
Sent: 2/06/2021 5:58:10 AM
Subject: Peer review - Storm Water - DA2020/0419
Attachments: DCP PART B & C.pdf;

SUBMISSION re DA

[DA2021/0419](#)

Application Type: Development Application

Demolition - Demolition works and construction of a dwelling house

Status: Notified

Address: **266 Whale Beach Road WHALE BEACH NSW 2107**

From: paul@adcar.com.au <paul@adcar.com.au>
Sent: Tuesday, 1 June 2021 8:33 PM
To: Pearla Plumbing Jobs <jobs@pearlaplumbing.com.au>
Subject: PEER review – SW plan for DA

Hi Matt,

May main concern would be the upstream overland flow being pushed toward your parents house. The stormwater drawings have not addressed how they propose to divert/capture the overland flow. I would be questioning how this is to be addressed. It should be kept separate from the site stormwater drainage so as not to overload the system.

Extract below, full document attached (page 129).

Give us a call with any questions.

Where overland flows from upstream catchments impact the site, this control should also be in conjunction with the Flood Category 3 Controls of this DCP.

The design of stormwater systems for the property is to demonstrate through a water level assessment that:

- The proposed development does not have an adverse impact on adjoining properties through concentration or damming of such flows;
- The proposed development accommodates the passage of overland flow through the site; applicable illustrations that the proposed development is designed to withstand damage from debris or buoyancy forces so that the risk of incidental damage is minimised;
- The proposed development is not sited where flows will create a hazardous situation for occupants in terms of depth and velocity of flows through the property;
- Floor levels within the development are set to comply with the freeboard requirements of Appendix 8 - Flood Risk Management Policy for Development in Pittwater of this DCP;
- The proposed development is compatible with any future mitigation strategies to be implemented by Council in terms of such overland flows.

Where determined necessary, Council will impose conditions on a proposed development, to control flow paths. This could include the construction of flowpaths with openings through fencing to control flow paths. An 'interallotment drainage system' shall be designed to cater for a 5% Annual Exceedance Probability (20 year Annual Recurrence Interval) storm event for subdivisions creating separate lots, assuming that an appropriate percentage of the lot area is impervious to determine the design.

For developments not specified in this control, an 'inter-allotment drainage system' shall be designed.

Regards,

Paul Carpenter

Hydraulic Engineer / Director

ADCAR Consulting Pty Ltd

Phone: 0404 498 695

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Postal Address: PO Box 204, Avoca Beach NSW 2251

Hi Paul

Can you pls give me a professional opinion re the DA @ 266 Whale Beach Rd

The site is subject to huge subterranean and overland flows in rain – now the water just flows through the house they are demolishing (literally)

Water flows straight through the lower level of the house , in uninhabitable ..

Any chance you take a look at the attached for me

Primarily the house is being excavated hard on 264's boundary

Cheers

Matthew Godden

PEARLA PLUMBING SERVICES

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PITTWATER 21 DCP PART B & PART C

INCOPORATING AMENDMENTS 1 TO 19

ADOPTED: 8 DECEMBER 2003
IN FORCE: 14 NOVEMBER 2015



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Section B General Controls

Incorporating

Amendments

1-19

Version: 1, Version Date: 25/11/2015

Document Set ID: 5272057

Adopted: 8 December 2003

In Force From: 14 November 2015

B1 HERITAGE CONTROLS

B1.1 Heritage Conservation - Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014

Land to which this control applies

Land on which a heritage item, heritage conservation area or archaeological site is located, and that is listed in Schedule 5 and shown on the Heritage Maps in the Pittwater Local Environmental Plan 2014 excluding items in the Warriewood Valley Locality.

Uses to which this control applies

All Uses

Outcomes

Conservation of the environmental heritage of Pittwater in accordance with the principles contained in the Burra Charter.

Enhancement of the identified heritage values and significant character of the heritage conservation areas and encourage design that responds appropriately to their character.

Development that is respectful of environmental heritage, undertaken in a manner that is sympathetic to, and does not detract unnecessarily from, any identified heritage significance.

Recording of identified cultural heritage throughout the development process.

Controls

Heritage Items or Archaeological Sites

Any development application involving work likely to impact the heritage significance of a heritage item or archaeological site is to be accompanied by a Heritage Impact Statement, prepared by an appropriately qualified heritage professional. Guidance on preparing a Heritage Impact Statement (Statement of Heritage Impact) is available at NSW Office of Environment & Heritage in the NSW Heritage Manual or superseding publication.

Alterations and additions to buildings and structures, and new development of sites containing a heritage item or archaeological site are to be designed to respect and complement the heritage significance in terms of the building envelope, proportions, materials, colours and finishes, and building alignment.

Development on land containing a heritage item or archaeological site is to minimise the impact on the setting of the item or site by providing an adequate buffer zone where appropriate, and maintaining and respecting significant views to and from the heritage item or archaeological site.

Fencing and gates that are complementary to a heritage item should be retained, particularly those constructed from sandstone and are significant or represent important character elements for a locality.

New fencing and gates to a heritage item are to be compatible with the style and scale of the heritage item.

Original face brick or stone surfaces are not to be painted nor rendered.

Garages and carports are to be located as far behind the front building alignment of a heritage item as possible, if the site conditions allow. Garages and carports ideally should not be attached or integrated with heritage items, but set carefully next to them. Where possible they should not entail alteration of the heritage item to accommodate them, so that the heritage item is not distorted.

The scale and form of any alterations and additions are not to dominate the existing building, especially when viewed from the most significant elevations. New alterations and additions should be consistent with the existing building form with respect to roof shape and pitch, façade articulation, fenestrations, proportions and position of windows and door openings.

Alterations and additions to heritage items should not necessarily attempt to replicate the architectural or decorative detail of the original but be sympathetic and compatible so as to maintain a distinction between old and new in a subtle manner. Alterations and additions should complement a heritage item's existing period style and character. Reconstruction or reinstatement of the original details and finishes is encouraged.

Original roofing materials should be retained wherever possible. New roofing material should match the original as closely as possible in terms of colour, texture and profile.

The materials, finishes and colours used in alterations and additions should complement the heritage item. Modern materials can be used if their proportions and details are harmonious within the surrounding heritage context or with the heritage item.

Colour schemes for heritage buildings should generally be compatible with the particular architectural style and period of the building.

If work associated with a development approval is likely to adversely impact the heritage item, Council requires an archival recording of a heritage item to be prepared by an appropriately qualified heritage professional.

Heritage Conservation Areas

Development applications in heritage conservation areas, involving work likely to impact the heritage significance of the conservation area, must be accompanied by a Statement of Heritage Impact, establishing and assessing how the significance of the heritage conservation area will be affected by the development.

The existing street pattern that reflects the original subdivision pattern of the estates is to be retained. Development is to respond to the established development patterns of the area as displayed by the subdivision layout, and front and side setbacks.

Distinctive characteristics of the streetscapes including fitting into the unique topography, leafy quality and garden settings is to be retained.

No new intrusive changes or elements will be permitted in the heritage conservation areas, including high, visually impenetrable front fences, painting of face brick façades, removal of original detailing, or unsympathetic alterations and additions.

Development must minimise the visual impact on the surroundings, in particular the landscaped setting.

Development in heritage conservation areas is to be carefully designed to respond to the heritage significance of the heritage conservation area, and to complement the existing character of buildings within the heritage conservation area, particularly the nearby heritage item(s) in terms of height, massing, form, bulk, setbacks, scale and detailing. Solid to void ratios of elevations are to be similar to those of nearby buildings with heritage significance.

Where there are uniform levels or setbacks within the streetscape, development is to be consistent with the levels and setbacks of the adjoining buildings.

Development is not to obscure existing significant views to and from heritage items.

Contemporary design for new houses and for alterations and additions is acceptable and encouraged as long as it respects its context and achieves a cohesive relationship with historically and architecturally significant existing fabric.

The materials and finishes of new houses are to be compatible with the materials and finishes of adjoining buildings of heritage significance. They must be similar to, but should not copy, the characteristic materials, finishes, textures and colours of the buildings of heritage significance within the streetscape. Contemporary materials may be used where their proportions, detailing and quantities are consistent with the existing and desired future character of the heritage conservation area.

Variations

To help preserve environmental heritage in Pittwater, Council may consider varying other controls within this DCP to help preserve the significance of heritage items and heritage conservation areas.

Advisory Notes

Section 5.10(3) of Pittwater LEP 2014 includes provisions for minor work or maintenance work to proceed without receiving development consent.

Refer to [Appendix 2](#) for additional information on heritage in Pittwater.

The Burra Charter provides guidance for the conservation and management of places of cultural significance and is published by Australia ICOMOS Incorporated.

B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites

Land to which this control applies

Land within the vicinity of a heritage item, heritage conservation area or archaeological site that is listed in Schedule 5 and shown on the Heritage Maps in the Pittwater Local Environmental Plan 2014 excluding items in the Warriewood Valley Locality.

Uses to which this control applies

All Uses

Outcomes

Conservation of the environmental heritage of Pittwater LGA in accordance with the principles contained in the Burra Charter.

Enhancement of the identified heritage values and significant character of the heritage conservation areas and encourage contemporary design that responds appropriately to their character.

Development respectful of environmental heritage, undertaken in a manner that is sympathetic to, and does not detract from, any heritage significance.

Controls

Any development application involving work likely to impact the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site is to be accompanied by a Statement of Heritage Impact prepared by an appropriately qualified heritage professional. Guidance on preparing a Heritage Impact Statement (Statement of Heritage Impact) is available at NSW Office of Environment & Heritage in the NSW Heritage Manual or superseding publication.

Developments in the vicinity of a heritage item, heritage conservation area, archaeological site or potential archaeological site are to be designed to respect and complement the heritage significance in terms of the building envelope, proportions, materials, colours and finishes, and building alignment.

Developments in the vicinity of a heritage item, heritage conservation area, archaeological site or potential archaeological site are to minimise the impact on the heritage significance by providing an adequate buffer zone, and maintaining and respecting significant views to and from the heritage item, heritage conservation area, archaeological site or potential archaeological site.

Variations

Nil

Advisory Notes

Refer to [Appendix 2](#) for additional information on heritage in Pittwater.

The Burra Charter provides guidance for the conservation and management of places of cultural significance and is published by Australia ICOMOS Incorporated.

B1.3 Heritage Conservation - General

Land to which this control applies

All land NOT including the Warriewood Valley Locality on which there are no heritage items, heritage conservation areas or archaeological sites and is not in the vicinity of a heritage item, heritage conservation area or archaeological site.

Uses to which this control applies

All Uses

Outcomes

Conservation of the environmental heritage across Pittwater LGA in accordance with the principles contained in the Burra Charter.

Enhancement of the existing heritage values and encouragement of contemporary design that responds appropriately to their context.

Development respectful of environmental heritage undertaken in a manner that is sympathetic to, and does not detract from, any heritage significance.

Controls

If a property, the subject of a development application, is identified as possibly meeting any of the criteria for heritage listing (encompassing the four values of the Burra Charter, being historical, aesthetic, scientific and social significance) then additional independent information on the potential heritage significance may be requested. If the property meets the criteria for heritage listing then development control B1.1 of this DCP will apply.

Variations

Nil

Advisory Notes

Refer to [Appendix 2](#) for additional information on heritage in Pittwater.

The Burra Charter provides guidance for the conservation and management of places of cultural significance and is published by Australia ICOMOS Incorporated.

B1.4 Aboriginal Heritage Significance

Land to which this control applies

All Land

Uses to which this control applies

All Uses

Outcomes

Provide protection for Aboriginal place of heritage significance or Aboriginal object. (S)

Potential Aboriginal places of heritage significance and Aboriginal objects are identified and protected. (S)

Controls

If a property, the subject of a development application is identified as possibly meeting any of the criteria for being a potential Aboriginal place or containing an Aboriginal object then additional independent information on the potential heritage significance may be requested.

If a property, the subject of a development application, is in the vicinity of an identified or potential Aboriginal place of heritage significance or Aboriginal object then additional independent information on the potential heritage significance may be requested.

The additional information requested may take the form of a report prepared by a suitability qualified person as defined by the NSW Office of Environment and Heritage, as well as consultation with the NSW Office of Environment and Heritage and appropriate Aboriginal groups.

If an Aboriginal site or relic is discovered, it must be reported to the NSW Office of Environment and Heritage and all works stopped.

Development must conserve the significance of any Aboriginal place of heritage significance or Aboriginal object.

Variations

Nil

Advisory Notes

[Refer to Appendix 2](#) for additional information on Aboriginal heritage in Pittwater.

There is an increased potential for Aboriginal sites to be present if the landscape features any element such as

- creek line/watercourse or
- foreshore, or
- a cliff line higher than 1 metre, or
- an overhang in any of the cliff lines, or
- level sandstone outcrops greater than 2 square metres

B2 DENSITY CONTROLS

Incorporating

Amendments

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incorporating

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B2.1 Subdivision - Rural and Large Lot Residential Land

Land to which this control applies

Land zoned RU2 Rural Landscape or R5 Large Lot Residential.

Uses to which this control applies

Subdivision

Outcomes

Achieve the desired future character of the Locality. (S)

Maintenance of the existing environment. (En)

Equitable preservation of views and vistas to and/or from public/private places. (S)

The built form does not dominate the natural setting. (En)

Population density does not exceed the capacity of local and regional services. (En, S, Ec)

Population density does not exceed the capacity of local and regional transport facilities. (En, S, Ec)

Controls

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) zoned R5 shall have a minimum width of 40 metres.

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) zoned RU2 shall have a minimum width of 80 metres, except in Warriewood, where they shall have a minimum width of 60 metres.

Any lot (or lots) are to be capable of providing for the construction of a building which is safe from hazards, does not unreasonably impact on the natural environment, does not adversely affect heritage, and can be provided with adequate and safe access and services.

The minimum depth to width ratio shall be 3:1.

Not more than 10 lots can share a privately owned common access corridor.

Variations

Nil

B2.2 Subdivision - Low Density Residential Areas

Land to which this control applies

Land zoned R2 Low Density Residential, E3 Environmental Management or E4 Environmental Living.

Uses to which this control applies

Subdivision

Outcomes

Achieve the desired future character of the locality. (S)

Maintenance of the existing environment. (En)

Equitable preservation of views and vistas to and/or from public/private places. (S)

The built form does not dominate the natural setting. (En)

Population density does not exceed the capacity of local and regional infrastructure and community services. (En, S, Ec)

Population density does not exceed the capacity of local and regional transport facilities. (En, S, Ec)

Controls

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot depth of 27 metres.

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 1 on the Landscaped Area Map shall have a minimum lot width at the building line of 16 metres.

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 2 or 3 on the Landscaped Area Map shall have a minimum lot width at the building line of 15 metres.

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot width at the building line of 9 metres at the waterfrontage.

Any lot (or lots) are to be capable of providing for the construction of a building which is safe from hazards, does not unreasonably impact on the natural environment, does not adversely affect heritage, and can be provided with adequate and safe access and services.

A person shall not subdivide land if the allotment(s) intended to be created have a slope in excess of 16.7 degrees (30%), measured between the highest and lowest points on any such allotment(s).

The minimum area for building shall be 175m².

Variations

Provided the outcomes of this control are achieved, Council may consider a variation for the following purposes:

- the making of an adjustment to a boundary between allotments that does not create an additional lot;
- the rectifying of an encroachment on an allotment;
- the excising from an allotment of land that is or is intended to be used for public purposes, including drainage, rescue services, public conveniences or public reserve.

Advisory Notes

To determine which area on the Landscaped Area Map that applies to your property, please use the property search function via Council's ePlanning Portal or call the Assistant Development Officers on 9970 1674.

B2.3 Subdivision - Business Zoned Land

Land to which this control applies

Land zoned B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use or B6 Enterprise Corridor.

Uses to which this control applies

Business Development
Subdivision

Outcomes

Achieve the desired future character of the locality.
Maintenance of the existing environment. (En)
Equitable preservation of views and vistas to and/or from public/private places. (S)
The built form does not dominate the natural setting. (En)
Meet the economic and employment needs of the Pittwater community (En, S, Ec)
Promote and strengthen the local economic base (En, S, Ec)

Controls

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall be accessible from a public road or street.

Any lot (or lots) are to be capable of providing for the construction of a building which is safe from hazards, does not unreasonably impact on the natural environment, does not adversely affect heritage, and can be provided with adequate and safe access and services.

The re-subdivision of individual or groups of shops or office units subsequent to development consent may be carried out by any method of subdivision including Strata Subdivision, Community Title Subdivision, or Torrens Title Subdivision. Parking spaces, loading bays, and space for any other purpose forming a part of a sole occupancy unit are to be allocated to the unit. Landscaped areas, access areas and signage not forming part of an individual unit must be included as common property.

Variations

Nil

Advisory Notes

For specific controls in relation to the subdivision and amalgamation of lots in the Elanora Heights Village Centre, refer to Part D5.15 of this DCP.

For specific controls in relation to the subdivision and amalgamation of lots in the Newport Commercial Centre, refer to Part D10.19 of this DCP.

B2.4 Subdivision - Light Industrial and Business Park Zoned Land

Land to which this control applies

Land zoned B7 Business Park or IN2 Light Industrial.

Uses to which this control applies

Industrial Development

Subdivision

Subdivision of a sector, buffer area or development site in a Release Area

Outcomes

Achieve the desired future character of the locality.

Maintenance of the existing environment. (En)

Equitable preservation of views and vistas to and/or from public/private places. (S)

The built form does not dominate the natural setting. (En)

Meet the economic and employment needs of the Pittwater community. (En, S, Ec)

Promote and strengthen the local economic base (En, S, Ec).

Controls

Any lot (or lots) are to be capable of providing for the construction of a building which is safe from hazards, does not impact on the natural environment, does not adversely affect heritage, and can be provided with adequate and safe access and services.

The maximum mean depth to width ratio shall be 3:1.

Any frontage lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum street frontage of 20 metres.

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) zoned IN2 Light Industrial in Mona Vale and North Narrabeen shall have a minimum lot width of 20 metres.

Not more than 5 lots can share a common access corridor.

Any additional non frontage lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have an access corridor width in accordance with the following table:

Number of lots sharing access corridor	Width of corridor (metres)
1 - 2	4
3 - 4	6
5	8

The re-subdivision of individual or groups of factory or office units subsequent to development consent may be carried out by any method of subdivision including Strata Subdivision, Community Title Subdivision, or Torrens Title Subdivision. Parking spaces, loading bays, and space for any other purpose forming a part of a sole occupancy unit are to be allocated to the unit. Landscaped areas, access areas and signage not forming part of an individual unit must be included as common property.

Variations

Council may consider variation to the above controls in the following instances:-

- the making of a minor adjustment to a boundary between lots which does not reduce the size of an existing lot by more than 10 percent of its land area, and that does not create an additional lot;
- the rectifying of an encroachment on an allotment; and
- the excising from an allotment of land that is or is intended to be used for public purposes.

B2.5 Dwelling Density and Subdivision - Medium Density Residential

Land to which this control applies

Land zoned R3 Medium Density Residential excluding Warriewood Valley Land Release Area.

Uses to which this control applies

Attached dwellings
Multi dwelling housing
Residential flat building
Semi-detached dwellings
Subdivision

Outcomes

Achieve the desired future character of the Locality.

The density and scale of development reflects the infrastructure capability of the area. (En, S)

Design opportunities and site layout efficiencies are improved through amalgamation of allotments. (En, S)

The development does not adversely impact upon adjoining residential development. (En, S)

To encourage development of sites with sufficient width to provide design opportunities and site integration and to avoid long, narrow "gun barrel" development (En.S).

Controls

Medium density housing must not be carried out unless the street frontage is greater than or equal to one third of the length of the longest side boundary.

The re-subdivision of individual or groups of dwellings subsequent to development consent may be carried out by any method of subdivision including Strata Subdivision, Community Title Subdivision, or Torrens Title Subdivision. Parking spaces, loading bays, and space for any other purpose forming a part of a sole occupancy unit are to be allocated to the dwelling. Landscaped areas, access areas and signage not forming part of an individual dwelling must be included as common property.

Variations

Variations to this control may be permitted provided it is demonstrated that the outcomes are achieved.

Variations may be applied to the following: development on a battleaxe lot, non-frontage lot or on an isolated lot that would otherwise be prohibited only because of non-compliance with the street frontage controls.

B2.6 Dwelling Density and Subdivision - Shop Top Housing

Land to which this control applies

Land zoned B1 Neighbourhood Centre, B2 Local Centre or B4 Mixed Use.

Uses to which this control applies

Business Development

Shop top housing

Subdivision

Outcomes

Achieve the desired future character of the Locality. (S)

The density and scale of development reflects the infrastructure capability of the area. (En, S)

Design opportunities and site layout efficiencies are improved through amalgamation of allotments. (En, S)

The development does not adversely impact upon adjoining residential development. (En, S)

An appropriate mix of residential and commercial development is provided, ensuring the functionality of commercial centres. (S, Ec)

Meet the economic and employment needs of Pittwater Community (Ec.S).

Controls

The commercial/retail component of the development must be a minimum of 25% of the gross floor area of the building.

The re-subdivision of individual or groups of dwellings subsequent to development consent may be carried out by any method of subdivision including Strata Subdivision, Community Title Subdivision, or Torrens Title Subdivision. Parking spaces, loading bays, and space for any other purpose forming a part of a sole occupancy unit are to be allocated to the dwelling. Landscaped areas, access areas and signage not forming part of an individual dwelling must be included as common property.

Variations

Where variation is sought to the minimum requirement for commercial floor space, the applicant is required to justify that the commercial viability of the centre will not be affected in the short or long term and that residents can continue to be provided with a full range of services and facilities.

B3 HAZARD CONTROLS

B3.1 Landslip Hazard

Land to which this control applies

Land identified on the Pittwater Local Environmental Plan 2014 Geotechnical Hazard Map.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Demolition
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form does not have to be residential)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Signage
Subdivision
Subdivision of a sector, buffer area or development site in a Release Area
Telecommunications facility
Waste water disposal system
Water recreation structure

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

All development on land to which this control applies must comply with the requirements of the [Geotechnical Risk Management Policy for Pittwater \(see Appendix 5\)](#).

Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the [Geotechnical Risk Management Policy for Pittwater \(see Appendix 5\)](#) for the life of the development.

The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.

Variations

Nil

B3.2 Bushfire Hazard

Land to which this control applies

The certified Pittwater LGA bushfire prone land map

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form does not have to be residential)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Subdivision of a sector, buffer area or development site in a Release Area
Telecommunications facility
Waste water disposal system

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (Ec)

Controls

All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.

Development land to which this control applies must comply with the requirements of:

- [Planning for Bushfire Protection \(2006\)](#)
- Australian Standard AS 3959:2009 - *Construction of a building in a bushfire-prone area*

Scotland Island

Properties on Scotland Island are now subject to the Scotland Island Bushfire Management Plan. Please refer to the Scotland Island Bushfire Management Plan on Council's website in order to understand what implications it may have on your development.

Variations

If the provisions of [Planning for Bushfire Protection \(2006\)](#) and/or AS 3959:2009 - *Construction of a building in a bushfire-prone area* cannot be incorporated in the development, the proponent must demonstrate that the dwelling will withstand the impact of bushfire.

Advisory Notes

All residential/rural subdivision and development that is special fire protection purposes will be required to obtain a Bushfire Safety Authority from the NSW Rural Fire Service. Development may be referred to the NSW Rural Fire Service for assessment.

A list of certified consultants can be downloaded from the NSW Rural Fire Service website. Copies of Planning for Bushfire Protection (2006) are available on this site.

B3.3 Coastline (Beach) Hazard

Land to which this control applies

Land identified as Beach Management Area on the Coastal Hazards Map 97003 - P21DCP-BCMDCP016

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Demolition
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Signage
Subdivision
Telecommunications facility
Waste water disposal system
Water recreation structure

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

All development on land to which this control applies must comply with the requirements of the [Coastline Risk Management Policy for Development in Pittwater \(see Part B Appendix 6\)](#).

Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level for the life of the development.

The development must not adversely affect or be adversely affected by coastal processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to coastal processes.

Variations

Nil

B3.4 Coastline (Bluff) Hazard

Land to which this control applies

Land identified on the Pittwater 21 Development Control Plan - Bluff Management Area - P21DCP-BC-MDCP017

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Demolition
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Signage
Subdivision
Telecommunications facility
Waste water disposal system
Water recreation structure

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

All development on land to which this control applies must comply with the requirements of the [Geotechnical Risk Management Policy for Pittwater \(see Part B Appendix 5\)](#).

Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the [Geotechnical Risk Management Policy for Pittwater \(see Part B Appendix 5\)](#) for the life of the development.

The development must not adversely affect or be adversely affected by geotechnical and coastal processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical and coastal processes.

Variations

Nil

B3.6 Contaminated Land and Potentially Contaminated Land

Land to which this control applies

All Land.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Demolition
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form does not have to be residential)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Subdivision of a sector, buffer area or development site
Telecommunications facility
Waste water disposal system
Water recreation structure

Outcomes

Protection of public health. (S)
Protection of the natural environment. (En)
Successful remediation of contaminated land. (En, S)

Controls

Council shall not consent to the carrying out of any development on land unless it has considered *State Environmental Planning Policy No. 55 Remediation of Land*.

In particular, Council shall consider:

- whether the land is contaminated; and
- if the land is contaminated, whether the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out; and
- if the land requires remediation, whether the land will be remediated before the land is used for that purpose.

Where a development would involve a change of use on land listed below, Council must consider a preliminary investigation report prepared in accordance with the contaminated land planning guidelines.

The land concerned is land:-

- on which development for a purpose referred to in the table below is being, or is known to have been, carried out; or
- on which it is proposed to carry out development for residential, educational, recreational or child care purposes, or for the purposes of a hospital, and there is no or incomplete knowledge as to whether development for a purpose referred to in the table below has been carried out, and on which it would have been lawful to carry out; or

- that is within an investigation area (as declared under Division 2 Part 3 of the *Contaminated Land Management Act 1997*).

List of some activities that may cause contamination:-

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

Remediation of contaminated land shall be carried out in accordance with the contaminated land planning guidelines under Section 145C of the *Environmental Planning & Assessment Act 1979*.

Variations

Nil

Advisory Notes

A Development Application is required if the remediation work is Category 1 under the provisions of *State Environmental Planning Policy No 55 Contamination of Land*. If the work is Category 2, notification is required to Council 30 days before the commencement of work.

Only a small number of developments fall into this category of development and require referral.

B3.7 Estuarine Hazard - Low density residential

Land to which this control applies

Land identified on the Estuarine Hazard Map as affected by estuarine processes. - P21DCP-BCMDCP018

Uses to which this control applies

Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Rural worker's dwelling
Secondary dwelling

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

Obtaining Estuarine Planning Level

To apply this control, the Estuarine Planning Level must first be established by:

- Obtaining Estuarine Planning Level Advice by using the 'Flood and Estuarine Levels Tool' on Council's Web site, or;
- An independent assessment undertaken by a Coastal Engineer (as defined in Appendix 7 - Estuarine Risk Management Policy for Development in Pittwater).

The Estuarine Planning Level may vary landward across the site based on foreshore edge treatment and distance from the foreshore edge.

The Estuarine Planning Level does not apply to Jetties, Bridging Ramps or Pontoons located on the seaward side of the foreshore edge.

Estuarine Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to [Appendix 7 - Estuarine Risk Management Policy for Development in Pittwater](#).

Protection of Development from Wave Action and Tidal Inundation

Development is to be protected from the effects of wave action or tidal inundation either by mitigation works to protect the development or ensuring that the floor levels of the development are at or above the Estuarine Planning Level.

General to all Development

The following applies to all development:

- All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes; and,
- All structural elements below the Estuarine Planning Level shall be constructed from flood compatible materials; and,
- All structures must be designed and constructed so that they will have a low risk of damage and instability due to wave action and tidal inundation; and,
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Estuarine Planning Level; and,
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute the waterway, is not permitted below the Estuarine Planning Level; and,
- For existing structures, a tolerance of up to minus 100mm may be applied to the Estuarine Planning Level in respect of compliance with these controls.
- To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.

Wave Action and Tidal Inundation Mitigation Works

Developments that propose mitigation works that modify the wave action or tidal inundation behaviour within the development site including the filling of land, the construction of retaining structures and the construction of wave protection walls may be permitted on a merit basis subject to demonstration through an Estuarine Risk Management Report that:

- The wave action or tidal inundation mitigation works do not have an adverse impact on any surrounding property or estuarine processes up to the Estuarine Planning Level; and,
- The wave action or tidal inundation mitigation works result in the protection of the existing and proposed development from inundation up to the Estuarine Planning Level.
- The wave action or tidal inundation mitigation works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow paths and the clearing of vegetation).

Where wave action or tidal inundation mitigation works are undertaken to protect the development from inundation as set out above, the application of the Estuarine Planning Level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of wave action or tidal inundation mitigation works with a requirement for their retention and maintenance.

Floor Levels - New Development and Additions

All floor levels within the dwelling, including floor levels of the existing dwelling, but excluding open balconies (with open balustrades), shall be at, or above, or raised to the Estuarine Planning Level.

Floor Levels - Carparking Facilities

- **New enclosed garage:** All floor levels shall be at or above the Estuarine Planning Level.
- **Basement (i.e. below ground level (existing)) garage:** All access, ventilation and any other potential water entry points must be above the Estuarine Planning Level. A clearly signposted pedestrian access to a 'safe haven' above the Estuarine Planning Level, separate from the vehicular access ramps, shall be provided. The access ramp to the basement, where practical should not face the direction of wave action.
- **Open carpark areas and carports (including covered carpark areas):** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where finished surface levels are more than 300mm below the Estuarine Planning Level.

Floor Levels - Boat shed Facilities

- **New boat shed:** All floor levels shall be at or above the Estuarine Planning Level.
- **Basement (i.e. below ground level (existing)) boat shed facilities:** All access and potential water entry points must be above the Estuarine Planning Level and a clearly signposted pedestrian access to a 'safe haven' above the Estuarine Planning Level, separate from the access ramps, shall be provided. The access ramp to the basement, where practical should not face the direction of wave action. All access and potential water entry points must be above the Estuarine Planning Level and a clearly signposted pedestrian access to a 'safe haven' above the Estuarine Planning Level, separate from the access ramps, shall be provided. The access ramp to the basement, where practical should not face the direction of wave action.

Variations

Innovative Design in Wave Action and Tidal inundation Protection Measures

Innovative and alternative design in wave action and tidal inundation protection measures may be permitted on a merit basis subject to demonstration through and Estuarine Risk Management Report that the protection measures can be achieved.

Alterations and Additions - Existing Dwelling - Retain existing floor level below Estuarine Planning Level

An alteration or addition to an existing residential dwelling may be permissible where existing floor levels are retained below the Estuarine Planning Level provided that:

- The total gross floor area (GFA) of any additions to the dwelling, at any point in time can only be increased to a maximum total area not exceeding 30m² if any part of the existing gross floor area (GFA) of the dwelling is below the Estuarine Planning Level; and,
- The floor levels of the addition must be at or above the Estuarine Planning Level; and,
- If the floor level of the existing dwelling is to be retained below the Estuarine Planning Level, the existing dwelling must be satisfactorily protected to minimise risk against wave action or tidal inundation; and,
- The addition must be designed and constructed such that it does not preclude the raising of the floor

level of the existing structure to the Estuarine Planning Level when further additions are undertaken; and,

- Where a first floor addition to the dwelling is to be constructed the floor level of the first floor is to be of a height that allows for the internal ground floor of the existing dwelling to be either at or raised to the Estuarine Planning Level (whilst maintaining minimum floor to ceiling height requirements).

Floor Levels - Carparking Facilities - New Enclosed Garage

Consideration may be given to a floor level of an enclosed garage at or above 300mm below the Estuarine Planning Level where it can be demonstrated that:

- The enclosed garage is not connected internally to the dwelling; and
- The enclosed garage is to be used for car parking purposes only; and,
- The entrance to the garage does not face the direction of wave action.

Floor Levels - Boat shed Facilities

Consideration may be given on a merit basis to a floor level of a boat shed at a level lower than the Estuarine Planning Level where it can be demonstrated through an Estuarine Risk Management Report that the boat shed is structurally designed to withstand periodic wave action and tidal inundation up to the Estuarine Planning Level.

Advisory Notes

- For a detached Secondary Dwelling the controls for new development apply.

B3.8 Estuarine Hazard - Medium Density Residential

Land to which this control applies

Land identified on the Estuarine Hazard Map as affected by estuarine processes. - P21DCP-BCMDCP018

Uses to which this control applies

Attached dwelling
Boarding house
Group home
Hostel
Multi dwelling housing
Residential flat building
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

Obtaining Estuarine Planning Level

To apply this control, the Estuarine Planning Level must first be established by:

- Obtaining Estuarine Planning Level Advice using the ['Flood and Estuarine Levels Tool'](#) from Council's Web site, or;
- An independent assessment undertaken by a Coastal Engineer (as defined in the [Appendix 7 - Estuarine Risk Management Policy for Development in Pittwater](#)).

The Estuarine Planning Level may vary landward across the site based on foreshore edge treatment and distance from the foreshore edge.

The Estuarine Planning Level does not apply to Jetties, Bridging Ramps or Pontoons located on the seaward side of the foreshore edge.

Estuarine Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to [Appendix 7 - Estuarine Risk Management Policy for Development in Pittwater](#).

Protection of Development from Wave Action and Tidal Inundation

Development is to be protected from the effects of wave action or tidal inundation either by mitigation works to protect the development or ensuring that the floor levels of the development are at or above the Estuarine Planning Level.

General to all Development

The following applies to all development:

- All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes; and
- All structural elements below the Estuarine Planning Level shall be constructed from flood compatible materials; and,
- All structures must be designed and constructed so that they will have a low risk of damage and instability due to wave action and tidal inundation; and,
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Estuarine Planning Level; and,
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute the waterway, is not permitted to be stored below the Estuarine Planning Level; and,
- For existing structures, a tolerance of up to minus 100mm may be applied to the Estuarine Planning Level in respect of compliance with these controls.
- To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.

Wave Action and Tidal Inundation Mitigation Works

Developments that propose mitigation works that modify the wave action or tidal inundation behaviour within the development site including the filling of land, the construction of retaining structures and the construction of wave protection walls may be permitted on a merit basis subject to demonstration through an Estuarine Risk Management Report that:

- The wave action or tidal inundation works do not have an adverse impact on any surrounding property or estuarine processes up to the Estuarine Planning Level; and
- The wave action or tidal inundation mitigation works result in the protection of the existing and proposed development from inundation up to the Estuarine Planning Level.
- The wave action or tidal inundation mitigation works do not have an adverse impact on the environment (this includes but is not limited to the altering of natural flow paths and the clearing of vegetation).

Where wave action or tidal inundation mitigation works are undertaken to protect the development from inundation as set out above, the application of the Estuarine Planning Level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of wave action or tidal inundation mitigation works with a requirement for their retention and maintenance.

Floor Levels - New Development and Additions

All floor levels within the development, excluding balconies (with open balustrades) are to be at, or above, or raised to the Estuarine Planning Level.

Floor Levels - Carparking Facilities

- **Enclosed garage or enclosed car park:** All floor levels shall be at or above the Estuarine Planning Level.
- **Basement (i.e. below ground level (existing)) carparking facilities:** All access, ventilation and any other potential water entry points must be above the Estuarine Planning Level. A clearly signposted pedestrian access to a 'safe haven' above the Estuarine Planning Level separate from the vehicular access ramps, shall be provided. The access ramp to the basement where practical should not face the direction of wave action.
- **Open carpark areas (including covered carpark areas) and carports used for residential carparking:** All floor levels/pavement levels shall be at or above the Estuarine Planning Level.
- **Open carpark areas (including covered carpark areas) and carports used by visitors, staff and service delivery vehicles spaces:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving where finished surface levels are more than 300mm below the Estuarine Planning Level.

Floor Levels - Boat shed Facilities

- **New boat shed:** All floor levels shall be at or above the Estuarine Planning Level.
- **Basement (i.e. below ground level (existing)) boat shed facilities:** All access and potential water entry points must be above the Estuarine Planning Level and a clearly signposted pedestrian access to a 'safe haven' above the Estuarine Planning Level, separate from the access ramps, shall be provided. The access ramp to the basement where practical should not face the direction of wave action.

Variations

Innovative Designs in Wave Action and Tidal Inundation Protection Measures

Innovative and alternative designs in wave action and tidal inundation protection measures may be permitted on a merit basis subject to demonstration through an Estuarine Risk Management Report that the protection measures can be achieved.

Floor Levels - Boatshed Facilities

Consideration may be given on a merit basis to a floor level of a boatshed at a level lower than the Estuarine Planning Level where it can be demonstrated through an Estuarine Risk Management Report that the boatshed is structurally designed to withstand periodic wave action and tidal inundation up to the Estuarine Planning Level.

B3.9 Estuarine Hazard - Business, Light Industrial and Other Development

Land to which this control applies

Land identified on the Estuarine Hazard Map as affected by estuarine processes. - P21DCP-BCMDCP018

Uses to which this control applies

Business Development
Child care centre
Hospital
Industrial Development
Other Development

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

Obtaining Estuarine Planning Level

To apply this control, the Estuarine Planning Level must first be established by:

- Obtaining 'Estuarine Planning Level Advice' using the 'Flood and Estuarine Levels Tool' from Council's Web site, or;
- An independent assessment undertaken by a Coastal Engineer (as defined in [Appendix 7 Estuarine Risk Management Policy for Development in Pittwater](#))

The Estuarine Planning Level may vary landward across the site based on foreshore edge treatment and distance from the foreshore edge.

The Estuarine Planning Level does not apply to Jetties, Bridging Ramps or Pontoons located on the seaward side of the foreshore edge.

Estuarine Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to [Appendix 7 Estuarine Risk Management Policy for Development in Pittwater](#).

Protection of Development from Wave Action and Tidal Inundation

Development is to be protected from the effects of wave action or tidal inundation either by mitigation works to protect the development or ensuring that the floor levels of the development are at or above the Estuarine Planning Level.

General to all Development

The following applies to all development:

- All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes; and
- All structural elements below the Estuarine Planning Level shall be constructed from flood compatible materials; and,
- All structures must be designed and constructed so that they will have a low risk of damage and instability due to wave action and tidal inundation; and,
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Estuarine Planning Level; and,
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute the waterway, is not permitted to be stored below the Estuarine Planning Level; and,
- For existing structures, a tolerance of up to minus 100mm may be applied to the Estuarine Planning Level in respect of compliance with these controls.
- To ensure Council's recommended flood evacuation strategy of 'shelter-in-place' it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.

Wave Action and Tidal Inundation Mitigation Works

Developments that propose mitigation works that modify the wave action or tidal inundation behaviour within

the development site including the filling of land, the construction of retaining structures and the construction of wave protection walls may be permitted on a merit basis subject to demonstration through an Estuarine Risk Management Report that:

- The wave action or tidal inundation mitigation works do not have an adverse impact on any surrounding property or estuarine processes up to the Estuarine Planning Level; and,
- The wave action or tidal inundation mitigation works result in the protection of the existing and the proposed development from inundation up to the Estuarine Planning Level; and
- The wave action or tidal inundation mitigation works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow paths and the clearing of vegetation).

Where wave action or tidal inundation mitigation works are undertaken to protect the development from inundation as set out above the application of the Estuarine Planning Level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of wave action or tidal inundation mitigation works with a requirement for their retention and maintenance.

Floor Levels - New Development and Additions

All floor levels within the development, excluding balconies (with open balustrades) are to be at or above, or raised to the Estuarine Planning Level.

Floor Levels - Carparking Facilities

- **Enclosed garage or enclosed car park:** All floor levels shall be at or above the Estuarine Planning Level.
- **Basement (i.e. below ground level (existing)) carparking facilities:** All access, ventilation and any other potential water entry points must be above the Estuarine Planning Level. A clearly signposted pedestrian access to a 'safe haven' above the Estuarine Planning Level separate from the vehicle access ramps, shall be provided. The access ramp to the basement, where practical should not face the direction of wave action.
- **Open carpark areas (including covered carpark areas) and carparks:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where finished surface levels are more than 300mm below the Estuarine Planning Level.

Floor Levels - Boat shed Facilities

- **New boat shed:** All floor levels shall be at or above the Estuarine Planning Level.
- **Basement (i.e. below ground level (existing)) boat shed facilities:** All access and potential water entry points must be above the Estuarine Planning Level. A clearly signposted pedestrian access to a 'safe haven' above the Estuarine Planning Level separate from the access ramps, shall be provided. The access ramp to the basement, where practical should not face the direction of wave action.

Variations

Innovative Designs in Wave Action and tidal Inundation Protection Measures

Innovative and alternative designs in wave action and tidal inundation protection measures may be permitted on a merit basis subject to demonstration through an Estuarine Risk Management Report that the protection measures can be achieved

Floor Levels - Change of Use and Alterations and Additions for Existing Premises - Business and Industrial Development Only

Where constructing the floor level at the Estuarine Planning Level or raising the floor level of the existing development to the Estuarine Planning Level may be difficult to achieve, due to practical, heritage or other constraints, consideration may be given to a floor level at a level lower than the Estuarine Planning Level for the non-residential component of the development, subject to demonstration through a Estuarine Risk Management Report that all precautions have been taken to minimise risk from the effect of wave action and tidal inundation up to the Estuarine Planning Level.

Floor Levels - Boat shed Facilities

Consideration may be given on a merit basis to a floor level of a boat shed at a level lower than the Estuarine Planning Level where it can be demonstrated through an Estuarine Risk Management Report that the boat shed is structurally designed to withstand periodic wave action and tidal inundation up to the Estuarine Planning Level.

B3.10 Estuarine Hazard - Subdivision

Land to which this control applies

Land identified on the Estuarine Hazard Map as affected by estuarine processes. - P21DCP-BCMDCP018

Uses to which this control applies

Subdivision

Outcomes

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

Controls

Obtaining Estuarine Planning Level

To apply this control, the Estuarine Planning Level must first be established by:

- Obtaining Estuarine Planning Level Advice using the 'Flood and Estuarine Levels Tool' from Council's Web site, or;
- An independent assessment undertaken by a Coastal Engineer (as defined in [Appendix 7 - >Estuarine Risk Management Policy for Development in Pittwater](#)).

The Estuarine Planning Level may vary landward across the site based on foreshore edge treatment and distance from the foreshore edge.

The Estuarine Planning Level does not apply to Jetties, Bridging Ramps or Pontoons located on the seaward side of the foreshore edge.

Estuarine Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to [Appendix 7 - Estuarine Risk Management Policy for Development in Pittwater](#).

Protection of Development from Wave Action and Tidal Inundation

Development is to be protected from the effects of wave action or tidal inundation either by mitigation works to protect the development or ensuring that the floor levels of the development are at or above the Estuarine Planning Level.

General to all Development

The following applies to all development:

- All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes; and
- All structural elements below the Estuarine Planning Level shall be constructed from flood compatible materials; and,
- All structures must be designed and constructed so that they will have a low risk of damage and instability due to wave action and tidal inundation; and,
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Estuarine Planning Level; and
- The storage of toxic or potentially polluting good, materials or other products which may be hazardous or pollute the waterway, is not permitted below the Estuarine Planning Level; and
- For existing structures, a tolerance of up to minus 100mm may be applied to the Estuarine Planning Level in respect of compliance with these controls
- To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.

Wave Action and Tidal Inundation Mitigation Works

Developments that propose mitigation works that modify the wave action or tidal inundation behaviour within the development site including the filling of land, the construction of retaining structures and the construction of wave protection walls may be permitted on a merit basis subject to demonstration through an Estuarine Risk Management Report that:

- The wave action or tidal inundation mitigation works do not have an adverse impact on any surrounding property or estuarine processes up to the Estuarine Planning Level.
- The wave action or tidal inundation mitigation works result in the protection of the existing and proposed development from inundation up to the Estuarine Planning Level; and
- The wave action or tidal inundation mitigation works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow paths and the clearing of vegetation).

Where wave action or tidal inundation mitigation works are undertaken to protect the development from inundation as set out above, the application of the Estuarine Planning Level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of wave action or tidal inundation mitigation works with a requirement for their retention and maintenance.

Land Subdivision - Building Platforms

The subdivision of land requires the area of land contained on the landward side of the Foreshore Building Line for each additional allotment created to be at or above the Estuarine Planning Level.

Variations

Innovative Designs in Wave Action and Tidal Inundation Protection Measures

Innovative and alternative designs in wave action and tidal inundation protection measures may be permitted on a merit basis subject to demonstration through an Estuarine Risk Management Report that the protection measures can be achieved.

B3.11 Flood Hazard - Flood Category 1 - Low Hazard - Low Density Residential

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 1 - Low Hazard - P21DCP-BCMDCP068

Uses to which this control applies

Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Rural worker's dwelling
Secondary dwelling

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

Flood Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to Appendix 8 - [Flood Risk Management Policy for Development in Pittwater of this DCP](#).

General to All Development

The following applies to all development:

- All development or activities must be designed and constructed such that:
 - There is no additional adverse flood impact on surrounding properties or flooding processes for any event up to the Probable Maximum Flood event and;
 - There is no net decrease in floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and;
- All foundation structures within the area of the property affected by the Flood Planning Level, where the Flood Planning Level is equal to or greater than 500mm above the existing ground level, is to incorporate a suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage up to the level of the 1% AEP flood; and;
- All structural elements below the Flood Planning Level shall be constructed from flood compatible materials; and;
- All structures must be designed and constructed to ensure structural integrity for immersion and impact of velocity and debris up to the level of the 1% AEP flood. If the structure is to be relied upon for 'shelter-in-place' evacuation then structural integrity must be ensured up to the level of the Probable Maximum Flood, and;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Flood Planning Level; and,
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute floodwaters, will not be permitted below the Flood Planning Level.
- To ensure the recommended flood evacuation strategy of 'shelter-in-place' it will need to be demonstrated that there is pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher).

Flood Mitigation Works

Flood mitigation works that modify a Major Drainage System, stormwater system, natural water course, floodway or flood behaviour within the development site may be permitted subject to demonstration through a Flood Risk Management Report that:

- The flood mitigation works do not have an adverse impact on any surrounding property or flooding processes for any flood event up to the Probable Maximum Flood event; and,
- The flood mitigation works result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event.
- The flood mitigation works result in the protection of the existing and proposed development from a flood event to the minimum floor level requirement as defined in this control; and,
- The works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow regimes, the clearing of riparian vegetation, artificial modification of the natural stream, such as by relocation, piping etc.).

Where flood mitigation works are undertaken to protect the development as set out above, the minimum floor

level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of flood mitigation works with a requirement for their retention and maintenance.

Filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent floodwater ingress), enclosure of structures and/or construction of swimming pools.

Activities that reduce the flood storage capacity of the property including additions to buildings, the filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent flood water ingress), enclosure of structures to prevent the ingress of flood waters (where the Flood Planning Level is greater than 500mm above the existing ground level) or the construction of above ground swimming pools, will only be permitted where it can be demonstrated through a Flood Risk Management Report that:

- There is no additional adverse flood impact on the surrounding properties or flood processes for any flood event up to the Probable Maximum Flood event; and
- There is no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event.

Floor Levels - New Development and Additions

All floor levels within the dwelling including floor levels of the existing dwelling but excluding balconies (with open balustrades), shall be at or above, or raised to the Flood Planning Level.

Floor Levels - Carparking Facilities

- **New enclosed garage:** All floor levels shall be at or above the Flood Planning Level minus 100mm.
- **Covered basement carparking facilities:** All access, ventilation and any other potential water entry points shall be above the Flood Planning Level and a clearly signposted pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher), separate to the vehicular access ramps, shall be provided.
- **Open carpark areas and Carports:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where there is more than 300mm depth of flooding in a 1% AEP flood event.

Open carpark areas and Carports are not permissible within a floodway area.

Variations

Flood Risk Management Report

Where in the opinion of a Water Engineer or a Structural Engineer that a detailed Flood Risk Management Report would not be required due to the proposed development type and/or degree of flood affectation on the proposed development is minimal, a declaration to this effect must be provided with the Development Application stating reasons.

The Council may also waive the requirement for a Flood Risk Management Report on review of the proposed development type and/or the degree of flood affectation on the proposed development.

Alterations and Additions to Existing Dwelling - Retain Existing Floor Level below Flood Planning Level

An alteration or addition to an existing residential dwelling may be permissible where existing floor levels are retained below the Flood Planning Level provided that:

- The total gross floor area (GFA) of any additions to the dwelling at any point in time from 13 December 2002 can only be increased to a maximum total area not exceeding 30m² if any part of the existing gross floor area (GFA) of the dwelling is below the Flood Planning Level; and,
- The floor levels of the addition must be at or above the Flood Planning Level; and,
- If the floor level of the existing dwelling is to be retained at the existing level, the existing dwelling must be satisfactorily flood proofed (wet and/or dry) to the Flood Planning Level; and,
- The addition must be designed and constructed such that it does not preclude the raising of the floor level of the existing structure to the Flood Planning Level when further additions are undertaken; and,
- Where a first floor addition to the dwelling is to be constructed, the floor level of the first floor addition is to be of a height that allows for the internal ground floor of the existing dwelling to be either at, or raised to the Flood Planning Level (whilst maintaining minimum floor to ceiling height requirements).

Floor Levels - Carparking Facilities - New Enclosed Garage

Consideration may be given to a floor level of an enclosed garage at or above the 1% AEP flood level where it can be demonstrated that:

- The enclosed garage is not connected internally to the dwelling; and
- The enclosed garage will be used for carparking purposes only; and,
- The entrance to the garage does not face towards the direction of floodwater; and
- The enclosed garage is not in a floodway.

New Development and Alterations and Additions - loss of floodplain volume up to 30 cubic metres

For new development and additions to existing dwellings, when the criteria for no net loss in floodplain volume of a floodway or flood area is difficult to achieve for any flood up to a 1% AEP flood, consideration may be given to a loss of floodplain storage volume of up to 30 cubic metres, subject to demonstration through a Flood Risk Management Report that there is no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood event

Innovation in Flood Protection Measures

Innovation and alternative designs in flood protection measures may be permitted on a merit basis subject to demonstration through a Flood Risk Management Report that the protection measures can be achieved.

Advisory Notes

The volume of flood storage displaced by the existing structure may be assumed to have been taken into consideration in the assessment of Flood Planning Levels within the catchments of primary floodplains.

For existing structures, a tolerance of up to minus 100mm may be applied to the Flood Planning Level or Probable Maximum Flood level in respect of compliance with these controls.

For a detached Secondary Dwelling controls for new development apply.

Obtaining Flood Levels

To apply this control the levels for the 1% AEP flood, Flood Planning Level(FPL) and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood Level, Flood Planning Level and Probable Maximum Flood from Council; or
- An independent assessment undertaken by a Water Engineer (as defined in Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#)).

The Flood Planning Level and Probable Maximum Flood Level provided by Council is a conservative level based on the most upstream point of the land (i.e. the point on the land at which the highest flood level would occur). An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.12 Flood Hazard - Flood Category 1 - Low Hazard - Medium Density Residential

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 1 - Low Hazard - P21DCP-BCMDCP068

Uses to which this control applies

Attached dwelling
Boarding house
Group home
Hostel
Multi dwelling housing
Residential flat building
Semi-detached dwelling

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

Flood Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to Appendix 8 - Flood Risk Management Policy for Development in Pittwater of this DCP.

General to All Development

All development or activities must be designed and constructed such that:

- There is no additional adverse flood impact on surrounding properties or flooding processes for any event up to the Probable Maximum Flood event and;
- There is no net decrease in floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and;
- All foundation structures within the area of the property affected by the Flood Planning Level, where the Flood Planning Level is equal to or greater than 500mm above the existing ground level, is to incorporate a suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage up to the level of the 1% AEP flood; and
- All foundation structures within the area of the property affected by the Flood Planning Level, where the Flood Planning Level is equal to or greater than 500mm above the existing ground level, is to incorporate a suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage up to the level of the 1% AEP flood; and
- All structural elements below the Flood Planning Level shall be constructed from flood compatible materials; and
- All structures must be designed and constructed to ensure structural integrity for immersion and impact of velocity and debris up to the level of the 1% AEP flood. If the structure is to be relied upon for 'shelter-in-place' evacuation, then structural integrity must be ensured up to the level of the Probable Maximum Flood; and
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Flood Planning Level; and
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute floodwaters, will not be permitted below the Flood Planning Level.
- To ensure the recommended flood evacuation strategy of 'shelter-in-place' it will need to be demonstrated that there is pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher).

Flood Mitigation Works

Flood mitigation works that modify a Major Drainage System, stormwater system, natural water course, floodway or flood behaviour within the development site may be permitted subject to demonstration through a Flood Risk Management Report that:

- The flood mitigation works do not have an adverse impact on any surrounding property or flooding processes for any flood event up to the Probable Maximum Flood event; and,
- The flood mitigation works result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event.
- The flood mitigation works result in the protection of the existing and proposed development from a flood event to the minimum floor level requirement as defined in this control; and,

- The works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow regimes, the clearing of riparian vegetation, artificial modification of the natural stream, such as by relocation, piping etc.).

