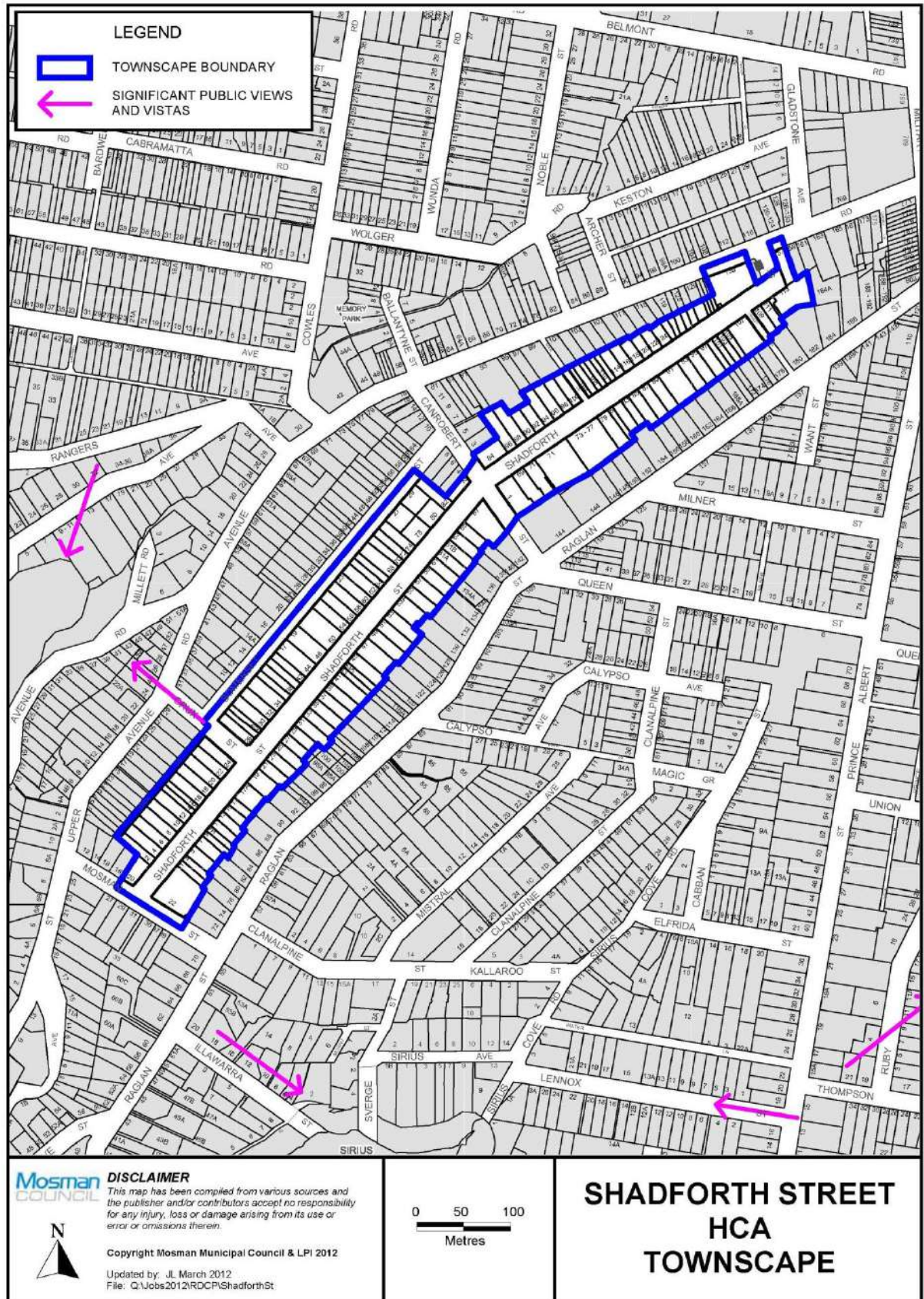
### *Streetscape:*

- (i) Maintain sandstone kerbs and gutters.
- (j) Encourage improved streetscape amenity by locating power lines underground for new development in Avenue Road.

### *Heritage conservation:*

- (k) The ranking of the building within the conservation area must be considered and guide any works.





## **(20) Sirius Slopes Townscape**

### **Description of area and character**

The Sirius Slopes Townscape is a steeply sloping area in Mosman's south located between two ridges, encompassing Little Sirius Cove and overlooking Sydney Harbour. The subdivision pattern is curvilinear with contour streets reflecting the relatively steep topography. The topography creates an enclosed feeling and affords views to Sydney Harbour and the city skyline.

Larger lots and dwelling house sizes are prevalent. An irregular pattern of house orientation is also evident. There is a diversity of buildings, with many erected in the Federation and Inter-war periods. These are substantial dwelling houses on large sites with some allotments having front and rear street frontages; many have formal gardens. There are pockets of intact Federation dwelling houses of the Queen Ann and Arts and Crafts style which have typical features including chimney stacks, steeply pitched roofs, gables and verandahs. The area is typified by moderately low stone fences.

The area is characterised by medium to light tree cover and landscaping. Tree cover is light along the Raglan ridge increasing in density toward the lower slopes. Bradleys Head Road ridgeline has a heavier tree cover. Large formal gardens are also prevalent. The Brush Box is a dominating streetscape element.

Important community facilities include Sirius Cove and Curraghbeena Park, churches including the Blessed Sacrament and St Clements Church; and private schools. Taronga Zoo abuts the townscape area at the southern end of Bradleys Head Road.



## **Planning controls – Sirius Slopes Townscape**

### *Building form and design:*

- (a) Careful design consideration should be given to exposed undercrofted areas which should be integrated into the design of the residence.
- (b) Roofs on sloping sites may be flat, pitched or fall with the slope of the land. Flat roofs, when well designed, may be acceptable and allow for the retention of views from neighbouring properties.

### *Fences:*

- (c) Front fences should be low and traditional in style, made of brick/timber material. High front walls/fences may be acceptable on Raglan Street (north of Canrobert Street) to reduce vehicle noise impact.

### *Landscaping:*

- (d) Large formal gardens should be maintained.
- (e) Landscaping within side setbacks adjacent to public reserves should compliment the vegetation of the reserve, and existing natural vegetation should be retained.
- (f) Use selected trees to give a structure and reference point between the dwelling house and garden, and garden and landscape. Distinctive valley slope trees should grow here, such as, Sydney red Gum (*Angophora costata*) and Sydney Peppermint (*Eucalyptus pipenta*) with colour accents from flowering trees such as Illawarra Flame trees (*Brachychiton acerifolium*) and Jacaranda (*Jacaranda mimosifolia*).
- (g) Traditional gardens here are with enclosed grass space defined by shrub plantings forming formal and informal hedges.