Where flood mitigation works are undertaken to protect the development as set out above, the minimum floor level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of flood mitigation works with a requirement for their retention and maintenance.

Filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent floodwater ingress), enclosure of structures and/or construction of swimming pools.

Activities that reduce the flood storage capacity of the property including additions to buildings, the filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent flood water ingress), enclosure of structures to prevent the ingress of flood waters (where the Flood Planning Level is greater than 500mm above the existing ground level) or the construction of above ground swimming pools, will only be permitted where it can be demonstrated through a Flood Risk Management Report that:

- There is no additional adverse flood impact on the surrounding properties for flooding processes for any flood event up to the Probable Maximum Flood event.
- There is no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event

Floor Levels - New Development and Additions

All floor levels within the development excluding balconies (with open balustrades), shall be at or above, or raised to the Flood Planning Level.

Floor Levels - Carparking Facilities

- **Enclosed garage and enclosed car park:** All floor levels shall be at or above the Flood Planning Level.
- **Covered basement carparking facilities:** All access, ventilation and any other potential water entry points shall be above the Flood Planning Level and a clearly signposted pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher), separate to the vehicular access ramps, shall be provided.
- **Open carpark areas (including covered carpark areas) and Carports used for residential carparking:** All floor levels / pavement levels shall be at or above the Flood Planning Level. Open carpark areas (including covered carpark areas) and Carports used for visitors, staff and service delivery vehicles spaces are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where there is more than 300mm depth of flooding in a 1% AEP flood event. Open carpark areas and carports are not permissible within a floodway area.

Variations

Flood Risk Management Report

Where in the opinion of a Water Engineer, Structural Engineer or a Architect that a detailed Flood Risk Management Report would not be required due to the proposed development type and/or degree of flood affectation on the proposed development is minimal, a declaration to this effect must be provided with the Development Application stating reasons.

The Council may also waive the requirement for a Flood Risk Management Report on review of the proposed development type and/or the degree of flood affectation on the proposed development.

Innovation in Flood Risk Protection Measures

Innovation and alternative designs in flood protection measures may be permitted on a merit basis subject to demonstration through a Flood Risk Management report that the protection measures can be achieved.

Advisory Notes

The volume of flood storage displaced by the existing structure may be assumed to have been taken into consideration in the assessment of Flood Planning Levels within the primary floodplains.

For existing structures, a tolerance of up to minus 100mm may be applied to the Flood Planning Level or

Probable Maximum Flood level in respect of compliance with these controls.

Obtaining Flood Levels

To apply this control the levels for the 1% AEP flood, Flood Planning Level (FPL) and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood, Flood Planning Level and Probable Maximum Flood Level from Council; or
- An independent assessment undertaken by a Water Engineer (as defined in Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#)).

The Flood Planning Level and Probable Maximum Flood Level provided by Council is a conservative level based on the most upstream point of the land (i.e. the point on the land at which the highest flood level would occur). An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.13 Flood Hazard - Flood Category 1 - Low Hazard - Shop Top Housing, Business and Industrial Development

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 1 - Low Hazard - P21DCP-BCMDCP068

Uses to which this control applies

Business Development
Industrial Development
Rural industry
Shop top housing

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

Flood Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#) of this DCP.

General to All Development

The following applies to all development:

- All development or activities must be designed and constructed such that:
 - There is no additional adverse flood impact on surrounding properties or flooding processes for any event up to the Probable Maximum Flood event and;
 - There is no net decrease in floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and;
- All foundation structures within the area of the property affected by the Flood Planning Level, where the Flood Planning Level is equal to or greater than 500mm above the existing ground level, is to incorporate a suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage up to the level of the 1% AEP flood; and;
- All structural elements below the Flood Planning Level shall be constructed from flood compatible materials; and;
- All structures must be designed and constructed to ensure structural integrity for immersion and impact of velocity and debris up to the level of the 1% AEP flood. If the structure is to be relied upon for 'shelter-in-place' evacuation, then structural integrity must be ensured up to the level of the Probable Maximum Flood; and;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Flood Planning Level; and,
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute floodwaters, will not be permitted below the Flood Planning Level.
- To ensure the recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher).

Flood Mitigation Works

Flood mitigation works that modify a Major Drainage System, stormwater system, natural water course, floodway or flood behaviour within the development site may be permitted subject to demonstration through a Flood Risk Management Report that:

- The flood mitigation works do not have an adverse impact on any surrounding property or flooding processes for any flood event up to the Probable Maximum Flood event; and,
- The flood mitigation works result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event.
- The flood mitigation works result in the protection of the existing and proposed development from a flood event to the minimum floor level requirement as defined in this control; and,
- The works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow regimes, the clearing of riparian vegetation, artificial modification of the natural stream, such as by relocation, piping etc.).

Where flood mitigation works are undertaken to protect the development as set out above, the minimum floor

level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of flood mitigation works with a requirement for their retention and maintenance.

Filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent floodwater ingress), enclosure of structures and/or construction of swimming pools

Activities that reduce the flood storage capacity of the property including additions to buildings, the filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent flood water ingress), enclosure of structures to prevent the ingress of flood waters (where the Flood Planning Level is greater than 500mm above the existing ground level) or the construction of above ground swimming pools, will only be permitted where it can be demonstrated through a Flood Risk Management Report that:

- There is no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood event.
- There is no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event

Floor Levels - New Development and Additions

All floor levels within the development, excluding balconies (with open balustrades), shall be at or above, or raised to the Flood Planning Level.

Floor Levels - Carparking Facilities

- **Enclosed garage and enclosed carpark:** All floor levels shall be at or above the Flood Planning Level.
- **Covered basement carparking facilities:** All access, ventilation and any other potential water entry points shall be above the Flood Planning Level and a clearly signposted pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher) separate to the vehicular access ramps, shall be provided.
- **Open carpark areas (including covered carpark areas) and carports:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where there is more than 300mm depth of flooding in a 1% AEP flood event. Open carpark areas and carports: Are not permissible within a floodway area. Open carpark areas (including carpark areas) and carports used for residential carparking: All floor levels/pavement levels shall be at or above the Flood Planning Level. Open carpark areas (including covered carpark areas) and carports used for visitors, staff and service delivery vehicles spaces are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where there is more than 300mm depth of flooding in a 1% AEP flood event.

Variations

Flood Risk Management Report

Where in the opinion of a Water Engineer or a Structural Engineer a detailed Flood Risk Management Report would not be required due to the proposed development type and/or degree of flood affectation on the proposed development is minimal, a declaration to this effect must be provided with the Development Application stating reasons.

The Council may also waive the requirement for a Flood Risk Management Report on review of the proposed development type and/or the degree of flood affectation on the proposed development.

Innovation in Flood Risk Protection Measures

Innovation and alternative designs in flood protection measures may be permitted on a merit basis subject to demonstration through a Flood Risk Management Report that the protection measures can be achieved.

Floor Levels - New development within shopping precincts of Avalon, Newport and North Narrabeen

Where constructing or raising the total area of the ground floor to the level of the Flood Planning Level may be difficult to achieve due to site and access constraints, consideration on merit may be given to a floor level below the Flood Planning Level for the internal front 5m of the development to accommodate window displays, pedestrian stairs and/or ramp(s) that lead up to the remainder of the development (subject to demonstration through a Flood Risk Management Report) provided that:

- the proposed development is within the shopping precincts of Avalon, Newport and North Narrabeen; and
- the ground floor is for business purposes only; and

- the proposed Ground Floor Level for the internal front 5m is no lower than the existing floor level; and
- the proposed Ground Floor Level of the remainder of the ground floor is at or above the Flood Planning Level; and
- no electrical equipment or electrical motors are located below the Flood Planning Level.

Floor Levels - Change of Use to Existing Premises and Additions and Alterations up to 30 square metres Gross Floor Area

Where the existing floor level of a building is below the Flood Planning Level and raising the floor level of existing development to the Flood Planning Level may be difficult to achieve due to site and access constraints and /or an addition up to 30m² gross floor area (GFA) is proposed, consideration may be given to retaining the existing floor levels and satisfactory flood proofing (wet and/or dry) to the Flood Planning Level, subject to demonstration through a Flood Risk Management Report that all precautions have been taken to minimise risk.

(The additional gross floor area of the development, at any point in time from 13 December 2002, can only be increased to a maximum total area not exceeding 30m² if any part of the existing gross floor area (GFA) of the development is below the Flood Planning Level).

Advisory Notes

The volume of flood storage displaced by the existing structure may be assumed to have been taken into consideration in the assessment of Flood Planning Levels within catchments of Primary Floodplains.

For existing structures, a tolerance of up to minus 100mm may be applied to the Flood Planning Level or Probable Maximum Flood level in respect of compliance with these controls.

Obtaining Flood Levels

To apply this control the levels for the 1% AEP flood, Flood Planning Level (FPL) and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood Level, Flood Planning Level and Probable Maximum Flood Level from Council; or
- An independent assessment undertaken by a Water Engineer (as defined in Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#)).

The Flood Planning Level and Probable Maximum Flood Level provided by Council is a conservative level based on the most upstream point of the land (i.e. the point on the land at which the highest flood level would occur). An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.14 Flood Hazard - Flood Category 1 - Low Hazard - Other Development

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 1 - Low Hazard - P21DCP-BCMDCP068

Uses to which this control applies

Child care centre
Demolition
Development ancillary to residential accommodation
Earthworks
Hospital
Other Development
Seniors housing

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

Flood Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#) of this DCP.

General to All Development

The following applies to all development:

- All development or activities must be designed and constructed such that:
 - There is no additional adverse flood impact on surrounding properties or flooding processes for any event up to the Probable Maximum Flood event and;
 - There is no net decrease in floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and;
- All foundation structures within the area of the property affected by the Flood Planning Level, where the Flood Planning Level is equal to or greater than 500mm above the existing ground level, is to incorporate a suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage up to the level of the 1% AEP flood; and
- All structural elements below the Flood Planning Level shall be constructed from flood compatible materials; and
- All structures must be designed and constructed to ensure structural integrity for immersion and impact of velocity and debris up to the level of the 1% AEP flood. If the structure is to be relied upon for 'shelter-in-place' evacuation then structural integrity must be ensured up to the level of the Probable Maximum Flood; and
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Flood Planning Level; and
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute floodwaters, will not be permitted below the Flood Planning Level.
- To ensure the recommended flood evacuation strategy of 'shelter-in-place' it will need to be demonstrated that there is pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher).

Flood Mitigation Works

Flood mitigation works that modify a Major Drainage System, stormwater system, natural water course, floodway or flood behaviour within the development site may be permitted subject to demonstration through a Flood Risk Management Report that:

- The flood mitigation works do not have an adverse impact on any surrounding property or flooding processes for any flood event up to the Probable Maximum Flood event; and,
- The flood mitigation works result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and,
- The flood mitigation works result in the protection of the existing and proposed development from a flood event to the minimum floor level requirement as defined in this control; and,
- The works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow regimes, the clearing of riparian vegetation, artificial modification of the natural stream, such as by relocation, piping etc.).

Where flood mitigation works are undertaken to protect the development as set out above, the minimum floor level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of flood mitigation works with a requirement for their retention and maintenance.

Filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent floodwater ingress), enclosure of structures and/or construction of swimming pools

Activities that reduce the flood storage capacity of the property including additions to buildings, the filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent flood water ingress), enclosure of structures to prevent the ingress of flood waters (where the Flood Planning Level is greater than 500mm above the existing ground level) or the construction of above ground swimming pools, will only be permitted where it can be demonstrated through a Flood Risk Management Report that:

- There is no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood event; and
- there is no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event.

Floor Levels - Special Flood Protection

All floor levels within 'Special Flood Protection' developments (excluding balconies with open balustrades) shall be at or above or raised to the Probable Maximum Flood or Flood Planning Level (whichever is the higher level). Special Flood Protection developments include Seniors Housing - *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, child care facilities, hospitals, and educational facilities.

Floor Levels - New Development and Additions

All floor levels within the development, excluding Special Flood Protection Land Uses and excluding balconies (with open balustrades), shall be at or above, or raised to the Flood Planning Level.

Floor Levels - Carparking Facilities

- **Enclosed garage and enclosed carpark:** All floor levels shall be at or above the Flood Planning Level.
- **Covered basement carparking facilities:** All access, ventilation and any other potential water entry points shall be above the Flood Planning Level and a clearly signposted pedestrian access via a low flood hazard area to a 'safe-haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher), separate to the vehicular access ramps, shall be provided.
- **Open carpark areas (including covered carpark areas) and carports:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where there is more than 300mm depth of flooding in a 1% AEP flood event. Open carpark areas and carports are not permissible within a floodway area.
- **Open carpark areas (including covered carpark areas) and carports used for residential carparking:** All floor levels/pavement levels shall be at or above the Flood Planning Level.
- **Open carpark areas (including covered carpark areas) and carports used for visitors, staff and service delivery vehicles spaces:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where there is more than 300mm depth of flooding in a 1% AEP flood event.

Variations

Flood Risk Management Report

Where in the opinion of a Water Engineer or a Structural Engineer that a detailed Flood Risk Management Report would not be required due to the proposed development type and/or degree of flood affectation on the proposed development is minimal, a declaration to this effect must be provided with the Development Application stating reasons.

The Council may also waive the requirement for a Flood Risk Management Report on review of the proposed development type and/or the degree of flood affectation on the proposed development.

Innovation in Flood Risk Protection Measures

Innovation and alternative designs in flood protection measures may be permitted on a merit basis subject to demonstration through a Flood Risk Management Report that the protection measures can be achieved.

Floor Levels - Non-habitable Public Facilities and Ancillary Development

The floor level for a non-habitable public facility (such as toilet blocks, canteens, etc) with no facilities for a place of public meeting, or an ancillary development (such as a tennis court ancillary to a dwelling) may be below the Flood Planning Level, at a minimum floor level of the 5% AEP flood level.

Advisory Notes

The volume of flood storage displaced by the existing structure may be assumed to have been taken into consideration in the assessment of Flood Planning Levels within catchments of Primary Floodplains.

For existing structures, a tolerance of up to minus 100mm may be applied to the Flood Planning Level or Probable Maximum Flood level in respect of compliance with these controls.

Obtaining Flood Levels

To apply this control the levels for the 1% AEP flood, Flood Planning Level (FPL) and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood Level, Flood Planning Level and Probable Maximum Flood Level from Council; or
- An independent assessment undertaken by a Water Engineer (as defined in Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#)).

The Flood Planning Level and Probable Maximum Flood Level provided by Council is a conservative level based on the most upstream point of the land (i.e. the point on the land at which the highest flood level would occur). An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.15 Flood Hazard - Flood Category 1 - Low Hazard - Subdivision

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 1 - Low Hazard - P21DCP-BCMDCP068

Uses to which this control applies

Subdivision

Outcomes

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

Controls

Flood Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to Appendix 8 -[Flood Risk Management Policy for Development in Pittwater](#) of this DCP.

Flood Mitigation Works

Flood mitigation works that modify a Major Drainage System, stormwater system, natural water course, floodway or flood behaviour within the development site may be permitted subject to demonstration through a Flood Risk Management Report that:

- The flood mitigation works do not have an adverse impact on any surrounding property or flooding processes for any flood event up to the Probable Maximum Flood event; and,
- The flood mitigation works result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and,
- The flood mitigation works result in the protection of the proposed development from a flood event to the minimum floor level requirements as defined for the proposed development; and
- The works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow regimes, the clearing of riparian vegetation, artificial modification of the natural stream, such as by relocation, piping etc.).

Where flood mitigation works are undertaken to protect the development as set out above, the minimum floor level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of flood mitigation works with a requirement for their retention and maintenance.

Filling of land for subdivision purposes

The filling of land will only be permitted where it can be demonstrated through a Flood Risk Management Report that:

- There is no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP Flood event; and,
- There is no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood event.

Subdivision - Building Platforms

The subdivision of land requires the building platforms for each additional allotment created to be at or above the Flood Planning Level.

Variations

Flood Risk Management Report

Where in the opinion of a Water Engineer or a Structural Engineer that a detailed Flood Risk Management Report would not be required due to the proposed development type and/or degree of flood affectation on the proposed development is minimal, a declaration to this effect must be provided with the Development Application stating reasons.

The Council may also waive the requirement for a Flood Risk Management Report on review of the proposed development type and/or the degree of flood affectation on the proposed development.

Advisory Notes

Obtaining Flood Levels

To apply this control the levels for the 1% AEP flood, Flood Planning Level (FPL) and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood Level, Flood Planning Level and Probable Maximum Flood Level from Council; or
- An independent assessment undertaken by a Water Engineer (as defined in Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#)).

The Flood Planning Level and Probable Maximum Flood Level provided by Council is a conservative level based on the most upstream point of the land (i.e. the point on the land at which the highest flood level would occur). An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.16 Flood Hazard - Flood Category 1 - High Hazard - Low Density Residential

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 1 - High Hazard - P21DCP-BCMDCP069

Uses to which this control applies

Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Rural worker's dwelling
Secondary dwelling

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

Flood Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#) of this DCP.

High Hazard Classification

An assessment through a Flood Risk Management Report is required to be undertaken by a Water Engineer for property subject to a High Hazard Classification to determine the extents within the site of the High Hazard Classification, the High Hazard Flood Storage Area and/or the High Hazard Floodway Area.

General to all Development

The following applies to all development:

- All development or activities must be designed and constructed such that:
 - There is no additional adverse flood impact on surrounding properties or flooding processes for any event up to the Probable Maximum Flood event and;
 - There is no net decrease in floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and
- All foundation structures within the area of the property affected by the Flood Planning Level, where the Flood Planning Level is equal to or greater than 500mm above the existing ground level, is to incorporate a suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage up to the level of the 1% AEP flood; and
- All structural elements below the Flood Planning Level shall be constructed from flood compatible materials; and
- All structures must be designed and constructed to ensure structural integrity for immersion and impact of velocity and debris up to the level of the 1% AEP flood. If the structure is to be relied upon for 'shelter-in-place' evacuation then structural integrity must be ensured up to the level of the Probable Maximum Flood; and
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Flood Planning Level; and
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute floodwaters, will not be permitted below the Flood Planning Level.
- To ensure the recommended flood evacuation strategy of 'shelter-in-place' it will need to be demonstrated that there is pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher).

Flood Mitigation Works

Flood mitigation works that modify a Major Drainage System, stormwater system, natural water course, floodway or flood behaviour within the development site may be permitted subject to demonstration through a Flood Risk Management Report that:

- The flood mitigation works do not have an adverse impact on any surrounding property or flooding processes for any flood event up to the Probable Maximum Flood event; and,
- The flood mitigation works result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event.

- The flood mitigation works result in the protection of the existing and proposed development from a flood event to the minimum floor level requirement as defined in this control and
- The works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow regimes, the clearing of riparian vegetation, artificial modification of the natural stream, such as by relocation, piping etc.).

Where flood mitigation works are undertaken to protect the development as set out above, the minimum floor level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of flood mitigation works with a requirement for their retention and maintenance.

Filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent floodwater ingress), enclosure of structures and/or construction of swimming pools

Activities that reduce the flood storage capacity of the property including additions to buildings, the filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent flood water ingress), enclosure of structures to prevent the ingress of flood waters (where the Flood Planning Level is greater than 500mm above the existing ground level) or the construction of above ground swimming pools, will only be permitted where it can be demonstrated through a Flood Risk Management Report that:

- There is no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood event; and
- There is no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event.

Floor Levels - New Development and Additions

A. For portion of the land designated High Hazard Flood Storage:

For the portion of the dwelling affected by, or affecting the High Hazard Flood Storage area, all floor levels but excluding balconies (with open balustrades), shall be at or above, or raised to the Flood Planning Level.

B. For portion of the land designated High Hazard Floodway:

For that portion of the dwelling affected by, or affecting the High Hazard Floodway, the structure must be designed and constructed so as not to impede the floodway and must be elevated such that the level of the underside of all floors including balconies within the floodway area are at or above, or raised to the Probable Maximum Flood Level or Flood Planning Level (whichever is the higher level) to allow clear passage of the floodwaters under the building.

Floor Levels - Carparking Facilities

A. For portion of the land designated High Hazard Flood Storage:

The requirements for carparking facilities over the portion of the development affected by, or affecting the High Hazard Flood Storage Area, shall be as follows:

- **New enclosed garage:** All floor levels shall be at or above the Flood Planning Level minus 100mm level.
- **Covered basement carparking facilities:** All access, ventilation and any other potential water entry points shall be above the Flood Planning Level and a clearly signposted pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher), separate to the vehicular access ramps, shall be provided.
- **Open carpark areas and carports:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where there is more than 300mm depth of flooding in a 1% AEP flood event.

B. For portion of land designated High Hazard Floodway:

The requirements for carparking facilities over the portion of the development affected by, or affecting the High Hazard Floodway, shall be as follows:

- **New Carparking Facilities:** For that portion of the carparking facilities affected by, or affecting the High Hazard Floodway, the structure must be designed and constructed so as not to impede the floodway and must be elevated such that the level of the underside of all carpark floors within the floodway area are at or above, or raised to the Probable Maximum Flood Level or Flood Planning Level (whichever is the higher level) to allow clear passage of the floodwaters under the building.
- **Open carpark areas and carports:** Are not permissible within a floodway area.

Variations

Flood Risk Management Report

Where in the opinion of a Water Engineer or a Structural Engineer that a detailed Flood Risk Management Report would not be required due to the proposed development type and/or degree of flood affectation on the proposed development is minimal, a declaration to this effect must be provided with the Development Application stating reasons.

The Council may also waive the requirement for a Flood Risk Management Report on review of the proposed development type and/or the degree of flood affectation on the proposed development.

Innovation in Flood Protection Measures

Innovation and alternative designs in flood protection measures may be permitted on a merit basis subject to demonstration through a Flood Risk Management report that the protection measures can be achieved.

Alterations and Additions to Existing Dwelling - Retain Existing Floor Level below Flood Planning Level - High Hazard Flood Storage Area only

An addition or alteration to an existing residential dwelling may be permissible where located on that portion of the land designated as High Hazard Flood Storage Area only and where existing floor levels are retained below the Flood Planning Level provided that:

- It is demonstrated through a Flood Risk Management Report that no part of the dwelling is located in a Floodway area (Low Hazard or High Hazard); and
- The total gross floor area (GFA) of any additions to the dwelling, at any point in time from 13 December 2002 can only be increased to a maximum total area not exceeding 30m² if any part of the existing GFA of the dwelling is below the Flood Planning Level; and,
- The floor levels of the addition must be at or above the Flood Planning Level; and
- If the floor level of the existing dwelling is to be retained at the existing level, the existing dwelling must be satisfactorily flood proofed (wet and/or dry) to the Flood Planning Level; and,
- The addition/alteration must be designed and constructed such that it does not preclude the raising of the floor level of the existing structure to the Flood Planning Level when further additions are undertaken; and,
- Where a first floor addition to the dwelling is to be constructed, the floor level of the first floor addition is to be of a height that allows for the internal ground floor of the existing dwelling to be either at, or raised to the Flood Planning Level (whilst maintaining minimum floor to ceiling height requirements).

Floor Levels - Carparking Facilities - New Enclosed Garage - High Hazard Flood Storage Area Only

Consideration may be given to a floor level of an enclosed garage at or above the 1% AEP flood level where it can be demonstrated that:

- The enclosed garage is not connected internally to the dwelling; and
- The enclosed garage will be used for carparking purposes only; and,
- The entrance to the garage does not face towards the upstream direction of floodwaters; and
- The enclosed garage is not in a floodway.

New Development Alterations and Additions - Loss of Floodplain Volume up to 30 cubic metres - High Hazard Flood Storage Area Only

In High Hazard Flood Storage Areas only, for new development and additions to existing dwellings, when no net loss in floodplain volume of a floodway or flood storage area is difficult to achieve for any flood up to a 1% AEP flood, consideration may be given to a loss of floodplain volume of up to 30 cubic metres, subject to demonstration through a Flood Risk Management Report that there is no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood Event.

Advisory Notes

The volume of flood storage displaced by the existing structure may be assumed to have been taken into consideration in the assessment of Flood Planning Levels within catchments of Primary Floodplains.

For existing structures, a tolerance of up to minus 100mm may be applied to the Flood Planning Level or Probable Maximum Flood level in respect of compliance with these controls.

For a detached Secondary Dwelling controls for new development apply.

Obtaining Flood Levels

To apply this control the levels for the 1% AEP flood, Flood Planning Level (FPL) and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood Level, Flood Planning Level and Probable Maximum Flood Level from Council;

or

- An independent assessment undertaken by a Water Engineer (as defined in Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#)).

The Flood Planning Level and Probable Maximum Flood Level provided by Council is a conservative level based on the most upstream point of the land (i.e. the point on the land at which the highest flood level would occur). An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.17 Flood Hazard - Flood Category 1 - High Hazard - Medium Density Residential

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 1 - High Hazard - P21DCP-BCMDCP069

Uses to which this control applies

Attached dwelling
Boarding house
Group home
Hostel
Multi dwelling housing
Residential flat building
Semi-detached dwelling

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

Flood Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#) of this DCP.

High Hazard Classification

An assessment through a Flood Risk Management Report is required to be undertaken by a Water Engineer for property subject to a High Hazard Classification to determine the extents within the site of the High Hazard Classification, the High Hazard Flood Storage Area and/or the High Hazard Floodway Area.

General to all Development

The following applies to all development:

- All development or activities must be designed and constructed such that:
 - There is no additional adverse flood impact on surrounding properties or flooding processes for any event up to the Probable Maximum Flood event and;
 - There is no net decrease in floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and;
- All foundation structures within the area of the property affected by the Flood Planning Level, and where the Flood Planning Level is equal to or greater than 500mm above the existing ground level, is to incorporate a suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage up to the level of the 1% AEP flood; and;
- All foundation structures within the area of the property affected by the Flood Planning Level, and where the Flood Planning Level is equal to or greater than 500mm above the existing ground level, it is to incorporate a suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage up to the level of the 1% AEP flood; and
- All structural elements below the Flood Planning Level shall be constructed from flood compatible materials; and
- All structures must be designed and constructed to ensure structural integrity for immersion and impact of velocity and debris up to the level of the 1% AEP flood. If the structure is to be relied upon for 'shelter-in-place' evacuation, then structural integrity must be ensured up to the level of the Probable Maximum Flood; and
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Flood Planning Level; and
- The storage of toxic or potentially polluting goods, materials or other products which may be hazardous or pollute floodwaters, will not be permitted below the Flood Planning Level.
- To ensure the recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher).

Flood Mitigation Works

Flood mitigation works that modify a Major Drainage System, stormwater system, natural water course, floodway or flood behaviour within the development site may be permitted subject to demonstration through a Flood Risk Management Report that:

- The flood mitigation works do not have an adverse impact on any surrounding property or flooding processes for any flood event up to the Probable Maximum Flood event; and,
- The flood mitigation works result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event. and,
- The flood mitigation works result in the protection of the existing and proposed development from a flood event to the minimum floor level requirement as defined in this control; and,
- The works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow regimes, the clearing of riparian vegetation, artificial modification of the natural stream, such as by relocation, piping etc.).

Where flood mitigation works are undertaken to protect the development as set out above, the minimum floor level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of flood mitigation works with a requirement for their retention and maintenance.

Filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent floodwater ingress), enclosure of structures and/or construction of swimming pools

Activities that reduce the flood storage capacity of the property including additions to buildings, the filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent flood water ingress), enclosure of structures to prevent the ingress of flood waters (where the Flood Planning Level is greater than 500mm above the existing ground level) or the construction of above ground swimming pools, will only be permitted where it can be demonstrated through a Flood Risk Management Report that:

- there is no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood event; and
- there is no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event.

New Development and Additions on land with a High Hazard Classification

Development is not permissible where the land is subject to a High Hazard Classification except where it can be demonstrated through a Flood Risk Management Report that building platforms, building envelope enclosures or carparking facilities and access:

- Are not adversely affected by any flood up to the Probable Maximum Flood event; and
- Result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and
- Result in no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood event.

A. For portion of the land designated High Hazard Flood Storage:

For the portion of the development affected by, or affecting the High Hazard Flood Storage area, all floor levels but excluding balconies (with open balustrades) shall be at or above, or raised to the Flood Planning Level.

B. For portion of the land designated High Hazard Floodway:

For the portion of the development affected by, or affecting the High Hazard Floodway, the structures must be designed and constructed so as not to impede the floodway and shall be elevated such that the level of the underside of all floors including balconies within the floodway area are at or above, or raised to the Probable Maximum Flood Level or Flood Planning Level (whichever is the higher level) to allow clear passage of floodwaters under the building.

Floor Levels - Carparking Facilities

A. For portion of the land designated High Hazard Flood Storage:

The requirements for carparking facilities over the portion of the development, affected by or affecting the High Hazard Flood Storage Area, shall be as follows:

- **Enclosed garage and enclosed car park:** All floor levels shall be at or above the Flood Planning Level.
- **Covered basement carparking facilities:** All access, ventilation and any other potential water entry points shall be above the Flood Planning Level and a clearly signposted pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher) separate to the vehicular access ramps, shall be provided.
- **Open carpark areas (including covered carpark areas) and carports used for residential carparking:** All floor levels / pavement levels shall be at or above the Flood Planning Level.

- **Open carpark areas (including covered carpark areas) and carports used for visitors, staff and service delivery vehicles spaces:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where there is more than 300mm depth of flooding in a 1% AEP flood event.

B. For portion of the land designated High Hazard Floodway:

The requirement for carparking facilities over the portion of the development affected by or affecting the High Hazard Floodway, shall be as follows:

- **Open carpark areas and carports:** Are not permissible within a floodway area.
- **New Carparking Facilities:** For the portion of the carparking facilities affected by, or affecting the High Hazard Floodway, the structure must be designed and constructed so as not to impede the floodway and must be elevated such that the level of the underside of all carpark floors within the floodway area are at or above, or raised to the Probable Maximum Flood Level or Flood Planning Level (whichever is the higher level) to allow clear passage of the floodway under the building.

Variations

Flood Risk Management Report

Where in the opinion of a Water Engineer or a Structural Engineer that a detailed Flood Risk Management Report would not be required due to the proposed development type and/or degree of flood affectation on the proposed development is minimal, a declaration to this effect must be provided with the Development Application stating reasons.

The Council may also waive the requirement for a Flood Risk Management Report on review of the proposed development type and/or the degree of flood affectation on the proposed development.

Innovation in Flood Risk Protection Measures

Innovation and alternative designs in flood protection measures may be permitted on a merit basis subject to demonstration through a Flood Risk Management report that the protection measures can be achieved.

Advisory Notes

The volume of flood storage displaced by the existing structure may be assumed to have been taken into consideration in the assessment of Flood Planning Levels within catchments of Primary Floodplains.

For existing structures, a tolerance of up to minus 100mm may be applied to the Flood Planning Level or Probable Maximum Flood level in respect of compliance with these controls.

Obtaining Flood Levels

To apply this control the levels for the 1% AEP flood, Flood Planning Level (FPL) and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood Level, Flood Planning Level and Probable Maximum Flood Level from Council; or
- An independent assessment undertaken by a Water Engineer (as defined in Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#)).

The Flood Planning Level and Probable Maximum Flood Level provided by Council is a conservative level based on the most upstream point of the land (i.e. the point on the land at which the highest flood level would occur). An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.18 Flood Hazard - Flood Category 1 - High Hazard - Shop Top Housing, Business and Industrial Development

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 1 - High Hazard - P21DCP-BCMDCP069

Uses to which this control applies

Business Development
Industrial Development
Rural industry
Shop top housing

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

Flood Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to the [Flood Risk Management Policy for Development in Pittwater contained in Appendix 8](#).

High Hazard Classification

An assessment through a Flood Risk Management Report is required to be undertaken by a Water Engineer for property subject to a High Hazard Classification to determine the extents within the site of the High Hazard Classification, the High Hazard Flood Storage Area and/or the High Hazard floodway area.

General to all Development

The following applies to all development:

- All development or activities must be designed and constructed such that:
 - There is no additional adverse flood impact on surrounding properties or flooding processes for any event up to the Probable Maximum Flood event and;
 - There is no net decrease in floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and;
- All foundation structures within the area of the property affected by the Flood Planning Level, where the Flood Planning Level is equal to or greater than 500mm above the existing ground level, is to incorporate a suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage up to the level of the 1% AEP flood; and
- All structural elements below the Flood Planning Level shall be constructed from flood compatible materials; and
- All structures must be designed and constructed to ensure structural integrity for immersion and impact of velocity and debris up to the level of the 1% AEP flood. If the structure is to be relied upon for 'shelter-in-place' evacuation then structural integrity must be ensured up to the level of the Probable Maximum Flood; and
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Flood Planning Level; and
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute floodwaters, will not be permitted below the Flood Planning Level.
- To ensure the recommended flood evacuation strategy of 'shelter-in-place' it will need to be demonstrated that there is pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher).

Flood Mitigation Works

Flood mitigation works that modify a Major Drainage System, stormwater system, natural water course, floodway or flood behaviour within the development site may be permitted subject to demonstration through a Flood Risk Management Report that:

- The flood mitigation works do not have an adverse impact on any surrounding property or flooding processes for any flood event up to the Probable Maximum Flood event; and,
- The flood mitigation works result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event, and
- The flood mitigation works result in the protection of the existing and proposed development from a flood event to the minimum floor level requirements as defined in this control; and
- The works do not have an adverse impact on the environment. (This includes but is not limited to the

altering of natural flow regimes, the clearing of riparian vegetation, artificial modification of the natural stream, such as by relocation, piping etc.).

Where flood mitigation works are undertaken to protect the development as set out above, the minimum floor level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of flood mitigation works with a requirement for their retention and maintenance.

Filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent floodwater ingress), enclosure of structures and/or construction of swimming pools

Activities that reduce the flood storage capacity of the property including additions to buildings, the filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent flood water ingress), enclosure of structures to prevent the ingress of flood waters (where the Flood Planning Level is greater than 500mm above the existing ground level) or the construction of above ground swimming pools, will only be permitted where it can be demonstrated through a Flood Risk Management Report that;

- there is no additional adverse flood impact on the surrounding properties for any flood event up to the Probable Maximum Flood event; and
- there is no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event.

New Development and Additions on land with a High Hazard Classification

Development is not permissible where the land is subject to a High Hazard Classification except where it can be demonstrated through a Flood Risk Management Report that building platforms, building envelope enclosures or carparking facilities and access:

- Are not adversely affected by any flood up to the Probable Maximum Flood event; and
- Result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and
- Result in no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood event.

Floor levels - New Development and Additions

A. For portion of the land designated High Hazard Flood Storage:

For the portion of the development affected by, or affecting the High Hazard Flood Storage area, all floor levels but excluding balconies (with open balustrades), shall be at or above, or raised to the Flood Planning Level.

B. For portion of the land designated High Hazard Floodway.

For that portion of the development affected by, or affecting the High Hazard Floodway, structures must be designed and constructed so as not to impede the floodway and shall be elevated such that the level of the underside of all floors including balconies within the floodway area are at or above, or raised to the Probable Maximum Flood Level or Flood Planning Level (whichever is the higher level) to allow clear passage of floodwaters under the building.

A. For portion of the land designated High Hazard Flood Storage:

The requirements for carparking facilities over the portion of the development affected by, or affecting the High Hazard Flood Storage area, shall be as follows:

- **Enclosed garage and enclosed carpark:** All floor levels shall be at or above the Flood Planning Level.
- **Covered basement carpark facilities:** All access, ventilation and any other potential water entry points shall be above the Flood Planning Level and a clearly signposted pedestrian access via a low flood hazard area to a 'safe-haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher) separate to the vehicular access ramps, shall be provided.
- **Open carpark areas (including covered carpark areas) and Carports:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where there is more than 300mm depth of flooding in a 1% AEP flood event.
- **Open carpark areas (including covered carpark areas) and carports used for residential carparking:** All floor levels/pavement levels shall be at or above the Flood Planning Level.
- **Open carpark areas (including covered carpark areas) and carports used for visitors, staff and service delivery vehicles spaces:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where there is more than 300mm depth of flooding in a 1% AEP flood event

B. For Portion of land designated High Hazard Floodway:

The requirements for carparking facilities over the portion of the development affected by or affecting a High Hazard Floodway shall be as follows:

- **Open carpark areas and carports:** Are not permitted in a floodway.
- **New Carparking Facilities:** For that portion of the carparking facilities affected by, or affecting the High Hazard Floodway, the structure must be designed and constructed so as not to impede the floodway and shall be elevated such that the level of the underside of all carpark floors within the floodway area at or above, or raised to the Probable Maximum Flood Level or Flood Planning Level (whichever is the higher level) to allow clear passage of floodwater under the building.

Variations

Flood Risk Management Report

Where in the opinion of a Water Engineer or a Structural Engineer that a detailed Flood Risk Management Report would not be required due to the proposed development type and/or degree of flood affectation on the proposed development is minimal, a declaration to this effect must be provided with the Development Application stating reasons.

The Council may also waive the requirement for a Flood Risk Management Report on review of the proposed development type and/or the degree of flood affectation on the proposed development.

Floor Levels - Change of Use to Existing Premises and Additions up to 30 square metres Gross Floor Area - High Hazard Storage Area only

Where the existing floor level of a building is below the Flood Planning Level and raising the floor level of existing development to the Flood Planning Level may be difficult to achieve due to site and access constraints and /or an addition up to 30m² gross floor area (GFA) is proposed, consideration may be given to retaining the existing floor levels and satisfactory flood proofing (wet and/or dry) to the Flood Planning Level, subject to demonstration through a Flood Risk Management Report that all precautions have been taken to minimise flood risk.

(The additional gross floor area of the development, at any point in time from 13 December 2002 (adoption of DCP 30), can only be increased to a maximum total area not exceeding 30m² if any part of the existing gross floor area (GFA) of the development is below the Flood Planning Level).

Floor Levels - New development within Shopping Precincts of Avalon, Newport and North Narrabeen

Where constructing or raising the total area of the Ground Floor to the level of the Flood Planning Level may be difficult to achieve due to site and access constraints, consideration on merit may be given to a floor level below the Flood Planning Level for the internal front 5m of the development to accommodate window displays, pedestrian stairs and/or ramp(s) that lead up to the remainder of the development (subject to demonstration through a Flood Risk Management Report) provided that:

- the proposed development is within the Shopping Precincts of Avalon, Newport and North Narrabeen; and
- the ground floor is for business purposes only; and
- the proposed Ground Floor Level for the internal front 5m is no lower than the existing floor level; and
- the proposed Ground Floor Level of the remainder of the Ground Floor is at or above the Flood Planning Level; and
- no electrical equipment or electrical motors are located below the Flood Planning Level.

Advisory Notes

The volume of flood storage displaced by the existing structure may be assumed to have been taken into consideration in the assessment of Flood Planning Levels within the catchments of Primary Floodplains.

For existing structures, a tolerance of up to minus 100mm may be applied to the Flood Planning Level or Probable Maximum Flood level in respect of compliance with these controls.

Obtaining Flood Levels

To apply this control the levels for the 1% AEP flood, Flood Planning Level (FPL) and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood Level, Flood Planning Level and Probable Maximum Flood Level from Council; or
- An independent assessment undertaken by a Water Engineer (as defined in Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#)).

The Flood Planning Level and Probable Maximum Flood Level provided by Council is a conservative level based on the most upstream point of the land (i.e. the point on the land at which the highest flood level would occur).

An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.19 Flood Hazard - Flood Category 1 - High Hazard - Other Development

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 1 - High Hazard - P21DCP-BCMDCP069

Uses to which this control applies

Child care centre
Demolition
Development ancillary to residential accommodation
Earthworks
Hospital
Other Development
Seniors housing

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

Flood Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to the [Flood Risk Management Policy for Development in Pittwater contained in Appendix 8.](#)

High Hazard Classification

An assessment through a Flood Risk Management Report is required to be undertaken by a Water Engineer for property subject to a High Hazard Classification to determine the extents within the site of the High Hazard Classification, the High Hazard Flood Storage Area and/or the High Hazard Floodway Area.

General to all Development

The following applies to all development:

- All development or activities must be designed and constructed such that:
 - There is no additional adverse flood impact on surrounding properties or flooding processes for any event up to the Probable Maximum Flood event and;
 - There is no net decrease in floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and;
- All foundation structures within the area of the property affected by the Flood Planning Level, where the Flood Planning Level is equal to or greater than 500mm above the existing ground level, is to incorporate a suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage up to the level of the 1% AEP flood; and
- All structural elements below the Flood Planning Level shall be constructed from flood compatible materials; and
- All structures must be designed and constructed to ensure structural integrity for immersion and impact of velocity and debris up to the level of the 1% AEP flood. If the structure is to be relied upon for 'shelter-in-place' evacuation then structural integrity must be ensured up to the level of the Probable Maximum Flood; and
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Flood Planning Level; and
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute floodwaters, will not be permitted below the Flood Planning Level.
- To ensure the recommended flood evacuation strategy of 'shelter-in-place' it will need to be demonstrated that there is pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level or 300mm below the level of the Probable Maximum Flood (whichever is the higher).

Flood Mitigation Works

Flood mitigation works that modify a Major Drainage System, stormwater system, natural water course, floodway or flood behaviour within the development site may be permitted subject to demonstration through a Flood Risk Management Report that:

- The flood mitigation works do not have an adverse impact on any surrounding property or flooding processes for any flood event up to the Probable Maximum Flood event; and,
- The flood mitigation works result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and

- The flood mitigation works result in the protection of the existing and proposed development from a flood event to the minimum floor level requirement as defined in this control; and,
- The works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow regimes, the clearing of riparian vegetation, artificial modification of the natural stream, such as by relocation, piping etc.).

Where flood mitigation works are undertaken to protect the development as set out above, the minimum floor level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of flood mitigation works with a requirement for their retention and maintenance.

Filling of Land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent floodwater ingress), enclosure of structures and/or construction of swimming pools

Activities that reduce the flood storage capacity of the property including additions to building, the filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent flood water ingress), enclosure of structures to prevent the ingress of flood waters (where the Flood Planning Level is greater than 500mm above the existing ground level) or the construction of above ground swimming pools, will only be permitted where it can be demonstrated through a Flood Risk Management Report that;

- there is no additional adverse flood impact on the surrounding properties for any flood event up to the Probable Maximum Flood event.
- there is no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event.

New Development and Additions on land with a High Hazard Classification

Development is not permissible where the land is subject to a High Hazard Classification except where it can be demonstrated through a Flood Risk Management Report that building platforms, building envelope enclosures or carparking facilities and access:

- Are not adversely affected by any flood up to the Probable Maximum Flood event; and
- Result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and
- Result in no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood event.

Floor Levels - Special Flood Protection Development

A. For portion of the land designated High Hazard Flood Storage

For the portion of the development affected by, or affecting the High Hazard Flood Storage area, all floor levels within 'Special Flood Protection' developments (excluding balconies with open balustrades) shall be at or above or raised to the Probable Maximum Flood Level or Flood Planning Level (whichever is the higher level). Special Flood Protection developments include Seniors Housing - *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, childcare facilities, hospitals, and educational facilities.

B. For the portion of the land designated High Hazard Floodway

For the portion of the development affected by, or affecting High Hazard Floodway, structures must be designed and constructed so as not to impede the floodway and shall be elevated such that the level of the underside of all floors including balconies within the floodway area are at or above, or raised to the Probable Maximum Flood Level or Flood Planning Levels (whichever is the higher level) to allow clear passage of floodwaters under the building. Special Flood Protection developments include Seniors Housing - SEPP (Housing for Seniors or People with a Disability) 2004, childcare facilities, hospitals, and educational facilities.

Floor Levels - New Development and Additions

A. For portion of the land designated High Hazard Flood Storage:

For the portion of the development affected by, or affecting the High Hazard Flood Storage Area, all floor levels within the development but excluding Special Flood Protection land uses and excluding balconies (with open balustrades), shall be at or above, or raised to the Flood Planning Level.

B. For portion of the land designated High Hazard Floodway.

For that portion of the development affected by, or affecting the High Hazard Floodway, structures must be designed and constructed so as not to impede the floodway and shall be elevated such that the level of the underside of all floors including balconies within the floodway area are at or above, or raised to the Probable Maximum Flood Level or Flood Planning Level (whichever is the higher level) to allow clear passage of floodwaters under the building.

Floor Levels - Carparking Facilities

A. For portion of land designated High Hazard Flood Storage:

The requirements for carparking facilities over the portion of the development affected by, or affecting the High Hazard Storage area, shall be as follows:

- **Enclosed garage and enclosed carpark:** All floor levels shall be at or above the Flood Planning Level.
- **Covered basement carpark facilities:** All access, ventilation and any other potential water entry points shall be above the Flood Planning Level and a clearly signposted pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level of 300mm below the level of the Probable Maximum Flood (whichever is the higher) separate to the vehicular access ramps, shall be provided.
- **Open carpark areas (including covered carpark areas) and Carports:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where there is more than 300mm depth of flooding in a 1% AEP flood event.
- **Open carpark areas and Carports:** Are not permissible within a floodway area.
- **Open carpark areas (including covered carpark areas) and carports used for residential carparking:** All floor levels/pavement levels shall be at least or above the Flood Planning Level.
- **Open carpark areas (including covered carpark areas) and carports used for visitors, staff and service delivery vehicles spaces:** Are permissible at the existing ground level. Vehicle barriers or restraints are to be provided to prevent floating vehicles leaving the site where there is more than 300mm depth of flooding in a 1% AEP flood event.

B. For portion of land designated High Hazard Floodway:

The requirements for carparking facilities over the portion of the development affected by or affecting a High Hazard Floodway shall be as follows:

- **Open Carpark areas and carports:** Are not permitted in a floodway.
- **New Carpark Facilities:** For that portion of the carparking facilities affected by, or affecting the High Hazard Floodway, the structure must be designed and constructed so as not to impede the floodway and shall be elevated such that the level of the underside of all carpark floors within the floodway area shall be at or above, or raised to the Probable Maximum Flood Level or Flood Planning Level (whichever is the higher level) to allow clear passage of the floodway under the building.

Variations

Flood Risk Management Report

Where in the opinion of a Water Engineer, Structural Engineer or Architect that a detailed Flood Risk Management Report would not be required due to the proposed development type and/or degree of flood affectation on the proposed development is minimal, a declaration to this effect must be provided with the Development Application stating reasons.

The Council may also waive the requirement for a Flood Risk Management Report on review of the proposed development type and/or the degree of flood affectation on the proposed development.

Innovation in Flood Risk Protection Measures

Innovation and alternative designs in flood protection measures may be permitted on a merit basis subject to demonstration through a Flood Risk Management report that the protection measures can be achieved.

Floor Levels - Non-habitable Public Facilities and Ancillary Development - High Hazard Flood Storage Area Only

The floor level for a non-habitable public facility (such as: toilet blocks, canteens, etc with no facilities for a place of public meeting) or an ancillary development (such as tennis courts ancillary to a dwelling) may be below the Flood Planning Level, at a minimum floor level of the 5% AEP flood level.

Advisory Notes

The volume of flood storage displaced by the existing structure may be assumed to have been taken into consideration in the assessment of Flood Planning Levels within the catchments of the Primary Floodplains.

For existing structures, a tolerance of up to minus 100mm may be applied to the Flood Planning Level or Probable Maximum Flood level in respect of compliance with these controls.

Obtaining Flood Levels

To apply this control the levels for the 1% AEP flood, Flood Planning Level (FPL) and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood Level, Flood Planning Level and Probable Maximum Flood Level from Council;

or

- An independent assessment undertaken by a Water Engineer (as defined in Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#)).

The Flood Planning Level and Probable Maximum Flood Level provided by Council is a conservative level based on the most upstream point of the land (i.e. the point on the land at which the highest flood level would occur). An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.20 Flood Hazard - Flood Category 1 - High Hazard - Subdivision

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 1 - High Hazard - P21DCP-BCMDCP069

Uses to which this control applies

Subdivision

Outcomes

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

Controls

Flood Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to the [Flood Risk Management Policy for Development in Pittwater contained in Appendix 8.](#)

High Hazard Classification

An assessment through a Flood Risk Management Report is required to be undertaken by a Water Engineer for property subject to a High Hazard Classification to determine the extents within the site of the High Hazard Classification, of the High Hazard Flood Storage Area and/or the High Flood Floodway Area.

Flood Mitigation Works

Flood mitigation works that modify a Major Drainage System, stormwater system, natural water course, floodway or flood behaviour within the development site may be permitted subject to demonstration through a Flood Risk Management Report that:

- The flood mitigation works do not have an adverse impact on any surrounding property or flooding processes for any flood event up to the Probable Maximum Flood event; and,
- The flood mitigation works result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and
- The flood mitigation works result in the protection of the proposed development from a flood event to the minimum floor level requirement as defined for the proposed development; and,
- The works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow regimes, the clearing of riparian vegetation, artificial modification of the natural stream, such as by relocation, piping etc.).

Where flood mitigation works are undertaken to protect the development as set out above, the minimum floor level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of flood mitigation works with a requirement for their retention and maintenance.

Filling of land for subdivision purposes

The filling of land will only be permitted where it can be demonstrated through a Flood Risk Management Report that:

- There is no net decrease in the Floodplain volume of a Floodway or flood storage area within the property, for any flood event up to the 1% AEP Flood event; and
- There is no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood event.

Subdivision - Land with a High Hazard Classification

Subdivision of land is not permissible on land that is subject to a High Hazard Classification except where it can be demonstrated through a Flood Risk Management Report that adequate building platforms, developable areas, building envelope enclosures, carpark facilities:

- Are not adversely affected by any flood up to the Probable Maximum Flood event; and
- Result in no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and
- Result in no additional adverse flood impact on the surrounding properties or flooding processes for any

flood event up to the Probable Maximum Flood event.

Subdivision - Building Platforms

The subdivision of land requires the building platforms for each additional allotment created to be at or above the Flood Planning Level.

Variations

Flood Risk Management Report

Where in the opinion of a Water Engineer or a Structural Engineer that a detailed Flood Risk Management Report would not be required due to the proposed development type and/or degree of flood affectation on the proposed development is minimal, a declaration to this effect must be provided with the Development Application stating reasons.

The Council may also waive the requirement for a Flood Risk Management Report on review of the proposed development type and/or the degree of flood affectation on the proposed development.

Advisory Notes

Obtaining Flood Levels

To apply this control the levels for the 1% AEP flood, Flood Planning Level (FPL) and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood Level, Flood Planning Level and Probable Maximum Flood Level from Council; or
- An independent assessment undertaken by a Water Engineer (as defined in Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#)).

The Flood Planning Level and Probable Maximum Flood Level provided by Council is a conservative level based on the most upstream point of the land (i.e. the point on the land at which the highest flood level would occur). An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.21 Flood Hazard - Flood Category 2 - All Development except residential accommodation (with the exception of shop top housing, seniors housing and group homes)

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 2 - P21DCP-BCMDCP070

Uses to which this control applies

Business Development
Child care centre
Earthworks
Group home
Hospital
Industrial Development
Other Development
Rural industry
Seniors housing
Shop top housing
Subdivision

Outcomes

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

Controls

Flood Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to the [Flood Risk Management Policy for Development in Pittwater contained in Appendix 8](#).

General to all Development

The following applies to all development:

- All development or activities must be designed and constructed such that:
 - There is no additional adverse flood impact on surrounding properties or flooding processes for any event up to the Probable Maximum Flood event and;
 - There is no net decrease in floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% AEP flood event; and;
- All structures must be designed and constructed to ensure that if the structure is to be relied upon for 'shelter-in-place' evacuation then structural integrity must be ensured up to the level of the Probable Maximum Flood; and
- To ensure the recommended flood evacuation strategy of 'shelter-in-place' it will need to be demonstrated that there is pedestrian access via a low flood hazard area to a 'safe haven' above 300mm below the level of the Probable Maximum Flood.

Flood Mitigation Works

Flood mitigation works that modify a Major Drainage System, stormwater system, natural water course, floodway or flood behaviour within the development site may be permitted subject to demonstration through a Flood Risk Management Report that:

- The flood mitigation works do not have an adverse impact on any surrounding property or flooding processes for any flood event up to the Probable Maximum Flood event; and,
- The flood mitigation works result in the protection of the existing and proposed development from a flood event to the minimum floor level requirement as defined in this control; and
- The works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow regimes, the clearing of riparian vegetation, artificial modification of the natural stream, such as by relocation, piping etc.).

Where flood mitigation works are undertaken to protect the development as set out above, the minimum floor level requirements of this control need not apply.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title describing the location and type of flood mitigation works with a requirement for their retention and maintenance.

Filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent floodwater ingress), enclosure of structures and/or construction of swimming pools

Activities that reduce the flood storage capacity of the property including additions to buildings, the filling of land, bunded carpark facilities (incorporating perimeter barrier and/or mounding to prevent flood water ingress), enclosure of structures to prevent the ingress of flood waters or the construction of above ground swimming pools, will only be permitted where it can be demonstrated through a Flood Risk Management Report that:

- there is no additional adverse flood impact on the surrounding properties or flooding process for any flood event up to the Probable Maximum Flood event.