### *Setbacks:*

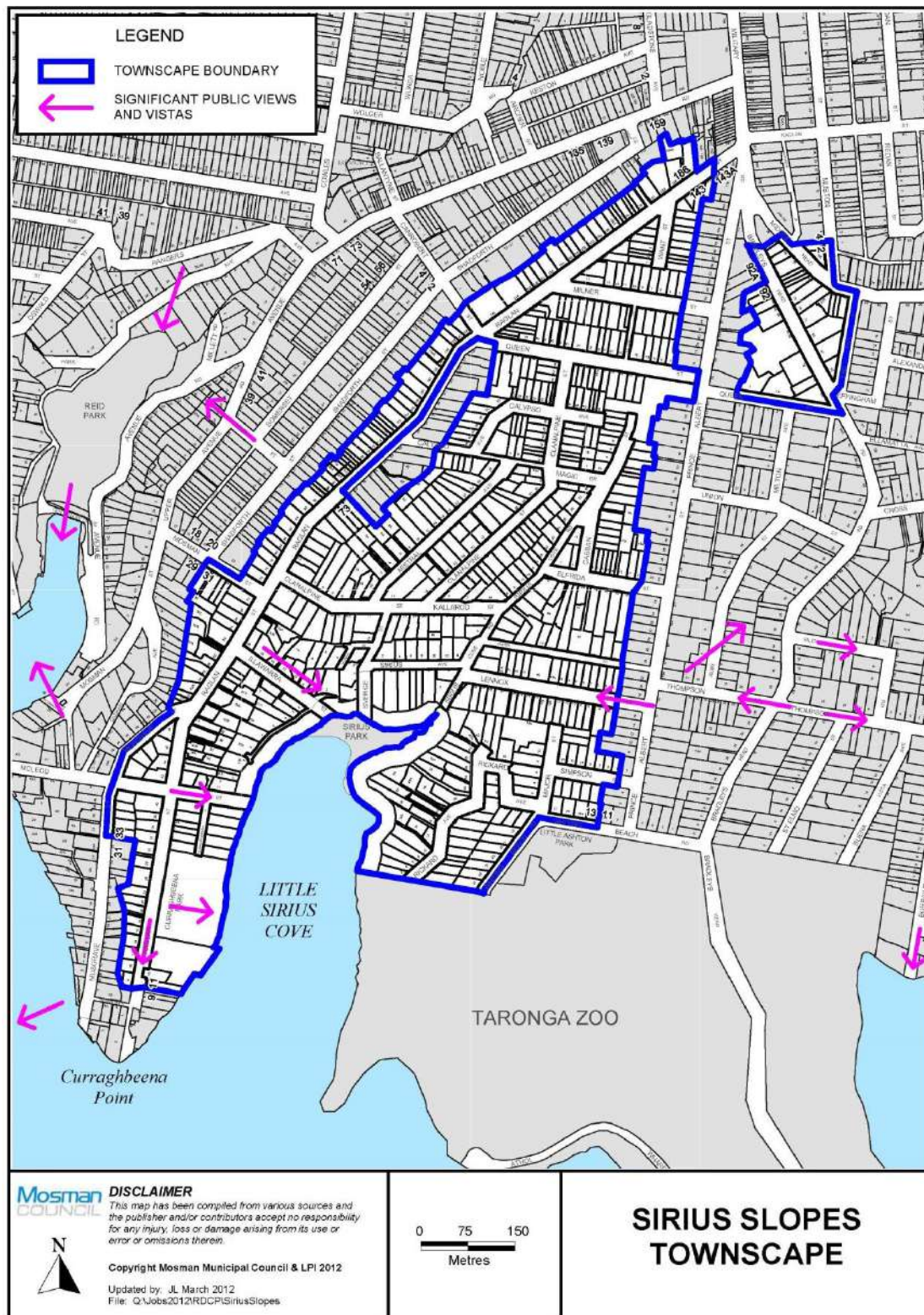
- (h) Setbacks to buildings on sites adjacent to Sirius Park should be provided to a minimum of 6m.

### *Streetscape:*

- (i) Retain existing sandstone kerbs and gutters together with details such as decorated vent pipes.
- (j) Existing sandstone walling and rock outcrops, and cut sandstone cliff faces to Middle Harbour should be retained. The extension of new sandstone walling along street edges is encouraged.
- (k) Encourage improved streetscape amenity by locating power lines underground for new development in Bradleys Head Road, Middle Head Road, Musgrave Street and Raglan Street.
- (l) Retain the Phoenix *canariensis* (Canary Island date Palms) in Lennox Street (street trees).

### *Views:*

- (m) Public views between buildings from public walkways and streets and those identified on the townscape map should be maintained.



## **(21) Spit and Military Roads Townscape**

### **Description of area and character**

Spit and Military Roads are linear in form and are the main arterial roads of Mosman that move vehicles, people, cyclists and goods in and through the area.

The character of the corridor reflects the roadway, transport and mixed residential/commercial functions. The area is a plateau with 'rib' roads from the ridgetop spine of Spit and Military Roads with north, south, east and west aspects. The northern reaches of Spit Road offer views to Seaforth and Middle Harbour. The subdivision pattern is linear following the ridge.

The area is relatively dense with buildings sited close to the street. The corridor is dominated by residential flat buildings interspersed with commercial buildings, retail buildings and some single storey dwelling houses. Mid to post war modest flats and modern flat developments (post 1980) are prevalent. The buildings are deep red and blue brick, with some painted and cream brick intrusions. Roofs are generally tiled with some slate. Except for some residential flat buildings, roofs are pitched and complex in form.

Tree cover is sparse and diverse including brush box, coral trees and eucalypts. The landscape has an open exposed character.

Spit Junction Business Centre—Mosman's primary business and retail centre—and business development along the Military Road corridor to Cremorne are predominant elements of the Spit and Military Roads Townscape. Community facilities include the Sacred Heart Church and School, the Spit Reserve and Parriwi Park.