Floor Levels - Special Flood Protection

All floor levels within 'Special Flood Protection' developments (excluding balconies with open balustrades) shall be at or above or raised to the Probable Maximum Flood. Special Flood Protection development include Seniors Housing - *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, childcare facilities, hospitals, and educational facilities.

Filling of Land for Subdivision Purposes

The filling of land will only be permitted where it can be demonstrated through a Flood Risk Management Report;

There is no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood event.

Variations

Flood Risk Management Report

Where in the opinion of a Water Engineer or a Structural Engineer that a detailed Flood Risk Management Report would not be required due to the proposed development type and/or degree of flood affectation on the proposed development is minimal, a declaration to this effect must be provided with the Development Application stating reasons.

The Council may also waive the requirement for a Flood Risk Management Report on review of the proposed development type and/or the degree of flood affectation on the proposed development.

Innovation in Flood Risk Protection Measures

Innovation and alternative designs in flood protection measures may be permitted on a merit basis subject to demonstration through a Flood Risk Management report that the protection measures can be achieved.

Advisory Notes

The volume of flood storage displaced by the existing structure may be assumed to have been taken into consideration in the assessment of Flood Levels within the catchments of Primary Floodplains.

For existing structures, a tolerance of up to minus 100mm may be applied to the Probable Maximum Flood level in respect of compliance with these controls.

Obtaining Flood Levels

To apply this control the levels for the 1% AEP flood, Flood Planning Level (FPL) and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood Level, Flood Planning Level and Probable Maximum Flood Level from Council; or
- An independent assessment undertaken by a Water Engineer (as defined in Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#)).

The Flood Planning Level and Probable Maximum Flood Level provided by Council is a conservative level based on the most upstream point of the land (i.e. the point on the land at which the highest flood level would occur). An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.22 Flood Hazard - Flood Category 3 - Overland Flow Path - Major

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 3 – Overland Flow Path – Major - P212DCP - BCMDCP089

Uses to which this control applies

All Uses NOT including Development of a sector, buffer area or development site in a release area or Subdivision of a sector, buffer area or development site

Outcomes

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

Controls

The following applies to all development.

All development or activities must be designed and constructed such that:

- The minimum floor level of the building/dwelling/alteration is to be at or above the minimum floor level requirement for Category 3 - Overland Flow Path - Major (500mm above the 1% Annual Exceedance Probability Flood Level and the 5m horizontal buffer); and;
- There is no net decrease in volume of the Flood Storage Area within the property for any flood event up to the 1% Annual Exceedance Probability flood event; and;
- There is no increase in flood hazard within the floodway on the property for any flood event up to the 1% Annual Exceedance Probability; and;
- There is no additional adverse flood impact on surrounding properties; and;
- A Flood Risk Management Report is to be provided to Council and is to be prepared by a suitably qualified Water Engineer for the property; and;
- Special Flood Protection developments include Seniors Housing - *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, childcare facilities, hospitals, and educational facilities, must have minimum floor levels at or above or raised to the Probable Maximum Flood; and;
- Enclosed garage and enclosed carpark floor levels shall be at or above the minimum floor level requirement for Category 3 - Overland Flow Path - Major; and;
- Covered basement carparking - all access entry points shall be at or above the minimum floor level requirement for Category 3 - Overland Flow Path - Major; and;
- Open carpark areas (including covered carpark areas) and Carports for all Development, except Dwelling House, Secondary Dwelling, Dual Occupancy and Multi-Unit Housing are permissible at the existing ground level, but are not to be located within a floodway area; and;
- Open carpark areas (including covered carpark areas) and Carports for Dwelling House, Secondary Dwelling, Dual Occupancy and Multi-Unit Housing floor levels shall be at or above the minimum floor level requirement for Category 3 - Overland Flow Path - Major.

Variations

- Where in the opinion of a suitably qualified Water Engineer, that a detailed Flood Risk Management Report is not required due to the proposed development type and/or degree of flood affectation on the proposed development is minimal, a declaration by the Water Engineer to this effect must be provided with the Development Application stating reasons. Council may also waive the requirement for a Flood Risk Management Report on review of the proposed development type and/or the degree of flood affectation on the proposed development.
- The filling of land, bunded carpark facilities, enclosure of structures and/or construction of swimming pools (identified within Overland Flow Path - Major) will only be permitted where the Flood Risk Management Report demonstrates there is no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up the Probable Maximum Flood event.
- Should the applicant wish to vary these controls, a Flood Risk Management Report produced by a suitably qualified Water Engineer is to be provided stating the reasons and impacts for this variation.

Advisory Notes

- All foundation structures within the area of the property affected by the 1% AEP + 5m horizontal buffer, is to incorporate a suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage up to the level of the 1% Annual Exceedance Probability flood; and;
- All structural elements are to be constructed from flood compatible materials up to or above the minimum floor level requirement for Category 3 - Overland Flow Path - Major; and;
- All structures must be designed and constructed to ensure structural integrity for immersion and impact on velocity and debris up to the level of 1% Annual Exceedance Probability flood. If the structure is to be relied upon for 'shelter-in-place' refuge then structural integrity must be ensured up to the level of the Probable Maximum Flood and;

- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the minimum floor level requirement for Category 3 - Overland Flow Path - Major; and,
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute floodwaters, will not be permitted below the minimum floor level requirement for Category 3 - Overland Flow Path - Major.
- The volume of flood storage displaced by the existing structure may be assumed to have been taken into consideration in the assessment of Flood Levels within the catchments.
- For existing structures, a tolerance of up to minus 100mm may be applied to the minimum floor level requirement for Category 3 - Overland Flow Path - Major or Probable Maximum Flood level in respect of compliance with these controls.
- For additional information, including the minimum floor level requirement for Category 3 - Overland Flow Path - Major, applicants are referred to the [Flood Risk Management Policy for Development in Pittwater contained in Appendix 8](#).

Obtaining Flood Levels

To apply this control the levels for the 1% Annual Exceedance Probability flood, Minimum Floor Level and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood, Minimum Floor Level and Probable Maximum Flood Level from Council; or
- An independent assessment undertaken by Water Engineer (as defined in Appendix 8 - [Flood Risk Management Policy for Development in Pittwater](#)).

The 1% Annual Exceedance Probability Level and Probable Maximum Flood Level provided by Council is a conservative level based on the most upstream point of the land (i.e. the point on the land at which the highest flood level would occur). An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume)

Land to which this control applies

Land identified on the Flood Hazard Map as affected by flood - P21DCP-BCMDCP014

Land identified as Beach Management Area on the Coastal Hazards Map 97003 - P21DCP-BCMDCP016

Land identified on the Estuarine Hazard Map as affected by estuarine processes. - P21DCP-BCMDCP018

Land identified as being within the Warriewood Valley Land Release Area - P21DCP-BCMDCP055

Uses to which this control applies

Attached dwelling

Boarding house

Business Development

Child care centre

Group home

Hospital

Hostel

Industrial Development

Multi dwelling housing

Residential flat building

Semi-detached dwelling

Seniors housing

Shop top housing

Subdivision

Outcomes

To protect people. (S)

To protect the natural environment. (En)

To protect private and public infrastructure and assets. (Ec)

Controls

When this control applies:

This control applies where 'intensification of development' is proposed. 'Intensification of development' includes but may not be limited to:

- an increase in the number of dwellings (but excluding dual occupancies and secondary dwellings);
- an increase in commercial or retail floor space.

Climate Change Scenarios

The following climate change scenarios shall be considered:

- **Scenario 1:** Impacts of sea level rise only;
- **Scenario 2:** Impacts of sea level rise combined with increased rainfall volume;

1) Climate Change Assessment for Land Identified as Beach Management Area on the Coastal Hazards Map

The impacts of climate change on land identified as Beach Management Area on the Coastal Hazards Map, involving development to which this control applies, shall be assessed in accordance with Clause B3.3 Coastline (Beach) Hazard and [Appendix 6 - Coastline Risk Management Policy for Development in Pittwater](#).

2) Climate Change Assessment for Land Identified on Flood Hazard Maps

For land identified on Council's Flood Hazard Maps involving development to which this control applies, a Flood Risk Management Report shall be prepared in accordance with [Appendix 8 - Flood Risk Management Policy for Development in Pittwater](#), which includes an assessment of climate change. This assessment shall include the impacts of climate change on the property over the life of the development and the adaptive measures to be incorporated in the design of the project. The following climate change scenarios shall be considered:

- **Scenario 1:** Impacts of sea level rise only
- **Scenario 2:** Impacts of sea level rise combined with increased rainfall volume

Flood Planning Levels for Scenario 1 and 2 have not been adopted by Council to date.

Applicants should contact Council to be directed to the source of the best available information to determine the likely increase in Flood Planning Levels as a result of climate change.

3) Climate Change Assessment for Land Identified within the Warriewood Valley Land Release Area

For land identified within the Warriewood Valley Land Release Area involving development to which this control applies, a climate change assessment shall be incorporated in the Water Management Report as required by Clause C6.4 Flood - Warriewood Valley Residential Sectors, Buffer Areas or Development Sites, Clause C6.5 Flood - Warriewood Valley Employment Generating Sectors, Buffer Areas or Development Sites and in accordance with Council's *Warriewood Valley Urban Land Release Water Management Specification* (February 2001 or as amended). The climate change assessment shall include the impacts of climate change on the property over the life of the development and the adaptive measures to be incorporated in the design of the project. The following climate change scenarios shall be considered:

- **Scenario 1:** Impacts of sea level rise only
- **Scenario 2:** Impacts of sea level rise combined with increased rainfall volume

Flood Planning Levels for Scenario 1 and 2 have not been adopted by Council to date.

Applicants should contact Council to be directed to the source of the best available information to determine the likely increase in Flood Planning Levels as a result of climate change.

4) Climate Change Assessment for Land Identified on the Estuarine Hazard Map

For land identified on Council's Estuarine Hazard Maps involving development to which this control applies, an assessment of climate change shall be undertaken as part of the Estuarine Risk Management described in [Appendix 7 - Estuarine Risk Management Policy for Development in Pittwater](#). This assessment shall include the impacts of climate change on the property over the life of the development and the adaptive measures to be incorporated in the design of the project. The following climate change scenarios shall be considered:

- **Scenario 1:** Impacts of sea level rise only

Estuarine Planning Levels for Scenario 1 have not been adopted by Council to date.

Applicants should contact Council to be directed to the source of the best available information to determine the likely increase in Estuarine Planning Levels as a result of climate change.

Variations

Nil

Advisory Notes

Nil

B3.24 Flood Hazard - Flood Category 3 - Overland Flow Path - Minor

Land to which this control applies

Land identified on the Flood Hazard Map as affected by Flood Category 3 – Overland Flow Path – Minor - P212DCP - BCMDCP090

Uses to which this control applies

All Uses NOT including Development of a sector, buffer area or development site in a release area or Subdivision of a sector, buffer area or development site

Outcomes

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

Controls

General to all Development

The following applies to all development:

All development or activities must be designed and constructed such that:

- The minimum floor level of the building/dwelling/addition/alteration is to be at or above the minimum floor level requirement for Category 3 - Overland Flow Path - Minor (300mm above the 1% Annual Exceedance Probability Flood Level; and;
- There is no increase in flood hazard within the floodway on the property for any flood event up to the 1% Annual Exceedance Probability; and;
- There is no additional adverse flood impact on surrounding properties or flooding processes for any event up to the Probable Maximum Flood event; and;
- Special Flood Protection developments include Seniors Housing - SEPP (Seniors Living) 2004, childcare facilities, hospitals, seniors housing, and educational facilities, must have minimum floor levels at or above or raised to the Probable Maximum Flood; and;
- Enclosed garage and enclosed carpark (excluding basement carparking facilities) - all floor levels shall be at or higher than 300mm above the 1% Annual Exceedance Probability.
- Covered basement carparking facilities - all access, ventilation and any other potential water entry points shall be higher than 300mm above the 1% Annual Exceedance Probability.
- Open carpark areas (including covered carpark areas) and Carports are permissible at the existing ground level but are not to be located within the floodway.

Variations

- Any filling of land will only be permitted where it can be demonstrated through a Flood Risk Management Report that, there is no net decrease in the floodplain volume of a floodway or flood storage area within the property for any flood event up to the 1% Annual Exceedance Probability flood event; and there is no additional adverse flood impact on the surrounding properties or flooding processes for any flood event up to the Probable Maximum Flood event,
- Should the applicant wish to vary these controls, a Flood Risk Management Report produced by a suitability qualified Water Engineer is to be provided stating the reasons for and impacts of this variation

Advisory Notes

- Suspended floor system on open pier/pile footings with openings in perimeter walls to allow for the flow of surface water and flood storage up to the level of the 1% Annual Exceedance Probability flood is preferred; and;
- All structural elements are to be constructed of flood compatible materials up to 300mm above the 1% Annual Exceedance Probability; and;
- All structures must be designed and constructed to ensure structural integrity for immersion; and;
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the minimum floor level for Overland Flow Path - Minor; and,
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute floodwaters, will not be permitted below the minimum floor level for Overland Flow Path - Minor.
- Special Flood Protection developments including *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, childcare facilities, hospitals, seniors housing, and educational facilities must provide details of their flood emergency evacuation responses in the Statement of Environmental Effects.
- For additional information, applicants are referred to the [Flood Risk Management Policy for Development in Pittwater contained in Appendix 8](#).
- The volume of flood storage displaced by the existing structure may be assumed to have been taken into consideration in the assessment of 1% AEP levels within the catchments of primary floodplains.
- For existing structures, a tolerance of up to minus 100mm may be applied to the Minimum Floor Level

Requirement or Probable Maximum Flood level in respect of compliance with these controls.

Obtaining Flood Levels

To apply this control the levels for the 1% Annual Exceedance Probability flood, Minimum Floor Level and Probable Maximum Flood (PMF) must first be established by:

- Obtaining the 1% AEP flood level, Minimum Floor Level and Probable Maximum Flood Level from Council, or;
- An independent assessment undertaken by a suitably qualified Water Engineer (as defined in the Flood Risk Management Policy for Development in Pittwater contained in Appendix 8).

The 1% Annual Exceedance Probability Level and Probable Maximum Flood Level provided through Council is a conservative level based on the most upstream point of the land (ie, the point on the land at which the highest flood level would occur). An independent assessment by a Water Engineer is recommended where the ground levels across the property vary by more than 500mm and the minimum floor levels of the proposed and/or existing development are below the minimum floor level controls.

B3.25 Flood Hazard - Flood Emergency Response planning

Land to which this control applies

Land identified on the Flood Life Hazard Category Maps as H3-4, H5 and H6

Uses to which this control applies

Refer to Table 1-2 Land Use Groups in [Appendix 15 - Flood Emergency Response Planning for Development in Pittwater Policy](#).

Outcomes

Protection of people. (S)

Protection of the natural environment. (En)

Protection of public and private infrastructure and assets. (S)

Controls

Areas of the Pittwater LGA potentially impacted by flash flooding or overland flow or lagoon flooding or a combination of flooding are to ensure development is undertaken in a way that is reflective of the flood risk.

Form 1 (Attachment C of [Appendix 15 - Flood Emergency Response Planning for Development in Pittwater Policy](#).) is to be completed and submitted to Council

If safe evacuation can be demonstrated to Council's satisfaction through the submitted Flood risk Emergency Assessment, then the controls for shelter in place are not applicable.

Development Matrix

The following is a summary of the major steps to be followed in applying this part of the DCP:

- Determine the Flood Life Hazard within which your site is situated. The Flood Life Hazards are divided into four categories, i.e. H1-2, H3-H4, H5 & H6;

Note: Where a property is located in more than one Hazard, the assessment must consider the controls relevant to each Hazard.

- Determine the Land Use Group relevant to your proposal. The various land use or development types have been grouped into Land Use Groups (refer table 1 below);
- Address each of the prescriptive controls for the relevant land use category in the applicable Hazard.

•¶

Table 1-Flood Risk to Life Development Matrix¶

Adopted Emergency Response	Land Use Group	Flood Life Hazard Category			
		H1-H2	H3-H4	H5	H6
Evacuation	All	No control	1a	1a	1a
Shelter-in-Place	Recreational and environmental	No control	1b, 2, 3, 4, 5a	1b, 2, 3, 4, 5b	Development not permitted
	Concessional	No control	1b, 2, 3, 4, 5a	1b, 2, 3, 4, 5b	Development not permitted
	Residential	No control	1b, 2, 3, 4, 5a, 6a	1b, 2, 3, 4, 5b, 6a	Development not permitted
	Business and Industrial	No control	1b, 2, 3, 4, 5a, 6a	1b, 2, 3, 4, 5b, 6a	Development not permitted
	Vulnerable Uses	No control	1b, 2, 3, 4, 5a, 6b	1b, 2, 3, 4, 5b, 6b	Development not permitted
	Critical	No control	1b, 2, 3, 4, 5a, 6b	1b, 2, 3, 4, 5b, 6b	Development not permitted

Where,¶

Green=Acceptable risk;¶

Yellow=Tolerable risk; and,¶

Orange=Unacceptable risk.¶

Evacuation

Control 1a – Flood Risk Emergency Assessment

Requires the preparation of a Flood Risk Emergency Assessment report for the evacuation strategy as outlined in [Appendix 15 - Flood Emergency Response Planning for Development in Pittwater Policy](#).
Shelter-in-Place

Control 1b - Flood Risk Emergency Assessment

Requires the preparation of a Flood Risk Emergency Assessment report addressing the shelter-in-place requirements as outlined in [Appendix 15 - Flood Emergency Response Planning for Development in Pittwater Policy](#).

Control 2 - Minimum Floor Level

Minimum floor level equal to the PMF flood event for shelter-in-place refuge

Control 3 - Floor Space Requirement

Minimum floor space of the shelter-in-place refuge is:

- 2 m² per person is required for all long duration flooding in a PMF event unless it can be shown the development lies within an area only inundated for a “short duration” (less than 6 hours in the PMF); or,
- 1 m² per person is required for shelter-in-place refuge impacted by short duration flooding in a PMF event.

Control 4 - Accessibility

Shelter-in-place refuge must be:

- Intrinsically accessible to all people on the site, plainly evident, and self-directing, with sufficient capacity of access routes for all occupants.
- There must be sufficient time for all occupants to access shelter-in-place refuges, with fail safe access provided with no reliance on elevators. Flood warning systems should be considered where the number of occupants is significant.

Control 5a - Building Stability

Structural stability of the building is to be verified by a suitably qualified structural engineer considering lateral flood flow, buoyancy, suction effects, and debris load impact of the 1% AEP design flood depths and velocities.

Control 5b - Building Stability

Structural stability of the building is to be verified by a suitably qualified structural engineer considering lateral flood flow, buoyancy, suction effects, and debris load impact of PMF design flood depths and velocities.

Control 6a – Serviceability

For developments with long duration flooding regions unless it can be shown the development lies within this region but is only inundated for a “short duration” (less than 6 hours in the PMF) shelter-in-place refuge is to provide:

- Sufficient clean water for all occupants; and
- Portable radio with spare batteries; and
- Torch with spare batteries; and
- First Aid Kit.

Control 6b – Serviceability

For developments with long duration flooding regions unless it can be shown the development lies within this region but is only inundated for a “short duration” (less than 6 hours in the PMF) shelter-in-place refuge is to provide:

- Sufficient clean water for all occupants; and
- Portable radio with spare batteries; and
- First Aid Kit; and
- Torch with spare batteries; and
- Emergency power; and
- Practical means of medical evacuation.

Variations

Where in the opinion of a hydraulic engineer, or an engineer specialising in flooding/flood emergency response

that a Flood Risk Emergency Assessment Report is not required and a variation to the controls is requested - This must be justified as a clear professional opinion with the supporting basis on which the opinion was formed submitted to Council. A completed Form 1 (Attachment C of the [Appendix 15 - Flood Emergency Response Planning for Development in Pittwater Policy.](#)), must also be submitted with the development application.

Pittwater Council may also waive the requirement for a Flood Risk Emergency Assessment prior to a Development Application being lodged with Council, following a review of the proposed development, land use group and the Flood Life Hazard by Pittwater Council.

Advisory Notes

For additional information, applicants are referred to [Appendix 15 - Flood Emergency Response Planning for Development in Pittwater Policy.](#) of this DCP.

Obtaining Flood Life Hazard Categories

To apply this control the Flood Life Hazard Categories on the parcel of land/lot must first be established by:

Obtaining the Flood Life Hazard Category Map from Council through the Flood Information Request service;
or

An independent assessment undertaken by a Hydraulic Engineer to determine the flood life hazard categories based on consideration of the following factors:

- Flood hazard curves to identify the degree of flooding which poses a risk to life for demographics of the population (refer to Updating National Guidelines on Best Practice Flood Risk Management by McLuckie , D et al, 2014), and
- The design flood event to be adopted as the basis of the life hazard categories as the PMF event

Developer Decision Tree

The decision tree shown in Figure 1 has been prepared to assist developers in determining whether or not flood risk to life development controls apply to their development and assist in the application of the development matrix shown in Table 1.

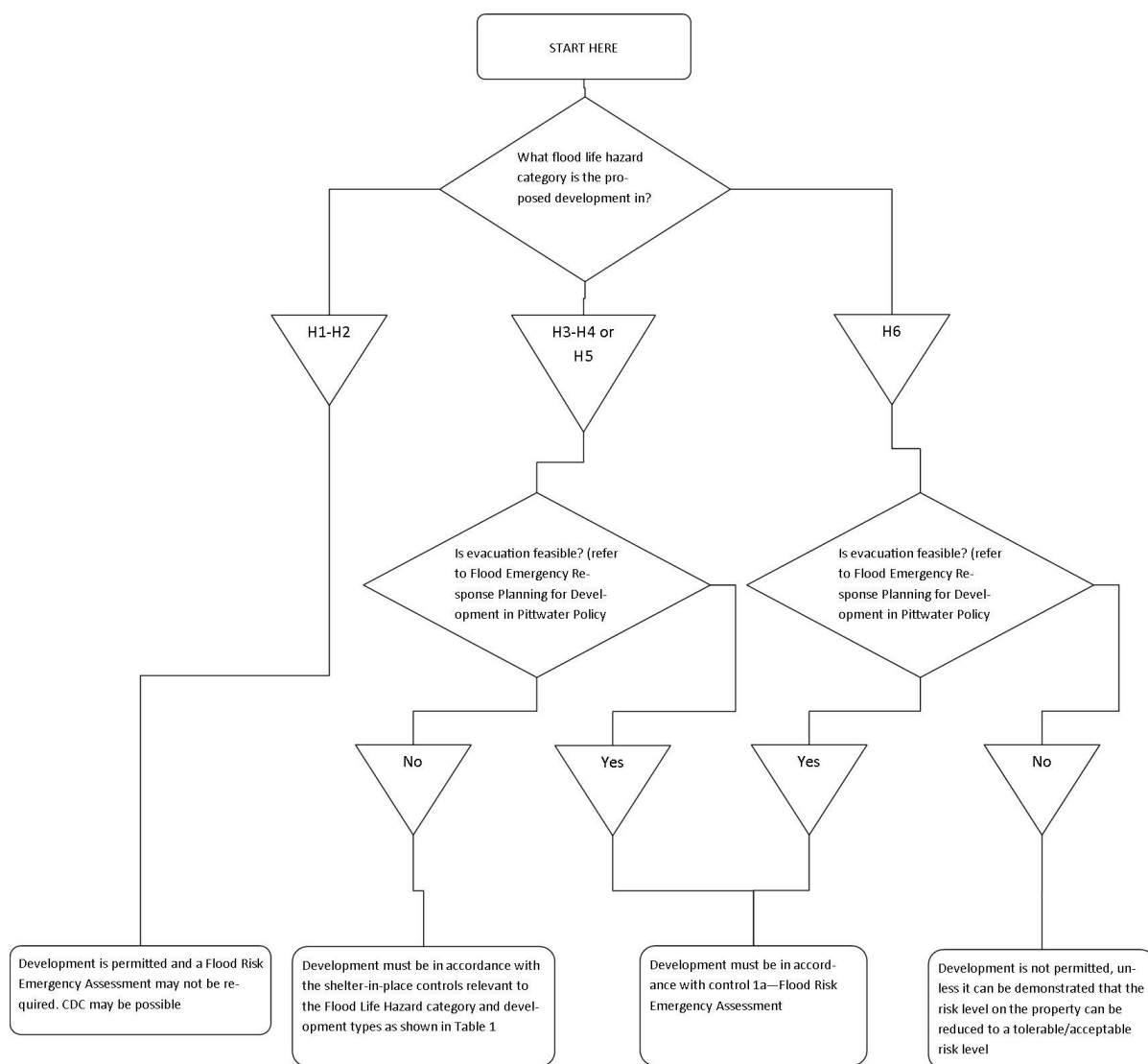


Figure 1 Developer Decision Tree

B4 CONTROLS RELATING TO THE NATURAL ENVIRONMENT

Incorporating

Amendments

1-19

Version: 1, Version Date: 25/11/2015

B4.1 Flora and Fauna Conservation Category 1 Land

Land to which this control applies

Areas of core habitat mapped as Flora and Fauna Conservation Areas, Category 1 that are not included in other Natural Environment Controls - P21DCP-BCMDCP060

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

The long-term viability of locally native flora and fauna and their habitats in the Pittwater Local Government Area. (En)

Controls

Development shall not directly negatively impact on threatened species, endangered populations or endangered ecological communities.

Development shall retain and enhance habitat for locally native species, threatened species, endangered populations or endangered ecological communities.

Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees.

Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species listed in *Native Plants for Your Garden* available on the Pittwater Council website). Landscaping is to be outside areas of core bushland and not include environmental weeds.

Caretakers of domestic animals shall prevent them from entering wildlife habitat areas.

Fencing, where permitted, shall be passable by native wildlife.

Variations

Council may consider variation to this control:

- For those activities listed in adopted Plans of Management for public reserves.
- Where development is proposed on parts of the site identified as not containing core bushland providing the development does not impact on core bushland on the site or adjoining properties.
- Where a development is proposed in the area of least impact on core bushland and where there will be no net loss of core bushland.
- Where fencing is required to contain domestic animals and is located on a part of the site that does not impede native fauna from traversing the site.
- In Bushfire Asset Protection Zones - vegetation species need not be native to the site but are to be native to Pittwater.

B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor

Land to which this control applies

Land mapped as Flora and Fauna Conservation Areas-Category 1 that overlap with land mapped as Wildlife Corridors but excluding where this land is covered in other Natural Environment Controls - P21DCP-BCMDCP061

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

The long-term viability of locally native flora and fauna and their habitats and the retention and enhancement of wildlife corridors in the Pittwater LGA. (En)

Controls

Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species.

Development shall provide wildlife corridors via creation, restoration, and / or regeneration of habitat.

Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees.

Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species listed in *Native Plants for Your Garden* available on the Pittwater Council website). Landscaping is to be outside areas of existing bushland and should not include environmental weeds. Development shall provide an adequate buffer to wildlife corridors.

Caretakers of domestic animals shall prevent them from entering wildlife habitat areas.

Fencing, where permitted, shall be passable by native wildlife.

Variations

Council may consider variation to this control:

- For those activities listed in adopted Plans of Management for public reserves.
- Where development is proposed on parts of the site identified as not containing existing bushland providing the development does not impact on existing bushland on the site or adjoining properties.
- Where a development is proposed in the area of least impact on existing bushland and or the wildlife corridor and where there will be no net loss of existing bushland.
- Where fencing is required to contain domestic animals and is located on a part of the site that does not impede native fauna from traversing the site.
- In Bushfire Asset Protection Zones - vegetation species need not be native to the site but are to be native to Pittwater.

B4.3 Flora and Fauna Habitat Enhancement Category 2 Land

Land to which this control applies

Areas of habitat mapped as Flora and Fauna Conservation Areas-Category 2 that are not included in other Natural Environment Controls - P21DCP-BCMDCP062

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats. (En)

Controls

Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species.

Development shall provide flora and fauna habitat by active restoration, regeneration, and / or creation.

Development shall not result in a significant onsite loss of canopy cover or a net loss in native canopy trees.

Development shall ensure that at least 60% of any new planting incorporates native vegetation (as per species listed in *Native Plants for Your Garden* available on the Pittwater Council website). Landscaping is to be outside areas of core bushland and not include environmental weeds.

Caretakers of domestic animals shall prevent them from entering bushland.

Fencing, where permitted, shall be passable by native wildlife.

Variations

Council may consider variation to this control:

- for those activities listed in adopted Plans of Management for public reserves, where development is proposed on parts of the site identified as not containing native vegetation providing the development does not impact on bushland on the site or adjoining properties.
- where development is proposed in the area of least impact on native vegetation and where there will be no net loss of native vegetation.
- where fencing is required to contain a domestic animals and is located on a part of the site that does not impede native fauna from traversing the site.

B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

Land to which this control applies

Areas of habitat mapped as Flora and Fauna Conservation Areas-Category 2 that overlap with land mapped as Wildlife Corridors but excluding where this land is covered in other Natural Environment Controls - P21DCP-BCMDCP063

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats. (En)

Controls

Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species.

Development shall provide an adequate buffer to wildlife corridors.

Development shall provide flora and fauna habitat and wildlife corridors by active restoration, regeneration, and/or creation.

Development shall result in no significant onsite loss of canopy cover or net loss in native canopy trees.

Development shall ensure that at least 60% of any new planting incorporates native vegetation (as per species listed in *Native Plants for Your Garden* available on the Pittwater Council website). Landscaping is to be outside areas of existing bushland and should not include environmental weeds.

Planting is to maximise linkage to the wildlife corridor.

Development shall not negatively impact on threatened species, endangered populations or endangered ecological communities.

Caretakers of domestic animals shall prevent them from entering bushland.

Fencing, where permitted, shall be passable by native wildlife.

Variations

Council may consider variation to this control:

- For those activities listed in adopted Plans of Management for public reserves.
- Where development is proposed on parts of the site identified as not containing native vegetation

providing the development does not impact on bushland on the site or adjoining properties.

- Where a development is proposed in the area of least impact on native vegetation and where there will be no net loss of native vegetation.
- Where fencing is required to contain domestic animals and is located on a part of the site that does not impede native fauna from traversing the site.
- In Bushfire Asset Protection Zones - vegetation species need not be native to the site but are to be native to Pittwater.

B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

Land to which this control applies

Land in the Pittwater LGA not covered by other Natural Environment Controls - P21DCP-BCMDCP064

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)

Controls

Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and locally native species.

Development shall provide flora and fauna habitat by active restoration, regeneration, and / or creation.

Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees.

Landscaping is not to include environmental weeds.

Variations

Council may consider variation to this control:

- For those activities listed in adopted Plans of Management for public reserves.
- Where a development is proposed in the area of least impact on native vegetation and where there will be no significant net loss of native vegetation.

B4.6 Wildlife Corridors

Land to which this control applies

Land mapped as Wildlife Corridor but excluding where this land is covered in other Natural Environment Controls - P21DCP-BCMDCP065

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

Retention and enhancement of wildlife corridors ensuring/providing the connection of flora and fauna habitats.
(En)

Controls

Development shall not directly impact on / or significantly reduce / degrade habitat for locally native species, threatened species, endangered populations or endangered ecological communities.

Development shall retain, and provide an adequate buffer to, wildlife corridors.

Development shall provide wildlife corridors via creation, restoration, and / or regeneration of habitat.

Development shall not result in a significant loss of canopy cover or a net loss in native canopy trees.

Development shall ensure that at least 60% of any new planting incorporates native vegetation (as per species listed in *Native Plants for Your Garden* available on the Pittwater Council website). Landscaping is to be outside areas of existing bushland and not include environmental weeds.

Planting is to maximise linkage within the wildlife corridor.

Caretakers of domestic animals shall prevent them from entering areas of wildlife habitat.

Fencing, where permitted, shall be passable by native wildlife.

Variations

Council may consider variation to this control:

- For those activities listed in adopted Plans of Management for public reserves.
- Where development is proposed on parts of the site identified as not containing a wildlife corridor providing the development does not impact on bushland on the site or adjoining properties.
- Where a development is proposed in the area of least impact on a wildlife corridor and where there will be no significant net loss of native vegetation.
- Where fencing is required to contain a domestic animals and is located on a part of the site that does not impede native fauna from traversing the site.

- In Bushfire Asset Protection Zones - vegetation species need not be native to the site but are to be native to Pittwater.

B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

Land to which this control applies

Land containing or adjoining Pittwater Spotted Gum Forest - P21DCP-BCMDCP025

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

Conservation of intact Pittwater Spotted Gum Forest EEC. (En)
Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC. (En)
Reinstatement of Pittwater Spotted Gum Forest to link remnants. (En)
Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)

Controls

Development shall not have an adverse impact on Pittwater Spotted Gum Endangered Ecological Community.

Development shall restore and/or regenerate Pittwater Spotted Gum Endangered Ecological Community and provide links between remnants.

Development shall be in accordance with any Pittwater Spotted Gum Forest Recovery Plan.

Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees.

Development shall retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations.

Caretakers of domestic animals shall prevent them from entering wildlife habitat.

Fencing shall allow the safe passage of native wildlife.

Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community).

Development shall ensure any landscaping works are outside areas of existing Pittwater Spotted Gum Endangered Ecological Community and do not include Environmental Weeds.

Variations

Council may consider variation to this control:

- For those activities listed in adopted Plans of Management for public reserves.
- Where development is proposed on parts of the site identified as not containing a PSGF providing the development does not impact on PSGF on the site or adjoining properties.

- Where a development is proposed in the area of least impact on PSGF and or core bushland and where there will be no significant net loss of PSGF vegetation.
- Where fencing is required to contain domestic animals and that fencing is located on a part of the site that does not impede native fauna from traversing the site.
- In Bushfire Asset Protection Zones - vegetation species need not be native to the site but are to be native to Pittwater.

B4.8 Freshwater Wetland Endangered Ecological Communities

Land to which this control applies

Land containing or adjoining, Sydney Coastal Estuarine Swamp Forest Complex - P21DCP-BCMDCP026

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form does not have to be residential)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Subdivision of a sector, buffer area or development site in a Release Area
Water recreation structure

Outcomes

Conservation of intact Sydney Freshwater Wetlands Endangered Ecological Communities. (En)
Regeneration and/or restoration of fragmented and / or degraded Sydney Freshwater Wetlands Endangered Ecological Communities. (En)
Reinstatement of Sydney Freshwater Wetlands Endangered Ecological Communities to link remnants. (En)

Controls

Development shall not have an adverse impact on Sydney Freshwater Wetlands Endangered Ecological Community on Coastal Floodplains.

Development shall restore and/or regeneration Sydney Freshwater Wetlands Endangered Ecological Community on Coastal Floodplains and provide links between remnants.

Development shall be in accordance with any Recovery Plan or priority action statement Recovery Plan.

Development shall not significantly affect the hydrology, hydraulic or water quality entering Sydney Freshwater Wetlands Endangered Ecological Community.

Development shall not result in a significant onsite loss of canopy cover or a net loss in native canopy trees.

Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or those listed in wetland endangered ecological communities)

Development shall ensure any landscaping works are outside areas of existing Sydney Freshwater Wetlands Endangered Ecological Community and do not include Environmental Weeds.

Fencing, where permitted, shall be passable by native wildlife.

Variations

Council may consider variation to this control:

- for those activities listed in adopted Plans of Management for public reserves.
- where development is proposed on parts of the site identified as not containing Sydney Freshwater

Wetlands EEC providing the development does not impact on Sydney Freshwater Wetlands EEC on the site or adjoining properties.

- where a development is proposed in the area of least impact on Sydney Freshwater Wetlands EEC and where there will be no net loss of Sydney Freshwater Wetlands EEC
- where fencing is required to contain domestic animals and that fencing is located on a part of the site that does not impede native fauna from traversing the site.
- in Bushfire Asset Protection Zones - vegetation species need not be native to the site but are to be native to Pittwater.

B4.9 Duffys Forest Endangered Ecological Community

Land to which this control applies

Land containing or adjoining Duffys Forest Vegetation - P21DCP-BCMDCP027

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

Conservation of intact Duffys Forest Vegetation. (En)
Regeneration and/or restoration of fragmented and / or degraded Duffys Forest Vegetation. (En)
Reinstatement of Duffys Forest Vegetation to link remnants. (En)

Controls

Development shall not have an adverse impact on Duffys Forest Vegetation Forest.

Development shall restore and/or regeneration Duffys Forest Vegetation Forest and provide links between remnants.

Development shall be in accordance with Duffys Forest Vegetation Forest Recovery Plan.

Development shall not result in a significant onsite loss of canopy cover or a net loss in native canopy trees.

Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Duffys Forest Endangered Ecological Community).

Development shall ensure any landscaping works are outside areas of existing Duffys Forest Endangered Ecological Community and do not include Environmental Weeds.

Variations

Council may consider variation to this control:

- For those activities listed in adopted Plans of Management for public reserves.
- Where development is proposed on parts of the site identified as not containing a Duffys Forest community providing the development does not impact on Duffys Forest on the site or adjoining properties.
- Where a development is proposed in the area of least impact on Duffys Forest and where there will be no net loss of native vegetation.

B4.10 Themeda Grasslands - Endangered Ecological Community

Land to which this control applies

Land containing Themeda Grassland Endangered Ecological Community - P21DCP-BCMDCP085

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

Conservation of intact Themeda Grassland EEC. (En)
Regeneration and/or restoration of fragmented and / or degraded Themeda Grassland EEC (En)
Reinstatement of Themeda Grassland EEC to link remnants. (En)
Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)

Controls

Development shall not adversely impact areas of Themeda Grassland Endangered Ecological Community.

Development shall restore and/or regenerate Themeda Grassland Endangered Ecological Community and provide links between remnants.

Development shall be in accordance with any Themeda Grassland Recovery Plan.

Development shall result in no significant onsite loss in native vegetation.

Development shall retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations.

Caretakers of domestic animals shall prevent them from entering wildlife habitat.

Fencing shall allow the safe passage of native wildlife.

Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Themeda Grassland Endangered Ecological Community).

Development shall ensure any landscaping works are outside areas of existing Themeda Grassland Endangered Ecological Community and do not include Environmental Weeds.

Variations

Council may consider variation to this control for:

- For those activities listed in adopted Plans of Management for public reserves.
- Where development is proposed on parts of the site identified as not containing Themeda Grassland EEC providing the development does not impact on Themeda Grassland EEC on the site or adjoining

properties.

- Where a development is proposed in the area or least impact on Themeda Grassland EEC and where there will be no significant net loss of Themeda Grassland vegetation.
- Where fencing is required to contain domestic animals and that fencing is located on part of the site that does not impede native fauna from transversing the site.
- In Bushfire Asset Protection Zones- vegetation species need not be native to the site but are to be native to Pittwater.

B4.11 Land Adjoining Bushland

Land to which this control applies

Land adjoining bushland reserves but excluding where this land is covered in other Natural Environment Controls - P21DCP-BCMDCP067

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

To protect bushland from impacts associated with development on adjoining land. (En)
Biodiversity, ecological processes and other bushland values are conserved. (En)

Controls

Development shall not adversely impact on the adjoining reserve.

Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in *Native Plants for Your Garden* available on the Pittwater Council website).

Landscaping works are to be outside areas of bushland and do not include Environmental Weeds.

Development shall dispose of stormwater, wastewater and other drainage in a manner that will not adversely impact on the adjoining bushland.

Domestic animals will be restricted from entering bushland.

Development shall not result in a significant loss of canopy cover or a net loss in native canopy trees.

Fencing, where permitted, shall be passable to native wildlife.

Variations

Council may consider variation to this control for:

- environmental restoration projects whose sole objective is the restoration and regeneration of bushland.
- those activities listed in adopted Plans of Management for public reserves.
- Where fencing is required to contain domestic animals and that fencing is located on a part of the site that does not impede native fauna from traversing the site.

Advisory Notes

This land may be affected by the provisions of *State Environmental Planning Policy No 19 - Bushland in Urban Areas*.

B4.12 Mangrove Conservation

Land to which this control applies

Land containing mangroves and their habitat - P21DCP-BCMDCP030

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

To conserve and enhance mangroves in the Pittwater Local Government Area. (En)

Controls

Development shall not adversely impact on existing mangroves or their habitat.

Development shall provide an adequate buffer to mangroves.

Variations

Provided the outcomes of this control are achieved, Council may consider variation to this control for environmental restoration projects whose sole objective is the restoration and regeneration of mangroves.

Advisory Notes

All development with potential to impact on Mangroves will be referred to NSW Fisheries as required under the *Fisheries Management Act 1994* and may require a permit.

B4.13 Freshwater Wetlands (non Endangered Ecological Communities)

Land to which this control applies

Land containing areas of wetland, other than Sydney Freshwater Wetland EEC - P21DCP-BCMDCP031

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

Wetlands in Pittwater are conserved and enhanced. (En)

The physical, chemical and biological processes of wetlands in Pittwater are improved, maintained or restored. (En)

The social and cultural values of wetland areas are conserved and enhanced. (S)

Biodiversity, ecological processes and other wetland values are conserved. (En)

Controls

Development shall not adversely impact on wetlands.

Development shall restore or regenerate wetlands.

Development shall dispose of stormwater, wastewater and other drainage in a manner that will not adversely impact on wetlands.

Development must minimise changes to the following:

- local surface runoff, groundwater flows and water flow regimes to the wetland;
- temperature, salinity, chemical makeup and sediment loads;
- environmental flows; and
- patterns of inflow.

Stormwater is to mimic natural conditions.

Existing wildlife corridors are to be maintained and functional habitat links provided wherever possible.

Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or those listed in *Native Plants for your Garden* on Pittwater Council website).

Variations

Provided the outcomes of this control are achieved, Council may consider variation to this control for:

- Environmental restoration projects whose sole objective is the restoration and regeneration of wetlands.
- Development related to education and recreation that are unlikely to affect wetland values and functions.
- Maintenance of existing structures.
- Any activities which form part of an adopted Plan of Management for the subject land.

- Where fencing is required to contain domestic animals and that fencing is located on a part of the site that does not impede native fauna from traversing the site.
- In Bushfire Asset Protection Zones- vegetation species need not be native to the site but are to be native to Pittwater.

B4.14 Development in the Vicinity of Wetlands

Land to which this control applies

Land adjacent to freshwater wetlands, including Sydney Freshwater Wetland, Swamp Sclerophyll Forest, Swamp Oak Forest. - P21DCP-BCMDCP066

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form does not have to be residential)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Subdivision of a sector, buffer area or development site in a Release Area
Water recreation structure

Outcomes

Development in the catchment of a wetland is to result in wetland conditions being maintained or enhanced (En)
The physical, chemical and biological processes of wetland habitats in Pittwater are improved, maintained or restored. (En)
The social and cultural values of wetland areas are conserved and enhanced (S)
Biodiversity, ecological processes and other wetland values are conserved (En).

Controls

Development in a wetlands catchment shall not adversely impact on the wetlands.

Development shall dispose of stormwater, wastewater and other drainage in a manner that will not adversely impact on wetlands.

Development must minimise changes to the following:

- local surface runoff, groundwater flows and water flow regimes to the wetland;
- temperature, salinity, chemical makeup and sediment loads

Stormwater is to mimic natural conditions.

Development shall provide adequate buffering to wetlands

Existing wildlife corridors are to be maintained and functional habitat links provided wherever possible.

Development shall ensure that at least 60% of any new planting incorporates native vegetation (as per species found on the site or those listed in *Native Plants for your Garden* on Pittwater Council website)

Variations

Provided the outcomes of this control are achieved, Council may consider variation to this control for:

- Environmental restoration projects whose sole objective is the restoration and regeneration of wetlands.
- Development that demonstrates it will not affect wetland values and functions.
- Maintenance of existing structures.

A minimum setback of 10m may be considered for development where there will be no adverse impact on the wetland and there is an adequate zone for wildlife.

Any activities which form part of an adopted Plan of Management for the subject land.

Where fencing is required to contain domestic animals and that fencing is located on a part of the site that does not impede native fauna from traversing the site.

In Bushfire Asset Protection Zones- vegetation species need not be native to the site but are to be native to Pittwater.

B4.15 Saltmarsh Endangered Ecological Community

Land to which this control applies

Land containing areas of saltmarsh vegetation - P21DCP-BCMDCP032

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

To conserve and enhance saltmarsh vegetation. (En)

Controls

Development shall retain and enhance saltmarsh vegetation.

Development shall restore and/or regenerate saltmarsh vegetation.

Stormwater, wastewater and other drainage shall not be disposed of into saltmarsh.

Development shall have an adequate buffer to saltmarsh and foreshore vegetation.

Where mangroves have been shown as invading saltmarsh vegetation, Council may consider mangrove removal (with permission from NSW Department of Primary Industries) for the purposes of restoring or regenerating these habitats.

Any works or activities proposed within the foreshore building line must be consistent with ensuring the long term survival of saltmarsh vegetation.

Variations

Provided the outcomes of this control are achieved, Council may consider variation to this control for environmental restoration projects whose objective is the restoration and regeneration of foreshore vegetation

Advisory Notes

Adequate buffer to saltmarsh depends on the proposed development. Minimum buffers to saltmarsh are the Foreshore Building Line on the landward side, and 50m on the seaward side.

B4.16 Seagrass Conservation

Land to which this control applies

All areas of the Pittwater waterway containing seagrass - P21DCP-BCMDCP033

The Waterways Locality and properties which abut the Pittwater Waterway - P21DCP-D15MDCP751

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Demolition
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Waste water disposal system
Water recreation structure

Outcomes

The conservation of seagrass beds in Pittwater. (En)

The replacement of lost/damaged seagrass beds. (En)

Controls

Development shall not significantly affect seagrass beds.

Development shall replace seagrass in areas where it has been lost or damaged.

No filling, dredging or other disturbance shall be undertaken within a 50m buffer area of seagrass beds.

Development proposed adjacent to seagrass beds shall incorporate a buffer zone of at least 50 metres between the development and the seagrass beds.

Jetties, ramps, wharves, pontoons and other instream structures shall be designed and constructed in accordance with NSW Department of Primary Industries specifications to maximise light filtration to seafloor. Proponents are advised to consult with the Department of Primary Industries to discuss their existing requirements.

Nutrients release into waterway shall not be increased. Development shall not result in turbidity in the vicinity of seagrass.

On-site waste water system systems shall include removal of Phosphorus and Nitrogen to below P 0.05 and N 0.05mg/L.

Variations

Development shall not be permitted within a buffer area unless it can be demonstrated that the outcomes of this control can be met.

Provided the outcomes of this control are achieved, Council may consider variation to this control for:

- environmental restoration projects whose objective is the improvement of estuarine water quality; or
- activities within an approved Pittwater Council Plan of Management.

B4.17 Littoral Rainforest - Endangered Ecological Community

Land to which this control applies

Lands containing Littoral Rainforest - P21DCP-BCMDCP034

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

The conservation of littoral rainforest vegetation in Pittwater. (En)
The regeneration and /or restoration of littoral rainforest. (En)
The preservation of littoral rainforest as habitat for fauna. (En)

Controls

Development shall retain, enhance and regenerate areas of Littoral Rainforest and its habitat.

Development shall not result in an onsite loss of canopy cover or a net loss in native canopy trees or Littoral Rainforest.

Development shall retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations.

Caretakers of domestic animals shall prevent them from entering bushland.

Fencing, where permitted, shall allow the safe passage of native wildlife.

Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Littoral Rainforest Endangered Ecological Community).

Development shall ensure any landscaping works are outside areas of existing Littoral Rainforest Endangered Ecological Community and do not include environmental weeds.

Variations

Council may consider variation to this control:

- for those activities listed in adopted Plans of Management.
- where development is proposed on parts of the site identified as not containing Littoral Rainforest providing the development does not impact on Littoral Rainforest on the site or adjoining properties.
- where a development is proposed in the area of least impact on Littoral Rainforest and where there will be no net loss of Littoral Rainforest vegetation.
- where fencing is required to contain domestic animals and that fencing is located on a part of the site that does not impede native fauna from traversing the site.

B4.18 Heathland/Woodland Vegetation

Land to which this control applies

Land containing of heathland vegetation - P21DCP-BCMDCP035

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Subdivision of a sector, buffer are or development site in a Release Area
Water recreation structure

Outcomes

Conservation of intact heathland. (En)
Regeneration and/or restoration of fragmented and / or degraded heathland. (En)
Reinstatement of heathland to link remnants. (En)
Long-term viability of locally native flora and fauna and their habitats in the Pittwater LGA through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)
Long-term sustainability of hanging swamps and other wetlands (En).

Controls

Development shall retain and enhance habitat and wildlife corridors for threatened species, endangered populations, endangered ecological communities and other locally native species.

Development shall not reduce or degrade habitat for locally native species, threatened species, endangered populations or endangered ecological communities.

Wastewater shall receive tertiary treatment and not be discharged directly into heathland.

Water entering heathland from the development shall be free from pollutants and elevated nutrients.

Caretakers of domestic animals shall prevent them from entering wildlife habitat areas.

Fencing, where permitted, shall allow the safe passage of native wildlife.

Development shall not negatively impact on heathland.

Development shall ensure long-term sustainability of wetlands and must include an appropriate buffer - minimum of 10 metres from wetland edge.

Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in *Native Plants for Your Garden* available on the Pittwater Council website).

Landscaping works are to be outside areas of bushland and do not include environmental weeds.

Variations

Council may consider variation to this control:

- For those activities listed in adopted Plans of Management.
- Where development is proposed on parts of the site identified as not containing a heathland/woodland providing the development does not impact on heathland/woodland on the site or adjoining properties.
- Where a development is proposed in the area of least impact on heathland/woodland/wetlands and loss of native vegetation is minimal.
- Where fencing is required to contain domestic animals and that fencing is located on up to 20% of the site, and does not impede native fauna from traversing the site.

B4.19 Estuarine Habitat

Land to which this control applies

The Waterways Locality and properties which abut the Pittwater Waterway - P21DCP-D15MDCP751
Land adjacent to estuarine wetlands, including Saltmarsh, Seagrass Beds, Mangroves, Estuarine Habitat - P21DCP-BCMDCP036

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

To protect and enhance the mangroves, saltmarsh, seagrasses, intertidal sand/mud flats and other foreshore habitats that comprise the estuarine habitat of Pittwater. (En)

Development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development. (En)

The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)

The social and cultural values of estuarine habitats are conserved and enhanced. (S)

Biodiversity, ecological processes and other estuarine habitat values are conserved. (En)

Controls

Development shall not be permitted which could result in the destruction of mangroves or seagrass beds, saltmarsh and other estuarine habitats.

Development in an estuarine habitat catchment shall not adversely impact on the wetlands.

Development shall dispose of stormwater, wastewater and other drainage in a manner that will not adversely impact on estuarine habitat.

Development must minimise changes to the following:

- local surface runoff, groundwater flows and water flow regimes to the estuarine habitat;
- temperature, salinity, chemical makeup and sediment loads

Stormwater is to mimic natural conditions.

Development shall provide adequate buffering to estuarine habitat.

Existing wildlife corridors are to be maintained and functional habitat links provided wherever possible.

Development shall ensure 80% of the area that is not covered by approved buildings or associated structures, is native vegetation either through retention of existing bushland or planting with locally native plant species (as per species found on the site or those listed in 'Native Plants for your Garden' on Pittwater webpage).

Development within the Pittwater Waterway shall have regard to any adjoining important estuarine habitats at all time, particularly during the construction phase. Any impact upon estuarine habitats within the Pittwater Waterway, particularly mangroves, saltmarsh and seagrass beds, must be minimised.

Adequate compensatory works shall be undertaken where damage to estuarine habitats occurs.

Habitat for locally and migratory birds shall not be reduced or degraded. Development that will result in increased disturbance to migratory wading bird habitat shall not be permitted.

Variations

Development shall not be permitted within a buffer area unless it can be demonstrated that the outcomes of this control can be met.

Provided the outcomes of this control are achieved, Council may consider variation to this control for:

- environmental restoration projects whose objective is the improvement of estuarine water quality and/or estuarine habitats: or
- activities within an approved Pittwater Council Plan of Management.

B4.20 Protection of Estuarine Water Quality

Land to which this control applies

Land adjacent to estuarine wetlands, including Saltmarsh, Seagrass Beds, Mangroves, Estuarine Habitat - P21DCP-BCMDCP036

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

To ensure that water quality is not adversely affected by pollutants including increased nutrient levels, pathogens, and siltation. (En)
To protect the mangroves, seagrasses, intertidal sand/mud flats and other habitats that comprise the estuarine habitat of Pittwater. (En)
Development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development. (En)
The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)
The social and cultural values of estuarine habitats are conserved and enhanced. (S)
Biodiversity, ecological processes and other estuarine habitat values are conserved. (En)

Controls

Development shall not have an adverse impact on water quality through pollution including turbidity, siltation or increased nutrients.

Development shall not impact on the existing water circulation within the Pittwater Waterway, its individual embayments or tidal tributaries in a manner that is likely to adversely affect water quality or the physical well being of natural estuarine habitats.

Environmental safeguards (silt curtains, booms etc) are to be used during construction of the proposed works to ensure there is no escape of turbid plumes into the aquatic environment. Turbid plumes caused by runoff, driving of piles, etc. have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.