## **Planning controls – Spit and Military Roads Townscape**

### *Building form and design:*

- (a) Encourage building form that creates a noise barrier and is appropriately sited to increase noise attenuation for residents and to adjoining properties.

### *Vehicle access:*

- (b) Encourage vehicle access to residential properties from side streets and rear lanes rather than Military or Spit Roads.

### *Fences:*

- (c) Encourage low unpainted brick and timber front fences. High front fences/walls may be acceptable on Cowles Road, Macpherson Street, Military Road, Ourimbah Road, Spit Road and Spofforth Street to reduce vehicle noise impact.
- (d) Encourage acoustically treated fences which are attractive and not of unrelieved masonry.

### *Landscaping:*

- (e) Encourage opportunities for aggregated deep soil planting areas at the Spit and Military Road frontage. Planting is to soften the built form and assist in noise attenuation.

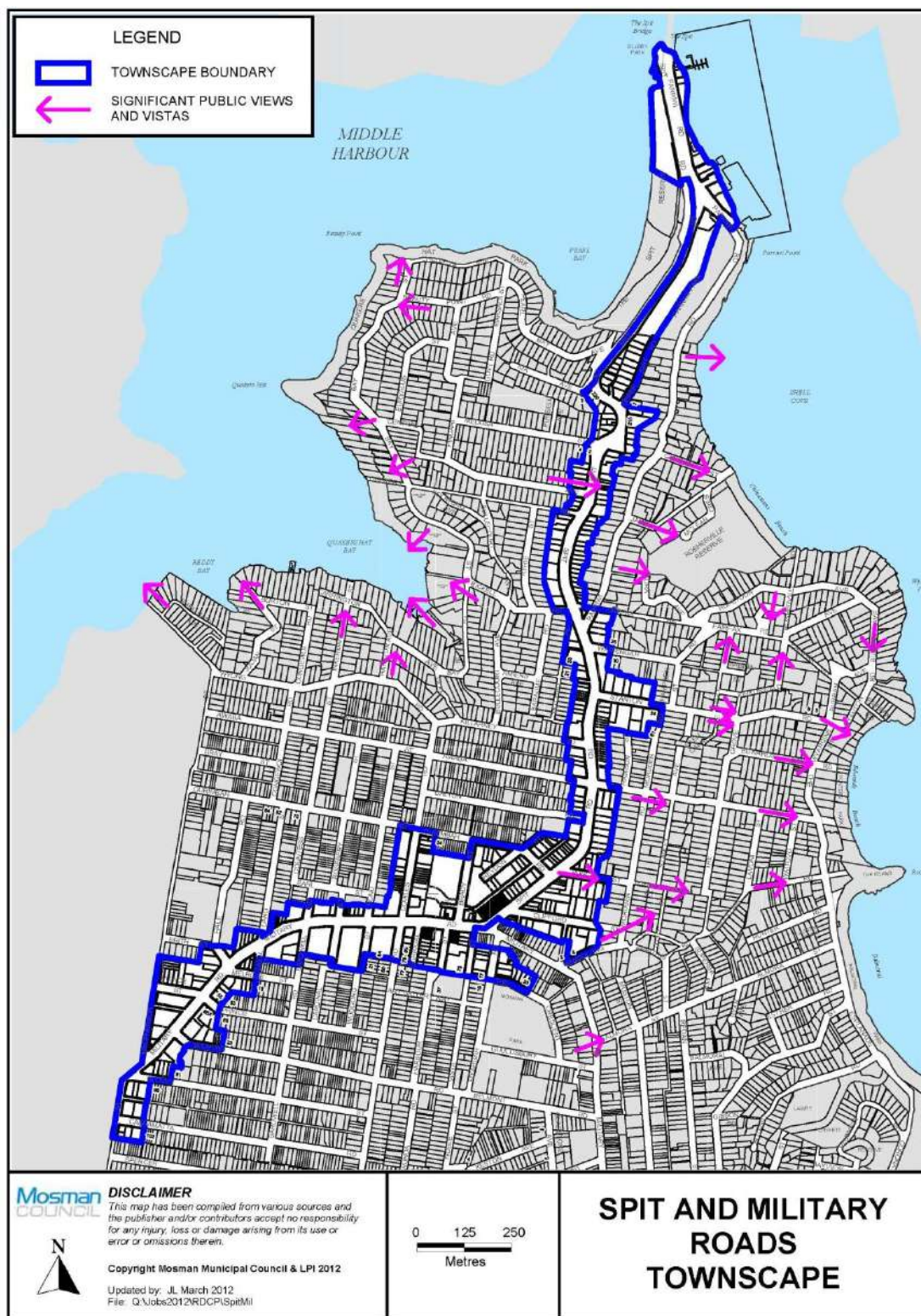
### *Streetscape:*

- (f) Maintain rock faces in Parriwi Road, and sandstone gutters.
- (g) Encourage improved streetscape amenity by locating power lines underground for new development in Awaba Street east of Spit Road, Harbour Street, Parriwi Road and Vista Street.
- (h) Encourage improved access in Hordern Lane, Horsnell Lane, Mitchell Lane and Punch Lane through lane widening.

### *Views:*

- (i) Maintain public views between and over buildings from public walkways and streets.





## **(22) Upper Avenue Road Conservation Area**

### **Description of area and character**

The Upper Avenue Road Conservation Area comprises a row of the first 20 dwellings on the upper side of Upper Avenue Road to the northeast of Mosman Street, and includes the northwest end of Crux Street which has been closed and landscaped. This part of Upper Avenue Road runs north-south from Avenue Road and its elevated location allows views southwest to Mosman Bay.

It is a small and most harmonious area which consists almost entirely of Federation period houses modest in scale, having differing setbacks and with interesting and different front gardens. The allotments are larger at the northeastern end and smaller on the southwest, and the dwellings reflect this progression. This is one of the very few areas where the character of the streetscape has not been depleted by the erection of garages and carports, as all but one of the houses has rear access to Crux Lane or Somerset Street.