Variations

Council may consider variation to this control for:

- environmental restoration projects whose objective is the improvement of estuarine water quality and/or estuarine habitats; or
- activities within an approved Pittwater Council Plan of Management.

B4.21 Bush-Stone Curlew Habitat

Land to which this control applies

Land Identified as Bush Stone Curlew Habitat - P21DCP-BCMDCP084

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Water recreation structure

Outcomes

To protect the known habitat of the Bush-Stone Curlew in the Pittwater Local Government Area. (En)
To ensure long-term survival of local Bush-Stone Curlew population.

Controls

Development shall retain and enhance the habitat of the Bush-Stone Curlew.

Works on the seaward side of the approved built form is to be compatible with Bush-Stone Curlew habitat and the Recovery Plan (Office of Environment and Heritage weblink: <http://www.environment.nsw.gov.au/>)

Landscaping should provide appropriate habitat for the Bush-Stone Curlew (www.pittwater.nsw.gov.au/environment/animals_and_plants/threatened_species/animals/bush-stone_curlew)

Caretakers of domestic animals shall prevent them from entering the seaward side of approved built form which include Bush-Stone Curlew habitat areas. Cats are not permitted to be kept in known Bush-Stone Curlew habitat areas.

Fencing, where permitted, shall be passable by native wildlife.

Variations

Council may consider variation to this control:

- where fencing is required to contain domestic animals and that fencing is located on a part of the site that does not impede native fauna from traversing the site.

B4.22 Preservation of Trees or Bushland Vegetation

Land to which this control applies

All land and waterways within the Pittwater Local Government Area (not including National Parks)

Uses to which this control applies

Tree and/or bushland removal

Outcomes

To protect and enhance the amenity that trees and/or bushland vegetation provide.

To protect and enhance the scenic value and character that trees and/or bushland vegetation provide (En, S).

To protect, enhance and account for the contribution trees and/or bushland vegetation provide to the ecological value and biodiversity of Pittwater, including habitat for locally native plant and animal species, threatened species populations and endangered ecological communities (En).

To promote the benefits that corridors of trees and/or bushland vegetation provide for the movement of flora and fauna (En, S).

Controls

A person shall not ringbark, cut down, top, lop, remove, poison, injure, or willfully destroy any prescribed tree or bushland vegetation without a Tree and Bushland Vegetation Removal Permit unless authorised by a current Development Consent.

This includes damage to a tree or bushland vegetation by:

- Damaging or tearing live branches and roots;
- Damaging the bark, including attachment of objects using invasive fastenings, the fastening of materials around the trunk of trees which may result in a detrimental impact on tree health;
- Tree topping, where large branches and/or the trunk of the tree is removed from the top of the trees canopy;
- Tree lopping, where branches are removed to reduce the height and spread of the tree;
- Damaging the root zone of a tree by way of compaction, including storage and stockpiling materials;
- Changing of ground levels within the root zone of a tree by way of excavation, trenching, filling or stockpiling;
- Under-scrubbing of bushland vegetation;
- Burning of vegetation (not part of a Hazard Reduction Certificate); or
- Any other act or activity that causes the destruction of, the severing of trunks or stems of, or any other substantial damage to, some or all of the native vegetation in an area.

Note: Where such activities are required as part of other works for which a Development Application is required, the works will be assessed as part of the Development Application.

This control does not apply to Council or its duly authorised servants or agents to carry out approved maintenance or works, including those covered under Part 5 of the Environmental Planning & Assessment Act.

Works conducted in accordance with a Hazard Reduction Certificate issued under the *Rural Fires Act 1997* for asset protection hazard reduction works do not require a permit.

Variations

Pruning less than 10% of a tree's canopy over a 12 month period (all pruning works must be in accordance with Australian Standard AS 4373:2007 - *Pruning of amenity trees*) is permitted without a Tree and Bushland Vegetation Removal Permit or Development Consent.

Council may consider a variation to this control where:

- Council is satisfied a tree or other vegetation is dying or dead and is not required as habitat for native fauna.
- Council is satisfied a tree or other vegetation is a risk to human life or property.

Exempt tree species

The tree species listed in Table 1 below and listed in the noxious weed declarations for Pittwater Council under the *Noxious Weeds Act 1993* are considered undesirable and can be removed without a Tree and Bushland Vegetation Removal Permit or Development Consent.

Refer to Council's website for a list of noxious weeds and

(http://www.pittwater.nsw.gov.au/environment/noxious_weeds/listed_noxious_weeds_for_pittwater_council).

There are five classes of noxious weed, each with different legal obligations for management, refer to the *Noxious Weeds Act 1993* for requirements.

Table 1 - Exempt Tree Species

Exempt Trees

BOTANICAL NAME

Acacia baileyana
Acacia saligna
Acer negundo
Alnus jorullensis
Araucaria bidwillii
Brachychiton acerifolium
Castanospermum australe
Celtis australis
Citharexylum spinosum
Citrus spp.

Cupressus spp
Cupressocyparis leyandii
Erythrina spp
Eriobotrya japonica
All Ficus spp. other than Ficus macrophylla, Ficus rubiginosa and Ficus coronata
Fortunella spp.
Harpephyllum caffrum
Jacaranda mimosifolia
Lagunaria patersonia
Liquidambar styraciflua
Malus spp
Nerium oleander
Olea spp.
Palms other than Livistona australis
Paraserianthes lophantha
Prunus spp.
Populus spp.
Robinia pseudoacacia
Sapium sebiferum
Schefflera actinophylla
Spathodea campanulata
Ulmus parvifolia

COMMON NAME

Cootamundra Wattle
 Golden Wreath Wattle, Golden Willow Wattle
 Box Elder
 Evergreen Alder
 Bunya Bunya Pine
 Illawara Flame
 Black Bean, Moreton Bay Chestnut
 Hackberry
 Fiddlewood
 Citrus Trees inc. Lemon, Orange, Mandarin, Lime, Grapefruit
 Cypress Pine
 Leighton's Green Cypress
 Coral Tree
 Loquat
 All Ficus spp. other than Moreton Bay Fig, Port Jackson Fig and Sandpaper Fig
 Kumquat
 Kaffir Plum
 Jacaranda
 Norfolk Island Hibiscus
 Liquidambar
 Apple
 Oleander
 Olive
 Palms other than Cabbage-tree Palm
 Crested Wattle
 Apricot, Almond, Cherry, Plum, Peach
 Poplar
 False Acacia
 Chinese tallow
 Umbrella Tree
 African Tulip Tree
 Chinese Elm

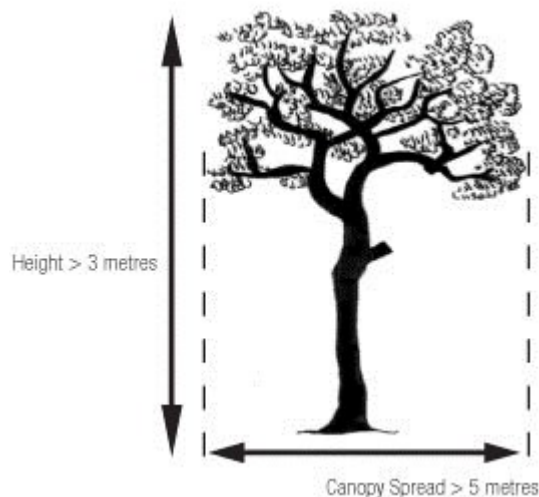
Advisory Notes

Further information is available on Council's website which outlines:

- Types of protected and desirable tree and bushland vegetation species
- Noxious weed declarations and environmental weeds
- Undesirable shrubs and plants in Pittwater

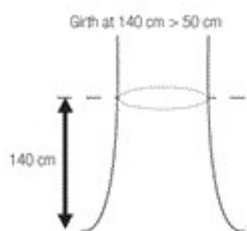
How to measure a tree

The diagrams below illustrate how tree measurements shall be obtained. The height of a tree is the distance measured vertically between the horizontal plane of the lowest point of the base of the tree (which is immediately above ground) and the horizontal plan of the uppermost point of the tree.

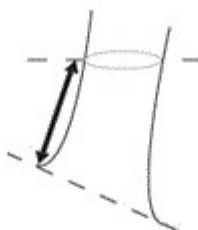


Advisory Notes

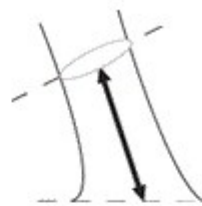
Using a measuring tape, measure the girth (circumference) of the tree trunk/s or branch as shown in the diagrams below. Generally measurements are taken at 1.4 metres above ground level. These diagrams were developed using the Australian Standard AS 4970:2009 - *Protection of trees on development sites*.



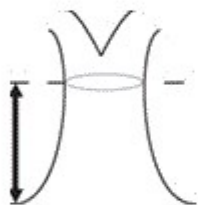
1. Level Ground



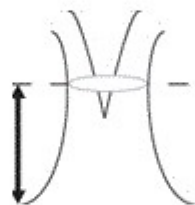
2. Sloping Ground (Take measurement 1.4m from highest side)



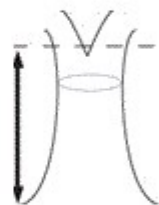
3. Leaning on Level Ground



4. Forked tree above 1.4 metres



5. Forked Tree below 1.4 metres



6. If branches/whorls occur at 1.4 metres take the measurement from the narrowest point below.



7. If the tree is deformed or buttresses take the measurement at the narrowest point above.

B5 WATER MANAGEMENT

B5.1 Water Management Plan

Land to which this control applies

All Land NOT including the Warriewood Valley Locality.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision

Outcomes

Effective management of all water and wastewater resources. (En, S)

Protection of receiving environments downstream of all water management systems. (En, S)

Controls

An Integrated Water Management approach must be undertaken on all land subject to development for the effective water management of all water on the site including:

- rainwater
- stormwater
- greywater, and
- wastewater

in accordance with:

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- The Pittwater 21 Development Control Plan (this DCP)
- All relevant legislation

A Water Management Plan is required to be submitted setting out the proposed Integrated Water Management System which may comprise of the following components including (but not limited to):

- Wastewater treatment system
- Greywater Treatment system
- Land Application System (Wastewater and Greywater systems)
- Water Harvesting and Reuse System
- Rainwater Tank (collection from roof area)
- Rainwater Tank "top up" from the Sydney Water potable water supply
- Stormwater tank (collection from ground area)
- Run-off area to each collection system
- On-Site Detention System (OSD) - type, size, location, discharge orifice plate size
- Water Quality Filtration System
- Water Quality System
- Infiltration / Dispersal System
- Site Discharge system to the public drainage system waterways and/or coastal area
- Natural and artificially modified water courses on the land
- Piped Drainage System on the land
- Overland/surface flow paths
- Easements (existing and proposed)
- Site constraints (e.g.: location of services, heritage orders, trees)

The Water Management Plan is to be clearly drafted, of a minimum 1:200 scale, showing the development, surface contours to AHD, all components of the Integrated Water Management System, and the proposed development. The Water Management Plan is to be professionally drafted and capable of being electronically scanned.

The Water Management Plan must clearly nominate the location, the direction of water flow between system elements, and integration of all components in the Water Management System.

The Water Management Plan is also to be accompanied by supporting Assessment Reports and documentation by an appropriately qualified and accredited Professional Engineer, where required, relevant to the proposed Water Management System.

All Water Management System components must be located on private lands except for the discharge line to the public stormwater system.

Variations

Nil

Advisory Notes

The minimum requirements for *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* takes precedence over the requirements of this control.

B5.3 Greywater Reuse

Land to which this control applies

All Land NOT including the Warriewood Valley Locality.

Uses to which this control applies

All Uses

Outcomes

Effective management of grey water treatment systems which maintain disposal to Sydney Water central reticulation system (for disposal in cases of emergency breakdown/malfunction). (En, S)

Effective management of on-site sewage and effluent systems to ensure environmental and public health protection. (En, S)

Water Conservation (En)

Controls

Blackwater reuse and on-site disposal is not permitted on sewerage lands.

Council will only consider approval of on-site treatment, disposal and/or reuse of greywater subject to demonstration of scheme feasibility and compliance with all relevant State and Federal regulatory requirements and the referenced guidelines.

The greywater treatment and reuse system shall have a current NSW Health Accreditation (where accreditation is necessary).

All premises must maintain a connection to the Sydney Water centralised sewerage waste disposal system.

Variations

Nil

Advisory Notes

References

Environment and Health Protection Guidelines - Onsite Sewage Management for Single Households (Department of Local Government et al. January 1998)

NSW Guidelines for Greywater reuse in Sewered, Single Household Residential Premises (Department of Water and Energy, May 2008)

Interim NSW Guidelines for Management of Private Recycled Water Schemes (Department of Water and Energy, May 2008). This includes the approval to install and approval to operate a private recycled water scheme requirements.

Use of Effluent by Irrigation (Department of Environment and Conservation, October 2004)

National Guidelines for Water Recycling: Managing Health and Environmental Risks (Natural Resource Management Ministerial Council et al. November 2006)

Note: This control does not relate to Greywater Diversion Devices or manual bucketing of greywater.

B5.4 Stormwater Harvesting

Land to which this control applies

All Land NOT including the Warriewood Valley Locality.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

Minimise quantity of stormwater runoff.
Minimise surcharge from the existing drainage systems.
Reduce water consumption and waste in new development.
Implement the principles of Water Sensitive Urban Design (En)

Controls

Where development is proposing a stormwater harvesting scheme, it shall be designed to comply with all relevant State and Federal regulatory requirements.

A stormwater management plan describing the design for stormwater harvesting and reuse is required to be submitted setting out effective water management of all water on-site.

The stormwater management plan is required to demonstrate:

- A reduction of water consumption and waste through the provision of re-use devices, conservation practices and recycling runoff.
- Water Sensitive Urban Design principles have been incorporated into the design of drainage, on-site detention, landscaping and orientation of development.
- A reduction of stormwater draining from the development site and facilitating water re-use through the use of rainwater tanks, on-site detention and re-use of greywater .

The design for the stormwater harvesting and reuse scheme is to be certified by a suitably qualified and experienced Professional Engineer and is to be submitted with the Water Management Plan and any accompanying assessment reports and documentation.

The Water Management Plan and accompanying assessment reports and documentation shall demonstrate the feasibility of the scheme.

Variations

Nil

Advisory Notes

Reference

Managing Urban Stormwater: Harvesting and Reuse (Department of Environment and Conservation, 2006)

National Water Quality Strategy - Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 1) (Natural Resource Management Ministerial Council *et al.*, November 2006)

(Draft) National Water Quality Strategy - Guidelines for Water Recycling: Managing Health and

Environmental Risks (Phase 2) - Stormwater Harvesting and Reuse (Natural Resource Management Ministerial Council *et al*)

Interim NSW Guidelines for Management of Private Recycled Water Schemes (Department of Water and Energy, May 2008)

Incorporating

Amendments

1-19

Version: 1

Version Date: 25/11/2015

B5.5 Rainwater Tanks - Business, Light Industrial and Other Development

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Business Development
Child care centre
Hospital
Industrial Development
Other Development

Outcomes

Water conservation and reduction in mains water demand. (En, Ec)
Development is compatible with Water Sensitive Urban Design principles. (En)

Controls

All development creating an additional hard (impervious) roof area of greater than 50m² must provide a rainwater tank for non-potable use connected to external taps for the purpose of landscape watering and car washing and a functional water reuse system including, water supply for toilet flushing and other uses as permissible under the current Code of Practice for Plumbing and Drainage.

Rainwater tanks may be above or below ground and are required to have storage capacities in accordance with the following table:

Additional Hard (Impervious) Surface Area (square metres)	Minimum Rainwater Tank Storage Capacity
0 - 50	Nil
50 - 75	1,500 litres
75 - 100	2,000 litres
100 - 150	3,000 litres
150 - 200	4,000 litres
200 - 300	6,000 litres
300 - 400	8,000 litres
400 - 500	10,000 litres
500 - 600	12,000 litres
600 - 700	14,000 litres
700 - 800	16,000 litres
800 - 900	18,000 litres
900 - 1,000	20,000 litres
Above 1,000*	See note (1) below, minimum size 20,000 litres

Note (1): Developments exceeding 1,000 square metres of additional hard (impervious) surface area must also provide with the Water Management Plan, and Integrated Water Management Strategy including rainwater tank sizing prepared by a suitably qualified and experienced Water Engineer, demonstrating that Water Sensitive Urban Design principles have been practically maximised within the proposed development. The rainwater tank storage shall be no less than 20,000 litre capacity.

Variations

Council may consider a variation where a rainwater tank of this size already exists or a tank of the size nominated in the table above is not appropriate and it can be demonstrated that the outcomes of this control are achieved.

Advisory Notes

References

Guidance on Use of Rainwater Tanks (Enhealth, 2004)

Rainwater Tanks Where a Public Water Supply is Available - Use of. NSW Health Guidelines GL2007_009 (June 2007)

The Plumbing Code of Australia

B5.6 Rainwater Tanks - Water Supply

Land to which this control applies

Land zoned E3 Environmental Management, RU2 Rural Landscape or R5 Large Lot Residential.

Uses to which this control applies

Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Other Development
Rural industry
Rural worker's dwelling
Secondary dwelling

Outcomes

An alternative safe water supply is provided for properties not connected to a Sydney Water main. (S)

Controls

Where connection to a Sydney Water main is not able to be provided, rainwater tanks must be provided for potable (i.e. drinking, bathing, cooking, washing etc) and non-potable (i.e. toilet flushing, watering garden, irrigation, fire fighting etc) uses.

The minimum capacity tank requirements for new dwellings and major additions to existing dwellings, where there is no connection to mains water, must be 45,000 litres of which up to 10,000 litres may be used for non-potable uses and stored in a separate system.

The minimum capacity tank requirements for development (other than new dwellings and major additions to existing dwellings) where there is no connection to mains water must be in accordance with relevant Australian Standards.

Variations

Council may consider a variation where a rainwater tank of this size already exists or a tank of this size is not appropriate and it can be demonstrated that the outcomes of this control are achieved.

Advisory Notes

In Bushfire Prone Lands, a minimum of 10,000 litres is to be set aside for fire fighting purposes.

References

Guidance on Use of Rainwater Tanks (Enhealth, 2004)

Rainwater Tanks Where a Public Water Supply is Available - Use of. NSW Health Guidelines GL2007_009 (June 2007)

The Plumbing Code of Australia

Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems and Other Sewage Management Facility Vessels. (NSW Department of Health - Advisory No 3, May 2006)

B5.7 Stormwater Management - On-Site Stormwater Detention

Land to which this control applies

Land identified as requiring On-site detention NOT including the Warriewood Valley Locality - P21DCP-BCMDCP043

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

Rates of stormwater discharged into receiving environment maintained or reduced. (Ec, S)

Controls

An On-Site Detention (OSD) facility is to be installed where the development results in additional hard (impervious) surface area of greater than 50m² (on a cumulative basis since February 1996) and on land designated through mapping as requiring OSD facility.

OSD facilities are to be designed and installed to temporarily detain stormwater on a site to limit the discharge leaving the property to ensure that the development does not increase stormwater discharge downstream of the land over and above that of the existing stormwater discharge conditions up to the 1% AEP storm event.

All additional roof surface area of the development is to be drained initially to the rainwater tank which is to be fitted with an overflow pipework system connected to the OSD facility.

All additional ground surface hard stand (impervious) areas are to be drained via a stormwater tank/pit to the OSD facility.

Surface stormwater runoff from properties upstream of the land is to be independently managed to that of the additional ground surface stormwater collection and OSD system and is required to bypass the OSD system.

Rainwater tanks and OSD facilities may also be combined in an integrated system and may be either above or below ground. Should an oversized rainwater tank be used, then 25% of the excess storage volume can be credited towards the OSD tank capacity.

The OSD system may be in the form of an underground tank and/or an above ground tank or open area and is to be designed to the storage and discharge requirements detailed in the following table.

REQUIREMENTS FOR SIZE AND ALLOWABLE DISCHARGE FROM ON-SITE DETENTION SYSTEMS

Additional Hard (Impervious) Surface Area (square metres)	Minimum Capacity of On-Site Detention Tank (Litres)	Discharge Rate Litres/Sec
0 - 50	Nil	Nil
>50 - 75	4,500	2
>75 - 100	6,000	3
>100 - 150	9,000	4
>150 - 200	12,000	6
>200 - 250	15,000	7
>250 - 300	18,000	9
>300 - 400	24,000	12
>400 - 500	30,000	15
>500 - 600	36,000	18
>600 - 700	42,000	21
>700 - 800	48,000	24
>800 - 900	54,000	27
>900 - 1,000	60,000	30
>1,000*	A minimum storage capacity of 60 litres per m ² of additional hard/impervious surface area, and a discharge rate which replicates the discharge from the site were it to be undeveloped.	

*Developments exceeding 1,000 square metres of additional hard (impervious) surface area must also provide with the Water Management Plan, an Integrated Water Management Strategy prepared by a suitably qualified and experienced Water Engineer, demonstrating that stormwater flows discharged from the site is to be no greater than what would have occurred predevelopment, and that Water Sensitive Urban Design principles have been practically maximised within the proposed development.

The discharge from the outlet of the OSD facility shall be controlled by an orifice plate set into the discharge line to control the rate of flow from the system. The required size of orifice plate is set out in [Appendix 11 - Stormwater Management Technical Data - Table 1](#).

The orifice plate is to be located at the invert of all storage facilities to avoid stagnant water (silt traps will not be permitted).

A high-level outlet to the OSD facility is to be provided to cater for surcharge/overflow during major storm events and/or blockages.

Surface flow paths, including the provision of an emergency overflow to cater for blockage of the system must be provided between the OSD facility and the point of stormwater discharge from the land.

All habitable floor levels are to be a minimum of 300mm above and garage floor levels are to be a minimum of 150mm above the maximum design storage water surface level and flow path levels.

The OSD facility may be an underground storage facility as follows:

1. Underground Storage facility:
 - Storage tank located underground provided with a maintenance access hatch
 - A stainless or galvanised mesh screen is to be installed a minimum of 300mm from the outlet to prevent blockage of the orifice by debris
 - Discharge orifice plate installed
 - High level outlet for discharge during a major storm event
 - Venting of the storage tank to prevent the build up of gases
2. Landscaped OSD storage facility:
 - Storage volumes in landscaping areas shall include an allowance for 10 percent additional storage for vegetation growth and construction inaccuracies
 - Discharge orifice plate installed
 - A stainless or galvanised mesh screen is to be installed a minimum of 300mm from the outlet to prevent blockage of the orifice by debris
 - High level outlet for discharge during a major storm event
 - The desirable minimum surface slope to the discharge outlet is 1.5 percent, with the absolute minimum being 1.0 percent
 - Subsoil drainage should be provided in landscaped areas to prevent the ground becoming saturated during prolonged wet weather

3. Driveway and car park OSD storage facility:
 - To avoid damage to vehicles, depths of ponding on driveways and car parks is not to exceed 200mm under design conditions
 - Discharge orifice plate installed
 - A stainless or galvanised mesh screen is to be installed a minimum of 300mm from the outlet to prevent blockage of the orifice by debris
 - High level outlet for discharge during a major storm event
 - The minimum transverse paving slopes within storage areas to the discharge outlet is 0.7 percent

OSD systems are structures intended to control site discharges over the entire life of the development.

Variations

Independently Derived OSD Assessment

Applicants may provide an independent assessment of the water management and On-Site Detention requirements through an On-Site Detention Assessment Report to be submitted with the Water Management Plan prepared by a suitably qualified and experienced Water Engineer.

Data for Stormwater Assessment

To assist in the assessment of stormwater design, the following rainfall data is provided:

- i) Design rainfall Intensity-Frequency-Duration (IFD) relationships for various locations within Pittwater Local Government Area (PLGA) are given in [Appendix 11 - Stormwater Management Technical Data](#) - Tables 2, 3, 4, 5 and 6.
- ii) Design rainfall temporal patterns from Australian Rainfall and Runoff - A Guide to Flood Estimation are provided for average recurrence intervals (ARI's) less than 30 years and greater than 30 years for the Pittwater Local Government Area in [Appendix 11 - Stormwater Management Technical Data](#) - Table 7.

B5.8 Stormwater Management - Water Quality - Low Density Residential

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Rural worker's dwelling
Secondary dwelling

Outcomes

No increase in pollutants discharged with stormwater into the environment. (En)
Development is compatible with Water Sensitive Urban Design principles. (En)

Controls

The control is applicable when the development results in an additional hard (impervious) area of more than 50 square metres.

Development shall incorporate the installation of the following stormwater quality improvement measures:

- Pre-screening of organic matter (eg leaf litter) prior to the collection of rainwater in the rainwater tank
- A water quality filtration basket or equivalent primary treatment Stormwater Quality Improvement Device (SQID) to collect leaf litter and coarse sediments is to be installed prior to the discharge of stormwater from the land.

All Stormwater Quality Improvement Devices (SQIDs) must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

Applicants are also encouraged to apply advanced water quality techniques through primary and secondary treatment techniques to reach and/or exceed the following objectives:

- Primary treatment (eg. physical screening, rapid sedimentation techniques) of stormwater to collect and retain gross pollutants (i.e. litter and organic matter) and coarse sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.
- Secondary treatment (eg. fine particle sedimentation and filtration techniques) of stormwater to collect and retain medium to fine sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.

Variations

Nil

Advisory Notes

Examples of SQIDs that provide primary treatment include litter collection baskets, litter racks, gross pollutant traps, and sediment traps. Examples of SQIDs that provide secondary treatment include filter strips, grass swales, extended detention basins, porous pavers, infiltration trenches, infiltration basins and sand filters.

References

Urban Stormwater - Best Practice Environmental Management Guidelines (CSIRO, 1999)

Australian Runoff Quality - A Guide to Water Sensitive Urban Design (Engineers Australia, 2006)

B5.9 Stormwater Management - Water Quality - Other than Low Density Residential

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Development ancillary to residential accommodation
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

No increase in pollutants discharged with stormwater into the environment. (En)

Development is compatible with Water Sensitive Urban Design principles. (En)

Controls

The control is applicable when the development results in an additional hard (impervious) area of more than 50 square metres.

Land Size up to 1500 sqm

Development shall incorporate stormwater quality improvement measures:

- Pre-screening of organic matter (eg. leaf litter) prior to the collection of rainwater in the rainwater tank.
- A water quality filtration basket or equivalent primary treatment Stormwater Quality Improvement Device (SQID) device to collect leaf litter and coarse sediments is to be installed within the integrated water management system prior to the discharge of stormwater from the land.

All Stormwater Quality Improvement Devices (SQIDs) must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

Applicants are also encouraged to apply advanced water quality techniques through primary and secondary treatment techniques to reach and/or exceed the following objectives:

- Further Primary treatment (eg. physical screening, rapid sedimentation techniques) of stormwater to collect and retain gross pollutants (i.e. litter and organic matter) and coarse sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.

and

- Secondary treatment (eg. fine particle sedimentation and filtration techniques) of stormwater to collect and retain medium to fine sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.

Land Size greater than 1500 sqm

Development shall incorporate stormwater quality improvement measures (as indicated on Table 1) to undertake (where specified) the following:

- Pre-screening of organic matter (eg. leaf litter) prior to collection of rainwater.
- Primary treatment (eg. physical screening, rapid sedimentation techniques) of stormwater to collect and retain gross pollutants (i.e. litter and organic matter), coarse sediments (with associated entrained pollutants), and oil and grease prior to the discharge of stormwater from the land
- Secondary treatment (eg. fine particle sedimentation and filtration techniques) of stormwater to collect and retain medium to fine sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land
- Tertiary treatment (eg. enhanced sedimentation and filtration, biological uptake, absorption onto

sediments) to remove dissolved pollutants (including nutrients and heavy metals) prior to the discharge of stormwater from the land.

Table1: Stormwater Treatment Requirements

LEVEL OF TREATMENT	Pre	Primary	Secondary	Tertiary
DEVELOPMENT TYPE				
Shop top housing	X	X		
Business development	X	X		
Industrial development	X	X		
Subdivision		X	X	X
Tennis court		X		
Multi dwelling housing	X	X	X	
Residential flat building	X	X		
Seniors housing	X	X	X	
Child care centre	X	X	X	
Hospital	X	X	X	
Rural industry	X	X	X	X
Other development	X	X	X	

Note: **X** Indicates the minimum level of stormwater pollution treatment required for the development.

All stormwater quality improvement devices (SQIDs) must be compatible with site constraints and the integrated water management system.

All stormwater quality improvement devices must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

Certification is to be provided by a suitably qualified and experienced Water Engineer with the Water Management Plan demonstrating that the proposed stormwater quality improvement devices proposed at the site will achieve the Control requirements and all applicable legislation.

Variations

Nil

Advisory Notes

Examples of SQIDs that provide primary treatment include litter collection baskets, litter racks, gross pollutant traps, and sediment traps. Examples of SQIDs that provide secondary treatment include filter strips, grass swales, extended detention basins, porous pavers, infiltration trenches, infiltration basins and sand filters.

Examples of SQIDs that provide tertiary treatment include constructed ponds, constructed wetlands, and chemical treatments.

References:

Urban Stormwater - Best Practice Environmental Management Guidelines (CSIRO 1999)

Australian Runoff Quality - A Guide to Water Sensitive Urban Design (Engineers Australia 2006)

B5.10 Stormwater Discharge into Public Drainage System

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision

Outcomes

All new development is to have no adverse environmental impact at the discharge location. (En, S)

Controls

This control applies where stormwater can discharge into the public drainage system.

Direct Connection to the Public Drainage System

Stormwater drainage is to be connected to a public drainage system by gravity means to which it would naturally flow.

Where the development has legal access to a piped drainage system within the development land or adjacent land, a channel or a natural watercourse within the development land or adjacent land, a constructed public road within a road reserve adjacent to the development land (with or without kerbing and guttering), all concentrated stormwater must be discharged directly to that system.

Where stormwater discharge is to be connected to the kerb and gutter of a public roadway, it is not to exceed a discharge rate of 30 litres per second (L/s) in a 1% AEP storm event per property. The number of outlets to the kerb and gutter should be limited to the minimum practically possible (typically one per property). Where discharge exceeds the above values, Council will require that the site discharge be piped to the nearest Council piped drain, channel or natural watercourse, with a minimum 375mm diameter pipe, to Council's standards.

Where an outlet pipe size exceeds 100mm diameter (or insufficient cover exists over the pipe) and flow is to be discharged to the kerb and gutter of a Council roadway, the following is required:

- A minimum 600 mm x 600 mm grated converter pit is to be constructed inside the front boundary of the property. (Note: in the case of the main Commercial Centres where downpipes are located on the property boundary, the connection is required to be by direct connection at the base of the downpipe with an overflow system at the head of the downpipe.)
- Flows between the converter pit and the kerb and gutter are to be discharged using galvanised steel box-section pipes as follows:
 - 100 diameter outlet pipe - use 1 x 100 mm x 100 mm x 6 mm thick (w x h x t)
 - 150 diameter outlet pipe - use 1 x 200 mm x 100 mm x 6 mm thick
 - 225 diameter outlet pipe - use 2 x 200 mm x 100 mm x 6 mm thick

Where a stormwater system discharges into a public road reserve that does not contain an existing kerb and guttering or into a channel or natural water course, an outlet structure is required to be installed and designed to defuse the concentrated stormwater discharge to reduce flow velocities to prevent scour, be safe and be easily maintained.

Connection to Public Drainage System via Inter-allotment Drainage and Easement

Where direct access to a public drainage system (i.e. street kerb and gutter, piped system or open channels and watercourses) is not possible, the installation of inter-allotment drainage system and the acquisition of drainage easements over intervening properties (at the developer's cost) will be required.

Written consent for the piping and acquisition of an easement is to be obtained from adjoining owners and provided to Council at the time of lodging the Development Application. Creation of easement(s) will be required to be completed prior to the issue of the Subdivision Certificate. For other uses other than subdivision, where the easement has not been created prior to the issue of consent, then a deferred commencement condition will be applied.

Connection to Public Drainage System via Public Reserve

Conveyance of stormwater that is required to traverse a public reserve (other than a public road reserve) in order to gain access to a piped drainage system, natural watercourse, estuary and lagoon may be permitted, but will require the prior approval in writing from the Council or the relevant statutory authority and in some instances the creation of a drainage easement.

General

All drainage structures and measures are to be designed to be visually unobtrusive and sympathetic with the environment.

All outlet connections into watercourses, estuary or lagoons shall be designed according to the design principles in *Controlled Activities on Waterfront Land: Guideline for outlet structures on waterfront land* (NSW Office of Water, July 2012).

A Water Management Plan to a minimum scale of 1:200 including survey contours to AHD must demonstrate the feasibility of the proposed drainage system within the site and connection to a public drainage system.

Adequate overflow paths to the public drainage system must be provided to cater for major storm events (up to the 1% AEP storm event) or blockages within the drainage system serving the development.

Variations

Where the development does not have legal access to the public drainage system and is unable to gain adjoining owner's consent on alternative access through drainage easements as required, Council will consider the following on merit:

- An on-site infiltration/dispersion system on suitable land. Land affected by landslip may not be suitable for installation of an on-site infiltration/dispersion system, however, may be acceptable if supported by Geotechnical Risk Assessment stating that on-site disposal achieves the 'Acceptable Level' of risk as defined in the Geotechnical Risk Management Policy for Pittwater.
- Redirection of stormwater flow
- A split system
- An alternative discharge approach

If such a variation is sought it must be accompanied by a supporting report by an appropriately qualified Water Engineer and Geotechnical Engineer (where applicable), outlining the collection, use, reuse and disposal method and demonstrating that it will provide an acceptable standard of safety, will not have any adverse impact on adjoining properties, bushland or public places, and will not adversely impact on the downstream drainage system, downstream bushland or any downstream public places.

B5.11 Stormwater Discharge into Waterways and Coastal Areas

Land to which this control applies

All land adjacent to a river system, foreshore or coastline NOT including the Warriewood Valley Locality - P21DCP-BCMDCP038

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision

Outcomes

All new development to have no adverse environmental impact at the discharge location. (En, S)

Controls

This control applies where stormwater can legally discharge into a natural waterway, estuary, lagoon or coastal area.

Direct Connection to Waterways and Coastal Areas

The discharge of stormwater into the waterways (including Pittwater, Narrabeen Lagoon and creek systems) or any of its tributary watercourses and coastal areas will only be permitted from land directly adjoining a waterway or coastal area provided that it can demonstrated through the Water Management Plan, that:

- discharge to the public drainage system is not available
- discharge over any bluff or cliff area will not cause slope instability
- the discharge system does not result in cliff/bluff/dune or shoreline erosion, sedimentation or water quality impacts
- the discharge system will minimise the visual/environmental impact of any drainage discharge structure along the foreshore.

Connection to Public Drainage System via Public Reserve

Conveyance of stormwater that is required to traverse a public reserve (other than a public road reserve) in order to gain access to a natural watercourse, estuary and lagoon or coastal area may be permitted, but will require the prior approval in writing by the Council or the relevant statutory authority and in some instances the creation of an easement.

General

Where a stormwater system discharges into a natural watercourse, estuary, lagoon or coastal area, an outlet structure is required to be installed and designed to defuse the concentrated stormwater discharge to reduce flow velocities to prevent scour, be safe and be easily maintained. The outlet structure shall be designed according to the design principles in *Controlled Activities on Waterfront Land: Guideline for outlet structures on waterfront land* (NSW Office of Water, July 2012).

Adequate overflow flowpaths to a natural watercourse, estuary, lagoon or coastal area must be provided to

cater for major storm events (up to the 1% AEP storm event) or blockage within the drainage system serving the development.

A Water Management Plan to a minimum scale of 1:200 including survey contours to AHD must demonstrate the feasibility of the proposed drainage system within the site and connection to a natural watercourse, estuary, lagoon or coastal area.

Variations

Nil

Advisory Notes

Reference:

Controlled Activities on Waterfront Land: Guideline for outlet structures on waterfront land (NSW Office of Water, July 2012).

B5.12 Stormwater Drainage Systems and Natural Watercourses

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision

Outcomes

The integrity of stormwater drainage systems, easements and natural watercourses are maintained. (En)
Stormwater flows including overland flow have continuity and are not impeded. (En)

Controls

Structures Over and Adjacent to Easements, Piped Drainage System or Natural Watercourses

No encroachments or low lying overhangs of the development are permitted over and/or within easements for stormwater drainage or over piped drainage systems or over natural water courses.

On a merit basis, Council may allow light, open sided, easily removable structures to be built over drainage easements, piped drainage systems or floodways if it can be demonstrated through a water level and flow assessment that it does not affect the flow of water in overland flow paths.

Structural support elements are not permitted within an easement or within the cross sectional area of an open or natural watercourse.

Structural support elements adjacent to an easement, piped drainage or natural water course located on the development site or on adjacent lands must be founded on a stable foundation a minimum of 300mm below the invert level of the pipe (or as directed by the Structural Engineer) to provide stability to both structure and drainage system particularly during maintenance operations.

Stormwater Drainage Systems

Council approach to the management of the stormwater drainage system is through the Major/Minor concept (as described in *Australian Rainfall and Runoff A Guide to Flood Estimation* (Institution of Engineers Australia, 1998)(AR&R)) for its piped urban drainage design.

The Minor Stormwater Drainage System refers to the underground piped system, which shall be designed to cater for a 5% Annual Exceedance Probability (20 year Annual Recurrence Interval) flood event.

The Major Stormwater Drainage System refers to overland flow paths designed to convey major storm flows when the capacity of the minor system is exceeded.

Major Stormwater Drainage Systems shall be designed to cater for the 1% Annual Exceedance Probability (100 year Annual Recurrence Interval) storm event.

The Minor Stormwater Drainage System may in some instances be required to accommodate higher flow rates if the Major Stormwater Drainage System cannot safely or adequately carry the required flow rate.

Piped stormwater drainage systems can usually be categorised as:

- public stormwater drainage system - this system accepts stormwater discharges from both public and private lands;
- private stormwater drainage system - this system accepts stormwater discharges from private land only. This is commonly referred to as an interallotment drainage system.

Any public stormwater drainage system piped through private land must remain on the land and cannot be diverted into adjoining land without the adjoining owner's permission.

Where the Applicant proposes to pipe the public stormwater drainage system, the minimum sized pipe is to be 375mm diameter. The piped drainage system shall be constructed using the appropriate class of rubber ring joint reinforced concrete pipes

Where overland flows from upstream catchments impact the site, this control should also be read in conjunction with the Flood Category 3 Controls of this DCP.

The design of stormwater systems for the property is to demonstrate through a water level and flow assessment that:

- The proposed development does not have an adverse impact on adjoining properties through diversion, concentration or damming of such flows;
- The proposed development accommodates the passage of overland flow through the site and where applicable illustrates that the proposed development is designed to withstand damage due to scour, debris or buoyancy forces so that the risk of incidental damage is minimised;
- The proposed development is not sited where flows will create a hazardous situation for future occupants in terms of depth and velocity of flows through the property;
- Floor levels within the development are set to comply with the freeboard requirements as set out in Appendix 8 - Flood Risk Management Policy for Development in Pittwater of this DCP;
- The proposed development is compatible with any future mitigation strategies to be implemented by Council in terms of such overland flows.

Where determined necessary, Council will impose conditions on a proposed development, to protect overland flow paths. This could include the construction of flowpaths with openings through fencing to protect overland flow paths. An 'interallotment drainage system' shall be designed to cater for a 5% Annual Exceedance Probability (20 year Annual Recurrence Interval) storm event for subdivisions creating separate lots. It shall be assumed that an appropriate percentage of the lot area is impervious to determine the design flow rate.

For developments not specified in this control, an 'inter-allotment drainage system' shall be designed to carry the 5% Annual Exceedance Probability (20 year Annual Recurrence Interval) flow rate for the total site area.

For an 'inter-allotment drainage system', the minimum sized pipeline is to be 150mm diameter. The piped drainage is to be constructed from an appropriate class of pipe with watertight and flexible joints.

Natural Watercourses

Any natural watercourses on the property shall be retained in their natural state wherever possible to carry stormwater flows through the property. Natural water courses cannot be diverted onto adjoining lands.

Any natural watercourses on the land where in a degraded state, must be restored and rehabilitated in accordance with the guidelines for controlled activities under the *Water Management Act 2000*.

Council encourages the replacement of a piped stormwater system with a restored creek system with appropriate flow carrying capacity.

A Water Management Plan is to be submitted demonstrating the feasibility of the proposed natural watercourse works within the site.

Variations

Diversion of Stormwater Systems

Easements and piped drainage system may be diverted around proposed development where it can be demonstrated, through a Water Management Plan, that:

- the diversion is wholly contained within the land,
- that the flows are not diverted to an adjoining/alternative watercourses and

- flow capacities are maintained.

The diversion of natural watercourses is only permissible with a controlled activity approval for the work from the NSW Office of Water.

Any alteration to an easement, piped drainage system or natural watercourse including all legal and consultant costs shall be at the full cost to the applicant.

Overhang of Easement

An overhang, over and/or within an easement will be considered on merit. A minimum vertical clearance to allow appropriate machinery to allow easy access and ample clearances to undertake maintenance replacement operations is required. Alternative construction techniques to allow removal of sections of the building structure by the property owner will also be considered.

Alternative Pipe Materials

Council will consider the use of pipelines made of different materials for a public stormwater drainage system should site conditions not suit concrete pipes (eg. Steeply sloping sites).

Advisory Notes

i. Waterway design is to be in accordance with guidelines such as:

- *Controlled Activities on Waterfront Land: Guideline for outlet structures on waterfront land* (NSW Office of Water, July 2012).
- *Controlled Activities on Waterfront Land: Guideline for riparian corridors on waterfront land* (NSW Office of Water, July 2012).
- *Controlled Activities on Waterfront Land: Guideline for laying pipes and cables in watercourses on waterfront land* (NSW Office of Water, July 2012).
- *Controlled Activities on Waterfront Land: Guideline for instream works on waterfront land* (NSW Office of Water, July 2012).
- *Controlled Activities on Waterfront Land: Guideline for watercourse crossings on waterfront land* (NSW Office of Water, July 2012).
- *A Rehabilitation Manual for Australian Streams* (CRC for Catchment Hydrology, 1999).
- *Guidelines for Stabilising Waterways* (Standing Committee on Rivers & Catchments Victoria, 1991).
- *Hydraulic Geometry of Brisbane Streams - Guidelines for Natural Channel Design* (I.D. & A. Pty Ltd. 1996)

These guidelines refer to techniques such as the use of 'regime theory' with approaches published by various researchers in the field of fluvial hydraulics (eg. Simons and Alverston, 1963).

ii. Data for Stormwater Assessment

To assist in the assessment of stormwater design, the following rainfall data is provided:

- Design rainfall Intensity-Frequency-Duration (IFD) relationships for various locations within Pittwater Local Government Area (PLGA) are given in Appendix 11 - Stormwater Management Technical Data - Tables 2, 3, 4, 5 and 6.
- Design rainfall temporal patterns from Australian Rainfall and Runoff - A Guide to Flood Estimation are provided for average recurrence intervals (ARI's) less than 30 years and greater than 30 years for the Pittwater Local Government Area in [Appendix 11 - Stormwater Management Technical Data](#) - Table 7.

iii. Flood Controls

Reference is also made to Flood Controls of this DCP and Appendix 8 Flood Risk Management Policy for Development in Pittwater.

B5.13 Development on Waterfront Land

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision

Outcomes

Protection of waterways and improved riparian health (En)
Stormwater and creek flows are safely managed. (S)
Appropriate setback between waterways and development (En)

Controls

Any waterfront land (as defined in the *Water Management Act 2000*) on a the property shall be retained in their natural state to: carry stormwater/flood flows, maintain aquifers, retain stability, and provide habitat functions.

Natural or artificially modified water courses cannot be diverted onto adjoining lands, filled, channelised and/or dammed.

Waterfront land in a degraded state, should be restored and rehabilitated.

Development within waterfront land shall incorporate appropriately sized riparian corridor zones into the design based on *Controlled Activities on Waterfront Land: Guideline for outlet structures on waterfront land* (NSW Office of Water, July 2012).

Development adjoining waterfront land is to be landscaped with local native plants.

Council encourages the replacement of a piped stormwater system where appropriate with a restored waterway, wherever feasible.

The piping or artificial channeling of natural watercourses and drainage channels is not permitted.

Water Management Plan with supporting documentation is to be submitted demonstrating the feasibility of the proposed watercourse works within the site.

Variations

Variations may be considered when an activity or work is permissible with a controlled activity approval from the NSW Office of Water.

Variations will be considered where the activity or work is required to mitigate risk including: landslide; geotechnical risk; flooding; erosion; risk to utilities; and bushfire hazard.

Advisory Notes

Waterway design is to be in accordance with guidelines such as:

- *Controlled Activities on Waterfront Land: Guideline for instream works on waterfront land* (NSW Office of Water, July 2012).
- *Controlled Activities on Waterfront Land: Guideline for riparian corridors on waterfront land* (NSW Office of Water, July 2012).
- *Controlled Activities on Waterfront Land: Guideline for vegetation management plans on waterfront land* (NSW Office of Water, July 2012).
- *A Rehabilitation Manual for Australian Streams* (CRC for Catchment Hydrology, 1999).
- *Guidelines for Stabilising Waterways* (Standing Committee on Rivers & Catchments Victoria (1991).
- *Hydraulic Geometry of Brisbane Streams - Guidelines for Natural Channel Design* (I.D. & A. Pty Ltd. 1996)

Estuarine Hazard Controls

Reference is made to Estuarine Hazard Controls in this DCP and [Appendix 7 Estuarine Risk Management Policy for Development in Pittwater](#)

Landslip Controls

Reference is made to Landslip Controls in this DCP and [Appendix 5 Geotechnical Risk Management Policy for Pittwater](#)

Flood Controls

Reference is also made to Flood Controls of this DCP and [Appendix 8 - Flood Risk Management Policy for Development in Pittwater](#).

B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision

Outcomes

The integrity of stormwater drainage systems and natural watercourses are maintained. (En)

Stormwater flows including overland flow have continuity and are not impeded. (En)

Controls

Easements

Where there is no current easement over the Public Stormwater Drainage System or Natural Watercourse, a suitable easement to benefit the Council will be required to be placed on the title of the land as part of the development process.

For a natural watercourse or open stormwater system the width of an easement shall be defined by the flow rate required to convey the 1% AEP flow plus 1.0m, or the minimum as set out in the Table below.

For a piped drainage system and overland flow path the minimum width of an easement is to be as indicated in the table below.

Easement Widths

Pipe Diameter (D) (mm)	Minimum Width of Easement to Drain Water (m)
D less than or equal to 675	2.5
675 < D less than or equal to 900	3.0
900 < D less than or equal to 1200	3.5
1200 < D less than or equal to 1500	4.0
1500 < D less than or equal to 1800	4.5
D > 1800 and box culverts	As required by Council
Open Stormwater System, Natural Watercourse	Total Width of (1% AEP design flows + 0.3m free board) + 1m (may increase where downstream structures are present) but not less than 2.5m.

Where multiple pipes, deep pipes, pits or associated structures are proposed, a wider easement will be required and is to be determined in consultation with Council.

Where pits/headwalls are required, easements shall be 600mm wider than the structure but not less than the

minimum width denoted above.

Variations

The requirement for an easement does not apply on lands owned by the Council or Crown Land where Council has full access rights for maintenance purposes.

B6 ACCESS AND PARKING

B6.1 Access driveways and Works on the Public Road Reserve

Land to which this control applies

All land in the Pittwater LGA NOT including the Warriewood Valley Locality and the Pittwater waterway, Scotland Island and the Western Foreshores.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development – New Construction or Alterations and Additions
Child care centre
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development – New Construction or Alterations and Additions
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Tourist and visitor accommodation

Outcomes

Safe and convenient access.
Adverse visual impact of driveways is reduced.
Pedestrian safety.
An effective road drainage system.
Maximise the retention of trees and native vegetation in the road reserve.

Controls

General Requirements

Access Driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Appendix 10 -Driveway Profiles.

An Access Driveway to the standards as set out below must be provided for:

- any new development;
- any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m²; and
- where additional car parking spaces and/or garages are proposed.

Where there is an existing driveway and the applicant proposes to retain the existing driveway, the applicant will be required to demonstrate compliance with this control.

Access Driveway Design

The design of all Access Driveways shall be in accordance with the current edition of following Australian Standards:

- Australian Standard AS/NZS 2890.1-2004: *Parking Facilities - Part 1: Off-Street Car Parking.*
- Australian Standard AS/NZS 2890.2-2002: *Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities* except as qualified in this control.

Number of Access Driveways per Allotment

The number of permissible Access Driveways to an allotment is as follows:

- where the frontage of an allotment to a local public road is less than 30m, one only access driveway.
- where the frontage of an allotment to a local public road is 30m or more, a second access driveway will be considered on merit.
- where the allotment has a frontage to a second local public road, one additional access driveway to the second local road frontage will be considered on merit, based on Council's consideration of the site constraints.

Council, under the *Local Government Act 1993*, may direct as to which frontage access is to be gained where traffic safety issues are a consideration.

Shared Driveways and Access Driveways located in front of adjoining properties

Shared Access Driveways shared between adjoining private properties and Access Driveways located in front of adjoining properties will be considered on merit, based on Council's consideration of the site constraints.

Access Driveway for Service Vehicles to Loading Dock

Access Driveways providing access for service vehicles to loading docks must be separated from access used by the general public for access to public parking areas.

Access Driveways providing access for service vehicles to loading docks shall, where practical, be located on a rear public road frontage providing separation from pedestrian activity.

Where Access Driveways are located on the same frontage, the minimum distance between an Access Driveway for service vehicles and an Access Driveway for the general public shall be 5 metres from the inside edge to the inside edge of the Access Driveways.

Access Driveway Location

Access Driveways shall be designed and located to provide adequate sight distance to maximise pedestrian and vehicular safety as follows:

- minimum clear distance along the road frontage edge of kerb of 50 metres for 40 and 50 kph speed limit roads measured from a point on the centreline of the driveway 2.5 metres from the face of kerb; and
- minimum clear distance along the frontage footway of 5 metres, measured from a point on the centreline of the driveway 2.5 metres from the edge of footway area closest to property boundary.

For corner allotments, the closest point of the Access Driveway shall be located at the maximum practical distance from the intersection of adjoining roads, being no closer than 6m from the tangent point at the kerb.

For corner allotments adjacent to traffic signals, the location of the Access Driveway will be subject to the approval of the Roads and Maritime Services as the authority responsible for traffic signal facilities.

For developments in commercial centres where separate entry/exit vehicular access is required, access driveways for entry and exit are to be separated by a minimum distance of 2 metres.

The location of the Access Driveway is to maximise the retention of trees and native vegetation in the public road reserve.

Access Driveway Width

The maximum width of an Access Driveway for dual occupancies, dwellings houses, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation shall be as follows:

Distance Building Line to Boundary	Width at Boundary	Width at Kerb
Nil to 3.5m	Width of car parking area or garage opening	Width of car parking or garage opening plus 0.5m
Greater than 3.5m to 6.5m	4.0m	4.5m
Greater than 6.5m	3.0m	3.5m

Access Driveway width can be varied subject to a merit based consideration.

Access Driveway Profile and Gradient

Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles.

Access Driveway Construction and Finishes

All Access Driveways shall be constructed with an impervious pavement and gutter crossing construction.

Gutter crossings are to be in plain concrete.

Access Driveways are to be either in plain concrete or a cosmetic finish consisting of concrete, asphaltic concrete or paver construction in dark earthy tones. Cosmetic Access Driveways on a public road reserve are subject to a Deed of Agreement releasing Council in respect to liability and damage to the driveway by any means.

Access Driveways are to match with the adjacent constructed footpaths or alternatively adjacent constructed footpaths are to be adjusted to provide a continuous surface with no trip points with a maximum 1:14 (V:H) transition.

The Access Driveway is to be structurally adequate for its intended use.

Suspended driveways must not use the existing road structure for support.

Ancillary Structures within the Road Reserve

Ancillary structures within the Road Reserve will be supported for the purposes of structurally supporting the access driveway only. Ancillary structures include retaining walls.

Encroachment into the road reserve is to be minimised.

Where retaining walls and structures are visible from a public place, preference is given to the use of textured finishes of dark earthy tones or sandstone-like finishes.

All structural elements within the Road Reserve must be certified by a Structural Engineer.

In addition, where the land is identified on the Landslip Hazard Map, the design of all structural elements must satisfy the Landslip Hazard Controls.

Access Driveway - Stormwater Drainage

All Access Driveways on the low side of the road are to be designed and constructed such that stormwater drainage is directed away from the Access Driveway.

Access Driveway and Public Utilities Costs

The cost for Access Driveways construction and maintenance and adjustment of any utility service is the responsibility of the Applicant.

Variations

Access Driveway Location

If driveways are located where the sight distance is below the minimum criteria, consideration will be given on a merit basis subject to the submission of a Traffic Assessment Report by a suitably qualified Traffic Engineer.

Access Driveway Profile and Gradient

A new driveway or an existing structurally sound driveway with gradients up to 1:3 (V:H) may be permitted to remain on merit subject to demonstration through a Traffic Assessment Report and relevant certification that the Access Driveway including surface finish is safe for its intended use and that a pedestrian footpath either can be accommodated in the road reserve or is not required.

Dual Occupancy / Secondary Dwelling Development

For Dual Occupancy and Secondary Dwelling development, a separate Access Driveway to each dwelling will be considered on merit, based on Council's consideration of the site constraints.

Alternative Design on steeply sloping sites

Where it can be demonstrated to Council's satisfaction that this control is not applicable in the case of steeply sloping sites and steeply sloping public road reserve verges, the design of the Access Driveway may be in accordance with the current edition of the following Australian standard, based on turning paths for a B85 vehicle and subject to provision for a 1.5metre footpath width, kerb and gutter and stormwater drainage being

directed away from the Access Driveway:

- Australian Standard AS/NZS 2890.1 *"Parking Facilities Part 1" Off-Street Car Parking*.

Category 5 Access Driveways as Defined in ASNZS 2890.1: Parking Facilities - Off-Street Car Parking

Category 5 Access Driveways are to be constructed as an intersection to the public road either by way of 'T'-intersection, signalised intersection or roundabout. A section of land of a minimum depth of 3 metres by the width of the entry road plus provision for footpaths will be required to be dedicated to Council as public road reserve.

The cost for all intersection improvements is the responsibility of the Applicant.

B6.2 Internal Driveways

Land to which this control applies

All land in the Pittwater LGA NOT including the Warriewood Valley Locality and the Pittwater waterway, Scotland Island and the Western Foreshores.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Tourist and visitor accommodation

Outcomes

Safe and convenient access.
Reduce visual impact of driveways.
Pedestrian safety.
An effective road drainage system.
Maximise the retention of trees and native vegetation.
Reduce contaminate run-off from driveways.

Controls

General

An Internal Driveway must be provided for in:

- any new development;
- development where additional car parking spaces and/or garages are required by Council's plans or policies;
- any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m² ; and
- development where additional car parking spaces and/or garages are proposed.

If the applicant proposes to retain the existing driveway, the applicant will need to demonstrate compliance with the outcomes and driveway standards of this control.

Internal Driveway

Internal Driveway Profiles

Internal Driveways are to be designed and constructed to provide safe access and shall have a maximum gradient of 1:5 (V:H). Recommended maximum gradient of an Internal Driveway for a distance of 2m on the approach to a garage, parking area or carport is 1:20 (V:H). There must be a minimum 2 metre long transition between the driveway and the garage/parking area/carport in accordance with the standards.

For Internal Driveways on steeply sloping or difficult sites, gradients may be increased up to 1:4 (V:H) over a maximum 20 metre length.

Provision is to be made for vehicles to enter and leave the site in a forward direction, where:

- the internal driveway grade exceeds 1:4 (V:H);
- the land abuts a roadway subject to high pedestrian use (e.g. School, Commercial Centre);
- driveways are more than 30m in length; and
- the driveway enters onto a classified road.

Internal Driveway Stormwater Drainage

Internal Driveway grades, cross falls and grated drains are to be designed to reduce discharge into the public drainage system and to maximise stormwater discharge into adjacent landscape areas by the use of grass swales and soakage pits.

Internal Driveway Construction/Finishes

Internal Driveways shall have a stable surface for all weather construction.
Internal Driveways where visible from a public road or public place are to be constructed of materials that blend with the environment and of dark earthy tones or natural materials.

Internal Driveway Design for all other uses than dual occupancies, dwelling house, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation.

The design of all Internal Driveways and ramps shall be in accordance with the current edition of the following Australian Standards:

- Australian Standard AS/NZS 2890.1-2004: *Parking Facilities - Off-Street Car Parking*.
- Australian Standard AS/NZS 2890.2-2002: *Parking Facilities - Off-Street Commercial Vehicle Facilities* except as qualified in this control.

Driveway width for dual occupancies, dwellings, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation.

The Internal Driveway shall be contained within the driveway corridor. The minimum width of the driveway corridor (i.e. impervious pavements together with grassed shoulder area) shall be as follows:

- Single Dwelling: 3.0 metres minimum.
- Dual Occupancy: 3.0 metres minimum.
- Combined driveway for more than 2 dwellings: 3.0 metres minimum except where the driveway length exceeds 40 metres, a passing bay to an overall minimum width of 5.0 metres for a length of 10 metres with suitable transitions to the adjacent narrow driveway.

Internal Driveway and Driveway Corridor Width for all other development than dual occupancies, dwellings, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation

Internal Driveways shall be designed and constructed to the minimum practical pavement width needed to facilitate access and turning movements.

Internal Driveways shall be designed and constructed to minimise the area of impervious pavement within the land. Track style driveways are encouraged where practical.

Turning movements are to be in accordance with the turning paths for a B85 vehicle (Australian Standard AS/NZS 2890.1-2004: *Parking Facilities - Part 1: Off-Street Car Parking*).

Variations

For existing Internal Driveways on steeply sloping or difficult sites proposing dual occupancies, dwelling houses, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation, gradients up to a maximum of 1:3 (V:H) may be maintained subject to demonstration through a Traffic Assessment Report and the relevant certification that the Internal Driveway including surface finish is safe for its intended use.

Any alternate design of the Internal Driveway (based on turning paths for a B85 vehicle) is to be in accordance with the current edition of Australian Standard AS/NZS 2890.1 "Parking Facilities Part 1" Off-Street Car Parking.

A variation may be considered subject to demonstration through a Traffic Assessment Report and the relevant certification that an alternate vehicular access arrangement to the site is safe for all pedestrian and vehicular traffic.

Advisory Notes

[See Appendix 10 Driveway Profiles](#)

B6.3 Off-Street Vehicle Parking Requirements

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway, Scotland Island and the Western Foreshores.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Development ancillary to residential accommodation
Development of a Sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Occupation/change of use of an existing premises
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Tourist and visitor accommodation

Outcomes

An adequate number of parking and service spaces that meets the demands generated by the development.
Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.
Safe and convenient parking.

Controls

The minimum number of vehicle parking spaces to be provided for off-street parking is as follows for dual occupancies, dwelling houses, secondary dwellings, exhibition homes, rural workers' dwellings and tourist and visitor accommodation:

Number of bedrooms per dwelling but not a secondary dwelling	Parking requirements per dwelling
1 bedroom	1 space
2 bedrooms or more	2 spaces

For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling (based on number of bedrooms in principal dwelling).

Minimum dimensions of internal space for on-site parking are:

Single car parking spaces on hard stand and Single Carport	2.4 metre x 5.5 metre with 0.3m minimum clear space each side for access to doors
Enclosed garage(internal dimension)	3.0 metre x 6.0 metre, with 2.4 metre minimum width entry
Multiple side by side carport and enclosed garage(internal dimension)	5.7 metre x 6.0 metre for 2 adjacent vehicles + 2.7 metre width for each additional vehicle with, 2.4 metre minimum width entry per vehicle space

The maximum cross-fall in any direction for an open car parking space is 1:20 (V:H).

For all other uses, the minimum number of vehicle parking and service spaces to be provided within the development site for new development and extensions to existing development is to be in accordance with the

following:

- The total number of spaces as set out in TABLE 1 below;
- PLUS the number of on-street parking spaces lost as a direct result of the development due to access and traffic facilities requirements.

Bicycle Storage

For residential development (other than a dwelling house, dual occupancy, secondary dwellings, exhibition homes and rural workers' dwellings), secure bicycle storage facilities must be provided within the building at the rate of 1 bicycle rack per 3 dwellings.

For Business/Industrial development or additions, comprising of 200m² GFA or more, secure enclosed bicycle storage facilities must be provided within the building at the rate of 1 bicycle rack per 1000m² GFA, or a minimum of 4 bicycle racks, whichever is the greater.

Motor Cycle Parking

For Business/Industrial development or additions, comprising of 200m² GFA or more, provision is to be made for motor cycle parking at a rate of 1 motor cycle parking space per 100 motor vehicle spaces.

Shop Top Housing

The provision of parking is to be in accordance with the associated land use parking requirements i.e. parking must be provided at the requirement rate for the commercial floor space requirements if commercial floor space is proposed.

Location of patron parking for Retail and/or Commercial land use should not to be restricted or obstructed (for example behind roller doors).

On-Site Car Parking Facilities

The design of all parking areas shall be in accordance with the current edition of the following Australian Standards:

- Australian Standard AS/NZS 2890.-12004: *Parking Facilities Part 1: Off Street Car Parking*;
- Australian Standard AS/NZS 2890.2-2002: *Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities*;
- Australian Standard AS/NZS 2890.3-1993: *Parking Facilities Part 3: Bicycle Parking Facilities*; and
- Australian Standard AS/NZS 2890.6-2009: *Parking Facilities – Part 6: Off-Street Parking for People with Disabilities* except as qualified in this control.

Surface Car Parking Areas

At grade car parking areas are to be landscaped to a minimum of 20% of the car parking area using primarily native species of vegetation and are to achieve the following:

- shade, shelter and amenity;
- protection and management of existing trees, bushland habitat and existing/potential wildlife corridors;
- enhancement of the streetscape and internal areas by the provision of canopy trees;
- minimum 2 metre width for landscape islands to break up parking rows;
- application of Water Sensitive Urban Design Principles to landscaped areas,
- safety and amenity of pedestrians and vehicles; and
- lighting.

Residential Car Parking for Residential Flat Buildings, Shop Top Housing, Mixed Use Development, Multi Dwelling Housing and Seniors Housing

The following are applicable in respect of residential car parking areas:

- Where there are dwellings with two (2) or more bedrooms in a development, tandem parking spaces may be permitted where all of the following criteria are met:
- two (2) parking spaces have been allocated per two (2) or more bedroom apartments;
- the proportion of tandem parking spaces does not exceed 10% of the total residential parking for two (2) or more bedroom units; and
- it can be clearly demonstrated that vehicles parked are directly associated to a single dwelling/unit and that such vehicles do not restrict or impede the parking, manoeuvring or access of other vehicles;
- parking spaces are to be located as close as possible to their respective dwelling;
- rows of multiple garages and long driveways, particularly those that create a "gun barrel" effect are avoided;
- visitor parking spaces are to be easily accessible and clearly marked "Visitor";
- for developments resulting in 10 or more dwellings, Control C1.18 Car/Vehicle/Boat Wash Bays also

- apply; and
- Parking spaces for people with disabilities must be appropriately signposted and in accordance with Australian Standard AS/NZS 2890.6-2009: *Parking Facilities – Part 6: Off-street Parking for People with Disabilities*.

TABLE 1: Onsite Car Parking requirements

Development Type	Minimum Number of. Car Spaces	
Multi Dwelling Housing, Residential Flat Buildings and Shop-Top Housing:	1 bedroom dwellings	1 space per dwelling
	2 or more bedroom dwellings	2 spaces per dwelling
	Adaptable Housing in accordance with control C1.9 of the Pittwater 21 Development Control Plan.	1 space per dwelling in accordance with AS 4299-1995: Adaptable Housing.
	The provision of parking for people with disabilities must be provided at a rate of 3% of the required parking spaces, excluding parking required for Adaptable Housing.	
	Separate visitor parking is to be provided at a rate of 1 space per 3 dwellings rounded up.	
	Provision must be made for garbage collection, removalist vans and emergency vehicles.	
	For developments with 10 or more dwellings, a vehicle wash bay is to be provided.	
Business Premises and Office Premises	2.5 car parking spaces per 100m ² Gross Lettable Area (GLA)	
	Provision of accessible parking spaces for people with disabilities must be at the rate of 3% of required car parking spaces and must be appropriately signposted.	
	Where the Gross Floor Area (GFA) exceeds 400m ² , provision is to be made for:	
	<ul style="list-style-type: none"> • Delivery vehicles at 1 space per 4000m² GFA or 1 space whichever is greater; • Courier parking at 1 space per 1000m² GFA or 1 space, whichever is greater. 	
Bed and Breakfast	1 per residence plus 1 per guest room.	
Retail Premises (Not including Shopping Centre Developments)	1 per 30m ² GLA	
	Parking spaces are to be accessible to the public.	
	Adequate space for delivery vehicles is to be provided.	
	Provision of accessible parking spaces for people with disabilities must be at the rate of 3% of the required car parking spaces or part thereof, or 1 space, whichever is greater.	
Restaurants and Cafes	1 per 30m ² GLA	
	Parking spaces are to be accessible to the public.	
	Time of operation and availability of adjacent car parking facilities either within or adjacent to the Commercial Centres may to be taken into account.	
	Provision of accessible parking spaces for people with disabilities must be at the rate of 3% of the required car parking spaces or part thereof, or 1 space, whichever is greater.	
	Adequate space for delivery vehicles and garbage collection is to be provided.	
Sex services Premises	1 space for every 2 employees working at any one time.	
	Parking spaces are to be accessible to the public.	
	Council may vary this requirement provided it is satisfied that there is adequate on-street parking or public transport services close to the premises or if the premises only operates after business hours.	
	Provision of accessible parking spaces for people with disabilities must be at the rate of 3% of the required car parking spaces or part thereof, or 1 space, whichever is greater.	
	Adequate space for delivery vehicles and garbage collection is to be provided.	

Food and Drink Premises with drive through/drive in component.	<p>Where the site has a frontage to a main or arterial road:</p> <ul style="list-style-type: none"> not less than 30 spaces. <p>Where the site has a frontage to any other road:</p> <ul style="list-style-type: none"> spaces are to be provided in accordance with the Roads and Maritime Services Guide to Traffic Generating Development. <p>Parking spaces are to be accessible to the public.</p> <p>Adequate space for delivery vehicles and garbage collection is to be provided.</p> <p>Provision of accessible parking spaces for people with disabilities must be at the rate of 3% of the required car parking spaces or part thereof, or 1 space, whichever is greater.</p>
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Development not included in the above table

The minimum number of vehicle parking requirements must be determined using the appropriate guidelines for parking generation and servicing facilities based on development type comparison based on the *Roads and Maritime Services Guide to Traffic Generating Development* or analysis drawn from surveyed data for similar development uses. Provision must be made within the development site for access and parking of all service vehicles servicing the site, visitor parking and parking for people with disabilities.

Variations

Car Parking for Secondary Dwelling or Dual Occupancy

A reduction in the car parking requirements for a secondary dwelling or dual occupancy to a minimum of 2 spaces per allotment may be considered on merit.

Changes in Use

For change of use and developments within existing commercial centres consideration may be given to a variation to the minimum parking and service facilities requirements subject to the outcomes of this control being achieved and adequate justification being provided.

In the Mona Vale Commercial Centre, no additional on-site parking is required for lots where there is a 'change of use' to residential and where the street frontage is to Bungan Street or Pittwater Road (between Barrenjoey Road and Bungan Street) and the subject site has a street frontage width of less than 15 metres.

Variations to parking requirements will be considered for the temporary use of vacant premises for a maximum period of 3 months.

Off-Set of On-Site Car Parking Requirements

Visitor parking requirements may be offset by:

- the provision of additional on-street parking facilities over and above existing provisions within the public road reserve or proposed road reserve (provided the additional on-street parking facilities can be accommodated within the road reserve adjacent to the site and not to the detriment of the streetscape environment and authorisation provided by Council as the road authority under Section 138 of the *Roads Act 1993*) and on the basis that the offset only applies to the visitor parking component of the residential development.

Masterplans

Variations to the minimum car space number will be considered on a merit basis where a Masterplan has been adopted by Council nominating car space numbers based on an overall development scenario.

A variation to the minimum number of car spaces required will be considered on merit where such variation can be justified based on an analysis drawn from survey data for similar development uses or alternate use of an existing development or in a case of Avalon, Newport and Mona Vale Commercial Centres, the time of operation of the business and availability of adjacent carparking facilities.

Newport Commercial Centre

In the Newport Commercial Centre, no on-site parking is required for lots with vehicular access solely from Barrenjoey Road and with a street frontage width of less than 18 metres.

Parking Requirements on Steeply Sloping Sites

On steeply sloping sites, car parking solutions may need to be negotiated for each individual site.

The range of possible car parking solutions is outlined below:

- the provision of suspended or rooftop car parking to provide direct access from the road; and/or
- shared vehicular access with adjoining properties may be acceptable where there is a mutual agreement.

The provisions for car parking on the steepest sloping sites may be waived, subject to the merit consideration for each case.

Parking Requirements on Sites with High Environmental Value

On sites with high environmental value, carparking solutions may need to be negotiated for each individual site.

Alternative Design

The design of off-street parking facilities may alternatively be in accordance with the current edition of the following Australian standard based on turning paths for a B85 vehicle:

- Australian Standard *AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking*.

Advisory Notes

In the Newport Commercial Centre, refer to clauses D10.2 and D10.19 of this DCP and the Appendix 12 Newport Masterplan for controls in relation to site amalgamations, vehicular access and underground parking arrangements (including the provision of right of access through some sites).

For specific controls in relation to Off-Street Vehicle Parking Requirements in the Elanora Heights Village Centre, refer to Part D5.45 of this DCP.

B6.5 Access Driveways and Works on Road Reserves on or Adjacent to a Main Road

Land to which this control applies

Land in Barrenjoey Road, Mona Vale Road, Pittwater Road (from Wakehurst Parkway to Barrenjoey Road) and Wakehurst Parkway and land adjoining these roads NOT including the Warriewood Valley Locality.

Uses to which this control applies

All Uses

Outcomes

Compliance with the requirements of the *Environmental Planning and Assessment Act* and the *Roads Act 1993* (s 138). (S)

Safety. (S)

Pedestrian access and amenity (En).

Maximise retention of native vegetation and trees.

Reduce contaminate run-off from driveways.

Controls

Approval for works on the public road reserve under Section 138 of the *Roads Act 1993*

Applicants will be required to obtain approval under Section 138 of the *Roads Act 1993*, providing authorisation for works on the main road to construct an Access Driveways and associated structures located on a public road reserve except in the case for a Dwelling House where there is existing kerb and gutter and the proposed driveway is of slab or paving on ground construction requiring minimal alteration of the existing ground level.

The issue of the approval for works on a public road reserve to be undertaken by the Applicant, will be subject to development consent for the adjacent land being issued by the Council.

Egress from an Access Driveway

All Access Driveways with access to a Main Road shall be designed to ensure vehicles enter and leave in a forward direction.

Access to Alternative Public Road

An Access Driveway from allotments adjoining a Main Road is not permitted where alternative access to a local road is available or can be made available via a right-of-way or easement.

Access Driveways in Newport Commercial Precinct and Mona Vale Commercial Precinct

An Access Driveway from allotments adjoining a Main Road in the Newport Commercial Precinct and Mona Vale Commercial Precinct is not permitted onto the Main Road where alternative access to a local road is available or can be made available via a right-of-way or easement.

The number of Access Driveways is to be minimised within the Commercial Precincts to enhance the pedestrian amenity. Access Driveways are to be combined with adjoining allotments where practical. Access Driveways for allotments adjoining a Main Road providing access for service vehicles to loading docks are not permitted onto the Main Road.

Variations

Egress from an Access Driveway

Egress from an Access Driveway in the reverse direction where allotments front a Main Road where the traffic volumes are low may be considered on a merit based consideration.

Access to Alternative Public Road

Where access via the alternative public road is not considered suitable due to steep grades, safety or other access constraints, consideration on a merit basis may be given to waiving this requirement.

Advisory Notes

Approval under Section 138 of the *Roads Act 1993* may not be required in a number of circumstances of Main Roads with low traffic volumes and residential dwellings. Applicants should enquire with Council prior to applying for approval to undertake works on the Public Road Reserve.

B6.6 On-Street Parking Facilities

Land to which this control applies

All land not including the Warriewood Valley Locality, Pittwater waterway, Scotland Island and the Western Foreshores.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Occupation/change of use of an existing premises
Other Development
Residential flat building
Rural industry
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision

Outcomes

Safe and convenient parking that meets the demands of all modes of transport. (S)
Functional car parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety. (En, S)
Safe public access. (S)
Maximise retention of native vegetation and trees in road reserve.
Reduce contaminate run-off.

Controls

On-Street Parking Facilities

On-street parking facilities may be provided within the public road reserve or proposed public road reserve adjacent to the development site, either as additional parking facilities to enhance the development or as part of the development to offset the on-site parking requirements, both of which are subject to a merit based consideration. On-street parking facilities must not reduce similar opportunities for adjacent development sites.

Design Requirements

The design of all On-street Parking Facilities shall be in accordance with the current edition of Australian Standard:

- Australian Standard AS/NZS 2890.5-1993 - *Parking Facilities On-Street Parking*

except as qualified in this control.

On-Street Parking Facilities Requirements

On-street parking facilities must also comply with the following requirements:

- A fully constructed and sealed road pavement with kerb and street drainage is to be provided to accommodate on-street parking facilities.
- A footpath on public road reserve is to be provided around the on-street parking facilities for public access along the road and to the development.
- Landscaping of the area adjacent to the on-street parking facilities must be provided with maximum retention of native vegetation and trees in the public road reserve.
- On-street parking facilities are to provide for the safety and amenity of pedestrians, vehicles and other transport modes.
- Adequate street lighting, signs and traffic facilities are to be provided.

On-Street Parking Facilities and Public Utilities Costs

The cost for on-street parking and adjustment of any utility services required to service the development is the

responsibility of the Applicant.

Variations

On-Street Parking on a Main Road

On-street parking facilities may be permitted on a Main Road subject to low traffic volumes and Roads and Maritime Services authorisation.

B6.7 Transport and Traffic Management

Land to which this control applies

All land not including the Warriewood Valley Locality, Pittwater waterway, Scotland Island and the Western Foreshores.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Group home
Hospital
Hostel
Industrial Development
Multi dwelling housing
Occupation/change of use of an existing premises
Other Development
Residential flat building
Rural industry
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision

Outcomes

Safe and orderly traffic, pedestrian and cyclist access to and from all development via the surrounding road network and transport infrastructure. (En, S)

The developer meets the cost of upgrading the surrounding road, and traffic and transport infrastructure to meet the needs generated by the development. (S, Ec)

Controls

Transport and Traffic Planning

Where development generates pedestrian, cyclist, traffic and transport requirements in excess of the capacity of the existing road and transport network, the capacity of the surrounding public infrastructure and transport network is required to be upgraded to at least match the additional demands generated by the development.

Any improvement works external to the development site, required to ensure the development complies with this control, must be provided as part of the development at the full cost to the applicant.

All traffic assessments are to be undertaken in accordance with the Roads and Maritime Services *Guidelines for Traffic Generating Developments* or similar guidelines.

All proposed traffic facilities must comply with the Roads and Maritime Services and/or relevant Australian Standards.

An assessment of the impact of traffic generated by the proposed development on the local street system must be undertaken.

Adequate vehicular entrances to and exits from the site are to be provided so that vehicles using those entrances and exits will not endanger persons using adjoining roads.

Adequate space is to be provided within the site of the building or development for the loading, unloading or fueling of vehicles, and for the picking up and setting down of passengers.

Traffic and Transport Facilities and Public Utilities Costs

The cost for traffic and transport facilities and adjustment of any utility service is the responsibility of the Applicant.

Variations

Nil

B6.8 Access Driveways and Works on the Public Road Reserves on or Adjacent to a Commercial Centre Primary Road

Land to which this control applies

Land in Old Barrenjoey Rd, Avalon Pde, Bungan St, Waratah St, and Park St in the Avalon & Mona Vale Commercial precincts. - P21DCP-BCMDCP073

Uses to which this control applies

All Uses

Outcomes

Protection of public assets.(Ec)

The public domain is enhanced.(En)

Pedestrian access and amenity.(S)

Controls

Access to Alternative Public Road

An Access Driveway from allotments adjoining Avalon Parade and Old Barrenjoey Road in the Avalon Commercial Precinct and Bungan Street, Waratah Street, and Park Street in the Mona Vale Commercial Precinct is not permitted onto either Avalon Parade, Old Barrenjoey Road, Bungan Street, Waratah Street, or Park Street where alternative access to a local road is available or can be made available via a right-of-way or easement.

The number of Access Driveways is to be minimised within the Commercial Precincts to enhance the pedestrian amenity. Access Driveways are to be combined with adjoining allotments where practical.

Access Driveways for allotments adjoining Avalon Parade and Old Barrenjoey Road in the Avalon Commercial Precinct providing access for service vehicles to loading docks are not permitted onto Avalon Parade and Old Barrenjoey.

Access Driveways for allotments adjoining Bungan Street, Waratah Street, and Park Street in the Mona Vale Commercial Precinct providing access for service vehicles to loading docks are not permitted onto Bungan Street, Waratah Street, and Park Street.

Variations

Nil.

B6.11 Access Driveways, Internal Driveway and Off Street Parking Requirements - Dwelling House - Scotland Island

Land to which this control applies

All Land in Scotland Island - P21DCP-D08MDCP404

Uses to which this control applies

Dwelling house
Earthworks
Exhibition home
Rural worker's dwelling

Outcomes

Safe and convenient access (S).
Adverse visual impact of driveways is reduced (En).
Pedestrian safety (S).
An effective road drainage system (En, S).
Maximise retention of native vegetation and trees in public road reserve.
Reduce contaminate run-off from driveways.

Controls

General

The use of vehicles on Scotland Island is discouraged due to the environmental damage to the public roads.

On-Site Carparking Requirements

Where proposed, the maximum number of vehicle parking spaces provided for on-site parking is one space.

Internal Driveway

An internal driveway where proposed, is to be designed and constructed to provide safe access, reduce the impacts of stormwater run-off to any public land and provide a high value visual amenity.

The internal driveway shall be designed and constructed to a minimum practical impervious pavement width to accommodate access and turning movements to minimise the area of impervious pavement within the land. Track style driveways or driveways of natural pavement materials are encouraged.

Access Driveway in Public Road Reserve

The access driveway where proposed, is to fit within the natural topography linking to the adjacent roadway such as not to interfere with road table drain. The access driveway may be constructed in natural materials, concrete or textured materials in dark or earthy tones. Driveway location to maximise retention of native vegetation, trees in particular, in the public road reserve.

Access driveway profiles shall conform to the profiles as illustrated in [Appendix 10 - Driveway Profiles](#).

Variations

Nil.

Advisory Notes

[See Appendix 10 - Driveway Profiles](#)

B8 SITE WORKS MANAGEMENT

B8.1 Construction and Demolition - Excavation and Landfill

Land to which this control applies

All Land.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Demolition
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (Built form does not have to be residential)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Subdivision of a sector, buffer area or development site
Telecommunications facility
Waste water disposal system
Water recreation structure

Outcomes

Site disturbance is minimised. (En)

Excavation, landfill and construction not to have an adverse impact. (En)

Excavation and landfill operations not to cause damage on the development or adjoining property. (S)

Controls

Excavation and landfill on any site that includes the following:

- Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation;
- Any excavation greater than 1.5 metres deep below the existing surface;
- Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property;
- Any landfill greater than 1.0 metres in height; and/or
- Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils,

must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.

Variations

Nil

B8.2 Construction and Demolition - Erosion and Sediment Management

Land to which this control applies

All Land.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Demolition
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (Built form is not limited to residential)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Subdivision of a sector, buffer area or development site in a Release Area
Telecommunications facility
Waste water disposal system
Water recreation structure

Outcomes

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)
Reduction of waste throughout all phases of development. (En)
Public safety is ensured. (S)
Protection of the public domain. (S, En)

Controls

Erosion and Sediment Management

Erosion and sedimentation prevention measures must be installed on all sites to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.

Erosion and sedimentation prevention measures must be installed in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) on the downstream side of any works undertaken on the boundary of the site or on public lands adjoining the site to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.

Appropriate devices are to be in place at all times to prevent the migration of sediment off the site.

Variations

Nil

Advisory Notes

For further information refer to [Managing Urban Stormwater: Soils and Construction \(Landcom 2004\)](#).

B8.3 Construction and Demolition - Waste Minimisation

Land to which this control applies

All Land.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Demolition
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (Built form is not limited to residential)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Subdivision of a sector, buffer area or development site in a Release Area
Telecommunications facility
Waste water disposal system
Water recreation structure

Outcomes

Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)

Controls

Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.

Variations

Nil

B8.4 Construction and Demolition - Site Fencing and Security

Land to which this control applies

All Land.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Demolition
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (Built form is not limited to residential)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Subdivision of a sector, buffer area or development site in a Release Area
Telecommunications facility
Waste water disposal system
Water recreation structure

Outcomes

Ensuring public safety. (S)
Protection of public domain. (S, Ec)

Controls

All sites are to be protected by site fencing for the duration of the works.

Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the *Roads Act 1993*.

Variations

Nil

B8.5 Construction and Demolition - Works in the Public Domain

Land to which this control applies

All Land.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Demolition
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (Built form is not limited to residential)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Subdivision of a sector, buffer area or development site in a Release Area
Telecommunications facility
Waste water disposal system
Water recreation structure

Outcomes

Protection of Infrastructure. (S, Ec)
Ensuring Public Safety. (S)
Compliance with the *Roads Act 1993*. (S)

Controls

All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.

All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance.

All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.

Variations

Nil

B8.6 Construction and Demolition - Traffic Management Plan

Land to which this control applies

All Land.

Uses to which this control applies

Attached dwelling
Boarding house
Business Development
Child care centre
Demolition
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (Built form is not limited to residential)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Earthworks
Exhibition home
Group home
Hospital
Hostel
Industrial Development
Jetty
Multi dwelling housing
Other Development
Residential flat building
Rural industry
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision
Subdivision of a sector, buffer area or development site in a Release Area
Telecommunications facility
Waste water disposal system
Water recreation structure

Outcomes

Minimal disturbance to the residential community. (S)
Protection of Roads. (S, Ec)

Controls

For all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m³ or greater, a Construction Traffic Management Plan indicating truck movements, and truck routes is to be provided and approved by Council prior to the commencement of works.

All transport works must not cause adverse disruption or nuisance to adjoining residences, businesses or the street system.

Variations

Nil

SECTION C DEVELOPMENT TYPE CONTROLS

C1 DESIGN CRITERIA FOR RESIDENTIAL DEVELOPMENT

- C1.1 Landscaping
- C1.2 Safety and Security
- C1.3 View Sharing
- C1.4 Solar Access
- C1.5 Visual Privacy
- C1.6 Acoustic Privacy
- C1.7 Private Open Space
- C1.8 Dual Occupancy Specific Controls
- C1.9 Adaptable Housing and Accessibility
- C1.10 Building Facades
- C1.11 Secondary Dwellings and Rural Worker's Dwellings
- C1.12 Waste and Recycling Facilities
- C1.13 Pollution Control
- C1.14 Separately Accessible Structures
- C1.15 Storage Facilities
- C1.16 Development Ancillary to Residential Accommodation - Tennis Courts
- C1.17 Swimming Pool Safety
- C1.18 Car/Vehicle/Boat Wash Bays
- C1.19 Incline Passenger Lifts and Stairways
- C1.20 Undergrounding of Utility Services
- C1.21 Seniors Housing
- C1.23 Eaves
- C1.24 Public Road Reserve - Landscaping and Infrastructure
- C1.25 Plant, Equipment Boxes and Lift Over-Run

C2 DESIGN CRITERIA FOR BUSINESS DEVELOPMENT

- C2.1 Landscaping
- C2.2 Safety and Security
- C2.3 Awnings
- C2.5 View Sharing
- C2.6 Adaptable Housing and Accessibility
- C2.7 Building Facades
- C2.8 Energy and Water Conservation
- C2.9 Waste and Recycling Facilities
- C2.10 Pollution Control
- C2.11 Signage
- C2.12 Protection of Residential Amenity
- C2.13 Tourist and Visitor Accommodation
- C2.14 Commercial Swimming Pools
- C2.15 Car/Vehicle/Boat Wash Bays
- C2.16 Undergrounding of Utility Services
- C2.20 Public Road Reserve - Landscaping and Infrastructure
- C2.21 Food Premises Design Standards
- C2.22 Plant, Equipment Boxes and Lift Over-Run
- C2.23 Service Stations
- C2.24 Take-away Food Premises

C3 DESIGN CRITERIA FOR LIGHT INDUSTRIAL DEVELOPMENT

- C3.1 Landscaping
- C3.2 Safety and Security
- C3.3 View Sharing
- C3.4 Accessibility
- C3.6 External Storage Areas
- C3.7 Pollution Control
- C3.8 Building Facades
- C3.9 Energy and Water Conservation
- C3.10 Waste and Recycling Facilities
- C3.12 Signage
- C3.13 Industrial Development Adjoining Residential Land
- C3.14 Car/Vehicle/Boat Wash Bays
- C3.15 Undergrounding of Utility Services
- C3.18 Public Road Reserve - Landscaping and Infrastructure
- C3.19 Food Premises Design Standards
- C3.20 Plant, Equipment Boxes and Lift Over-Run

C4 DESIGN CRITERIA FOR SUBDIVISION

- C4.1 Subdivision - Protection from Hazards
- C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities
- C4.3 Subdivision - Transport and Traffic Management
- C4.4 Subdivision - Public Roads, Footpath and Streetscape
- C4.5 Subdivision - Utility Services
- C4.6 Service and delivery vehicle access in subdivisions
- C4.7 Subdivision - Amenity and Design
- C4.8 Subdivision - Landscaping on the Existing and proposed public road reserve frontage to subdivision lots

C5 DESIGN CRITERIA FOR OTHER DEVELOPMENT

- C5.1 Landscaping
- C5.2 Safety and Security
- C5.4 View Sharing
- C5.5 Accessibility
- C5.7 Energy and Water Conservation
- C5.8 Waste and Recycling Facilities
- C5.9 Signage
- C5.10 Protection of Residential Amenity
- C5.11 Third Party Signage
- C5.12 Child Care Centres
- C5.13 Telecommunications Facilities
- C5.14 Car/Vehicle/Boat Wash Bays
- C5.15 Undergrounding of Utility Services
- C5.16 Building Facades
- C5.17 Pollution control
- C5.18 Public Road Reserve - Landscaping and Infrastructure
- C5.19 Food Premises Design Standards
- C5.20 Liquor Licensing Applications
- C5.21 Plant, Equipment Boxes and Lift Over-Run
- C5.22 Environmental Sustainability
- C5.23 Sex Services Premises

C6 DESIGN CRITERIA FOR WARRIEWOOD VALLEY RELEASE AREA

- C6.1 Integrated Water Cycle Management
- C6.2 Natural Environment and Landscaping Principles
- C6.3 Ecological Sustainable Development, Safety and Social Inclusion
- C6.4 The Road System and Pedestrian and Cyclist Network
- C6.5 Utilities, Services and Infrastructure Provision
- C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development
- C6.7 Landscape Area (Sector, Buffer Area or Development Site)
- C6.8 Residential Development Subdivision Principles
- C6.9 Residential Land Subdivision Approval Requirements
- C6.10 Additional Specifications for development of Buffer Area 1a to 1m
- C6.11 Additional Specifications for development of Sector 901A to 901H
- C6.12 Warriewood Valley Release Area Focal Neighbourhood Centre

Section C Development Type Controls

Incorporating

Amendments

1-19

Version: 1, Version Date: 25/11/2015

Document Set ID: 5272057

Adopted: 8 December 2003

In Force From: 14 November 2015

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P21 DCP Part B and Part C

Incorporating Amendments 1-19

Version: 1, Version Date: 25/11/2015

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Version: 1, Version Date: 25/11/2015

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C1 DESIGN CRITERIA FOR RESIDENTIAL DEVELOPMENT

This part contains general design criteria relating to residential development.

This part applies to all forms of residential development, including but not limited to:

- Attached dwellings
- Boarding houses
- Dual occupancies
- Dwelling houses
- Exhibition homes
- Group homes
- Hostels
- Multi dwelling housing
- Residential flat buildings
- Rural worker's dwellings
- Secondary dwellings
- Semi-detached dwellings
- Seniors housing
- Shop top housing (residential portion only)

(Note: Controls relating to the business/commercial portion of shop top housing are contained in Part C2 Design Criteria for Business Development).

C1.1 Landscaping

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway or Newport Commercial Centre or Elanora Heights Village Centre or Warriewood Valley Land Release Area - P21DCP-BCMDCP081

Uses to which this control applies

Attached dwelling
Boarding house
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

A built form softened and complemented by landscaping. (En)
Landscaping reflects the scale and form of development. (En)
Retention of canopy trees by encouraging the use of pier and beam footings. (En)
Development results in retention of existing native vegetation. (En)
Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)
Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)
Landscaping enhances habitat and amenity value. (En, S)
Landscaping results in reduced risk of landslip. (En, Ec)
Landscaping results in low watering requirement. (En)

Controls

All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.

In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.

At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.

Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ within this area to ensure growth is not restricted.

The following soil depths are required in order to be counted as landscaping:

- 300mm for lawn
- 600mm for shrubs
- 1metre for trees

The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:

- A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments,
- 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and
- 50% for all other forms of residential development.

Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.

In bushfire prone areas, species shall be appropriate to the bushfire hazard.

Landscaping shall not unreasonably obstruct driver and pedestrian visibility.

Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.

Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.

Noxious and undesirable plants must be removed from the site
(www.pittwater.nsw.gov.au/environment/noxious_weeds/a-z_list_of_weeds)

Residential Flat Buildings, Multi Dwelling Housing, Shop Top Housing and Seniors Housing

For development containing 3 or more dwellings, permanent seating is to be provided in the landscaped area.

For residential flat buildings and multi dwelling housing, a communal area for children's play is to be provided.

For shop top housing, a minimum landscaped area of 20% of the site area, or 35m² per dwelling, whichever is the greater, shall be provided.

Above ground gardens are to be incorporated into each dwelling at all levels (other than ground floor).

For shop top housing, a minimum 4m² planter or landscaped area is to be provided as a feature at the ground level of the front building facade.

For shop top housing development landscaping is to be provided at the front and rear of the development.

Variations

Where canopy trees are to be retained on a site, planting of additional canopy trees shall be assessed on a merit basis.

Where street trees are provided or canopy trees are provided in a courtyard, provision of landscaped areas shall be assessed on a merit basis for shop top housing.

Advisory Notes

- For species lists please refer to Pittwater Council's *Native Plants for your Garden* available on Council's website.
- For specific details on landscaping refer to Pittwater Council's [Appendix 9 Landscape and Vegetation Management](#) of this DCP.
- Canopy trees selected should be capable of achieving the desired level of canopy cover for the site within 5 - 10 years of completion of the development.
- For shop top housing developments also refer to C2.1.
- Additional landscaping controls for the Newport Commercial Centre are provided in Part D10.29 of this DCP.
- For specific controls in relation to the landscaping in the Elanora Heights Village Centre, refer to Part D5.35 of this DCP.

As part of the landscaping works associated with the development any existing variety of Leightons cypress pine / Leyland cypress (*xCupressocyparis leylandii*) on the site are to be identified and nominated for removal and replacement planting consistent with Council's *Native Plants for Your Garden* guidelines and relevant identified 'vegetation community' provided (details of which are available on Council's website at www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants).

C1.2 Safety and Security

Land to which this control applies

All land in the Pittwater LGA NOT including the Warriewood Valley Locality, Pittwater waterway or Elanora Heights Village Centre

Uses to which this control applies

Attached dwelling
Boarding house
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group Home
Hostel
Jetty
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Water Recreation structure

Outcomes

On-going safety and security of the Pittwater community. (S)
Opportunities for vandalism are minimised. (S, Ec)
Inform applicant's of Council's requirements for crime and safety management for new development.(S)
Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)
Identify crime and safety priority areas in Pittwater LGA (S, Ec)
Improve community safety and reduce the fear of crime in the Pittwater LGA (S)
Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)

Controls

There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:

1. Surveillance

Building design should allow visitors who approach the front door to be seen without the need to open the door.

Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.

Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners.

Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting*.

Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.

Where provided, public facilities (toilets, telephone, ATMs, etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces.

Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.

2. Access Control

Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.

Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.

Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.

The street number of the property is to be clearly identifiable.

Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.

3. Territorial reinforcement

Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.

Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided.

Blank walls along all public places (streets, open space etc) shall be minimised.

4. Space management

Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.

Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.

A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.

Variations

Nil

Advisory Notes

For related controls in relation to Safety and Security in the Elanora Heights Village Centre, refer to Part D5.28 of this DCP.

C1.3 View Sharing

Land to which this control applies

All land in the Pittwater LGA NOT including the Newport Commercial Centre or Elanora Heights Village Centre - P21DCP-BCMDCP082

Uses to which this control applies

Attached dwelling
Boarding house
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (*built form is not limited to residential*)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Subdivision of a sector, buffer area or development site in a Release Area

Outcomes

A reasonable sharing of views amongst dwellings. (S)
Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)
Canopy trees take priority over views. (En, S)

Controls

All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.

The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.

Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.

Views are not to be obtained at the expense of native vegetation.

Variations

Nil

Advisory Notes

Visit: Tenacity vs. Warringah,
http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html
for planning principles.

Additional View Sharing controls for the Newport Commercial Centre are provided in Part D10.26 of this DCP.

Additional View Sharing controls for Elanora Heights Village Centre are provided in Part D5.38 of this DCP.

Where there is the potential for view loss to adjoining developments and / or public viewing points, an assessment of the view loss, supported by a clearly documented photographic analysis shall be provided.

It may also be appropriate that height poles be erected to demonstrate the impact of the finished development on view lines.

Where height poles are erected, a statement by a Registered Surveyor should be provided certifying the height and location of the poles in relation to the proposed structures.

C1.4 Solar Access

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway or Newport Commercial Centre or Elanora Heights Village Centre or Warriewood Valley Land Release Area - P21DCP-BCMDCP081

Uses to which this control applies

Attached dwelling
Boarding house
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

Residential development is sited and designed to maximise solar access during mid-winter. (En)
A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)
Reduce usage and/dependence for artificial lighting. (En)

Controls

The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.

Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).

Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.

Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.

The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.

Variations

General

Where the following constraints apply to a site, reasonable solar access to the main private open space and to windows to the principal living area will be assessed on a merit basis:

- where the orientation or shape of a lot precludes northerly orientation (20° west to 30° east of north),
- where there is adverse slope or topography,
- where there is existing vegetation, obstruction, development or fences that overshadow, or
- where other controls have priority, e.g. heritage and landscaping considerations.

Subject to a merit assessment, consent may be granted where a proposal does not comply with the standard, provided the resulting development is consistent with the general principles of the development control, the desired future character of the locality and any relevant State Environmental Planning Policy.

Shop top housing

Council may consider a variation for shop top housing on sites constrained by orientation, existing or proposed development, etc provided that:

- the outcomes of this clause are achieved
- the principal living area and private open space for at least 70% of dwellings proposed receive a minimum 3 hours of sunlight between 9am and 3pm on 21st June, and
- the number of single-aspect dwellings with a southerly (SW/SE) aspect are limited to 10% of the total number of dwellings proposed.

Advisory Notes

Controls for Solar Access for the Newport Commercial Centre are in Part D10.32 of this DCP.

For specific controls in relation to the above mentioned controls for the Elanora Heights Village Centre, refer to Part D5.36 of this DCP.

Consideration should be given to the planning principle regarding solar access when assessing potential impact on neighbouring properties.

Visit: Parsonage vs Ku-ring-gai Council

(<http://www.lawlink.nsw.gov.au/lecjudgments/2004nswlec.nsf/00000000000000000000000000000000/2e6bcb5e19eefebccaopendocument>)

Visit: The Benevolent Society vs Waverley Council [2010] NSWLEC 1082

(http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html)

C1.5 Visual Privacy

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway or Newport Commercial Centre or Elanora Heights Village Centre or Warriewood Valley Land Release Area - P21DCP-BCMDCP081

Uses to which this control applies

Attached dwelling
Boarding house
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)

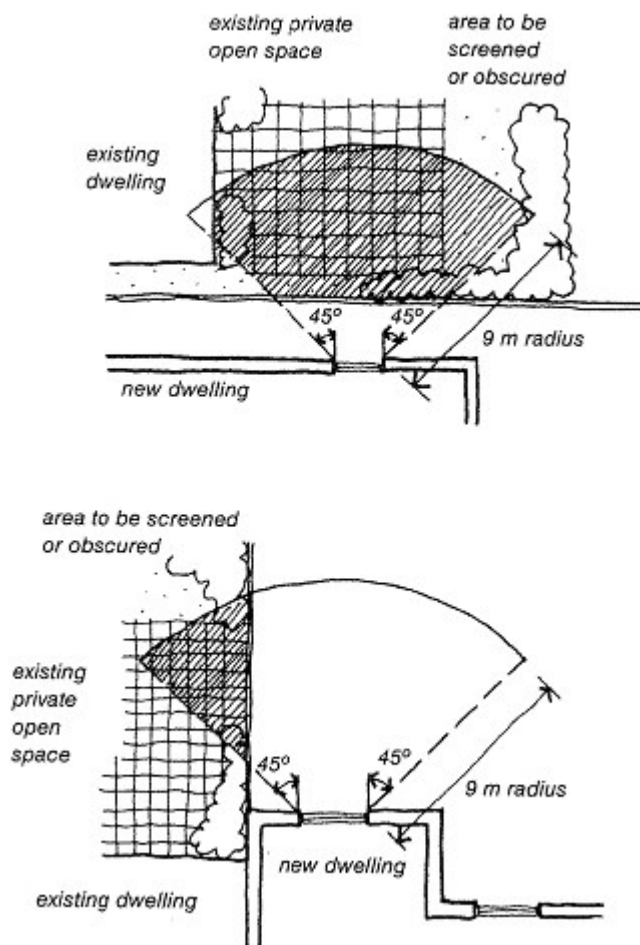
A sense of territory and safety is provided for residents. (S)

Controls

Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).

Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.

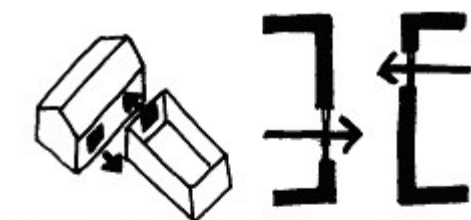
Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.



(Source: AMCORD 1995)

Direct views of private open space or any habitable room window within 9m can be restricted (see diagram below) by:

- vegetation/landscaping
- a window sill height 1.7 metres above floor level, or
- offset windows
- fixed translucent glazing in any part below 1.7 metres above floor level, or
- solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:
 - permanent and fixed;
 - made of durable materials; and
 - designed and painted or coloured to blend in with the dwelling.



◆ ensure that windows are offset



◆ locate balconies to avoid overlooking



◆ minimise overlooking by use of vegetated screens



◆ inhibit overlooking by raising silt height to 1.7 metres

Variations

Secondary Dwellings:-

For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.

Advisory Notes

Visual Privacy controls for the Newport Commercial Centre are in Part D10.33 of this DCP.

For specific controls in relation to the above mentioned controls for the Elanora Heights Village Centre, refer to Part D5.37 of this DCP.

C1.6 Acoustic Privacy

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway or Warriewood Valley land release area or Elanora Heights Village Centre - P21DCP-BCMDCP091

Uses to which this control applies

Attached dwelling
Boarding house
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S)

Noise is not to be offensive as defined by the *Protection of the Environment Operations Act 1997*, including noise from plant, equipment and communal or private open space areas (S)

Controls

Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.

Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the *Building Code of Australia*. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the *Building Code of Australia*).

Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Developments must comply in all respects with the *Protection of the Environment Operations Act 1997*, and other relevant legislation.

Variations

Nil

Advisory Notes

Additional Acoustic Privacy controls for the Newport Commercial Centre are in Part D10.33 of this DCP.

For specific controls in relation to the above mentioned controls for the Elanora Heights Village Centre, refer to Part D5.39 of this DCP.

C1.7 Private Open Space

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway or Newport Commercial Centre or Elanora Heights Village Centre or Warriewood Valley Land Release Area - P21DCP-BCMDCP081

Uses to which this control applies

Attached dwelling
Boarding house
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)

Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)

Private open space receives sufficient solar access and privacy. (En, S)

Controls

Private open space shall be provided as follows:-

a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-

Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.

Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).

Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.

Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).

Private open space should be located to the rear of the dwelling to maximise privacy for occupants.

Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.

A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.

Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.

An accessible and usable area for composting facilities within the ground level private open space is required.

b) Secondary Dwellings:-

For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.

c) All other residential development:-

Minimum area of 15% of the floor area of the dwelling (not including the floor area of garages or internal laundries), with no dimension less than 2.5 metres and a grade no steeper than 1 in 10 (10%).

Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.

Ground floor units are to have a minimum area of private open space of 30sq.m and with no dimension less than 4 metres.

Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constrains this orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access and Natural Light).

Walled enclosure of private open space is prohibited. Such areas shall not be modified to be incorporated into the dwelling.

Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.

For Shop Top Housing, residential flat buildings and multi dwelling housing, private open space at upper levels in the form of front/rear or internal courtyard balconies and terraces are required. The dimension of the balcony should be sufficient so that the area can be usable for recreational purposes (ie a minimum area of 10m² and a minimum width of 2.4 metres). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residences.

Balconies are prohibited from overhanging public property.

Variations

Where a dual occupancy is located at first floor or above, the controls in (c) above will apply.

Advisory Notes

Additional private open space requirements are provided for the Newport Commercial Centre in D10.28 of this DCP.

For specific controls in relation to the above mentioned controls for the Elanora Heights Village Centre, refer to Part D5.40 of this DCP.

C1.8 Dual Occupancy Specific Controls

Land to which this control applies

Land zoned RU2 Rural Landscape, R2 Low Density Residential, R3 Medium Density Residential or R5 Large Lot Residential not including the Warriewood Valley Locality.

Uses to which this control applies

Dual occupancy (attached)
Dual occupancy (detached)

Outcomes

Limitation of the visual bulk and scale of development. (En, S)
Provision of design flexibility for second storey development.
Restriction of the footprint of development on site. (En)
Retention of the natural vegetation and facilitation of planting of additional landscaping. (En)
Provision of rental accommodation (S)

Controls

A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.

Where dual occupancies (detached) are proposed, the maximum number of storeys of each dwelling shall be:

- 2 storeys for one dwelling, and
- 1 storey for the second dwelling.

Second storeys shall cover a maximum of 50% of the ground floor area. Second storey's shall be located to:

- Maximise solar access
- Minimise overlooking of private yards
- Complement the existing streetscape.
- Minimise the appearance of visual bulk.

Where a building site is less than 16.5 metres wide the rear dwelling of a dual occupancy must be single storey unless there are adverse slope or topography issues.

Dual occupancies shall have a floor space ratio in accordance with the following:

Area description	Maximum Floor Space Ratio
Area 2	0.3:1
Area 3	0.4:1

Variations

Nil

Advisory Notes

To determine which area on the Landscaped Area Map that applies to your property, please use the property search function via Council's ePlanning Portal or call the Assistant Development Officers on 9970 1674.

C1.9 Adaptable Housing and Accessibility

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway.

Uses to which this control applies

Attached dwelling
Boarding house
Cafe
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (*built form is not limited to residential*)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Entertainment facility
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Restaurant
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Subdivision of a sector, buffer area or development site in a Release Area

Outcomes

The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing.
All members of the community enjoy equitable access to buildings to which the general public have access.
Housing for Seniors or People with a Disability is accessible, adaptable and safe.
Equitable access in the public domain.

Controls

Adaptable Housing

The design of residential development shall meet the criteria of Australian Standard AS 4299:1995 Adaptable Housing as follows:

Development	Percentage (%) of adaptable units (rounded up)	Minimum class under AS 4299:1995
Multi Dwelling Housing, Boarding Houses, Group Homes and Hostels, excluding those in Warriewood Valley	50	Class B
Residential Flat Buildings, Shop Top housing and Mixed Use developments comprising residential accommodation.	20	Silver level of the <i>Liveable Housing Guideline</i> .
Residential development in Warriewood Valley not elsewhere identified in this table.	25	Class B
Seniors Living	100	Per the requirements of the <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>

The development application must be accompanied by certification from an accredited access consultant confirming that the nominated adaptable dwellings are capable of being modified, when required by the occupant, to comply with AS 4299:1995 *Adaptable Housing*.

Accessibility for all development

Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain.

Development within areas subject to flooding must provide for access on land within private ownership. In this regard ramps must not encroach into the public domain.

Variations

Council may consider a variation for works associated with accessibility relating to the construction of works in the public domain where the development is a single dwelling or dual occupancy.

Advisory Notes

Control B6.2 also applies to the land.

C1.10 Building Facades

Land to which this control applies

All land in the Pittwater LGA NOT including the Newport Commercial Centre or Elanora Heights Village Centre and the Warriewood Valley Locality

Uses to which this control applies

Attached dwelling
Boarding house
Group home
Hostel
Multi dwelling housing
Residential flat building
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

Improved visual aesthetics for building facades. (S)

Controls

Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.

For multi dwelling housing, residential flat buildings or seniors housing and similar development that includes multiple dwellings with multiple letterboxes, where possible mailboxes should be orientated obliquely to the street to reduce visual clutter and the perception of multiple dwellings.

Variations

Council will consider the incorporation of service pipes or conduits into facades where treated as a design element of the facade

Advisory Notes

For specific controls in relation to the building facades design for the Elanora Heights Village Centre, refer to Part D5.24 of this DCP.