The front gardens display no overall theme, but the area as a whole demonstrates a harmonious and identifiable 'cottages' character. The street trees, *Eucalyptus scoparia* and *nicoli* and Brush Box, also contribute to the unity of the whole.

### **Statement of heritage significance**

The Upper Avenue Road Conservation Area is a rare example of an area without major interference by added streetfront garages, carports and privacy walls. It is a pleasing ensemble of mostly modest dwellings demonstrating very interesting variations of Federation styles as applied to unpretentious architecture.

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

## **Planning controls – Upper Avenue Road Conservation Area Townscape**

### *Building form and design:*

- (a) Maintain the low scale/low rise detached dwelling form.
- (b) Encourage alterations and additions to the rear of the dwelling house.
- (c) Avoid excessive excavation.

### *Materials and finishes:*

- (d) Do not paint face brickwork or stone, or replace unglazed terracotta tiles or slate with other materials. One of the essential qualities of Queen Anne and Arts & Crafts buildings is the colour, texture and pattern of brickwork. The painting of face brickwork detracts from the intactness of the architectural style and character of buildings in the conservation area.

### *Garages and carports:*

- (e) Avoid garages and carports forward of the front building line, as this detracts from the character and heritage significance of the conservation area, especially when the 'style' of the garage or carport is made to emulate or imitate the style of the house.

### *Fences:*

- (f) Maintain traditional fences, mostly unpainted brick, timber and stone fences, along the street alignment.
- (g) Encourage low front fences of brick/timber materials.

### *Landscaping:*

- (h) Maintain the general dominance of landscape over buildings.

### *Views:*

- (i) Maintain public views between and over buildings from public walkways and streets.