C1.11 Secondary Dwellings and Rural Worker's Dwellings

Land to which this control applies

Land zoned RU2 Rural Landscape, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential or E4 Environmental Living not including the Warriewood Valley Locality.

Uses to which this control applies

Secondary dwelling
Rural worker's dwelling

Outcomes

Limitation of the visual bulk and scale of development. (En, S)
Provision of design flexibility for second storey development.
Restriction of the footprint of development site. (En)
Retention of natural vegetation and facilitation planting of additional landscaping. (En)
Provision of rental accommodation. (S)

Controls

The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.

A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.

A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.

Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.

Where the secondary dwelling or rural worker's dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum building height is to be in accordance with the height controls contained within *Pittwater Local Environmental Plan 2014*.

A secondary dwelling above a detached garage is not supported.

Variations

Nil

C1.12 Waste and Recycling Facilities

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway or Elanora Heights Village Centre - P21DCP-BCMDCP092

Uses to which this control applies

Attached dwelling
Boarding house
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (*built form is not limited to residential*)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

Waste and recycling facilities are accessible and convenient, and integrate with the development. (En)
Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment. (En, S)

Controls

Waste and recycling receptacles are to be stored within the property boundaries.

Separate bins are to be provided for waste (garbage), paper recyclables and container recyclables.

Where residential development consists of three or more dwellings, either as attached dwellings or as part of a community title scheme, a communal waste and recycling enclosure shall be provide for waste and recyclables (paper and containers). The enclosure shall be designed in accordance with the *Better Practice Guide for Waste Management in Multi-unit Dwellings (Department of Environment and Climate Change, June 2008)*. Waste and recycling enclosures are to be provided at or behind the front, side and rear setback requirements contained within the Controls of this document. The enclosure/s shall be of an adequate size, integrated with the building design and site landscaping, suitably screened and located for convenient access for collection.

Additionally the waste and recycling enclosure shall be designed as follows:

- i) constructed of solid material, cement rendered and steel, trowelled to a smooth, even surface and made vermin proof. Framing in timber is not permitted;
- ii) the floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the enclosure. Wastewaters shall be drained to the sewer;
- iii) stormwater shall not enter the floor of the enclosure such that the sewer system will be contaminated by rainwater;
- iv) the enclosure is to be roofed. Roof water shall be directed to an approved stormwater disposal system;
- v) enclosures shall be vented to the external air by natural or artificial (mechanical ventilation) means. The installation and operation of the mechanical ventilation system shall comply with Australian Standard *AS/NZS 1668.1:1998: The use of ventilation and air conditioning in buildings – Fire and smoke control in multi-compartment buildings* and Australian Standard *AS 1668.2:2012: The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings*
- vi) hot and cold water hose cocks shall be located within the enclosure; and
- vii) The enclosure shall be of adequate size to accommodate the following bin numbers and capacity:
 - a) 80 litres per household per week of garbage;
 - b) 70 litres per household per week of paper recyclables, and
 - c) 70 litres per household per week of container recyclables.

For shop top housing developments the residential waste and recycling enclosure is to be physically separated from the commercial/trade waste and recycling enclosure.

Variations

Nil

Advisory Notes

For specific controls in relation to the Waste and Recycling Facilities for the Elanora Heights Village Centre, refer to Part D5.46 of this DCP.

C1.13 Pollution Control

Land to which this control applies

All Land

Uses to which this control applies

Attached dwelling
Boarding house
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (*built form is not limited to residential*)
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Subdivision of a sector, buffer area or development site in a Release Area

Outcomes

Development that does not adversely impact on public health, the environment or other lands. (S, E)

Controls

Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.

Developments must comply in all respects with the *Protection of the Environment Operations Act 1997*, and other relevant legislation.

Variations

Nil

Advisory Notes

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required by the occupier of land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under Section 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on the Environment Protection Authority's website at <http://www.environment.nsw.gov.au/waste/>

C1.14 Separately Accessible Structures

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway - P21DCP-BCMDCP047

Uses to which this control applies

Attached dwelling
Boarding house
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (*built form is not limited to residential*)
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Other Development
Residential flat building
Rural worker's dwelling
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

Separately accessible structures that provide a recreational or office function for residents. (S)

Controls

A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:

- i) it is ancillary to a dwelling;
- ii) it is not designed for separate habitation and does not contain any cooking facilities.

Variations

Where the purpose of the structure or its distance from the nearest bathroom facility dictates, bathroom/toilet facilities may be allowed.

C1.15 Storage Facilities

Land to which this control applies

All land in the Pittwater LGA including the Pittwater waterway but NOT including Elanora Heights Village Centre
- P21DCP-BCMDCP93

Uses to which this control applies

Attached dwelling

Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (*built form is not limited to residential*)

Multi dwelling housing

Residential flat building

Semi-detached dwelling

Seniors housing

Shop top housing

Outcomes

Provision of convenient storage with the development. (S)

Controls

A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.

Variations

Nil

Advisory Notes

For specific controls in relation to the Storage facilities in Elanora Heights Village Centre, refer to Part D5.42 of this DCP.

C1.16 Development ancillary to residential accommodation - Tennis Courts

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway - P21DCP-BCMDCP047

Uses to which this control applies

Development ancillary to residential accommodation

Outcomes

Minimal adverse impact on the existing landform, natural vegetation or visual quality of the site. (En)

Controls

Night lighting of tennis courts ancillary to a dwelling is not permitted.

Fence colour must be dark green or black.

Landscaping should be provided between the tennis court fencing and external boundaries of the property where possible.

Variations

Night lighting of tennis courts may be permitted on allotments having a site area of 1 hectare or more, provided time switches are installed and the amenity of adjoining land is not adversely affected. Night lighting of existing approved tennis courts on allotments having a site area of less than 1 hectare shall be considered on a merit basis.

C1.17 Swimming Pool Safety

Land to which this control applies

All Land

Uses to which this control applies

Development ancillary to residential accommodation

Dwelling house

Exhibition home

Rural worker's dwelling

Outcomes

The promotion of personal safety. (S)

Compliance with Swimming Pools Act 1992 and Regulations (En, S)

Controls

Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the [Swimming Pools Act 1992](#) and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.

Variations

Nil

Advisory Notes

Hard copies of the Australian Standard *AS1926.1-2007 Swimming Pool Safety - Part 1: Safety barriers for swimming pools*, the swimming pool regulations and the guidelines for Cardiopulmonary Resuscitation (CPR) can be accessed at Council's libraries or at Council's customer service centres.

C1.18 Car/Vehicle/Boat Wash Bays

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway - P21DCP-BCMDCP047

Uses to which this control applies

Attached dwelling

Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (*built form is not limited to residential*)

Multi dwelling housing

Residential flat building

Semi-detached dwelling

Seniors housing

Shop top housing

Outcomes

Prevent pollution from entering the stormwater system. (En)

Prevent stormwater entering the sewer system. (En)

Controls

A designated wash bay is to be incorporated on the site where developments have more than ten units.

The wash bay must be designed and constructed so as to not allow polluted waters to enter the stormwater drain and stormwaters do no enter the sewer.

Variations

Where the use of vehicles or boats is not part of the activity associated with the proposed development this control does not apply.

C1.19 Incline Passenger Lifts and Stairways

Land to which this control applies

All Land

Uses to which this control applies

Attached dwelling
Boarding house
Development ancillary to residential accommodation
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

Incline passenger lifts and stairways that cause minimal visual and acoustic disturbance to the environment and neighbours. (En, S)

Controls

Incline passenger lifts and stairways shall:

- i) be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees, and
- ii) be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures, and
- iii) be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and
- iv) be painted to blend in with surrounding vegetation and screened by landscaping and
- v) be set back two (2) metres from the side boundary to the outer face of the carriage
- vi) be located wholly on private land, and
- vii) have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling.

On steeply sloping existing lots, incline passenger lifts are preferred to driveways where the required driveway grade may be difficult to achieve and would have an adverse impact on the landform, appearance, vegetation and species habitat. In such cases, a proposal will be subject to assessment based on merits, and should be no more than 1 metre above the existing ground level.

Incline passenger lifts will not be accepted in lieu of vehicular access for new subdivisions.

The noise level shall not exceed 60dB(A), when measured one metre from any adjoining premises.

Variations

Where an incline passenger lift is shared between lots, the 2m side boundary setback does not apply to those lots.

C1.20 Undergrounding of Utility Services

Land to which this control applies

All Land not including the Warriewood Valley Locality

Uses to which this control applies

Attached dwelling
Boarding house
Group home
Hostel
Multi dwelling housing
Residential flat building
Semi-detached dwelling
Seniors housing

Outcomes

Visual pollution by aerial cables is reduced (En, S)
Improved safety by removal of visual clutter (En, S)
Opportunities for street tree planting is enhanced (En)
Safety of building occupants is maintained and enhanced. (S)
Security of utility services is improved. (S)
Design and construction of undergrounding is funded by the developer. (Ec)

Controls

All existing and proposed utility services within the site are to be placed underground or encapsulated within the building.

All existing and proposed utility services to the site, or adjacent to the site within a public road reserve, are to be placed underground for the total frontage of the site to any public road.

Design and construction of the undergrounding of utility services is to be at full cost to the developer.

Variations

Based on technical practicalities and advice from the energy supplier the merit for not proceeding with undergrounding of utility services will be considered for the following circumstances subject to achieving the outcomes of this control:

- electricity wires carrying 16,000 volts, 33,000 volts or more, and/or
- short lengths of overheads of two spans or less

C1.21 Seniors Housing

Land to which this control applies

All land in the Pittwater LGA including the Pittwater waterway - P21DCP-BCMDCP001

Uses to which this control applies

Seniors housing

Outcomes

Visual bulk and scale of development is limited. (En, S)

Restricted footprint of development on site. (En)

Retention of the natural vegetation and facilitate planting of additional landscaping where possible. (En)

Achieve desired future character of the locality. (En, S)

Social mix of residents in the neighbourhood. (S)

Minimal cumulative impact from *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. (S)

Controls

Cumulative Impact

Seniors housing developed in accordance with the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, outside the R3 Medium Density Residential and B4 Mixed Use zones shall:

- Be in keeping with the development of the surrounding area in regard to bulk, building height, scale and character.
- Not result in such an accumulation of Seniors Housing developments to create a dominant social type in the surrounding neighbourhood.
- Not result in such an accumulation of Seniors Housing developments to create a dominant 'residential flat building' appearance in the neighbourhood.

Variations

Nil

Advisory Notes

The Desired Future Character for each locality can be found in Part A4 of this DCP.

C1.23 Eaves

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway or Elanora Heights Village Centre - P21DCP-BCMDCP092

Uses to which this control applies

Attached dwelling
Boarding house
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing

Outcomes

Housing that reflects the coastal heritage and character of Pittwater. (S)
Optimise roof forms. (S)
Appropriate solar access and shading is achieved. (En)

Controls

Dwellings shall incorporate eaves on all elevations.

Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.

Variations

Council may consider a variation to this control where the development is shop top housing, residential flat buildings or multi dwelling housing.

Where Dutch gables are proposed eaves may be reduced to 300mm in width.

C1.24 Public Road Reserve - Landscaping and Infrastructure

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area or Elanora Heights Village Centre - P21DCP-BCMDCP091

Uses to which this control applies

Attached dwelling
Boarding house
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing

Outcomes

Desirable character of the Pittwater streetscape. (S)
Consistency in the design and construction of landscape works in the road reserve. (En)

Controls

Landscaping General - All Development

Landscaping within the public road reserve is to include street trees planted at 6m centres.

Street trees are to be planted to encourage the free passage of pedestrians.

Street trees should not interfere with existing powerlines.

All existing trees over 3m in height and native vegetation within the road reserve areas are to be retained where practical. The existing trees are to be protected during the construction of works through temporary perimeter fencing that is 1.8m high.

New tree plantings are to be a minimum 35 litre size with 1m x1m hole and backfilled with suitable planting medium.

Trees are to be appropriately supported by two stakes (minimum 50mm x 50mm) with Hessian ties.

To ensure a consistent streetscape the new tree plantings are to be the same as the existing adjacent street trees.

Where appropriate, Council encourages the use of local endemic native species according to the list of local native species in Pittwater. (http://www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants/species_lists)

Grassed areas are to be turfed with Couch species (weed free) and even grade to a maximum 4% grade.

All work is subject to a Section 139 approval from Council.

Dwelling Houses, Secondary Dwellings and Dual Occupancy

The location of new landscaping (street trees) is not to hinder the future construction of a 1.5m wide footpath in location to be nominated by Council and is subject to a Section 139 approval from Council.

Residential Development - less than 6 dwellings (excluding dwelling houses, secondary dwellings, rural worker's dwellings and dual occupancies)

Infrastructure General

Development with a frontage within a residential street is required to design and construct (Section 139 approval required from Council):

- a footpath 1.5m wide, or
- where a multi-use pathway is required the footpath is to be constructed to a 2.1m width, and
- kerb and gutter to Council specification, and
- landscaping for the full width of the development site on the public road reserve.

Residential Development - comprising 6 or more dwellings

Infrastructure General

Development with a frontage within a residential street is required to design and construct (Section 139 approval required from Council):

- a footpath 1.5m wide, or
- where a multi-use pathway is required the footpath is to be constructed to a 2.1m width, and
- kerb and gutter to Council specification, and the making good of the road pavement from the kerb and guttering to the road centreline, and (See note below)
- streetlighting and
- landscaping for the full width of the development site on the public road reserve.

Note: Making good of the road pavement shall be to the following engineering standard Asphaltic Concrete finish:

- Sub-arterial road: 4 x106 ESA's
- Collector road 2 x106 ESA's
- Local road 6 x105 ESA's
- Access road 1 x105 ESA's

Variations

Where the landscaping or infrastructure in the public road reserve currently exists, the requirements of this control in respect to the specific landscaping or infrastructure item need not apply.

Where the landscaping or infrastructure in the public road is located in steep terrain the landscaping and infrastructure requirements will be considered on merit.

The merit for deciduous trees will only be considered on the grounds of solar access.

Advisory Notes

For specific controls in relation to the Public Road Reserve - Landscaping and Infrastructure in Elanora Heights Village Centre, refer to Part D5.35 of this DCP.

C1.25 Plant, Equipment Boxes and Lift Over-Run

Land to which this control applies

All Land not including the Warriewood Valley Locality

Uses to which this control applies

Attached dwelling
Boarding house
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Exhibition home
Group home
Hostel
Multi dwelling housing
Residential flat building
Rural worker's dwelling
Secondary dwelling
Semi-detached dwelling
Seniors housing

Outcomes

To achieve the desired future character of the Locality.
The bulk and scale of the built form is minimised. (En, S)
Equitable preservation of views and vistas to and/or from public/private places. (S)
To achieve reduction in visual clutter. (En, S)
The appropriate location and design of noise generating equipment.

Controls

Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air conditioning units on the roof of residential flat buildings and multi dwelling housing. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement.

Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.

Variations

Subject to achievement of the outcomes of this control, consideration may be given to the location of plant, equipment boxes and lift over-runs on the roof a building where it can be shown that there will not be a non-compliance with Council's built form controls including building height and building envelope.

Where located on the roof any plant, equipment boxes and lift over-runs are to be adequately screened from view from adjoining properties and the public domain.

C2 DESIGN CRITERIA FOR BUSINESS DEVELOPMENT

This part contains general design criteria relating to business development.

This part applies to all forms of business development, including but not limited to -

- Amusement centres
- Car parks
- Commercial premises
- Entertainment facilities
- Function centres
- Marinas
- Medical centres
- Passenger transport facilities
- Public administration building
- Recreation facilities (indoor)
- Registered clubs
- Restricted premises
- Service stations
- Sex service premises
- Tourist and visitor accommodation
- Veterinary hospitals

(Note: Controls relating to the residential portion of shop top housing are contained in Part C1 Design Criteria for Residential Development. Controls relating to industrial development are contained in Part C3 Design Criteria for Industrial Development.)

C2.1 Landscaping

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater Waterway, Warriewood Valley Land Release Area, land Adjoining Bushland Reserves, Newport Commercial Centre or Elanora Heights Village Centre - P21DCP-BCMDCP053

Uses to which this control applies

Business Development
Rural industry
Shop top housing
Tourist and visitor accommodation

Outcomes

A built form softened and complemented by landscaping. (En)
Landscaping that reflects the scale and form of development. (En)
Landscape elements provided in accordance with an approved masterplan. (En, Ec)

Controls

Canopy trees are to be located a minimum of five metres from any footing walls of the actual built structure of the development. Closer proximity can be accommodated through the use of pier and beam footings and will be assessed on a risk to structure basis.

A range of ground covers shrubs and trees shall be provided to soften the built form from the street.

For bed and breakfast accommodation and rural industry, landscape elements both hard and soft should dominate the built form and be incorporated into the building fabric and design through the use of setback and modulation incorporating such landscape elements.

For shop top housing, a planter or landscaped area with minimum area of 4m² is to be provided as a feature at the ground floor of the front building facade. This feature is to be positioned to soften any hard edges of the building including any ramps, podiums or changes in levels.

Planter areas are to be a minimum area of 4m² and where canopy trees are proposed a minimum soil volume of 8m³ is required. Provision of available root volume may need to incorporate the use of structural soils.

All plant material is to be of a super advanced nature given the difficulty of establishing plant material in heavily used urban areas. Minimum plant sizes are to be as follows:-

- Ground covers 5 litre (200) mm pot
- Shrubs 35 litre
- Trees 400 litre

A minimum depth of 500mm of garden mix (ANL Botany Mix or equivalent) must be provided to all garden areas with 150mm hardwood chip mulch to cover all garden areas.

Plants are to be arranged and spaced, so that at completion of works, they present as a grown completed landscape. Plant material should be arranged through pre-order plant contracts to achieve required advanced sizes.

Tree species to include indigenous smaller rainforest and creekline species such as:-

- Tristania Laurina - Watergum
- Hymenosporous flavum - Native Frangipani
- Cupaniopsis arachanoides - Tuckerroo
- Syzigium Jambos - Syzigium
- Banksia Intergrifolia/Serrata - Banksia

Tree species selection needs to understand root growth and location and impact upon utility services such as wires/cables/pipes both overhead and underground and generally match the existing character of the street.

All garden areas containing proposed trees are to have root barriers installed to all edges. Such barriers are preferred 100mm thick concrete to a 300 mm depth.

All garden areas to include a drip irrigation system based on station timer and be maintained by the proposed strata body of the subject building.

For shop top housing, a minimum landscaped area (at ground floor level) of 20% of the site area, or 35m² per dwelling, whichever is the greater, shall be provided.

In bushfire prone areas, species shall be appropriate to the bushfire hazard.

Noxious and undesirable plants must be removed from the site.

Landscaping is to be provided at the front and rear of shop top housing developments.

Variations

For isolated business premises not within a commercial centre or neighbourhood commercial centre, variation to requirements may be given.

Advisory Notes

- For species lists please refer to Pittwater Council's *Native Plants for your Garden* available on Council's website.
- For specific details on landscaping refer to [Appendix 9 - Landscape and Vegetation Management](#) of this DCP.
- For shop top housing developments also refer to C1.1 of this DCP.
- For specific controls in relation to the landscaping in the Elanora Heights Village Centre, refer to Part D5.35 of this DCP.

As part of the landscaping works associated with the development any existing variety of Leightons cypress pine / Leyland cypress (xCupressocyparis leylandii) on the site are to be identified and nominated for removal and replacement planting consistent with Council's *Native Plants for Your Garden* guidelines and relevant identified 'vegetation community' provided (details of which are available on Council's website at www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants).

C2.2 Safety and Security

Land to which this control applies

All land in the Pittwater LGA including the Pittwater waterway but NOT including the Warriewood Valley locality and Elanora Heights Village Centre

Uses to which this control applies

Business Development
Occupation/change of use of an existing premises
Rural industry
Shop top housing
Tourist and visitor accommodation

Outcomes

On-going safety and security of the Pittwater community. (S)
Opportunities for vandalism are minimised. (Ec, S)
Unobtrusive security devices that are sympathetic to the character of the building and the streetscape. (S)
Inform applicant's of Council's requirements for crime and safety management for new development.(S)
Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)
Identify crime and safety priority areas in Pittwater LGA (S, Ec)
Improve community safety and reduce the fear of crime in the Pittwater LGA (S)
Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)

Controls

There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:

1. Surveillance

Building design should allow visitors who approach the front door to be seen without the need to open the door.

Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.

Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners.

Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard *AS4282-1997: The control of the obtrusive effects of outdoor lighting*.

Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.

Where provided, public facilities (toilets, telephone, ATMs, etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces.

Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.

2. Access Control

Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.

Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.

Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.

The street number of the property is to be clearly identifiable.

Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.

3. Territorial reinforcement

Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.

Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided.

Blank walls along all public places (streets, open space etc) shall be minimised.

4. Space Management

Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.

Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.

A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.

Security Devices

Solid roller shutters are not permitted as security devices on shop fronts (windows and doors).

Open grille security devices, if considered necessary, are to be unobtrusive and sympathetic to the character of the building and the streetscape, with a minimum transparency of 65%.

Variations

Nil

Advisory Notes

For related controls in relation to Safety and Security in the Elanora Heights Village Centre, refer to Part D5.28 of this DCP.

C2.3 Awnings

Land to which this control applies

Land zoned B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use or B6 Enterprise Corridor NOT including Newport Commercial Centre or Elanora Heights Village Centre - P21DCP-BCMDCP049

Uses to which this control applies

Business Development
Shop top housing

Outcomes

Weather protection for pedestrians. (S)
Awnings are setback to allow uninterrupted street tree growth. (E)
Safe, structurally sound awnings. (S)

Controls

Continuous footpath awnings should be provided to the street adjoining business development for weather protection for pedestrians.

Awnings shall be constructed of any suitable and durable material, excluding glass, Perspex and the like due to heat transmission.

Awnings should be compatible in scale and height to adjoining awnings.

Awnings shall not impact on street trees.

Awnings are to comply with the relevant adopted Masterplan for the area. Where there is no Masterplan, new buildings shall provide awnings setback 3.5m from the face of the street kerb.

Variations

Merit consideration shall be given to awnings when existing buildings are being altered.

Advisory Notes

For specific controls in relation to Awnings in Elanora Heights Village Centre, refer to Part D5.31 of this DCP.

C2.5 View Sharing

Land to which this control applies

All land in the Pittwater LGA NOT including the Newport Commercial Centre or Elanora Heights Village Centre - P21DCP-BCMDCP082

Uses to which this control applies

Business Development

Rural industry

Shop top housing

Outcomes

A reasonable sharing of views. (S)

Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)

Canopy trees take priority over views. (En, S)

Controls

All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.

The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.

Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.

Views are not to be obtained at the expense of native vegetation.

Variations

Nil

Advisory Notes

Visit: Tenacity vs Warringah

http://www.legislation.nsw.gov.au/legislation/principles/planning_principles.html
for planning principles.

Refer to Part D10.26 of this DCP for additional controls in relation to views in the Newport commercial centre.

Additional View Sharing controls for Elanora Heights Village Centre are provided in Part D5.38 of this DCP.

Where there is the potential for view loss to adjoining residential developments and / or public viewing points, an assessment of the view loss, supported by a clearly documented photographic analysis shall be provided.

It may also be appropriate that height poles be erected to demonstrate the impact of the finished development on view lines.

Where height poles are erected, a statement by a Registered Surveyor should be provided certifying the height and location of the poles in relation to the proposed structures.

C2.6 Adaptable Housing and Accessibility

Land to which this control applies

All Land not including the Warriewood Valley locality.

Uses to which this control applies

Business Development
Child care centre
Rural industry
Shop top housing
Tourist and visitor accommodation

Outcomes

The community's accessibility needs are met within Pittwater through well designed adaptable development.

(S)

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

Equitable access in the public domain. (S)

Controls

Convenient and safe access for all people, including people with a disability, older people, and people with prams, must be provided to and within all buildings to which the general public have access.

The siting and design of a building to which the general public has access shall comply with Australian Standard AS 1428-2009.1: *Design for access and mobility – General requirements for access – New building work*, and shall incorporate the following:

- i) continuous accessible path of travel to all areas that the public or a section of the public is entitled or allowed to enter or use; and
- ii) walkways, ramps and landings at a reasonable gradient and width, with handrails and kerbs provided on all ramps, and slip-resistant materials on all floor surfaces; and
- iii) accessible toilet facilities, tactile ground surface indicators, effective signage and illumination, and adequate circulation space through passageways and doorways; and
- iv) carparking for people with a disability.

This clause applies to development that involves:

- a) a new building to which the general public has access;
- b) major alterations and additions to an existing building to which the general public has access; and
- c) alterations to the shopfront/entrance of an existing building to which the general public has access.

Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain.

Development shall include design and construction of the footpath, cycleway, kerb and guttering, drainage facilities, street furniture, street lighting and landscaping and make good the adjacent road and pavement for the full frontage of the site to any public road at full cost to the developer.

The design and construction shall be in accordance with the Village Streetscape Masterplans. See Section 94 Contributions Plan.

Development within areas subject to flooding must provide access on land within private ownership. In this regard ramps must not encroach into the public domain.

Variations

Council may consider non-compliance with this clause where alterations to an existing public administration building to which the general public has access are proposed if it would impose unjustifiable hardship on the owner or occupant.

Council may consider variation to controls relating to the public domain where there is 50 square metres or less increase in gross floor area.

C2.7 Building Facades

Land to which this control applies

All land in the Pittwater LGA NOT including the Warriewood Valley locality, the Newport Commercial Centre or Elanora Heights Village Centre

Uses to which this control applies

Business Development
Rural industry

Outcomes

Improved visual aesthetics for building facades. (S)

Controls

Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.

Variations

Council will consider the incorporation of service pipes or conduits into facades where treated as a design element of the facade

Advisory Notes

For specific controls in relation to the building facades design for the Elanora Heights Village Centre, refer to Part D5.24 of this DCP.

C2.8 Energy and Water Conservation

Land to which this control applies

All land in the Pittwater LGA including the Pittwater waterway but NOT including the Warriewood Valley locality and Elanora Heights Village Centre

Uses to which this control applies

Business Development
Occupation/change of use of an existing premises
Rural industry
Tourist and visitor accommodation

Outcomes

More efficient use of resources in Pittwater. (En)
The orientation, design and siting of buildings makes the best use of natural ventilation, daylight and solar energy. (En)
Water sensitive urban design. (En)

Controls

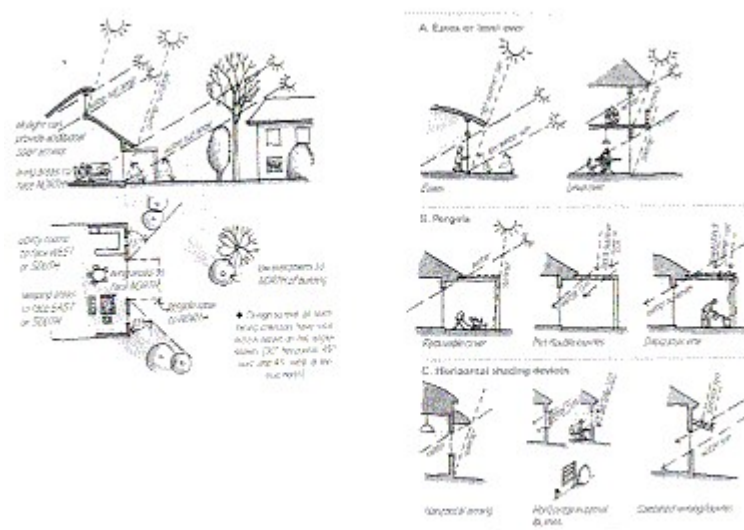
Buildings shall be designed to be energy and water efficient.



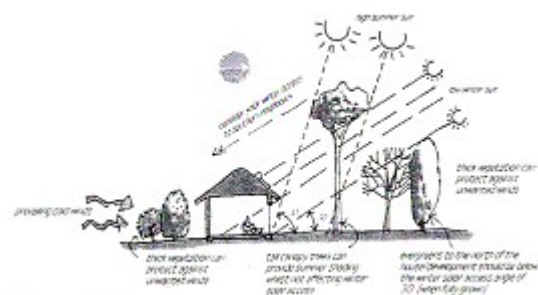
All new hot water systems must be either solar, heat pump or gas and must have a minimum rating of 3.5 stars.

Water efficient appliances shall be used in all development (including AAA rated water efficient shower heads, water tap outlets and dual flush toilets).

Windows are to be sized, located and shaded (by structures or vegetation) to reduce summer heat and allow entry of winter sun. Deep eaves are required to achieve this where appropriate, in addition to other horizontal shading devices, such as verandahs, pergolas, awnings, and external horizontal blinds.



Buildings are to be designed to maximise ventilation in summer. This can be achieved by positioning openings (windows and doors) to prevailing summer winds to encourage cross ventilation, and the installation of fans, roof vents and high level windows.



The species type, location and design of landscape planting are to assist in the conservation of energy.

The installation of in-sink food waste disposers in any development is prohibited.

Advisory Notes

Check *State Environmental Planning Policy (Building Sustainability Index: BASIX)* 2004 as it may apply.

Adopted: 8 December 2003
In Force From: 14 November 2015

C2.9 Waste and Recycling Facilities

Land to which this control applies

All land in the Pittwater LGA including the Pittwater waterway but NOT including Elanora Heights Village Centre.

Uses to which this control applies

Business Development

Occupation/change of use of an existing premises

Rural industry

Outcomes

Adequately sized, accessible, convenient waste and recycling facilities that integrate with the development.
Waste and recycling facilities located such that they do not adversely impact upon amenity of the adjoining development or natural environment.

Controls

All waste and recycling materials shall be contained within an approved enclosure and adequate vehicular access is to be provided to remove waste.

Waste and recycling enclosures are to be provided at or behind the front, side and rear setback requirements contained within the Controls of this document. This enclosure shall not occupy parking or landscaped areas.

The waste and recycling enclosure is to be of an adequate size, integrated with the building design and site landscaping, suitably screened, and located for convenient access for collection.

For larger scale development more than one waste and recycling enclosure may be appropriate.

The waste and recycling enclosure/s shall be designed as follows:

- constructed of solid material, cement rendered and steel, trowelled to a smooth, even surface and made vermin proof. Framing in timber is not permitted;
- the floor shall be of impervious material covered at the intersection with the walls, graded and drained to an approved floor waste within the enclosure. Wastewaters shall be drained to the sewer;
- stormwater shall not enter the floor of the enclosure such that the sewer system will be contaminated by rainwater;
- the enclosure is to be roofed. Roof water shall be directed to an approved stormwater disposal system;
- enclosures shall be vented to the external air by natural or artificial (mechanical ventilation) means. The installation and operation of the mechanical ventilation system shall comply with Australian Standard AS/NZS 1668.1 1998: *The use of ventilation and air conditioning in buildings – Fire and smoke control in multi-compartment buildings* and Australian Standard AS 1668.2:2012: *The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings*; and
- hot and cold water hose cocks shall be located within the enclosure.

The waste and recycling enclosure construction requirements do not apply to Bed and Breakfast establishments.

For Shop Top Housing developments the residential waste and recycling enclosure is to be physically separated from the commercial/trade waste and recycling enclosure.

Variations

Nil

Advisory Notes

Floor plans shall clearly show the location and dimension of waste and recycling storage facilities proposed on the site.

For specific controls in relation to the Waste and Recycling Facilities for the Elanora Heights Village Centre, refer to Part D5.46 of this DCP.

C2.10 Pollution Control

Land to which this control applies

All land in the Pittwater LGA including the Pittwater waterway but NOT including Elanora Heights Village Centre
- P21DCP-BCMDCP93

Uses to which this control applies

Business Development
Occupation/change of use of an existing premises
Rural industry
Shop top housing

Outcomes

Development does not adversely impact public health, the environment or other lands. (S, E)

Controls

All developments must be designed, constructed, maintained, and operated in a proper and efficient manner to prevent air, water, noise or land pollution.

Development and business operation must comply with the [Protection of the Environment Operations Act 1997](#), and any relevant legislation.

Compliance with the [NSW Environment Protection Authority Industrial Noise Policy \(January 2000\)](#).

Variations

Nil

Advisory Notes

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required by the occupier of land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under Section 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Environment Protection Authority's website at <http://www.epa.nsw.gov.au/waste/>

C2.11 Signage

Land to which this control applies

All land in the Pittwater LGA including the Pittwater waterway but NOT including Elanora Heights Village Centre - P21DCP-BCMDCP93

Uses to which this control applies

Business Development
Child care centre
Occupation/change of use of an existing premises
Rural industry
Shop top housing
Signage
Tourist and visitor accommodation

Outcomes

Signage is compatible with the desired amenity and visual character of the locality. (S)
Signage does not adversely impact upon any heritage item or conservation area. (S)
Signage does not result in visual clutter of the landscape. (S)
Signage is of high quality design and finish. (S)

Controls

Signage shall meet the following criteria:

Sign	Criteria
Awning fascia sign (attached to the fascia or return end of an awning)	i) shall not project above, below or beyond the fascia or return end of the awning to which it is attached.
Freestanding sign (not being a sign elsewhere listed in this table, and includes a hoarding, bulletin board, list of businesses within a complex, and the like)	i) shall not have a signage area greater than 4.5sq m; ii) shall not project beyond the boundary of the premises; iii) shall not extend beyond the height of the built form within whose context it sits; and iv) shall not be illuminated.
Pole or pylon sign (erected on a pole or pylon independent of any building or other structure)	i) shall not be less than 2.6m above ground; ii) shall not have a signage area greater than 4.5sq m; iii) shall not project beyond the boundary of the premises; and iv) shall not extend beyond the height of the built form within whose context it sits.
Top hamper sign (attached to the transom of a doorway or display window of a building)	i) shall not extend beyond any building alignment or below the level of the head of the doorway or window within the building upon which it is attached; ii) shall not exceed 600mm in height; and iii) shall not have a signage area greater than 5sq m.

Under awning sign (attached to underside of awning)	<ul style="list-style-type: none"> i) shall not exceed 2.5m in length or 0.5m in height; ii) shall have a signage area not exceeding 1.25sq m each side; iii) shall be erected horizontal to the ground no less than 2.6m above the ground, and at right angles to the building to which the awning is attached; iv) shall not project beyond the awning; v) shall be securely fixed by metal supports; and vi) no more than one per business permitted.
Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	<ul style="list-style-type: none"> i) shall not extend laterally beyond the wall of the building upon which it is attached; ii) shall not cover any window or architectural projections; iii) shall not have a signage area greater than 4.5sq m; iv) where illuminated, shall not be less than 2.6m above the ground; and v) shall not project more than 300mm from the wall.
Window sign (painted or letters stuck onto the inside or outside of a display window)	<ul style="list-style-type: none"> i) shall not cover the whole of the display window so as to obstruct natural light; ii) shall only be permitted on ground floor windows.
Bed and Breakfast establishment (sign associated with)	<ul style="list-style-type: none"> i) no greater than 0.75sq m in area; ii) no more than 1 sign shall be erected; iii) the sign is to indicate that the dwelling house is a bed and breakfast establishment and include the name and telephone number of the proprietor.
Home occupation/business/industry, home-based child care and health consulting rooms (sign associated with)	<ul style="list-style-type: none"> i) no greater than 0.75sq m in area; ii) no more than 1 sign shall be erected; iii) not erected on a heritage item; iv) the sign is to indicate the name and occupation of the business.

Sex services premises & Restricted premises

In addition to all other signage controls, no signage may display words or images, which are in the opinion of Council, sexually explicit, lewd or otherwise offensive.

Council must be satisfied that the content, size and shape of the signage are not likely to interfere with the amenity of the neighbourhood.

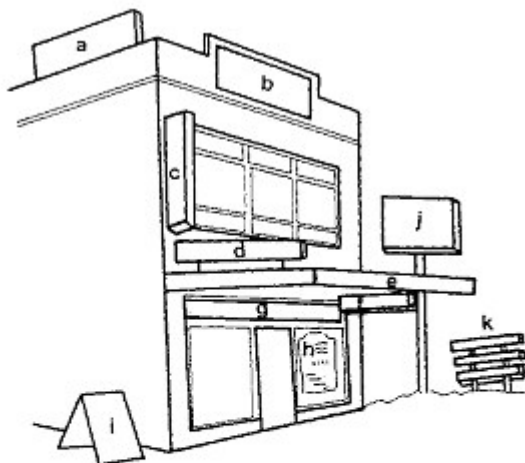
Signage for sex services premises shall be restricted to the address and telephone number.

The diagram below illustrates different types of signage.

Any signage erected within a residential, environmental or rural zone shall not be visually obtrusive.

The following signage shall not be permitted in Pittwater:

1. where erected on or above the roof, canopy, or parapet of a building
2. where attached to the upperside of an awning
3. where attached to the wall of a building and projecting more than 300mm from that wall
4. where illuminated at frequent intervals (i.e. flashing)
5. where capable of movement by source of power or wind
6. where illuminated (within a residential zone or environmental zone)
7. where incorporates bill/fly posters, bunting and airborne signage, including hot air balloons, blimps, and the like
8. where located on motor vehicles and which renders the motor vehicle stationary



- | | |
|----------------------------|-----------------------|
| a) Roof Sign | g) Top Hamper Sign |
| b) Flush Mounted Wall Sign | h) Window Sign |
| c) Projecting Wall Sign | i) "A" Frame Sign |
| d) Above Awning Sign | j) Pole or Pylon Sign |
| e) Awning Fascia Sign | k) Freestanding Sign |
| f) Under Awning Sign | |

Variations

Nil

Advisory Notes

Certain signage is permitted without Council consent, see Schedule 2 of the *Pittwater Local Environmental Plan 2014* and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

State Environmental Planning Policy No 64 Advertising and Signage must be considered prior to granting consent for the display of any signage.

For specific controls in relation to signage in Elanora Heights Village Centre, refer to Part D5.30 of this DCP.

The *Summary Offences Act 1998 No 25* restricts signage in relation to premises used for prostitution, including sex services premises

C2.12 Protection of Residential Amenity

Land to which this control applies

All land in the Pittwater LGA NOT including the Newport Commercial Centre or Elanora Heights Village Centre and Warriewood Valley locality.

Uses to which this control applies

Business Development
Occupation/change of use of an existing premises
Rural industry
Shop top housing
Tourist and visitor accommodation

Outcomes

Development that does not have an adverse impact upon adjoining residential accommodation. (S)
Maintenance of a reasonable level of solar access and visual privacy to residential properties. (En, S)

Controls

Where development adjoins land zoned or used for residential purposes, the following apply:

Solar Access

The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.

Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).

Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.

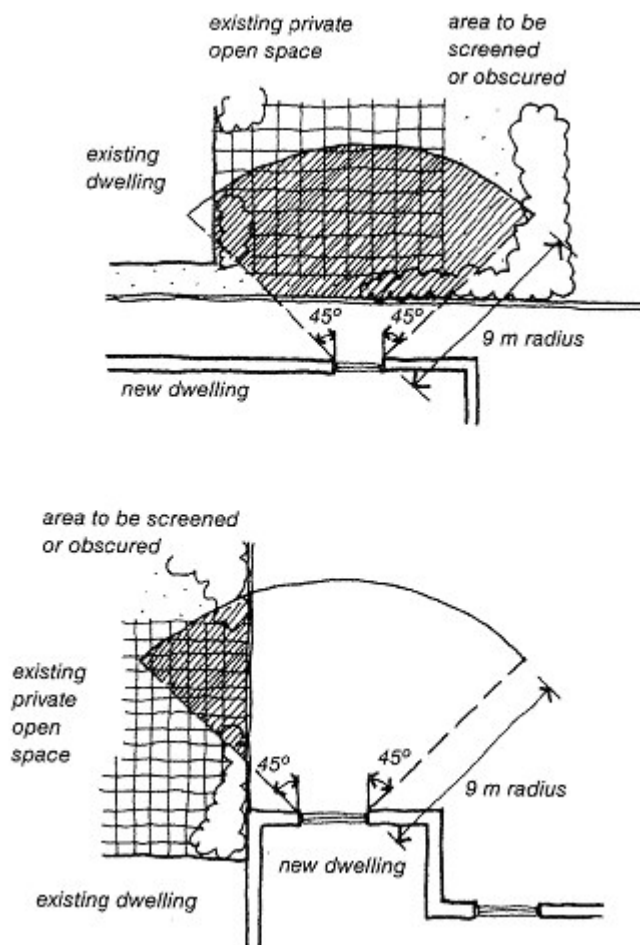
Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.

Privacy

Private open spaces and living rooms of proposed and any existing adjoining dwellings may be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).

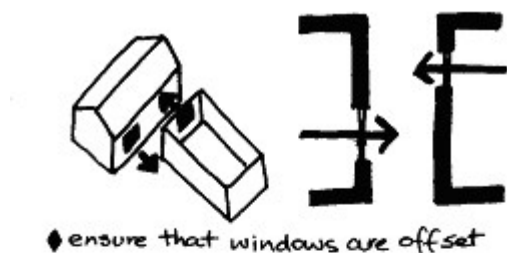
Elevated decks, verandahs and balconies may incorporate privacy screens where necessary and should, where possible, be located at the front or rear of the building. Such areas shall not be modified to be incorporated into the dwelling.

Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.



Direct views of private open space or any habitable room window within 9 metres may be restricted (see diagram below) by:

- vegetation/landscaping
- a window sill height 1.7 metres above floor level, or
- offset windows
- fixed translucent glazing in any part below 1.7 metres above floor level, or
- solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:
 - permanent and fixed;
 - made of durable materials; and
 - designed and painted or coloured to blend in with the house.



Variations

Nil

Advisory Notes

Refer to Part D10.33 of this DCP for controls in relation to the Newport Commercial Centre.

For specific controls in relation to the protection of residential amenity in Elanora Heights Village Centre, refer to Part D5.36, D5.37, D5.38, D5.39 and D5.41 of this DCP.

C2.13 Tourist and Visitor Accommodation

Land to which this control applies

All Land

Uses to which this control applies

Tourist and visitor accommodation

Outcomes

Tourist and visitor accommodation that promotes and protects the Pittwater environment and lifestyle. (Ec)

Tourist and visitor accommodation that is compatible with the character of the existing built form and residential amenity of the locality. (S, Ec)

Provision of tourist and visitor accommodation that are safe, clean and sanitary. (S, Ec)

Tourist and visitor accommodation that is designed, developed and managed to provide a high standard of amenity for guests, whilst not impacting on the amenity of the surrounding area. (S, Ec)

Serviced apartments that provide a level of amenity for residents that is comparable with residential development. (S, Ec)

Controls

Bed and Breakfast Accommodation & Farm Stay Accommodation

- i) Clause 5.4 of the *Pittwater Local Environmental Plan 2014* requires bed and breakfast accommodation to consist of no more than 3 guest bedrooms.
- ii) No more than 6 paying guests, boarders or lodgers shall be accommodated at any one time.
- iii) No more than 12 persons, including guests, owner/proprietor and family, shall be accommodated in the dwelling house at any one time.
- iv) Accommodation shall be provided on a short-term basis only, up to a maximum of one month for each paying guest, boarder or lodger.

Health

- i) No animals are permitted in guest rooms, dining rooms or kitchens, other than an assistance animal which may enter all public areas except the kitchen.
- ii) Toilet and bathroom facilities are required for guests separate from those used by the permanent residents of the dwelling house. Access to these facilities is to be obtained without the need to enter the owner/occupiers dwelling.
- iii) The establishment must comply with the [Food Act 2003 and Regulations](#) (inclusive of the [NSW Food Authority Notification requirements](#)), the [Food Safety Standards Code](#) (Standard 3.2.3 - Food Premises and Equipment) and *Australian Standard 4674-2004 (Construction and fitout of food premises)*.
- iv) Adequate provision is to be made to the satisfaction of Council for the supply of water and the disposal of stormwater, sewage and garbage/recycling.
- v) Bed and breakfast accommodation is not required to incorporate solid walls, false bases to benches and kickplates.

Fire safety

- i) A fire blanket and fire extinguisher, with appropriate instructions for use, are to be installed in the kitchen area.
- ii) Deadlocks requiring an internal key release are not to be installed on doors to guest's rooms or external doors.
- iii) Approved single-station smoke detector alarms (connected to a permanent 240 volt supply with a battery operated back-up device) are to be installed in all habitable rooms (excluding kitchens) and all corridors, passageways or hallways.

Sound proofing

Where the proposal involves a new building or extensions to an existing building, the walls separating guest bedrooms are to achieve a sound transmission rating in accordance with the *Building Code of Australia*. Walls separating a guest bedroom from an adjacent bathroom, kitchen, toilet, laundry or stairway are to achieve a sound transmission rating in accordance with the *Building Code of Australia*.

Signage

- i) Council will approve (1) non-illuminated sign of a maximum area of 0.75sqm.

- ii) The sign is to indicate that the dwelling house is bed and breakfast accommodation and include the name and telephone

Backpackers Accommodation

- i) Backpacker accommodation is to be located with 400m of public transport.
- ii) The number of people a sleeping room can accommodate will be determined by allocating a minimum of 3.25m² of floor area for each person.
- iii) The maximum length of stay for guests is 28 consecutive days.
- iv) The minimum combined floor area of communal areas including kitchen and living areas (excluding toilets, bathrooms and laundries) is to be determined on a basis of 1.75m² per person based on the maximum number of guests. At least one of these communal areas should have a minimum area of 20m² with a minimum dimension of 3 metres.
- v) Toilet facilities are required to be provided in a separate compartment from the shower/bathroom.
- vi) Rooftop terraces are not permitted.
- vii) Developments are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbours by locating:
 - a) The main entry point and indoor and outdoor communal areas away from side boundary areas near adjoining properties, and away from the main living area or bedroom windows of any adjacent buildings;
 - b) Screen fencing, plantings and acoustic barriers in appropriate locations; and
 - c) Double glaze windows or glass blocks where noise transmission could affect neighbouring properties.
- viii) An acoustic assessment prepared by an appropriately qualified consultant including recommended noise attenuation measures is to be submitted with a development application.
- ix) Exhausts/motor units and generators should be housed in acoustic enclosures or located in areas away from living or sleeping rooms, within the building or adjacent properties.

Hotel or Motel Accommodation & Serviced Apartments

- i) The maximum permitted length of stay is 3 months for motels and hotels.
- ii) Sleeping rooms are to provide a minimum of 5.5m² per occupant.
- iii) Serviced apartments are to be designed so that the level of residential amenity within each apartment is equivalent to that required to be provided within residential flat buildings.
- iv) A wash tub, washing machine and clothes drying facilities shall be provided within each serviced apartment.
- v) Buildings shall be orientated and designed to minimise potential impacts of the development on the surrounding residential amenity.

Variations

Variations may be considered where the development meets the outcomes of the control.

Advisory Notes

All development must comply with the *Building Code of Australia*.

C2.14 Commercial Swimming Pools

Land to which this control applies

All Land

Uses to which this control applies

Business Development

Other Development

Outcomes

Improvement in the quality and operation of commercial recreational/educational swimming pool operations, both in commercial areas and residential areas, giving due regard to the sensitivity of Pittwater's natural and built context. (Ec)

Encouragement of a high standard of educational and recreational pool development of a design that fits into the context of, and is sensitive to the existing surrounding locality and protects Pittwater's environmental integrity. (En, S, Ec)

Encouragement of the adequate provision for all matters associated with commercial swimming pools, providing for appropriate car parking, health regulations and acoustic controls and design. (S, Ec)

Controls

Design

The pool coping should be located a minimum 4 metres from any residential boundary. Within this area a maximum width of 1 metre of pool concourse would be allowed. The area between the pool concourse and any dividing fence should be landscaped with adequate species of plants and trees that would have the effect of visually screening the pool area from the neighbours.

Acoustic

In a residential area or where the pool adjoins residential development, the development must meet Environmental Protection Authority's Guidelines with regard to noise. Any acoustic controls that are needed to comply with the guidelines are to be of an acceptable aesthetic standard in terms of height, design, colour and location.

Carparking

Adequate car parking is to be provided in accordance with this DCP. In the residential area one car space must be provided for each person attending a tuition period (note: where more than one pupil are members of the same family group, only one car parking space is required for the family group) plus two spaces for residents.

In this regard, particularly in residential areas, due regard must be had to the provision of carparking on site for all patrons, taking into account the overlap of the sessions of use of the commercial swimming pool, which must be a minimum of 15 minutes between classes.

Class numbers must be limited to ensure adequate parking is available for the vehicles of all people in attendance.

Health/Safety

- a) The pool area and its surrounds should be kept in a clean and healthy state.
- b) The pool area should be fenced in accordance with the [Swimming Pools Act 1992](#), to provide for safety to children.
- c) Compliance with the [Public Health Act 2010](#), [Public Health Regulation 2012](#) and the [Public Swimming Pool and Spa Pool Advisory Document \(NSW Health 2013\)](#).
- d) A register of water quality testing is to be maintained for inspection. In this regard the register is to be provided to Council on an annual basis. Water quality testing is to be carried out by a registered or qualified practitioner.
- e) No dogs or animals should be allowed to enter into the designated area of public recreation/education at any time.
- f) Any proposed commercial swimming pool must be conducted by a suitably qualified/accredited teacher of swimming and water safety. Proof of this qualification must be submitted with the application and displayed in a visually prominent position in the pool area.
- g) Access to toilet facilities shall be made available for patrons of the pool.
- h) A qualified person in swimming and water safety is to be on duty at all times the commercial swimming

pool is operating. This person is also to be trained in resuscitation techniques by a recognized course.

- i) Appropriate water safety, first aid and resuscitation equipment is to be provided at the pool side at all times of the pool operating. A current qualified person (also trained in resuscitation techniques) is to be at pool side at all times of the operation. The qualified persons accreditation documents in water safety, first aid and resuscitation are to be prominently displayed in the pool area.
- j) The operation must be conducted in full awareness of the potential hazard of solar radiation and appropriate protection provided.
- k) Appropriate public liability insurance is to be obtained and evidence of annual renewal of this cover be provided to Council.
- l) The storage and handling of bulk chemicals must be in accordance with the requirements of WorkCover NSW.
- m) Sanitary Facilities shall be provided in accordance with the *Building Code of Australia*.

Variations

Nil

Advisory Notes

Where it is proposed to convert an existing residential pool to a commercial use and where the operation cannot comply with the standards in this part, Council will not approve such a conversion.

C2.15 Car/Vehicle/Boat Wash Bays

Land to which this control applies

All Land

Uses to which this control applies

Business Development

Occupation/change of use of an existing premises

Rural industry

Outcomes

Prevention of pollution from entering the stormwater system. (En)

Prevention of stormwaters from entering the sewer system. (En)

Controls

A designated wash bay is to be incorporated on the site.

The wash bay must be designed and constructed so as to not allow polluted waters to enter the stormwater drain and stormwaters do not enter the sewer.

Variations

Where the use of vehicles or boats is not part of the activity associated with the proposed development this control does not apply.

C2.16 Undergrounding of Utility Services

Land to which this control applies

All Land not including the Warriewood Valley locality

Uses to which this control applies

Business Development

Rural industry

Shop top housing

Outcomes

Visual pollution by aerial cables is reduced. (En, S)

Improved safety by removal of visual clutter. (En, S)

Opportunities for street tree planting is enhanced. (En)

Safety of building occupants is maintained and enhanced. (S)

Security of utility services is improved. (S)

Design and construction of undergrounding is funded by the developer. (Ec)

Controls

All existing and proposed utility services within the site are to be placed underground or encapsulated within the building.

All existing and proposed utility services to the site, or adjacent to the site within a public road reserve, are to be placed underground for the total frontage of the site to any public road.

Design and construction of the undergrounding of utility services is to be at full cost to the developer.

Variations

Based on technical practicalities and advice from the energy supplier the merit for not proceeding with undergrounding of utility services will be considered for the following circumstances subject to achieving the outcomes of this control:

- electricity wires carrying 16,000 volts, 33,000 volts or more, and/or
- short lengths of overheads of two spans or less

C2.20 Public Road Reserve - Landscaping and Infrastructure

Land to which this control applies

All land in the Pittwater LGA including the Pittwater waterway but NOT including the Warriewood Valley locality and Elanora Heights Village Centre

Uses to which this control applies

Business Development
Rural industry
Shop top housing
Tourist and visitor accommodation

Outcomes

Achieve the desired future character of the locality.
Consistency in the design and construction of landscape works in the road reserve.

Controls

A) Development located in commercial centres

Development located in commercial centres with frontage to a public road reserve requires the design and construction of the paving area, kerb and gutter, the making good of the road pavement from the kerb and gutter to the road centre line, streetlighting and soft landscaping to the full width of the development site on the public road reserve frontage to the development.

Infrastructure Design Criteria - Commercial Centres

All works within the road reserve areas are to be in accordance with masterplans as proposed for the individual commercial precincts. All applicants should make themselves aware of Council's short and long term works proposed for the Commercial centres.

The owner/builder/strata manager will be responsible for failures within the pavement/landscape works for the period of the defects liability period being 12 months from the issue of occupation certificate.

The Strata Management for the subject development will be responsible for the maintenance and on going upkeep of garden/landscape areas located within the property frontage public road reserve area.

A minimum of 2 seats (street furniture Australia Plaza Seat with back and arm rests or equivalent) to be provided to property frontage.

All road reserve areas within designated shop top housing precincts are subject to Council's *Pittwater Streetscape Management Guidelines*.

All utility pits as located in the road reserve frontage are to be replaced if more than 12 months old. Replacement of pits to be liaised and approved by relevant utility authorities with evidence of such submitted prior to release of the Occupation Certificate.

Stormwater discharge line located within the road reserve from building to kerb and gutter are to be installed using a steel rectangular hollow sections or similar to provide structural support to the paving over.

Landscaping Design Criteria - Commercial Centres

Landscaping within the public road reserve is to include street trees planted to the road reserve frontage of the development placed in accordance with any Masterplan requirements. Where there is no Masterplan requirement trees are to be planted at 1 tree per 6 linear metres of frontage.

Street trees are to be planted so as not to obstruct the free passage of pedestrians along the road reserve.

Street trees should not interfere with existing power lines.

All existing trees over 3m in height and native vegetation within the road reserve area are to be retained where practical. The existing trees are to be protected during construction work by placement of perimeter fencing that is 1.8m high.

New tree planting are to be a minimum 400 litre size with 1m x1m hole and backfilled with suitable planting medium.

Trees are to be appropriately supported by two stakes (minimum 50mm x 50mm) with hessian ties.

All new pavements in Commercial Centres are to be unit pavers as the following schedule:

- Avalon - Paver Type - Header Course - CM 60mm Plazapave Harvest Gold (290x60mm)
 - Infill Paver - CM 60mm Plazapave Avalon Sand (290x60mm)
 - Pattern - Header course to shopfront, kerb, boundary edges of Harvest Gold infilled with Avalon Sand in stretcher course of 45 degree angle to kerb/shopfront
- Newport - Paver Type - Claypave Pittwater Council 'Monarch Tan' (230x115x50mm)
 - Pattern - Header course to shopfront, kerb, boundary edges infilled with 45 degree Herringbone pattern
- Mona Vale - Paver Type - Grant (600x300x30mm) Exfoliated/Top Flamed with 2mm bevel edge
 - Pattern - Stretcher bond
 - All nominated paving types to be laid on 30mm sand/cement mix over 100mm 20mpa biscuit slab or 400mm compacted DGB (engineer certified) sub-base to be independently certified by a registered engineer for CBR compaction prior to installation.

The perimeter of paving areas are to be fixed with a concrete haunch of at least 150mm thickness.

B) Development located outside commercial centres

Landscaping General - All Development

Landscaping in the public road reserve is to include street trees planted to the road reserve frontage of the development placed at 6m centres.

Street trees are to be planted so as not to obstruct the free passage of pedestrians along the road verge and not interfere with existing power lines.

Tree species are to be a minimum 400 litre size with 1m x1m hole and backfilled with planting medium. Trees are to be staked with 2/50mm x 50mm stakes with hessian ties.

All existing trees over 3m in height and native vegetation and trees within the road reserve areas are to be retained where practical. Such trees are to be protected through perimeter 1.8m high temporary fencing during the construction of works.

Selected species are to as per the existing adjacent street trees or native species to the area.

Council encourages the use of local endemic native species according to the list of local native species in Pittwater

http://www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants/species_lists

Grassed areas are to be turfed with Couch species (weed free) and even grade to a maximum 4% grade.

- i) Development up to 1000sq m Gross Floor Area- Landscaping and Infrastructure
Development with frontage to a public road reserve requires the design and construction of a footpath 1.5m wide (2.1m wide where a multi-use pathway is required to be installed), kerb and gutter and landscaping for the full width of the development site on the public road reserve frontage to the development.
- ii) Development greater than 1000sq m Gross Floor Area- Landscaping and Infrastructure
Development with frontage to a public road reserve requires the design and construction of a footpath 1.5m wide (2.1m wide where a multi-use pathway is required to be installed), kerb and gutter, the making good of the road pavement from the kerb and gutter to the road centre line, street lighting and landscaping for the full width of the development site on the public road reserve frontage to the development.

Making good of the road pavement shall be to the following engineering standard Asphaltic Concrete finish:

- Sub-arterial road: 4 x106 ESA's
- Collector road 2 x106 ESA's
- Local road 6 x105 ESA's
- Access road 1 x105 ESA's

Variations

Where the landscaping or infrastructure in the public road reserve currently exists, the requirements of this

Control in respect to the specific landscaping or infrastructure item need not apply.

Where the landscaping or infrastructure in the public road is located on steep terrain, the landscaping and infrastructure requirements will be considered on merit.

Variations of deciduous trees are to be considered for solar access.

Advisory Notes

For specific controls in relation to the Public Road Reserve - Landscaping and Infrastructure in Elanora Heights Village Centre, refer to Part D5.35 of this DCP.

C2.21 Food Premises Design Standards

Land to which this control applies

All Land

Uses to which this control applies

Business Development

Occupation/change of use of an existing premises

Controls

Compliance with Australia New Zealand Food Standards Code 3.2.3 (Food Premises and Equipment).

Compliance with Australia Standard *AS 4674-2004: Construction and fit-out of food premises*

Mechanical Ventilation systems are to be designed, manufactured, installed, operated and maintained in accordance with:

- i) Australian Standard *AS 1668.1:1998 The use of ventilation and air conditioning in buildings Part 1 - Fire and smoke control in multicompartment buildings*
- ii) Australian Standard *AS 1668.2:2012 The use of mechanical ventilation and air conditioning in buildings Part 2 - Mechanical ventilation in buildings.*

Mechanical Ventilators or other air conditioning equipment shall be screened from view from public and private domain to avoid clutter on the side, front and rear walls of development in the Elanora Heights Village Centre.

Food businesses must ensure that the premises are provided with the necessary services of water waste disposal, light ventilation, cleaning and personal hygiene facilities, storage space and access to toilets.

Variations

Nil

C2.22 Plant, Equipment Boxes and Lift Over-Run

Land to which this control applies

All Land not including the Warriewood Valley locality.

Uses to which this control applies

Business Development

Occupation/change of use of an existing premises

Shop top housing

Outcomes

To achieve the desired future character of the Locality.

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To achieve reduction in visual clutter. (En, S)

The appropriate location and design of noise generating equipment.

Controls

Where provided, plant and equipment boxes and lift over-runs are to be integrated internally into the design fabric of the built form of the building.

Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.

Variations

Subject to achievement of the outcomes of this control, consideration may be given to the location of plant, equipment boxes and lift over-runs on the roof a building where it can be shown that there will not be a non-compliance with Council's built form controls including building height and building envelope.

Where located on the roof any plant, equipment boxes and lift over-runs are to be adequately screened from view from adjoining properties and the public domain.

C2.23 Service Stations

Land to which this control applies

All Land

Uses to which this control applies

Service station

Outcomes

To ensure service stations are appropriately located with minimal adverse impacts on vehicular traffic and pedestrian movement.

To minimise adverse impacts on surrounding land uses.

Controls

A building or work shall not be erected or used, and land shall not be used for the purpose of a service station unless:

- a) the site is more than 90 metres from the junction or intersection of a main or arterial road, with another main or arterial road;
- b) where the site has frontage to a main or arterial road -
 - (i) the Traffic Authority of New South Wales has been consulted; and
 - (ii) where the site is not a corner lot, the frontage to the road is not less than 38 metres, or, where the site is a corner lot, the frontage to the road is not less than 30 metres;
- c) where the site has frontage to a road other than a main or arterial road, the frontage is not less than 30 metres;
- d) the width of a vehicular crossing over a footpath is not more than 9 metres;
- e) any a vehicular crossing over a footpath is not closer than 6 metres to a road intersection;
- f) separate entrances to and exits from the site are provided and those entrances and exits are separated by physical barriers constructed on the road alignment and so identified by suitable signs readily visible to persons using the adjoining road or entering;
- g) where the site is a corner lot, separate entrances and exits are provided to and from each of the adjoining roads and a physical barrier is erected so that a vehicle entering a site must, when leaving it, use an exit leading only to the road from which the entrance was gained;
- h) inlets to bulk fuel storage tanks are so situated on the site as to ensure that tankers, while discharging fuel into such tanks, shall stand wholly within the site;
- i) fuel pumps are within the site not closer than 3 metres to the road alignment;
- j) the layout of the site is such as to facilitate the movement of vehicles entering into or leaving the site with the flow of traffic on the adjoining road;
- k) vehicular access to or from the site from or to an adjoining road is situated not less than 24 metres to any traffic lights on the roads; and
- l) the site is suitably landscaped.

Variations

Nil.

Advisory Notes

Nil

C2.24 Take-away Food Premises

Land to which this control applies

All Land

Uses to which this control applies

Food and drink premises

Outcomes

To ensure food and drink premises are appropriately located with minimal adverse impacts on vehicular traffic and pedestrian movement.

To minimise adverse impacts on surrounding land uses, including parking.

Controls

A food and drink premise, that includes a drive-in or drive-through component shall not be erected or used unless the following conditions are complied with:

- a. the site area is not less than 1,000m²;
- b. where the site has a frontage to a main or arterial road, the frontage is not less than 27 metres; and
- c. where the site has a frontage to any other road, the frontage is not less than 21 metres; and
- d. the vehicle crossing is not:
 - i. less than 6 metres wide;
 - ii. closer than 9 metres to another vehicular crossing on the site; or
 - iii. closer than 7.6 metres to a road intersection.

Variations

Nil.

Advisory Notes

Nil.

C3 DESIGN CRITERIA FOR INDUSTRIAL DEVELOPMENT

This part contains general design criteria relating to industrial development.

This part applies to all forms of industrial development, including but not limited to:

- Boat building and repair facilities
- Crematorium
- Depots
- Freight transport facilities
- Industrial retail outlet
- Industrial training facilities
- Light industries
- Mortuaries
- Storage premises
- Transport depot
- Truck depot
- Vehicle body repair workshops
- Vehicle repair stations
- Warehouse or distribution centres
- Waste disposal facilities
- Water supply systems
- Wholesale supplies

C3.1 Landscaping

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park not including the Warriewood Valley locality.

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

A built form softened and complemented by landscaping. (En)

Landscaping that reflects the scale and form of development. (En)

Water Sensitive Urban Design. (En)

Controls

A range of low-lying shrubs, medium-high shrubs and canopy trees shall be provided to soften the built form.

Landscaping shall reflect the scale and form of development, and shall be incorporated into the building design through setback and modulation.

Landscaping shall not unreasonably obstruct driver and pedestrian visibility.

Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used, to prevent interference with the built form.

All canopy trees, and a majority (>50%) of other vegetation, shall be locally native species.

Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries.

Noxious and undesirable plants must be removed from the site.

Variations

Nil

Advisory Notes

For species lists please refer to Pittwater Council's *Native Plants for your Garden* available on Council's website.

For specific details on landscaping refer to [Appendix 9 -Landscape and Vegetation Management](#) of this DCP.

As part of the landscaping works associated with the development any existing variety of Leightons cypress pine / Leyland cypress (xCupressocyparis leylandii) on the site are to be identified and nominated for removal and replacement planting consistent with Council's *Native Plants for Your Garden* guidelines and relevant identified 'vegetation community' provided (details of which are available on Council's website at www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants).

C3.2 Safety and Security

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park not including the Warriewood Valley locality

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

On-going safety and security of the Pittwater community. (S)

Opportunities for vandalism are minimised. (Ec, S)

Inform applicants of Council's requirements for crime and safety management for new development. (S)

Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements. (S)

Identify crime and safety priority areas in Pittwater LGA. (S, Ec)

Improve community safety and reduce the fear of crime in the Pittwater LGA. (S)

Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)

Controls

There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:

1. Surveillance

Building design should allow visitors who approach the front door to be seen without the need to open the door.

Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.

Development design and design of the public domain is to minimise opportunities for concealment and avoid blind corners.

Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting*.

Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.

Where provided, public facilities (toilets, telephone etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces.

Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.

2. Access Control

Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.

Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.

Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.

The street number of the property is to be clearly identifiable.

Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.

3. Territorial reinforcement

Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct

entrance and away from private areas.

Blank walls along all public places (streets, open space etc) shall be minimised.

4. Space Management

Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.

Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.

A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.

Variations

Nil

C3.3 View Sharing

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park

Uses to which this control applies

Industrial development

Outcomes

Maintain reasonable sharing of views from public places and living areas. (S)

No one development is sited to maximise the views of its occupants to the exclusion of adjoining residences. (S)

Public views and vistas are protected, maintained and where possible, enhanced. (S)

Canopy trees take priority over views. (En, S)

Controls

Building lines and height are to be sympathetic to the topography of the site and to maintain a reasonable sharing of views available from surrounding and nearby properties and those available to the public from nearby public domain areas.

Variations

Nil

Advisory Notes

Visit: Tenacity vs Warringah

http://www.legislation.nsw.gov.au/legislation/principles/planning_principles.html

for planning principles.

Refer to Part D10.26 of this DCP for additional controls in relation to views in the Newport commercial centre.

Where there is the potential for view loss to adjoining residential developments and / or public viewing points, an assessment of the view loss, supported by a clearly documented photographic analysis shall be provided.

It may also be appropriate that height poles be erected to demonstrate the impact of the finished development on view lines.

Where height poles are erected, a statement by a Registered Surveyor should be provided certifying the height and location of the poles in relation to the proposed structures.

C3.4 Accessibility

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park not including the Warriewood Valley locality

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

The community's accessibility needs are met within Pittwater through well designed adaptable development.

(S)

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

Equitable access in the public domain. (S)

Controls

Convenient and safe access for all people, including people with a disability, older people, and people with prams, must be provided to and within all buildings to which the general public have access.

The siting and design of a building to which the general public has access shall comply with Australian Standard *AS 1428-2009.1: Design for access and mobility – General requirements for access – New building work*, and shall incorporate the following:

- i) continuous accessible path of travel to all areas that the public or a section of the public is entitled or allowed to enter or use; and
- ii) walkways, ramps and landings at a reasonable gradient and width, with handrails and kerbs provided on all ramps, and slip-resistant materials on all floor surfaces; and
- iii) accessible toilet facilities, tactile ground surface indicators, effective signage and illumination, and adequate circulation space through passageways and doorways; and
- iv) carparking for people with a disability.

This clause applies to development that involves:

- a) a new building to which the general public has access;
- b) major alterations and additions to an existing building to which the general public has access; and
- c) alterations to the shopfront/entrance of an existing building to which the general public has access.

Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain.

Development shall include design and construction of the footpath, cycleway, kerb and guttering, drainage facilities, street furniture, street lighting and landscaping and make good the adjacent road and pavement for the full frontage of the site to any public road at full cost to the developer.

The design and construction shall be in accordance with the Village Streetscape Masterplans.

Development within areas subject to flooding must provide for access on land in private ownership. In this regard ramps must not encroach into the public domain.

Variations

Council may consider non-compliance with this clause where alterations to an existing public administration building to which the general public has access are proposed if it would impose unjustifiable hardship on the owner or occupant.

Council may consider variation to controls relating to the public domain where there is 50 square metres or less increase in gross floor area

C3.6 External Storage Areas

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park not including the Warriewood Valley locality

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

External storage areas integrate with the site and are effectively screened when viewed from a public place.
(S)

Controls

External storage areas are to be effectively screened from view.

External storage areas should not encroach on parking areas, driveways or landscaped areas.

External storage areas are not to interfere with the amenity of the locality due to smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, or otherwise.

Variations

Nil

C3.7 Pollution Control

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

Development does not adversely impact on public health, the environment or other lands. (En, S)

Controls

Industrial premises must be designed, constructed, maintained and operated in a proper and efficient manner to prevent air, water, land or noise pollution.

Development and business operation must comply with the [Protection of the Environment Operations Act, 1997](#), and any relevant legislation.

Development and business operation must comply with the [Environment Protection Authority's NSW Industrial Noise Policy, January 2000](#).

Variations

Nil

Advisory Notes

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required by the occupier of land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under Section 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Environment Protection Authority's website at <http://www.epa.nsw.gov.au/waste/>

C3.8 Building Facades

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park not including the Warriewood Valley locality

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

Improved visual aesthetics for building facades. (S)

Controls

Building facades to any public place and including carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.

Variations

Council will consider the incorporation of service pipes or conduits into facades where treated as a design element of the facade.

C3.9 Energy and Water Conservation

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park not including the Warriewood Valley locality

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

More efficient use of resources in Pittwater. (En)

The orientation, design and siting of buildings makes the best use of natural ventilation, daylight and solar energy. (En)

Water sensitive urban design. (En)

Controls

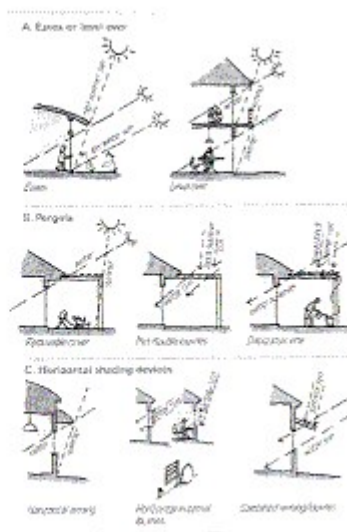
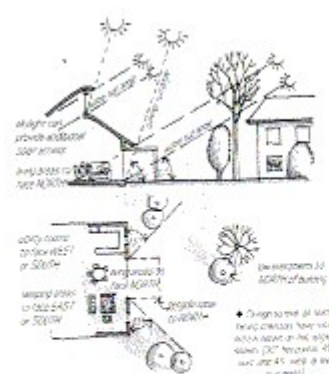
Buildings shall be designed to be energy and water efficient



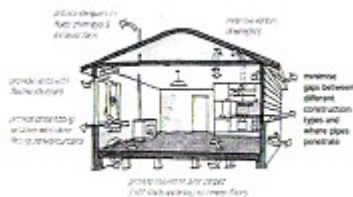
All new hot water systems must be either solar, heat pump or gas and must have a minimum rating of 3.5 stars.

Water efficient appliances shall be used in all development (including AAA rated water efficient shower heads, water tap outlets and dual flush toilets).

Windows are to be sized, located and shaded (by structures or vegetation) to reduce summer heat and allow entry of winter sun. Deep eaves are required to achieve this where appropriate, in addition to other horizontal shading devices, such as verandahs, pergolas, awnings, and external horizontal blinds.

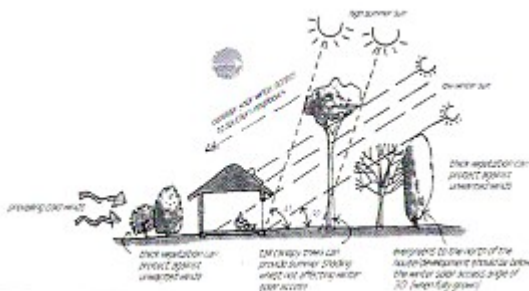


Buildings are to be designed to maximise ventilation in summer. This can be achieved by positioning openings (windows and doors) to prevailing summer winds to encourage cross ventilation, and the installation of fans, roof vents and high level windows.



Buildings are to be constructed of materials which best minimise winter heat loss and summer heat gain. Insulation is a vital component of energy-efficient design in all climates and is to be incorporated, conforming with relevant Australian Standards.

The species type, location and design of landscape planting are to assist in the conservation of energy.



Solid fuel or wood burning appliances must comply with Australian Standard AS 4013-1999: *Domestic solid fuel burning appliances – Method for determination of flue gas emissions* or any subsequent amending standard.

The installation of in-sink food waste disposers in any development is prohibited.

Variations

Nil

C3.10 Waste and Recycling Facilities

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park.

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

Adequately sized, accessible, convenient waste and recycling facilities that integrate with the development. Waste and recycling facilities located such that they do not adversely impact upon amenity of the adjoining development or natural environment.

Controls

All waste and recycling materials shall be contained within an approved enclosure and adequate vehicular provision is to be provided to remove waste.

Waste and recycling enclosures are to be provided at or behind the front, side and rear setback requirements contained within the controls of this document. This enclosure shall not occupy parking or landscaped areas.

The waste and recycling enclosure is to be of an adequate size, integrated with the building design and site landscaping, suitably screened, and located for convenient access for collection.

For larger scale development more than one waste and recycling enclosure may be appropriate.

The waste and recycling enclosure/s shall be designed as follows:

- constructed of solid material, cement rendered and steel, trowelled to a smooth, even surface and made vermin proof. Framing in timber is not permitted;
- the floor shall be of impervious material covered at the intersection with the walls, graded and drained to an approved floor waste within the enclosure. Wastewaters shall be drained to the sewer;
- stormwater shall not enter the floor of the enclosure such that the sewer system will be contaminated by rainwater;
- the enclosure is to be roofed. Roof water shall be directed to an approved stormwater disposal system;
- enclosures shall be vented to the external air by natural or artificial (mechanical ventilation) means. The installation and operation of the mechanical ventilation system shall comply with Australian Standard *AS/NZS 1668.1 1998: The use of ventilation and air conditioning in buildings – Fire and smoke control in multi-compartment buildings* and Australian Standard *AS 1668.2:2012: The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings*; and
- hot and cold water hose cocks shall be located within the enclosure.

For Shop Top Housing developments the residential waste and recycling enclosure is to be physically separated from the commercial/trade waste and recycling enclosure.

Variations

Nil

Advisory Notes

Floor plans shall clearly show the location and dimension of waste and recycling storage facilities proposed on the site.

For specific controls in relation to the Waste and Recycling Facilities for the Elanora Heights Village Centre, refer to Part D5.46 of this DCP.

C3.12 Signage

Land to which this control applies

Land zoned IN2 Light Industrial

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

Signage is are compatible with the desired amenity and visual character of the locality. (S)

Signage does not adversely impact upon any heritage item or conservation area. (S)

Signage does not result in visual clutter of the landscape. (S)

Signage is of high quality design and finish. (S)

Controls

Signage shall meet the following criteria:

Sign	Criteria
Awning fascia sign (attached to the fascia or return end of an awning)	i) shall not project above, below or beyond the fascia or return end of the awning to which it is attached.
Freestanding sign (not being a sign elsewhere listed in this table, and includes a hoarding, bulletin board, list of businesses within a complex, and the like)	i) shall not have a signage area greater than 4.5sq m; ii) shall not project beyond the boundary of the premises; iii) shall not extend beyond the height of the built form within whose context it sits; and iv) shall not be illuminated.
Pole or pylon sign (erected on a pole or pylon independent of any building or other structure)	i) shall not be less than 2.6m above ground; ii) shall not have a signage area greater than 4.5sq m; iii) shall not project beyond the boundary of the premises; and iv) shall not extend beyond the height of the built form within whose context it sits.
Top hamper sign (attached to the transom of a doorway or display window of a building)	i) shall not extend beyond any building alignment or below the level of the head of the doorway or window within the building upon which it is attached; ii) shall not exceed 600mm in height; and iii) shall not have a signage area greater than 5sq m.
Under awning sign (attached to underside of awning)	i) shall not exceed 2.5m in length or 0.5m in height; ii) shall have a signage area not exceeding 1.25sq m each side; iii) shall be erected horizontal to the ground no less than 2.6m above the ground, and at right angles to the building to which the awning is attached; iv) shall not project beyond the awning; v) shall be securely fixed by metal supports; and vi) no more than one per business permitted.

Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	<ul style="list-style-type: none"> i) shall not extend laterally beyond the wall of the building upon which it is attached; ii) shall not cover any window or architectural projections; iii) shall not have a signage area greater than 4.5sq m; iv) where illuminated, shall not be less than 2.6m above the ground; and v) shall not project more than 300mm from the wall.
Window sign (painted or letters stuck onto the inside or outside of a display window)	<ul style="list-style-type: none"> i) shall not cover the whole of the display window so as to obstruct natural light; ii) shall only be permitted on ground floor windows.

The diagram below illustrates different types of signage.

No more than 1 sign per allotment shall be permitted in the building setback to a road.

No more than 1 sign per allotment shall be erected on a building elevation visible from a road.

Signage for individual units within an industrial premises may be permitted provided signage is of a uniform design and harmonious with the architectural integrity of the building.

Within the Warriewood Valley Locality, the following additional controls apply:

- a) floodlighting and illumination of signage shall not be permitted
- b) pole or pylon signage shall not be permitted
- c) signs fronting Warriewood Road shall not be permitted

The following signage shall not be permitted in Pittwater:

- a) where erected on or above the roof, canopy, or parapet of a building
- b) where attached to the upperside of an awning
- c) where attached to the wall of a building and projecting more than 300mm from that wall
- d) where illuminated at frequent intervals (i.e. flashing)
- e) where capable of movement by source of power or wind
- f) where illuminated (within a residential zone)
- g) where the proposal incorporates bill/fly posters, bunting and airborne signage, including hot air balloons, blimps, and the like
- h) where located on motor vehicles and which renders the motor vehicle stationary



Variations

Nil

Advisory Notes

Certain signage is permitted without Council consent, see Schedule 2 of *Pittwater Local Environmental Plan 2014* and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

State Environmental Planning Policy No. 64 Advertising and Signage must be considered prior to granting consent for the display of any signage.

C3.13 Industrial Development Adjoining Residential Land

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park not including the Warriewood Valley locality

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

Industrial development that does not have an adverse impact upon adjoining residential development. (S)

Maintenance of a reasonable level of solar access and visual privacy to residential properties. (En, S)

Controls

Where industrial development adjoins land zoned or used for residential purposes, the following apply:

Solar access

The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.

Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).

Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.

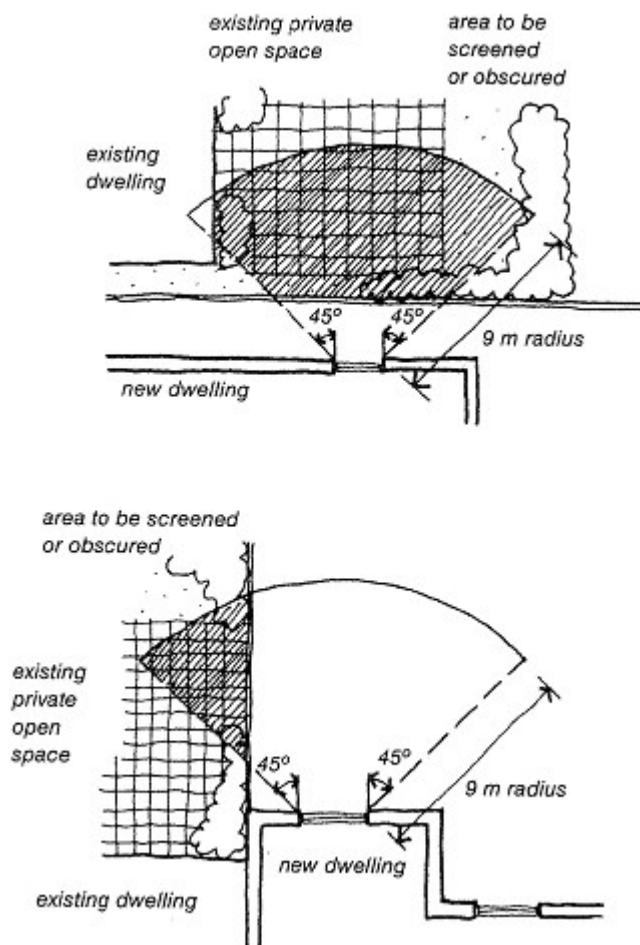
Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.

Privacy

Private open space and living rooms of any existing adjoining dwellings may be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).

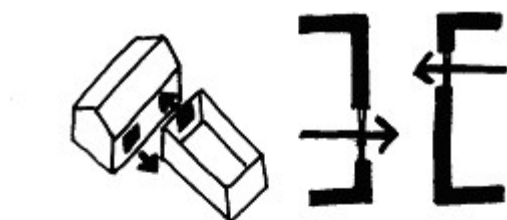
Elevated decks, verandahs and balconies may incorporate privacy screens where necessary and should, where possible, be located at the front or rear of the building. Such areas shall not be modified to be incorporated into the dwelling.

Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.



Direct views of private open space or any habitable room window within 9 metres may be restricted (see diagram below) by:

- vegetation/landscaping
- a window sill height 1.7 metres above floor level, or
- offset windows
- fixed translucent glazing in any part below 1.7 metres above floor level, or
- solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:
 - permanent and fixed;
 - made of durable materials; and
 - designed and painted or coloured to blend in with the house.



◆ ensure that windows are off set

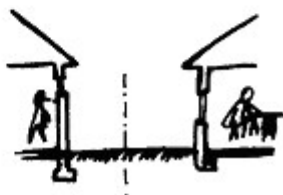


◆ locate balconies to avoid overlooking



◆ minimise overlooking by use of vegetated screens

◆ inhibit overlooking by raising sill height to 1.7 metres



Variations

Nil

C3.14 Car/Vehicle/Boat Wash Bays

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

Prevention of pollution entering the stormwater system. (En)

Prevention of stormwaters from entering the sewer system. (En)

Controls

A designated wash bay is to be incorporated on the site.

The wash bay must be designed and constructed so as to not allow polluted waters to enter the stormwater drain and stormwaters do not enter the sewer.

Variations

Where the use of vehicles or boats is not part of the activity associated with the proposed development this control does not apply.

C3.15 Undergrounding of Utility Services

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park not including the Warriewood Valley locality

Uses to which this control applies

Industrial development

Outcomes

Visual pollution by aerial cables is reduced (En, S)
Improved safety by removal of visual clutter (En, S)
Opportunities for street tree planting is enhanced (En)
Safety of building occupants is maintained and enhanced. (S)
Security of utility services is improved. (S)
Design and construction of undergrounding is funded by the developer. (Ec)

Controls

All existing and proposed utility services within the site are to be placed underground or encapsulated within the building.

All existing and proposed utility services to the site, or adjacent to the site within a public road reserve, are to be placed underground for the total frontage of the site to any public road.

Design and construction of the undergrounding of utility services is to be at full cost to the developer.

Variations

Based on technical practicalities and advice from the energy supplier the merit for not proceeding with undergrounding of utility services will be considered for the following circumstances subject to achieving the outcomes of this control:

- electricity wires carrying 16,000 volts, 33,000 volts or more, and/or
- short lengths of overheads of two spans or less

C3.18 Public Road Reserve - Landscaping and Infrastructure

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park not including the Warriewood Valley locality

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

Achieve desired future character of the Pittwater locality. (S, Ec)

Ensure consistency in the design and construction of landscape works in the road reserve. (S, En)

Controls

Landscaping General - All Development

Landscaping in the public road reserve is to include street trees planted to the road reserve frontage of the development placed at 6m centres.

Street trees are to be planted so as not to obstruct the free passage of pedestrians along the road verge and not interfere with existing power lines.

Tree species are to be a minimum 400 litre size with 1m x1m hole and backfilled with planting medium. Trees are to be staked with 2/50mm x 50mm stakes with hessian ties.

All existing trees over 3m in height and native vegetation and trees within the road reserve areas are to be retained where practical. Such trees are to be protected through perimeter 1.8m high temporary fencing during the construction of works.

Selected species are to as per the existing adjacent street trees or native species to the area.

Council encourages the use of local endemic native species according to the list of local native species in Pittwater http://www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants/species_lists

Grassed areas are to be turfed with Couch species (weed free) and even grade to a maximum 4% grade.

All work is subject to a Section 139 approval from Council.

Development up to 1000sq m Gross Floor Area - Landscaping and Infrastructure

Development with frontage to a public road reserve requires the design and construction of a footpath 1.5m wide (2.1m wide where a multi-use pathway is required to be installed), kerb and gutter and landscaping for the full width of the development site on the public road reserve frontage to the development.

Development greater than 1000sq m Gross Floor Area - Landscaping and Infrastructure

Development with frontage to a public road reserve requires the design and construction of a footpath 1.5m wide (2.1m wide where a multi-use pathway is required to be installed), kerb and gutter, the making good of the road pavement from the kerb and gutter to the road centre line, streetlighting and landscaping for the full width of the development site on the public road reserve frontage to the development.

Note: Making good of the road pavement shall be to the following engineering standard Asphaltic Concrete finish:

- Sub-arterial road: 4 x106 ESA's
- Collector road 2 x106 ESA's
- Local road 6 x105 ESA's
- Access road 1 x105 ESA's

Variations

Where the landscaping or infrastructure in the public road reserve currently exists, the requirements of this control in respect to the specific landscaping or infrastructure item need not apply.

Where landscaping or infrastructure in the public road reserve is located in steep terrain, the landscaping and infrastructure requirements will be considered on merit.

C3.19 Food Premises Design Standards

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Controls

Compliance with Australia New Zealand Food Standards Code 3.2.3 (Food Premises and Equipment).

Compliance with Australia Standard *AS 4674-2004 Construction and fit-out of food premises*.

Mechanical ventilation systems are to be designed, manufactured, installed, operated and maintained in accordance with

- i) Australian Standard *AS 1668.1:1998 The use of ventilation and air conditioning in buildings Part 1- Fire and smoke control in multicompartment buildings*
- ii) Australian Standard *AS 1668.2:2012 The use of mechanical ventilation and air conditioning in buildings Part 2 - Mechanical ventilation in buildings*.

Food businesses must ensure that the premises are provided with the necessary services of water waste disposal, light ventilation, cleaning and personal hygiene facilities, storage space and access to toilets.

Variations

Nil

C3.20 Plant, Equipment Boxes and Lift Over-Run

Land to which this control applies

Land zoned IN2 Light Industrial, IN4 Working Waterfront, B6 Enterprise Corridor or B7 Business Park not including the Warriewood Valley locality

Uses to which this control applies

Industrial Development

Occupation/change of use of an existing premises

Outcomes

To achieve the desired future character of the Locality.

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To achieve reduction in visual clutter. (En, S)

The appropriate location and design of noise generating equipment.

Controls

Where provided, plant and equipment boxes and lift over-runs are to be integrated internally into the design fabric of the built form of the building.

Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.

Variations

Subject to achievement of the outcomes of this control, consideration may be given to the location of plant, equipment boxes and lift over-runs on the roof a building where it can be shown that there will not be a non-compliance with Council's built form controls including building height and building envelope.

Where located on the roof any plant, equipment boxes and lift over-runs are to be adequately screened from view from adjoining properties and the public domain.

C4 DESIGN CRITERIA FOR SUBDIVISION

C4.1 Subdivision - Protection from Hazards

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Subdivision

Outcomes

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

Controls

All subdivision is to be designed such that adequate building platforms/building areas are provided that have a low risk due to hazards including flood, landslip, bushfire, coastline and estuarine hazards.

The subdivision must not have any adverse affect or provide a threat on public or private infrastructure, assets and people in the vicinity.

Variations

Nil

C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Subdivision

Outcomes

Safe and functional access for vehicles, cyclists and pedestrians. (S)
Safe and convenient access and parking is provided on each lot.

Controls

(i) Off-Street Parking Requirements

The design of each individual lot created within the subdivision is to provide for off street parking facilities compatible with the proposed development uses for that lot.

(ii) Access Driveways (ie; driveway crossings)

A safe and functional access driveway must be designed and constructed from the road edge/kerb and gutter to the lot boundary for each individual lot within the subdivision as part of the subdivision works.

Only one driveway access to a public road is permitted for each lot.

(iii) Internal Driveways

The design of each individual lot created within the subdivision is to provide for an internal driveway compatible with the proposed development uses for each individual lot.

Where an internal driveway is located within a 'right of way' or proposed 'right of way', the internal driveway is to be designed and constructed as part of the subdivision works.

Variations

Access Driveways

Council may permit a second driveway access to a public road if the street frontage to the road is 30m or more, or where rear access to the lot is provided.

Internal Driveways

Consideration will be given on a merit basis where the applicant is proposing not to construct the internal driveway located within a right of way or proposed right of way as part of the subdivision works phase.

C4.3 Subdivision - Transport and Traffic Management

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Subdivision

Outcomes

Safe and orderly traffic and pedestrian access to and from all development via the surrounding road network and transport infrastructure. (En, S)

The cost of upgrading the surrounding road, traffic and transport infrastructure to meet the needs generated by the development is met by the developer. (S, Ec)

Controls

Where development generates pedestrian, traffic and transport requirements in excess of the capacity of the road and transport network, the capacity of the surrounding public infrastructure and transport network is required to be upgraded to at least match the additional demands generated by the development.

Any improvement works external to the development site, required to ensure the development complies with this control, must be provided as part of the development at the full cost to the applicant.

A traffic assessment is to be undertaken in accordance with the RTA *Guidelines for Traffic Generating Developments* or similar guidelines.

All proposed traffic facilities must comply with the Roads and Maritime Services and/or relevant Australian Standards and be approved by Council's Traffic Committee when on local roads or the Roads and Maritime Services on classified roads.

Variations

Where there is no increase in the number of lots this control may be dispensed with.

C4.4 Subdivision - Public Roads, Footpath and Streetscape

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Subdivision

Outcomes

Safe and orderly pedestrian and traffic access to and from all subdivision development. (S)

Design and construction of works is funded by the developer. (Ec)

Controls

Proposed public roads within the subdivision

Where the proposed public roads within the subdivision are to be dedicated to the Council, the design and construction of the road pavement, vertical kerb and gutter, footpaths (minimum 1.5m width) or cycleways (minimum 2.1m width), street lighting and landscaping to service the lots to be created shall be for the full width between the proposed lot boundaries within the subdivision land created as a road reserve by subdivision. The design and construction of works are to be funded by the applicant.

Subdivision to be created as a Community Title

Where a subdivision is to be created as a community title, allowing full public access, the design and construction of the road and pedestrian networks shall provide for full pedestrian and vehicular access and on-road parking as a public road network.

Subdivision adjoining a public road reserve

Where the subdivision adjoins a public road reserve, the subdivision shall include the design and construction of the perimeter road for half width construction including road pavement, vertical kerb and gutter, footpaths or cycleways (minimum 1.5m width or minimum 2.1m width where a cycleway is required), street lighting and landscaping, for full width of the development site frontage to all public road reserves and shall include any intersection to provide access the subdivision all at the full cost to the applicant.

Variations

Where the landscaping or infrastructure in the public road reserve currently exists to Council standard, the requirements of this control in respect to the specific landscaping or infrastructure item need not apply.

C4.5 Subdivision - Utility Services

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Subdivision

Outcomes

Adequate utility services capacity to meet the demands of subdivision development. (En, S)

Safety of building occupants being maintained and enhanced. (S)

Security of utility services is improved. (S)

Opportunities for street tree planting enhanced. (En)

Visual pollution by aerial cables is reduced. (En, S)

Improved safety by removal of visual clutter. (En, S)

Controls

All lots created within the subdivision are to be fully serviced by:

- Electricity
- Water
- Gas
- Communications
- Sewer

All existing and proposed utility services to the site (where not already located underground) are to be located underground within the proposed road reserve within the developed lands and within the lots created within the subdivision.

All utility services existing or otherwise located (where not already located underground) on the perimeter of the subdivision lands within the road reserve or within adjacent public reserves (within a distance of 6m from the boundary) are to be relocated underground for the width of the development site frontage to the public reserve or public road reserve.

Design and construction of the undergrounding of utility services are to be at full cost to the developer.

Variations

Based on technical practicalities and advice from the energy supplier the merit for not proceeding with undergrounding of utility services will be considered for the following circumstances subject to achieving the outcomes of this control:

- electricity wires carrying 16,000 volts, 33,000 volts or more, and
- short lengths of overheads of two spans or less

C4.6 Service and delivery vehicle access in subdivisions

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Subdivision

Outcomes

Safe and adequate service, delivery and removal of materials by vehicles within the development.

Controls

Roads and accessways within the subdivision are to be designed and constructed to accommodate access for waste, recycling, service, emergency and delivery vehicles.

Variations

Nil

C4.7 Subdivision - Amenity and Design

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Subdivision

Outcomes

Desired character of the locality.
Protection of the natural environment. (En)
Ecologically sustainable development. (En)
Minimal design constraints. (S)
Adequate access and services. (En, S)
Access driveways to public roads are minimised.

Controls

Subdivision Design

Subdivision should be designed to ensure that

- a) all properties, both existing and proposed, achieve/retain a level of amenity commensurate with the locality and the desired character of the area;
- b) the impact on the environment of the completed development (including buildings to be constructed on the proposed lots) has an acceptable impact on the environment.

A comprehensive site analysis taking into account the following characteristics is to be carried out as part of the subdivision design process. This analysis should take into account the final development which will occur on the site as a result of the subdivision. The analysis and resultant subdivision design should address the following issues:-

- the slope, topography and any natural features (e.g. creeklines);
- trees and vegetation (particularly trees worthy of retention);
- viewlines from within the proposed lots and from adjoining properties;
- solar access to the subdivision site;
- the side, rear and front setbacks of future dwellings and structures in relation to the proposed new boundaries and development on adjoining properties;
- the visual impact of built development which will occur as a result of the subdivision process (building height, bulk and scale, visual impact of buildings);
- the provision of vehicular access to the future buildings on the proposed lots;
- the provision of landscaping and/or recreation space for each proposed lot;
- the provision of onsite car parking on each proposed lot;
- the provision of services to each lot, including sewerage, water, electricity, communications and gas (where available);
- the provision of emergency services to each (bushfire, fire brigade, ambulance).

In order to address these issues, a building envelope area is to be nominated on each proposed lot within which any future building is to be contained. The application should clearly demonstrate that a building envelope can be built on site that has regard for the following:

- retention of trees and bushland,
- vehicular access,
- provision of services,
- provision of emergency services,
- and safety from hazard,
- A building which achieves the desired character of the area and is commensurate with the amenity standards of surrounding development, and does not overly impact on the environment, and can be erected within that envelope.

In this regard, an assessment of the buildings which will be erected as a result of the proposed subdivision is to be carried out demonstrating that the requirements and outcomes of the controls in this DCP which will apply to those buildings will be able to be complied with.

Usable Site Area

Where a right-of-carriageway to another lot is provided over a lot, the width of that right-of-carriageway shall not be more than 20% of the required minimum width of the lot over which it is located.

Where an allotment has a boundary dimension of 6.5 metres or less to a road, then the site area of the allotment shall be increased by 20% over that required for the area.

Variations

Nothing shall preclude land being added to an existing lot which complies with the design criteria notwithstanding that the final lot does not comply in regard to minimum width or width at a specific location.

C4.8 Subdivision - Landscaping on the Existing and proposed public road reserve frontage to subdivision lots

Land to which this control applies

All land in the Pittwater LGA not including the Pittwater waterway or Warriewood Valley land release area - P21DCP-BCMDCP037

Uses to which this control applies

Subdivision

Outcomes

Achieve the desired character of the locality.

Consistency of landscape works in the road verge. (S)

Controls

Landscaping General

Landscaping in the public road reserve is to include street trees planted to the road reserve frontage of the development placed at 6m centres.

Street trees are to be planted to encourage the free passage of pedestrians along the road verge and not interfere with existing power lines.

Tree species are to be a minimum 35 litre size with 1m x1m hole and backfilled with planting medium. Trees are to be appropriately supported by two stakes (minimum 50mm x 50mm) with hessian ties.

All existing trees over 3m in height and native vegetation and trees within the road reserve areas are to be retained where practical. Such trees are to be protected through perimeter 1.8m high temporary fencing during the construction of works.

Selected species are to as per the existing adjacent street trees or native species to the area.

Council encourages the use of local endemic native species according to the list of local native species in Pittwater http://www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants/species_lists

Grassed areas are to be turfed with Couch species (weed free) and even grade to a maximum 4% grade.

Variations

Where landscaping or infrastructure in the public road reserve currently exists, the requirements of this Control in respect to the specific landscaping or infrastructure item need not apply.

C5 DESIGN CRITERIA FOR OTHER DEVELOPMENT

This part contains general design criteria relating to other development (i.e. not being residential, business or industrial development).

This part applies to all forms of other development, including but not limited to

- Agriculture
- Animal training and boarding establishments
- Boat launching ramps
- Camping grounds
- Caravan parks
- Cemetery
- Charter and tourism boating facilities
- Community facilities
- Eco-tourist facilities
- Educational establishments
- Emergency services facilities
- Environmental facilities
- Environmental protection works
- Farm buildings
- Flood mitigation works
- Forestry
- Health consulting rooms
- Home-based child care
- Home industries
- Information and education facilities
- Mooring pen
- Moorings
- Places of public worship
- Public utility undertaking
- Recreation areas
- Recreational facilities (outdoor)
- Research stations
- Respite day care centres
- Roads
- Wharf or boating facilities

C5.1 Landscaping

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater waterway or Newport Commercial Centre or Elanora Heights Village Centre or Warriewood Valley Land Release Area - P21DCP-BCMDCP081

Uses to which this control applies

Child care centre
Earthworks
Hospital
Other Development
Signage
Telecommunications facility
Waste water disposal system

Outcomes

A built form softened and complemented by landscaping. (En)
Landscaping that reflects the scale and form of development. (En)
Use of pier and beam footings to prevent interference with canopy trees. (En)

Controls

A range of low-lying shrubs, medium-high shrubs and canopy trees shall be provided to soften the built form.

Landscaping shall reflect the scale and form of development, and shall be incorporated into the building design through setback and modulation.

All canopy trees, and a majority of other vegetation, shall be locally native species.

Landscaping shall not unreasonably obstruct driver and pedestrian visibility.

Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.

In bushfire prone areas, species shall be appropriate to the bushfire hazard.

Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and natural features such as rock outcrops.

Noxious and undesirable plants must be removed from the site.

Every tree planted is to have a minimum area of 3 metres x 3 metres and a minimum of 8m³ to ensure growth is unrestricted.

The following soil depths are required in order to be considered as landscaping:

- 300mm for lawn
- 600mm for shrubs
- 1metre for trees

For non-residential uses in residential zones, at least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site, this may include existing trees on site

Variations

Where canopy trees exist on a site, planting of additional canopy trees shall be assessed on a merit basis to ensure that a minimum of 3 trees exist on site for residential zones.

Advisory Notes

- For species lists please refer to Pittwater Council's *Native Plants for your Garden* available on Council's website.
- For specific details on landscaping refer to [Appendix 9 - Landscape and Vegetation Management](#) of this DCP.

As part of the landscaping works associated with the development any existing variety of Leightons cypress pine / Leyland cypress (*xCupressocyparis leylandii*) on the site are to be identified and nominated for removal and replacement planting consistent with Council's *Native Plants for Your Garden* guidelines and relevant identified 'vegetation community' provided (details of which are available on Council's website at www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants).

C5.2 Safety and Security

Land to which this control applies

All land in the Pittwater LGA including the Pittwater waterway but NOT including the Warriewood Valley locality and Elanora Heights Village Centre

Uses to which this control applies

Child care centre
Hospital
Other Development
Signage
Telecommunications facility

Outcomes

On-going safety and security of the Pittwater community. (S)
Opportunities for vandalism are minimised. (Ec, S)
Inform applicants of Council's requirements for crime and safety management for new development. (S)
Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements. (S)
Identify crime and safety priority areas in Pittwater LGA. (S, Ec)
Improve community safety and reduce the fear of crime in the Pittwater LGA. (S)
Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)

Controls

There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:

i. Surveillance

Building design should allow visitors who approach the front door to be seen without the need to open the door.

Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.

Development design and design of the public domain is to minimise opportunities for concealment and avoid blind corners.

Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting*.

Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.

Where provided, public facilities (toilets, telephone etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces.

Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.

ii. Access

Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.

Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.

Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.

The street number of the property is to be clearly identifiable.

Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.

iii. Territorial reinforcement

Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.

Blank walls along all public places (streets, open space etc) shall be minimised.

Where a retail/commercial use and residential dwellings are provided in the same development separate entries are to be provided.

iv. Space management

Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.

Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.

A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.

Variations

Nil

C5.4 View Sharing

Land to which this control applies

All land in the Pittwater LGA NOT including the Newport Commercial Centre or Elanora Heights Village Centre - P21DCP-BCMDCP082

Uses to which this control applies

Child care centre
Hospital
Other Development
Signage
Telecommunications facility

Outcomes

Achieve a reasonable sharing of views amongst dwellings. (S)
Views and vistas from roads and public places to water, headland, beach or bushland are to be protected, maintained and where possible, enhanced. (S)
Canopy trees take priority over views. (En, S)

Controls

All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.

The proposal must demonstrate that viewsharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.

Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.

Views are not to be obtained at the expense of native vegetation.

Variations

Nil

Advisory Notes

Visit: Tenacity vs Warringah

http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html for planning principles.

Refer to Part D10.26 of this DCP for additional controls in relation to views in the Newport Commercial Centre.

C5.5 Accessibility

Land to which this control applies

All Land not including the Warriewood Valley locality

Uses to which this control applies

Child care centre

Hospital

Other Development

Telecommunications facility

Outcomes

The community's accessibility needs are met within Pittwater through well designed adaptable development.

(S)

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

Equitable access in the public domain. (S)

Controls

Convenient and safe access for all people, including people with a disability, older people, and people with prams, must be provided to and within all buildings to which the general public have access.

The siting and design of a building to which the general public has access shall comply with *Australian Standard AS 1428-2009.1: Design for access and mobility – General requirements for access – New building work*, and shall incorporate the following:

- i) Continuous accessible path of travel to all areas that the public or a section of the public is entitled or allowed to enter or use; and
- ii) Walkways, ramps and landings at a reasonable gradient and width, with handrails and kerbs provided on all ramps, and slip-resistant materials on all floor surfaces; and
- iii) Accessible toilet facilities, tactile ground surface indicators, effective signage and illumination, and adequate circulation space through passageways and doorways; and
- iv) Carparking for people with a disability.

This clause applies to development that involves:

- a) A new building to which the general public has access;
- b) Major alterations and additions to an existing building to which the general public has access; and
- c) Alterations to the shopfront/entrance of an existing building to which the general public has access.

Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain.

Development shall include design and construction of the footpath, cycleway, kerb and guttering, drainage facilities, street furniture, street lighting and landscaping and make good the adjacent road and pavement for the full frontage of the site to any public road at full cost to the developer.

The design and construction shall be in accordance with the Village Streetscape Masterplans.

Development within areas subject to flooding must provide for access on land within private ownership. In this regard ramps must not encroach into the public domain.

Variations

Council may consider non-compliance with this clause where alterations to an existing public administration building to which the general public has access are proposed if it would impose unjustifiable hardship on the owner or occupant.

Council may consider variation to controls relating to the public domain where there is 50 square metres or less increase in gross floor area

C5.7 Energy and Water Conservation

Land to which this control applies

All Land not including the Warriewood Valley locality

Uses to which this control applies

Child care centre
Hospital
Other Development

Outcomes

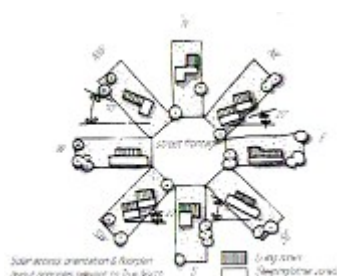
More efficient use of resources in Pittwater. (En)

The orientation, design and siting of buildings makes the best use of natural ventilation, daylight and solar energy. (En)

Water sensitive urban design. (En)

Controls

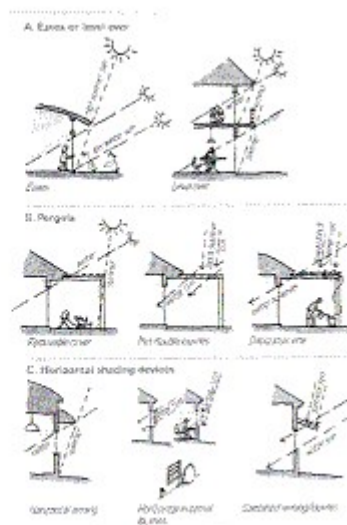
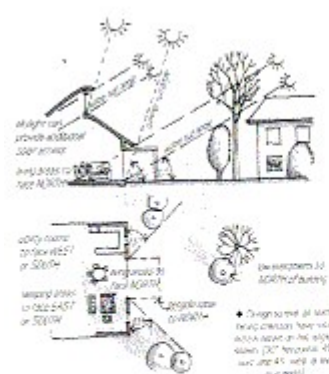
Buildings shall be designed to be energy and water efficient.



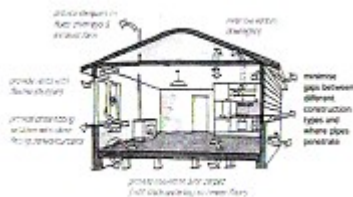
All new hot water systems must be either solar, heat pump or gas and must have a minimum rating of 3.5 stars.

Water efficient appliances shall be used in all development (including AAA rated water efficient shower heads, water tap outlets and dual flush toilets).

Windows are to be sized, located and shaded (by structures or vegetation) to reduce summer heat and allow entry of winter sun. Deep eaves are required to achieve this where appropriate, in addition to other horizontal shading devices, such as verandahs, pergolas, awnings, and external horizontal blinds.

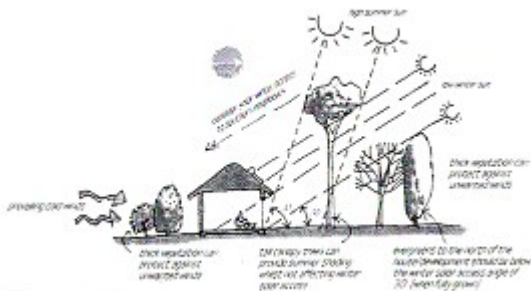


Buildings are to be designed to maximise ventilation in summer. This can be achieved by positioning openings (windows and doors) to prevailing summer winds to encourage cross ventilation, and the installation of fans, roof vents and high level windows.