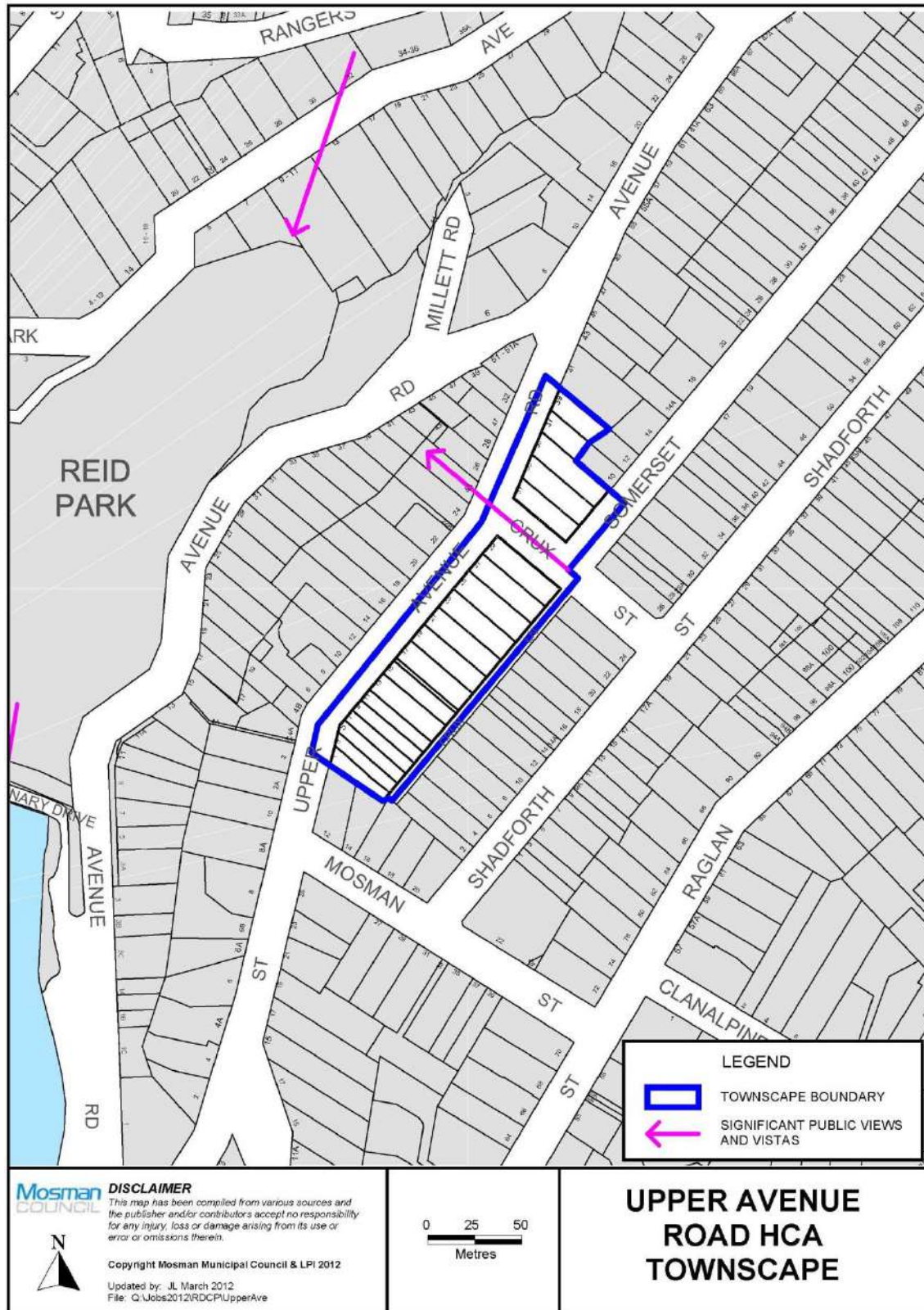
### *Streetscape:*

- (j) Maintain sandstone kerbs and gutters.

### *Heritage conservation:*

- (k) The ranking of the building within the conservation area must be considered and guide any works.







## APPENDIX 1 DICTIONARY

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

### **Adaptable housing**

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

### **Amenity**

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

### **Australian Height Datum (AHD)**

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

### **Balcony**

A balustraded platform, 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.

### **Carport**

An open sided roofed structure with no garage door or walls used for car-parking purposes only.

### **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.

**Garage**

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

**Habitable room**

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

- a) a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom and sunroom; but excludes:
- b) a bathroom, laundry, water closet, food storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room and other spaces of a specialised nature occupied neither frequently nor for extended periods.

**Hardstand area**

an open paved, concrete or grassed space designed to allow for carparking.

**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.

**Multiple dwellings**

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

**Passive Solar Design**

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

**Public domain**

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

**Scale**

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

**Street frontage**

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

**Streetscape**

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

**Thermal mass**

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

**Virgin excavated natural material**

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

**Wall height**

Omitted 12/12/2014.

**Water feature**

A feature that is:

- a) capable of being filled with water to a depth of 300mm or more; and
- b) solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of ornamentation such as a pond or fountain, and which is not used for human activity.

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