Buildings are to be constructed of materials which best minimise winter heat loss and summer heat gain. Insulation is a vital component of energy-efficient design in all climates and is to be incorporated, conforming with relevant *Australian Standards*.

The species type, location and design of landscape planting are to assist in the conservation of energy.



Solid fuel or wood burning appliances must comply with Australian Standard AS 4013-1999: *Domestic solid fuel burning appliances – Method for determination of flue gas emissions* or any subsequent amending standard.

The installation of in-sink food waste disposers in any development is prohibited.

Variations

Nil

C5.8 Waste and Recycling Facilities

Land to which this control applies

All land.

Uses to which this control applies

Child care centre
Hospital
Other Development
Waste water disposal system

Outcomes

Adequately sized, accessible, convenient waste and recycling facilities that integrate with the development.
Waste and recycling facilities located such that they do not adversely impact upon amenity of the adjoining development or natural environment.

Controls

All waste and recycling materials shall be contained within an approved enclosure and adequate vehicular provision is to be provided to remove waste.

Waste and recycling enclosures are to be provided at or behind the front, side and rear setback requirements contained within the Controls of this document. This enclosure shall not occupy parking or landscaped areas.

The waste and recycling enclosure is to be of an adequate size, integrated with the building design and site landscaping, suitably screened, and located for convenient access for collection.

For larger scale development more than one waste and recycling enclosure may be appropriate.

The waste and recycling enclosure/s shall be designed as follows:

- constructed of solid material, cement rendered and steel, trowelled to a smooth, even surface and made vermin proof. Framing in timber is not permitted;
- the floor shall be of impervious material covered at the intersection with the walls, graded and drained to an approved floor waste within the enclosure. Wastewaters shall be drained to the sewer;
- stormwater shall not enter the floor of the enclosure such that the sewer system will be contaminated by rainwater;
- the enclosure is to be roofed. Roof water shall be directed to an approved stormwater disposal system;
- enclosures shall be vented to the external air by natural or artificial (mechanical ventilation) means. The installation and operation of the mechanical ventilation system shall comply with Australian Standard *AS/NZS 1668.1 1998: The use of ventilation and air conditioning in buildings – Fire and smoke control in multi-compartment buildings* and Australian Standard *AS 1668.2:2012: The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings*; and
- hot and cold water hose cocks shall be located within the enclosure.

The waste and recycling enclosure construction requirements do not apply to Bed and Breakfast establishments.

For Shop Top Housing developments the residential waste and recycling enclosure is to be physically separated from the commercial/trade waste and recycling enclosure.

Variations

Nil

Advisory Notes

Floor plans shall clearly show the location and dimension of waste and recycling storage facilities proposed on the site.

For specific controls in relation to the Waste and Recycling Facilities for the Elanora Heights Village Centre, refer to Part D5.46 of this DCP.

C5.9 Signage

Land to which this control applies

All land in the Pittwater LGA including the Pittwater waterway but NOT including Elanora Heights Village Centre - P21DCP-BCMDCP93

Uses to which this control applies

Other development

Outcomes

Signage is compatible with the desired amenity and visual character of the locality. (S)

Signage does not adversely impact upon any heritage item or conservation area. (S)

Signage does not result in visual clutter of the landscape. (S)

Signage is of high quality design and finish. (S)

Controls

Signage shall meet the following criteria:

Sign	Criteria
Awning fascia sign (attached to the fascia or return end of an awning)	i) shall not project above, below or beyond the fascia or return end of the awning to which it is attached.
Freestanding sign (not being a sign elsewhere listed in this table, and includes a hoarding, bulletin board, list of businesses within a complex, and the like)	i) shall not have a signage area greater than 4.5sq m; ii) shall not project beyond the boundary of the premises; iii) shall not extend beyond the height of the built form within whose context it sits; and iv) shall not be illuminated.
Pole or pylon sign (erected on a pole or pylon independent of any building or other structure)	i) shall not be less than 2.6 metres above ground; ii) shall not have a signage area greater than 4.5sq m; iii) shall not project beyond the boundary of the premises; and iv) shall not extend beyond the height of the built form within whose context it sits.
Top hamper sign (attached to the transom of a doorway or display window of a building)	i) shall not extend beyond any building alignment or below the level of the head of the doorway or window within the building upon which it is attached; ii) shall not exceed 600mm in height; and iii) shall not have a signage area greater than 5sq m.
Under awning sign (attached to underside of awning)	i) shall not exceed 2.5 metres in length or 0.5 metres in height; ii) shall have a signage area not exceeding 1.25sq m each side; iii) shall be erected horizontal to the ground no less than 2.6 metres above the ground, and at right angles to the building to which the awning is attached; iv) shall not project beyond the awning; v) shall be securely fixed by metal supports; and vi) no more than one per business permitted.

Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	<ul style="list-style-type: none"> i) shall not extend laterally beyond the wall of the building upon which it is attached; ii) shall not cover any window or architectural projections; iii) shall not have a signage area greater than 4.5sq m; iv) where illuminated, shall not be less than 2.6 metres above the ground; and v) shall not project more than 300mm from the wall.
Window sign (painted or letters stuck onto the inside or outside of a display window)	<ul style="list-style-type: none"> i) shall not cover the whole of the display window so as to obstruct natural light; ii) shall only be permitted on ground floor windows.
Bed and Breakfast accommodation (sign associated with)	<ul style="list-style-type: none"> i) no greater than 0.75sq m in area; ii) no more than 1 sign shall be erected; iii) the sign is to indicate that the dwelling house is a bed and breakfast establishment and include the name and telephone number of the proprietor.
Home occupation/business/industry, home-based child care and health consulting rooms (sign associated with)	<ul style="list-style-type: none"> i) no greater than 0.75sq m in area; ii) no more than 1 sign shall be erected; iii) not erected on a heritage item; iv) the sign is to indicate the name and occupation of the business.

The diagram below illustrates different types of signage.

Any signage erected within a residential, environmental or rural zone shall not be visually obtrusive or have dimensions greater than 0.75sqm in area (other than for bed and breakfast accommodation).

The following signage shall not be permitted in Pittwater:

1. where erected on or above the roof, canopy, or parapet of a building;
2. where attached to the upperside of an awning;
3. where attached to the wall of a building and projecting more than 300mm from that wall;
4. where illuminated at frequent intervals (i.e. flashing);
5. where capable of movement by source of power or wind;
6. where illuminated (within a residential zone);
7. where the proposal incorporates bill/fly posters, bunting, and airborne signage, including hot air balloons, blimps, and the like;
8. where located on motor vehicles and which renders the motor vehicle stationary.



- a) Roof Sign
- b) Flush Mounted Wall Sign
- c) Projecting Wall Sign
- d) Above Awning Sign
- e) Awning Fascia Sign
- f) Under Awning Sign
- g) Top Hamper Sign
- h) Window Sign
- i) "A" Frame Sign
- j) Pole or Pylon Sign
- k) Freestanding Sign

Variations

Nil

Advisory Notes

Certain signage is permitted without Council consent, see Schedule 2 of *Pittwater Local Environmental Plan 2014* and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

State Environmental Planning Policy No 64 Advertising and Signage must be considered prior to granting consent for the display of any signage.

C5.10 Protection of Residential Amenity

Land to which this control applies

All land in the Pittwater LGA NOT including the Warriewood Valley locality, Newport Commercial Centre or Elanora Heights Village Centre

Uses to which this control applies

Child care centre
Hospital
Other Development
Telecommunications facility
Waste water disposal system

Outcomes

Development does not have an adverse impact upon adjoining residential development. (S)
A reasonable level of solar access and visual privacy is maintained to residential properties. (En, S)

Controls

Where development adjoins land zoned or used for residential purposes, the following apply:

Solar access

The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.

Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).

Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.

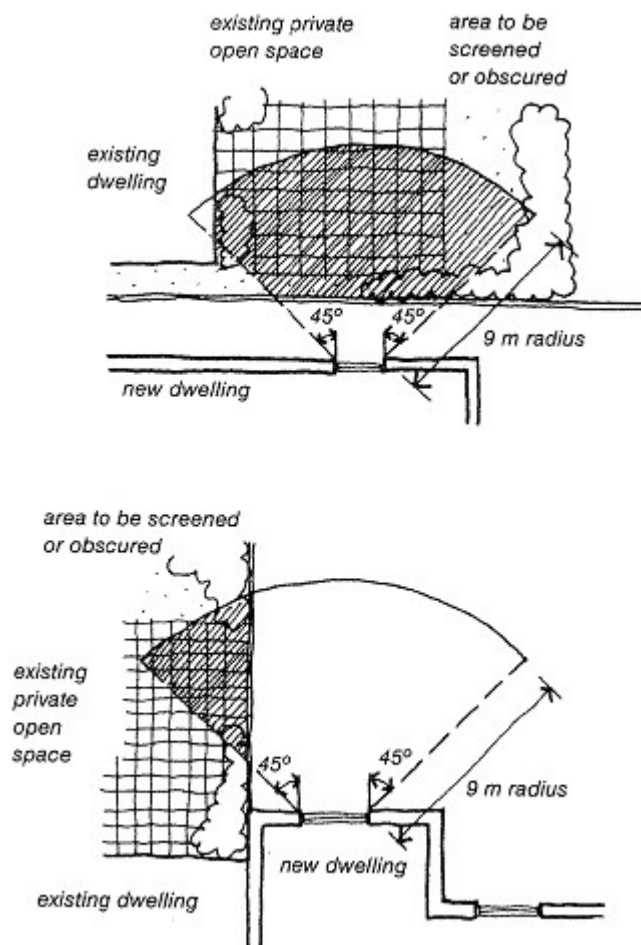
Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.

Privacy

Private open space and living rooms of proposed and any existing adjoining dwellings may be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7m above floor level).

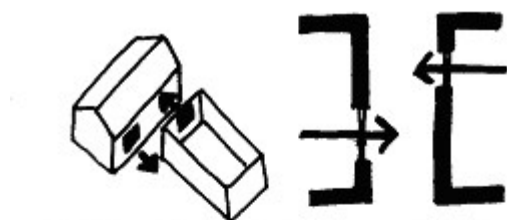
Elevated decks, verandahs and balconies may incorporate privacy screens where necessary and should, where possible, be located at the front or rear of the building. Such areas shall not be modified to be incorporated into the dwelling.

Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.



Direct views of private open space or any habitable room window within 9m may be restricted (see diagram below) by:

- vegetation/landscaping
- a window sill height 1.7m above floor level, or
- offset windows
- fixed translucent glazing in any part below 1.7m above floor level, or
- solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:
 - permanent and fixed;
 - made of durable materials; and
 - designed and painted or coloured to blend in with the house



◆ ensure that windows are offset

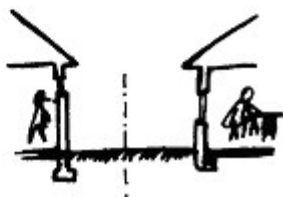


◆ locate balconies to avoid overlooking



◆ minimise overlooking by use of vegetated screens

◆ inhibit overlooking by raising sill height to 1.7 metres



Variations

Nil

C5.11 Third Party Signage

Land to which this control applies

All Land

Uses to which this control applies

All Uses

Outcomes

Ensure signage is compatible with the desired amenity and visual character of the locality.
Achieve the desired future character of Pittwater and prevent visual clutter.

Controls

Third party signage is not permitted.

Variations

Nil.

Advisory Notes

Nil.

C5.12 Child Care Centres

Land to which this control applies

All Land

Uses to which this control applies

Child care centre

Outcomes

Childcare centres are suitably located. (S)

Safe, accessible, and educational childcare centres are facilitated. (S)

Controls

Childcare facilities that carry out food preparation and/or service must comply with the requirements of the *Food Act 2003*, and [Food Safety Standards](#) which include the requirement for Notification the Food Standards Code (*Food Premises and Equipment Standard 3.2.3* and Australian Standard *AS 4674-2004: Construction and fit-out of food premises*).

Sanitary Facilities for staff and patrons shall be provided in accordance with the Building Code of Australia.

Cooking that requires mechanical ventilation is not permitted.

Child Care Centres located within a residential dwelling are not required to incorporate solid walls, false bases to benches and kickplates.

Variations

Nil

Advisory Notes

Council's Environmental Health Officer offers a pre-construction inspection prior to submission of the Development Application. Information about this service can be found on Council's website.

C5.13 Telecommunications Facilities

Land to which this control applies

All Land

Uses to which this control applies

Telecommunications facility

Outcomes

The health and well-being of the Pittwater community. (S)

The siting of telecommunications facilities that is compatible with existing and likely future surrounding land uses. (S)

Telecommunications facilities that have minimal impact on the environment and amenity of the area. (En, S)

Efficient use of existing infrastructure and services. (En, S)

Telecommunications facilities are provided in a manner that meets community expectations for modern telecommunications infrastructure. (S, Ec)

Controls

Siting

Telecommunications facilities should be sited within industrial and business zones and not in close proximity to residential or environment protection zones. The siting of facilities in any zone other than industrial or business must be justified having regard to the outcomes of this clause.

Telecommunications facilities should not be located within a floodway and not obstruct the flow of water through the site.

Co-location

Telecommunications facilities must be co-located with other facilities wherever possible. In particular:

- a) telecommunications lines should be located within any existing underground conduit or duct; and
- b) antennae and similar structures should be attached to existing utility poles, towers, structures, buildings or other telecommunications facilities so as to minimise clutter.

The erection of any new tower must be justified where no available alternative for co-location is available. Any new tower must have the demonstrated potential for co-location of additional facilities.

Visual Impact

The visual impact of telecommunications facilities is to be reduced by: integrating the facility with the design and appearance of the building or structure on or within which it is located;

- a) screening through landscaping or other means;
- b) sympathetic or co-ordinated colouring and finish to blend with the streetscape and surrounding environment; and
- c) ensuring that the scale of the facility is in keeping with the area (bearing in mind that the scale may be affected by the intended coverage of the facility).

Telecommunications facilities shall not:

- a) obstruct any views of significant vistas, significant landmarks or items of environmental heritage; or
- b) contain any signage except for appropriate warning and safety information signage; or
- c) contain any night illumination except where required for aircraft safety pursuant to relevant legislation.

Health standards

Telecommunications facilities must be designed, installed and operated to comply with standards relating to human exposure to electromagnetic energy appearing in the applicable code or standard made under the applicable law of the Commonwealth.

The cumulative impact of installing more than one telecommunications facility on the land must be considered.

Low impact facilities on Council owned land

Any low-impact facility (as defined in the [Telecommunications Act 1997](#)) on Council owned land must also comply with the requirements of this part.

Variations

Nil

C5.14 Car/Vehicle/Boat Wash Bays

Land to which this control applies

All Land

Uses to which this control applies

Other Development

Outcomes

Prevention of pollution from entering the stormwater system. (En)

Prevention of stormwaters from entering the sewer system. (En)

Controls

A designated wash bay is to be incorporated on the site.

The wash bay must be designed and constructed so as to not allow polluted waters to enter the stormwater drain and to ensure stormwaters do not enter the sewer.

Variations

Where the use of vehicles or boats is not part of the activity associated with the proposed development this control does not apply.

C5.15 Undergrounding of Utility Services

Land to which this control applies

All Land not including the Warriewood Valley locality

Uses to which this control applies

Child care centre
Hospital
Other Development

Outcomes

Visual pollution by aerial cables is reduced (En, S)
Improved safety by removal of visual clutter (En, S)
Opportunities for street tree planting is enhanced (En)
Safety of building occupants is maintained and enhanced. (S)
of utility services is improved. (S)
Design and construction of undergrounding is funded by the developer. (Ec)

Controls

All existing and proposed utility services to the site are to be placed underground or encapsulated within the building.

All existing and proposed utility services to the site, or adjacent to the site within a public road reserve, are to be placed underground for the total frontage of the site to any public road.

Design and construction of the undergrounding of utility services are to be at full cost to the developer.

Variations

Based on technical practicalities and advice from the energy supplier the merit for not proceeding with undergrounding of utility services will be considered for the following circumstances subject to achieving the outcomes of this control:

- electricity wires carrying 16,000 volts, 33,000 volts or more, and
- short lengths of overheads of two spans or less

C5.16 Building Facades

Land to which this control applies

All land in the Pittwater LGA including the Pittwater waterway but NOT including Elanora Heights Village Centre and the Warriewood Valley locality

Uses to which this control applies

Child care centre
Hospital
Other Development
Telecommunications facility
Waste water disposal system

Outcomes

Improved visual aesthetics for building facades. (S)

Controls

Building facades to any public place and including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.

Variations

Council will consider the incorporation of service pipes or conduits into facades where treated as a design element of the facade.

C5.17 Pollution control

Land to which this control applies

All Land

Uses to which this control applies

Child care centre
Demolition
Hospital
Other Development
Telecommunications facility
Waste water disposal system

Outcomes

Development does not adversely impact health, the environment or other lands. (S, E)

Controls

Developments must be designed, constructed, maintained, and operated in a proper and efficient manner to prevent air, water, noise or land pollution.

Development and operations must comply with the *Protection of the Environment Operations Act 1997*, and any relevant legislation.

Compliance with the *NSW Environment Protection Authority Industrial Noise Policy* (January 2000).

Variations

Nil

Advisory Notes

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required by the occupier of land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Environment Protection Authority's website.

C5.18 Public Road Reserve - Landscaping and Infrastructure

Land to which this control applies

All land in the Pittwater LGA NOT including the Pittwater Waterway, Warriewood Valley Land Release Area, land Adjoining Bushland Reserves, Newport Commercial Centre or Elanora Heights Village Centre - P21DCP-BCMDCP053

Uses to which this control applies

Child care centre
Earthworks
Hospital
Other Development
Signage
Telecommunications facility

Outcomes

Desired future character of the locality. (S, Ec)

Consistency in the design and construction of landscape works in the road verge (S,En)

Controls

General - All Development

Landscaping in the public road reserve is to include street trees planted to the road reserve frontage of the development placed at 6m centres.

Street trees are to be planted so as to not obstruct the free passage of pedestrians along the road verge and not interfere with existing power lines.

Tree species are to be a minimum 400 litre size with 1m x 1m hole and backfilled with planting medium. Trees are to be staked with 2/50mm x 50mm stakes with hessian ties.

All existing trees over 3m in height and native vegetation and trees within the road reserve areas are to be retained where practical. Such trees are to be protected through perimeter 1.8m high temporary fencing during the construction of works.

Selected species are to be as per the existing adjacent street trees or native species to the area.

Council encourages the use of local endemic native species according to the list of local native species in Pittwater http://www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants/species_lists

Grassed areas are to be turfed with Couch species (weed free) and even grade to a maximum 4% grade.

Development up to 1000sq m Gross Floor Area

Development with frontage to a public road reserve requires the design and construction of a footpath 1.5m wide (2.1m minimum width where a multi-use pathway is required to be installed), kerb and gutter and landscaping for the full width of the development site on the public road reserve frontage to the development.

Development greater than 1000sq m Gross Floor Area

Development with frontage to a public road reserve requires the design and construction of a footpath 1.5m wide (2.1m wide where a multi-use pathway is required to be installed), kerb and gutter, the making good of the road pavement from the kerb and gutter to the road centre line, streetlighting and landscaping for the full width of the development site on the public road reserve frontage to the development.

Note: Making good of the road pavement shall be to the following engineering standard.

Asphaltic Concrete finish:

- Sub-arterial road 4 x 106 ESA's
- Collector road 2 x 106 ESA's
- Local road 6 x 105 ESA's
- Access road 1 x 105 ESA's

Variations

Where the landscaping or infrastructure in the public road reserve currently exists, the requirements of this control in respect to the specific landscaping or infrastructure item need not apply.

Where landscaping or infrastructure in the public road reserve is located in steep terrain, the landscaping and infrastructure requirements will be considered on merit.

C5.19 Food Premises Design Standards

Land to which this control applies

All Land

Uses to which this control applies

Child care centre
Development/subdivision of a sector, buffer area or development site in a Release Area
Hospital
Other Development
Rural industry
Seniors housing
Tourist and visitor accommodation

Outcomes

Compliance with *Food Act 2003*. (S)
Compliance with relevant Australian Standards. (S)
Ensure food businesses have appropriate facilities and services in place for patrons (S)
Ensure food businesses meet design standards for work and food safety . (S)

Controls

Food Premises must comply with the requirements of:

- *Food Act 2003*
- Australian New Zealand Food Standards Code 3.2.3 (Food Premises and Equipment).
- Australian Standard 4674-2004 Design, Construction and Fit-out of Food Premises.

Mechanical Ventilation systems are to be designed, manufactured, installed, operated and maintained in accordance with:

- Australian Standard 1668.1:1998 *The use of ventilation and air conditioning in buildings Part 1 - Fire and smoke control in multicompartment buildings*
- Australian Standard 1668.2:2012 *The use of mechanical ventilation and air conditioning in buildings Part 2 - Mechanical ventilation in buildings.*

Food Business must ensure that the premises are provided with the necessary services of waste water disposal, light, ventilation, cleaning and personal hygiene facilities, storage space and access to toilets.

Variations

Nil

C5.20 Liquor Licensing Applications

Land to which this control applies

All Land

Uses to which this control applies

Business Development

Occupation/change of use of an existing premises

Other Development

Outcomes

Compliance with *Liquor Act 2007*. (S)

Compliance with Council's Liquor Licensing Applications Policy or relevant policy. (S)

Regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community. (S)

Manage the social impacts of Liquor Licensing on the local residential community. (S)

Controls

Development to which this control applies must comply with the requirements of:

- Council Policy - *Liquor Licensing Applications* or relevant policy.
- *Liquor Act 2007*.

Development such as pubs, registered clubs and restaurants or cafes must comply with Council's *Liquor Licensing Applications Policy*.

A premise that intends to serve alcohol, which may include pubs, registered clubs and restaurants or cafes, must obtain a liquor license from the Casino, Liquor and Gaming Control Authority prior to the serving of alcohol for sale on premises

Variations

Nil

Advisory Notes

For more information in regards to Liquor Licence Applications and Community Impact Statements (CIS) refer to the NSW Office of Liquor, Gaming and Racing website (www.olgr.nsw.gov.au/olgr_default.asp).

For a copy of Council's *Liquor Licensing Policy* refer to Council's website or a copy can be obtained from Council's customer service centres.

All Liquor Licensing applications must be lodged through the Independent Liquor & Gaming Authority. Visit their website at <http://www.igca.nsw.gov.au/> for more information.

C5.21 Plant, Equipment Boxes and Lift Over-Run

Land to which this control applies

All Land not including the Warriewood Valley locality

Uses to which this control applies

Development ancillary to residential accommodation

Hospital

Other Development

Rural industry

Telecommunications facility

Waste water disposal system

Outcomes

To achieve the desired future character of the Locality.

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To achieve reduction in visual clutter. (En, S)

The appropriate location and design of noise generating equipment.

Controls

Where provided, plant and equipment boxes and lift over-runs are to be integrated internally into the design fabric of the built form of the building.

Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.

Variations

Subject to achievement of the outcomes of this control, consideration may be given to the location of plant, equipment boxes and lift over-runs on the roof a building where it can be shown that there will not be a non-compliance with Council's built form controls including building height and building envelope.

Where located on the roof any plant, equipment boxes and lift over-runs are to be adequately screened from view from adjoining properties and the public domain.

C5.22 Environmental Sustainability

Land to which this control applies

All Land

Uses to which this control applies

Amusement centre
Boat building and repair facility
Business development
Commercial premises
Educational establishment
Entertainment facility
Function centre
Health services facility
Industrial development
Industrial retail outlet
Industrial training facility
Information and education facility
Light industry
Public administration building
Recreational facility (indoor)
Storage premises
Vehicle body repair workshop
Vehicle repair station
Warehouse or distribution centre

Outcomes

Apply principles and processes that contribute to ecologically sustainable development (ESD).

Controls

Any development with a gross floor area of 2,000m² or more must achieve a minimum 4 Star Green Star Design and As Built rating certified rating from the Green Building Council of Australia (GBCA, where there is an applicable Green Star rating tool.

Variations

Where it can be demonstrated that the above requirement is unreasonably onerous or where no applicable GreenStar tool exists, it must be demonstrated that the development achieves sustainability outcomes equivalent to a 4 Star Green Star Design and As Built rating.

Where the Green Star Design and As Built tool is not utilised to demonstrate the level of sustainability of the proposal, a sustainability report must be submitted with the development application clearly demonstrating how the development addresses sustainability. The issues to be addressed within the sustainability report include, but are not limited to, the following:

- Management of the development which is to be coordinated with all stakeholders, ensuring that all are aware of the required sustainable outcomes.
- Commitment to and incorporation of delivery of sustainable initiatives and performance monitoring.
- Education of users and stakeholders to foster sustainable behaviour and systems.
- Increased comfort and wellbeing of the occupant, through ventilation and thermal, visual and acoustic comfort.
- Reduced exposure to pollutants through low toxicity environments and the removal of harmful environments.
- Reduction in greenhouse gas emissions and peak electricity demand.
- Reduction in carbon intensive modes of transport through the provision of access to public transport options, access to amenities and the provision of facilities to encourage bicycle usage, as well as the encouragement of the use of alternate sustainable transport options.
- Reduction in potable water consumption.
- Consideration of the lifecycle assessment of materials and products used in construction on fit outs of the development,
- Reduction in landfill waste across the entire project life cycle.
- Where required, the remediation of the site in accordance with state policy.
- Stormwater runoff management and reduction.
- Reduction in heat island effect through the reduction of hard surfaces.
- Reduction of light pollution.

Certification verified by a GBCA Accredited Professional or other recognised sustainability professional that the development achieves a 4 Star Green Star Design and As Built rating or equivalent sustainability rating is to be received prior to the issue of Occupation Certificate.

Advisory Notes

Refer to Green Building Council of Australia website.

The indoor environmental quality of occupants can be improved by:

- natural ventilation and air circulation that, in turn, reduces the need for mechanical ventilation;
- optimising the thermal comfort of occupants through the zoning of sections of the dwelling that enables individual control of heating and cooling;
- installation of lighting systems and fittings appropriate for the use/activity located in that part of the building(s), resulting in reduced energy consumption; and
- selecting materials and furniture from renewable resources that have minimal emission of toxic substances, have minimal and safe production techniques and that produce minimal waste. Timber should be reused or come from sustainable forestry practices.

C5.23 Sex Services Premises

Land to which this control applies

Land zoned B2 Local Centre or B4 Mixed Use

Uses to which this control applies

Sex services premises

Outcomes

Sex services premises are suitably located. (S)

Sex services premises are safe and accessible. (S)

Sex services premises are sensitively designed so that they do not create adverse social impacts or detrimental impacts on the amenity of the surrounding area. (S)

Controls

Access and layout of premises

- No part of the premises (other than an access corridor to the premises) is to be located at ground floor level or street level of a building. The floor level of any sex services premises is to be a minimum of 2.5 metres above street level measured vertically at each and every point at the street front which has the highest RL (reduced level - AHD).
- No part of the premises or building in which the premises are situated is to be used as a dwelling unless separate access is available to the dwelling.

Amenity

- The operation of the premises shall not interfere with the amenity of the neighbourhood because of its:
 - Size;
 - Operating hours;
 - Traffic generation;
 - Lighting;
 - Noise; or
 - The number of employees and clients.
- A suitable waiting area must be located within the sex services premises so as to prevent clients gathering or waiting on the street or in other areas outside the premises.
- The location of the premises must not lead to a concentration of sex services premises that is likely to cause a disturbance in the neighbourhood or change the character of the street or area.
- The interior of the premises must not be visible from any place in the public domain.
- Where the interior is visible from neighbouring buildings, adequate measures are to be taken to screen the interior of the building, for example, through the use of blinds or screens.

Staff rooms and facilities

All premises are to have a safe and accessible non-working area with appropriate facilities for food and beverage preparation; a rest area with seating; a sink, water boiling facilities and fridge; lockers to store personal belongings; and sanitary facilities, including toilet, hand basin and shower available for staff on breaks. All required hand wash basins and showers shall be provided with an adequate supply of potable hot and cold running water.

Presentation of the building and premises

- No merchandising relating to the premises is to be erected, displayed or exhibited at any entry or in any window or in any access corridor (including any stairwell) to the premises.
- The premises must be clearly numbered, with the number being clearly visible from the street, in order to minimise nuisance to neighbours.
- The building is not to be of a colour which draws undue attention to the premises.
- There must be no display of restricted material, sex-related products, sex workers, performers, or nude or semi-dressed staff in windows or doors, or outside the premises.

Health and safety

- All rooms where sexual activity occurs and staff areas are to have an alarm or intercom. These alarms are to connect back to a central base (such as reception) that is to be monitored at all times. This is to ensure the safety of both clients and sex workers.
- Each room used for the provision of sexual services must be provided with separate sanitary facilities, comprising a toilet, shower and hand basin, directly accessible from that room for use of both sex workers and their clients. All required hand wash basins and showers shall be provided with an

- adequate supply of potable hot and cold running water.
- Pools, spas, saunas or steam rooms also require toilet and shower facilities to be provided.

Limits to consent

Development consents granted to sex services premises applications may be initially limited to a period of twelve months. At the completion of this period, Council will re-evaluate the proposal in terms of any complaints received regarding the approved operations, and compliance with any conditions of development consent.

Council may also impose conditions of consent relating to the hours of operation. This will also be the subject of review after 12 months. If after the 12-month trial, the approved hours of operation are causing a disturbance in the neighbourhood, Council may further restrict operating hours.

Where consent is granted, a specified operator will be nominated on the consent. Should the operator change, Council must be notified prior to work commencing. If the number of sex workers, hours of operation or signage are proposed to be changed, a new development application may be required.

Variations

Nil.

Advisory Notes

It should be noted that Clause 7.11 of the *Pittwater Local Environmental Plan 2014* contains provisions regarding the location of sex services premises.

Applicants should make themselves aware of the requirements of all relevant legislation and guidelines in relation to the operation of sex services premises, including but not limited to the *Crimes Act 1900*, *Summary Offences Act 1988*, *Criminal Code Act 1995*, *Public Health Act 2010*, *Public Health Regulation 2010*, *Restricted Premises Act 1943*, *Classification (Publications, Films and Computer Games) Enforcement Act 1995 (NSW)*, *Local Government Act 1993*, *Occupational Health & Safety Act 2000*, *Industrial Relations Act 1996*, *Protection of the Environment Operations Act 1997*, *Workplace Surveillance Act 2005*, *Weapons Prohibition Act 1998*, *Anti-Discrimination Act 1977*, *Building Code of Australia*, *Food Act, 2003*, *Food Regulation 2001*, *WorkCover NSW's Health and Safety Guidelines for Brothels in NSW 2001* and *Australian Standards*.

In relation to sex services premises, Council's responsibilities are primarily concerned with land use planning under the Environmental Planning & Assessment Act 1979. Public health complaints in relation to the operation of sex services premises are the responsibility of the NSW Department of Health. Workplace Health & Safety issues are matters for the WorkCover Authority. The NSW Department of Health is responsible for safe health practices in the workplace, ensuring safe sex practices, dealing with public health complaints and advising sex workers working with sexually transmissible conditions.

However, as a consent authority, Council may undertake inspections of sex services premises so as to determine compliance with NSW *Public Health Act 2010* and Regulations, *Protection of the Environment Operations Act 1997* and conditions of a development consent made in accordance with this DCP.

The Australian Federal Police and the Department of Immigration deal with issues of illegal immigrant sex workers.

C6 DESIGN CRITERIA FOR WARRIEWOOD VALLEY RELEASE AREA

This part contains criteria for development of land in the Warriewood Land Release Area.

In recognition of the fragmented landownership, Warriewood Valley was divided into 'development' sectors to ensure orderly and coordinated development of land and infrastructure (see Urban Release Area Map in the *Pittwater Local Environmental Plan 2014*). For this reason, controls were developed specifically for sector development/subdivision including the requirement that each sector develop a masterplan. The recently adopted *Warriewood Valley Strategic Review 2012* recommended relinquishing the 'sector by sector' approach to advance development in Warriewood Valley and allow individual land parcels to develop separately.

Where a sector has been rezoned and there is no approved sector masterplan, Council may develop additional controls that specifically apply to land in that sector. These additional controls must be read in conjunction with all other controls relevant to the development of a sector, buffer area or development sites in this DCP.

(Note: Controls relating to development on newly created allotments are in Part D16 of this DCP).

C6.1 Integrated Water Cycle Management

Land to which this control applies

Land identified as being within the Warriewood Valley locality.

Uses to which this control applies

Business Development – New Construction or Alterations and Additions

Café

Development ancillary to residential development

Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).

Entertainment facility

Industrial Development – New Construction or Alterations and Additions

Restaurant

Subdivision of a sector, buffer area or development site in a Release Area.

Outcomes

Development is designed with an integrated approach to water management and conservation, addressing water quality and quantity, watercourse and creekline corridors, stormwater and groundwater, and minimises the risk posed by flooding and adapts to climate change impacts.

Establish a network of multi-functional living creekline corridors particularly Narrabeen Creek, Fern Creek and Mullet Creek for flood conveyance, environmental flows, flora and fauna habitat, water quality improvement, cyclist and pedestrian access, and drainage, linking the Warriewood Escarpment with the Warriewood Wetlands and Narrabeen Lagoon, and facilitates the long-term environmental protection of the receiving waters including the Warriewood Wetlands and Narrabeen Lagoon.

Remnant native vegetation along creekline corridors, escarpment vegetation, and the Warriewood Wetlands, including stands of Swamp Mahogany, Forest and Swamp Oaks, and Angophora Woodlands are conserved and restored to provide linkages and stepping stones for wildlife movement.

A range of aquatic habitats within the creeks are protected and restored as natural creekline and wildlife corridors with riparian vegetation, providing a functioning habitat for birds and diverse native flora.

Landscaping enhances the required functions of the creekline corridor and reduces the impact of utilitarian drainage structures on the open space.

Effective management of grey water treatment systems (where relevant) which maintain disposal to Sydney Water central reticulation system (for disposal in cases of emergency breakdown/malfunction).

Effective management of onsite sewage and effluent systems to ensure environmental and public health protection.

Controls

Water Management Report and Accompanying Plans

The Water Management Report, submitted with the application, must demonstrate how the water cycle will be managed and integrated with the development. The Water Management Report is to be prepared by appropriately qualified professionals and certified by an experienced and qualified engineer specialising in hydraulics. It is to be in accordance with Council's *Warriewood Valley Urban Land Release Water Management Specification (February 2001 as amended)* and relevant legislation taking into account the *Narrabeen Lagoon Flood Study (September 2013 as amended)* and the *Pittwater Overland Flow Flood Study (2013 as amended)*.

Elements for consideration include, but are not limited to:

- Water Sensitive Urban Design;
- flooding implications including mainstream flooding and overland flow and flood emergency response;
- climate change impacts on flooding and designs of stormwater management infrastructure;
- demonstration that all new allotments to be created are above the Flood Planning Area;
- where a creek passes through/aligns or abuts a sector, buffer area or development site, the development has integrated the creekline corridor requirements into the design of the development;
- the Inner Creekline Corridor is designed and constructed to contain the 1% Annual Exceedance Probability (AEP) flow;
- with the exception of the Inner Creekline Corridor, the water management facilities will remain in private ownership. The maintenance responsibility for this private infrastructure remains with the owners of the land/development;
- the integrated water cycle management scheme must be supplementary to the BASIX requirement to reduce potable water consumption where subdivision only is proposed. Where a proposal involves the construction of residential accommodation and subdivision and a minimum 3000L rainwater tank is proposed for each dwelling, the reduction in potable water reuse achieved under the BASIX cannot then be duplicated/reused for the purpose of offsetting the onsite detention volume requirements for the integrated water cycle management. No offset is available as only the minimum sized rainwater tanks are being applied to meet BASIX;

- stormwater quantity management, including inter-allotment drainage systems and public (existing and/or proposed) stormwater drainage systems;
- groundwater impacts and mitigation measures; and
- alterations and additions to a development must consider the existing approved water cycle management already established for the Sector, buffer area or development site.

Plans detailing the integrated water cycle management system recommended by the Water Management Report, including a plan detailing the quantum of pervious and impervious areas (refer to "Landscape Area" in Control C6.7) are to accompany the Water Management Report.

Flooding

The flood levels are to be determined as part of the Water Management Report. The information to be obtained includes:

- the 50% Annual Exceedance Probability (AEP) flood levels with climate change impacts including sea level rise combined with increase rainfall volume;
- the 20% AEP flood levels with climate change impacts including sea level rise combined with increase rainfall volume;
- the 1% AEP flood levels with climate change impacts including sea level rise combined with increase rainfall volume;
- the Flood Planning Level (FPL) - equal to the 1% AEP flood level plus freeboard (as defined within [Council's Flood Risk Management Policy - Appendix 8](#) of this DCP) with climate change impacts including sea level rise combined with increase rainfall volume;
- the Probable Maximum Flood (PMF) level with climate change impacts including sea level rise combined with increase rainfall volume;
- the flow velocities for the 1% AEP flood and Probable Maximum Flood with climate change impacts including sea level rise combined with increase rainfall volume; and
- the Flood Category and Flood Hazard Classification as defined in [Council's Flood Risk Management Policy \(Appendix 8\)](#) with climate change impacts including sea level rise combined with increase rainfall volume.

Likely flood impacts from the development must also be assessed and where required, mitigated.

The filling of land will only be permitted where it can be demonstrated within the Water Management Report that:

- there is no net decrease in the floodplain volume of the floodway or flood storage area within the property, for any flood event up to the 1% AEP flood event and the PMF event including climate change considerations for both design events; and/or
- there is no additional adverse flood impact on the subject and surrounding properties and flooding processes for any flood event up to the PMF event including climate change impacts.

The Water Management Report must identify the minimum floor level requirements for development in accordance with the Flood Hazard and Flood Category applicable to the proposed land use specified in Appendix 8 of this DCP.

The subdivision of land requires the building platforms for each additional allotment to be created at or above the Flood Planning Level (plus climate change). The Plan of Subdivision is to include the Flood Planning Level (plus climate change) for each new allotment created.

Creekline Corridor

Creekline corridors in the Warriewood Valley Release Area are to be restored to a 'natural watercourse' that results in healthy ecosystems whilst maintaining their capacity for flood conveyance during high flows as stipulated in the *Warriewood Valley Urban Land Release Water Management Specification (2001)*. The creekline corridors are intended to fulfil a multi-functional purpose, containing the pedestrian and cycle network.

Where a creek passes through/aligns/abuts a Sector, buffer area or development site, the creekline corridor is to generally comprise a total width of 100 metres, comprising of a 50 metre wide Inner Creekline Corridor (being 25 metres either side of the centreline of the creek) and an Outer Creekline Corridor 25 metres wide each side of the Inner Creekline Corridor.

The 50 metre wide Inner Creekline Corridor (25m either side of the centreline of the creek), to be brought into public ownership, is a corridor that contains the creek, floodway and flora and fauna habitat. The Inner Creekline Corridor is to be designed and constructed to contain the 1% Annual Exceedance Probability (AEP) flow plus climate change. Detailed engineered plans are to be submitted with the application depicting the creek construction.

The 25 metre Outer Creekline Corridor (commonly known as the 'private buffer strip') to be provided on each side of the Inner Creekline Corridor is to be retained in private ownership and is to perform the functions of part water quality control and a fauna/flora corridor (Lawson & Treloar, 1998). The private buffer strip is to be a multifunctional corridor, appear to be part of the public domain, and may contain:

- the pedestrian path/cycleway sited above the 20% AEP flood level to reduce the incidence of flood damage to a manageable level and achieve a satisfactory safety level for regular use. The location of the pedestrian path/cycleway is variable to ensure connectivity with existing sections of the path and retention of vegetation. The alignment of pedestrian paths/cycleways and associated landscaping must provide adequate sightlines for cyclists;
- water quality control ponds;
- other water quality treatment measures; and/or
- roads and other impervious areas traditionally sited in the public domain, for up to 25% of the outer Creekline Corridor area subject to merit assessment.

Any part of residential lots, dwellings, garages, fences and other vertical built structures are not permitted within the 25 metre wide Outer Creekline Corridor.

A landscape plan for the Inner and Outer Creekline Corridors is to be prepared and submitted with the application. Extensive stands of *Casuarina glauca*, groves of *Eucalyptus robusta* with other native feature trees, an indigenous understorey and ground covers are to comprise a minimum of 75% of the total creekline corridor area. Native groundcovers should be used as an alternative to lawn.

Stormwater Drainage Management

The design of the stormwater management system (quantity and quality) is to be included in the integrated water cycle management scheme for the development.

A piped stormwater drainage system network is to be designed for a 5% AEP flood event including climate change impacts. A failsafe flood overflow system for flood events greater than a 5% AEP flood is to be provided and managed. Appropriate system blockages are to be included in the stormwater drainage system design.

The stormwater pipe drainage system network is to include private inter-allotment drainage systems that are to be connected to the public drainage system. Stormwater drainage easements will be required over all inter-allotment drainage systems and where a public stormwater drainage system traverses private property. The required easements are to be shown on the Plan of Subdivision.

Water Quality Management, Assessment and Monitoring

All development stages are to meet or exceed the water quality acceptance criteria within the *Warriewood Valley Urban Land Release Water Management Specification (2001)* for site discharges. Validation of the acceptance criteria is required by water and sediment quality monitoring and reporting.

Sediment and pollution control facilities are to be designed, installed and maintained so that upon completion of construction the facilities will prevent, discourage and intercept accidental and deliberate discharge of harmful substances in Warriewood Valley waterways.

Groundwater

The Water Management Report must identify the depth of the groundwater table. If groundwater is to be managed as a result of excavation/basements/stormwater or flood mitigation measures on the proposed development, the groundwater management measures are to be detailed in the report.

Greywater Reuse

In the event that greywater reuse is proposed as part of the integrated water cycle management scheme, the on-site treatment, disposal and/or reuse of greywater must:

- demonstrate scheme feasibility;
- comply with all relevant State and Federal regulatory requirements and the referenced guidelines; and
- achieve current NSW Health Accreditation (where accreditation is necessary).

Blackwater reuse systems and onsite disposal are not permitted on sewerage lands.

All premises must maintain a connection to the Sydney Water centralised sewerage waste disposal system.

Alterations and Additions to Existing Development

Alterations and additions to a development must consider the existing approved water cycle management

already established for the development particularly in regards to water quality, water balance and stormwater detention.

For water management requirements relating to alterations and additions to existing development, refer to Control D16.4.

Variations

The width of the Outer Creekline Corridor (known as the 'private buffer strip') may at any one point be less than 25 metres provided the outcomes of this control are met and subject to this buffer strip having an average 25 metres width.

Where there is a coordinated, multi-lot approach, Council may consider the placement of water management infrastructure within public land (excluding under the road carriageway) subject to:

- demonstration that such infrastructure will not unduly compromise the purpose or functionality of the public land;
- construction of the infrastructure is entirely at the applicant's cost;
- adherence to best practice guidelines for water quantity and quality management;
- infrastructure is not to be located in the first 25m creekline corridor known as the Inner Creekline Corridor.

Advisory Notes

The creek centreline may, as a result of the proposed design, vary within the 50m wide Inner Creekline Corridor.

Warriewood Valley Urban Land Release Water Management Specification (2001), *Narrabeen Lagoon Flood Study (2013)*, and *Pittwater Overland Flow Flood Study (2013)* are available on Council's website, www.pittwater.nsw.gov.au/flooding.

NSW Office of Water is the approval authority for a "Controlled Activity" under the *Water Management Act 2000*, with regards to rehabilitation of the creekline corridor and groundwater. If groundwater impacts are likely as a result of the proposal, the development application is to be as Integrated Development.

Where water management infrastructure is proposed to be provided on public land, owners consent for the use of the public land must be submitted with the application.

C6.2 Natural Environment and Landscaping Principles

Land to which this control applies

Land identified as being within the Warriewood Valley locality.

Uses to which this control applies

Attached dwelling
Boarding house
Business development
Cafe
Child care centre
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Entertainment facility
Exhibition home
Funeral home
Group home
Hardware and building supplies
Industrial Development
Kiosk
Landscaping material supplies
Multi dwelling housing
Neighbourhood shop
Occupation/change of use of an existing premises where building works are proposed
Office premises
Other Development
Residential flat building
Restaurant
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Signage
Subdivision of a sector, buffer area or development site in a Release Area.
Take away food and drink premises
Telecommunications facility
Timber yard
Tourist and visitor accommodation
Vehicle sales and hire premises

Outcomes

Landscaping enhances and complements the natural environment and surrounding landscape character, reinstating elements of the natural environment, reducing the visual bulk and scale of development, and complementing the design of the proposed development.
Promotion of ecologically sustainable outcomes by maintaining and enhancing remnant bushland, creekline corridors, wetland areas, local indigenous trees, shrubs and groundcover where possible to enhance the visual landscape, environmental qualities, biological diversity and ecological processes.
The canopy cover and the habitat value are increased.
Provision of a pleasant and safe living environment that is environmentally responsive, resulting in a unified, high quality landscape character and high level of visual amenity that in turn contributes to the sense of place.
New development is blended into the streetscape and neighbourhood.

Controls

Landscaping Principles

- Ensure that landscape design and planning is part of a fully integrated approach to site development.
- Be sensitive to the site attributes and context, such as streetscape character, natural landform, soils, existing vegetation, views, land capability, and drainage.
- Development must be designed to maximise the restoration, retention and preservation of indigenous trees, shrubs and groundcovers, as well as natural features, including wildlife corridors, fauna habitats, rock features and watercourses.
- Provide planting schemes that reinforce the framework of endemic canopy trees with supplementary plantings species suitable for the understorey and groundcover. These may include species that have

high ornamental qualities and/or provide food and habitat for native fauna and/or have aromatic flowers and foliage. In areas of high sensitivity only locally indigenous tree species should be used for the canopy.

- Create visually pleasing environments that integrate the built form of the development into the natural and cultural landscapes of the Warriewood Valley.
- Manage the micro-climate through the provision of canopy trees for shade resulting in the reduction in the buildings energy consumption.
- Deep soil areas are areas of soil unobstructed at any point by buildings or structures above or below the ground. Deep soil areas have important environmental benefits, such as allowing the infiltration of rain water into the water table and reduction of stormwater runoff, promoting healthy growth of large trees with large canopies and protecting existing mature trees.
- Maximise landscaped areas for on-site infiltration of stormwater.
- Integrate and form linkages with parks, reserves and transport corridors.
- Complement the functions of the street e.g. reinforce desired traffic speed and behaviour; consider lines of sight for pedestrians, cyclists and vehicles promote safety and casual street surveillance.
- Satisfy maintenance and utility requirements and minimise their visual impact. For example, undesirable visual elements such as blank walls, service areas, loading docks, and electrical sub-stations are adequately screened by shrub and tree plantings of suitable species at appropriate spacings.
- Paving, structures, fencing and wall materials complement the architectural style and finishes of the buildings on the site.

Integration with Creekline Corridor and the Public Domain

For land adjoining creekline corridors, buffer strips and reserves, preference should be given to local species identified as food sources for native fauna. Refer to the species lists contained in the *Warriewood Valley Landscape Masterplan and Design Guidelines* (Public Domain).

If the development site contains a section of Creekline Corridor, a landscape plan for the Creekline Corridor must be prepared. Details are to include:

- the creek and floodway, particularly the Inner Creekline Corridor, being designed and constructed to contain the 1% Annual Exceedance Probability (AEP) flow;
- a planting schedule (location, density and plant selection) to facilitate flora and fauna habitat;
- the location of the pedestrian path/cycleway within the Outer Creekline Corridor, where practicable, and above the 20% AEP flood level;
- if relevant, the location of any water quality control ponds and other water quality treatment measures;
- extensive stands of *Casuarina glauca*, and groves of *Eucalyptus robusta* with other native feature trees, indigenous understorey and ground covers, which are to comprise a minimum of 75% of the total creekline corridor area;
- creekline interface such as details of boulder retaining walls instead of sheer block walls or steep batters; and
- the landscaping treatment of the 25 metre wide Outer Creekline Corridor to appear as part of the public domain.

The alignments of pedestrian paths/cycleways and associated landscaping must provide adequate sightlines for cyclists.

Any part of residential lots, dwellings, garages, fences and other vertical built structures (wholly or in part) must not encroach into the 25 metre wide Outer Creekline Corridor.

Landscaping of existing and proposed Public Road Reserves

Planting within the existing or proposed public road reserve is to be in accordance with the *Warriewood Valley Landscape Masterplan and Design Guidelines* (Public Domain) and the following:

- street trees planted within the road verge placed at 6-12 metre intervals, dependent on the plants location and species;
- species selected in accordance with the species list in the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain);
- species selected must not interfere with existing or proposed power lines;
- street trees 35-500 litre in size dependent of species and plant location;
- street trees planted so as not to obstruct the free passage of pedestrians along the road verge or the future construction of a 1.5 metre footpath where none currently exists;
- where possible, all existing trees over 3 metres in height are to be retained within the road reserve areas, with consideration to health and condition. Such trees are to be protected through perimeter 1.8 metre high temporary fencing during the construction of works; and
- grassed areas are to be turfed with couch species (weed free) to a maximum 4% grade.

Landscaped Area

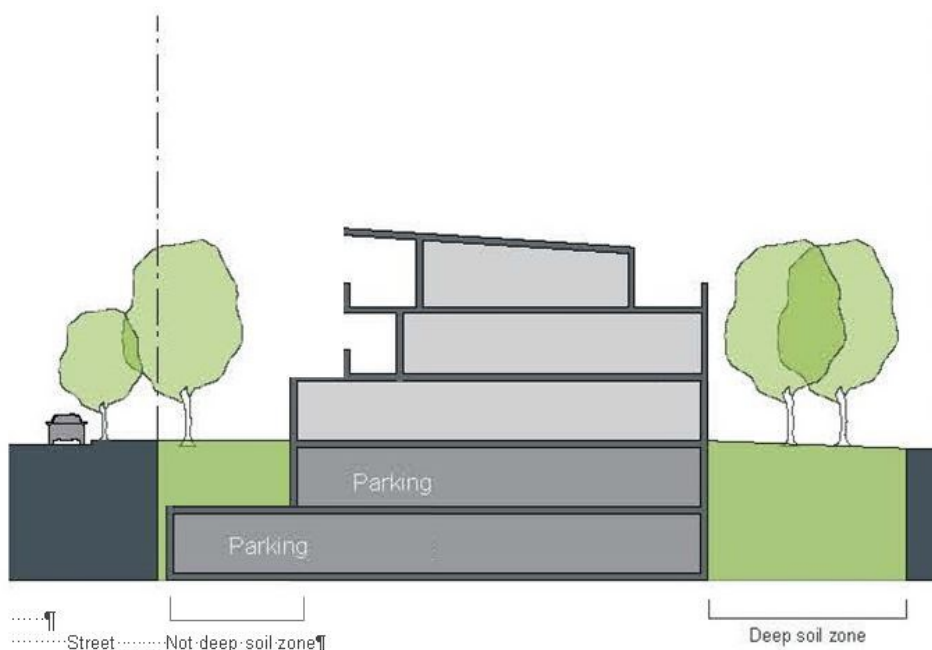
A landscape plan documenting the proposed landscape treatment and planting species as selected from the *Warriewood Valley Release Area Landscape Masterplan and Design Guidelines* (Public Domain) (as amended), is to be submitted with the Development Application.

Due to the smaller lot sizes anticipated in Warriewood Valley and the resultant smaller dimensions of landscaped area, areas intended for landscaping should be predominately areas of deep soil. Minor overhangs and protrusions such as Juliette balconies will be considered on merit. Planter boxes and rooftop gardens are not considered to be areas of deep soil.

In designing and siting dwellings, the following principles should be adhered to:

- areas intended for landscaping should be predominately areas of deep soil;
- the location of deep soil areas should, where possible, facilitate the retention of existing trees and vegetation;
- basement car parking should be contained within the building footprint where possible to maximise areas of deep soil planting (refer to figure 1 below); and
- deep soil areas should be co-located with areas of private open space or communal open space, in the case of residential flat buildings and multi dwelling housing, to provide shade and amenity for residents.

Figure 1 below- Example of deep soil areas.



Communal Open Space Area

25% of the site area is to be provided as communal open space within residential flat buildings, shop top housing, mixed use and multi dwelling housing developments.

Areas of communal open space should be co-located with deep soil areas. They are to provide amenity for residents and are to receive a minimum of 50% direct sunlight to the principle usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June.

A landscape plan for communal open space areas is to be prepared, showing connection and utility of this communal open space area for future residents of the development.

Variations

The width of the Outer Creekline Corridor (known as the 'private buffer strip') may at any one point be less than 25 metres provided the outcomes of this control are met and subject to this buffer strip having an average 25 metres width.

Up to a maximum of 25% of the outer Creekline Corridor may contain roads and other impervious areas but not part of residential lots/dwellings/fencing, and will be subject to merit assessment.

Advisory Notes

This control is to complement the related provisions under *Pittwater LEP 2014* and Control B4.22 Preservation of Trees and Bushland Vegetation of this DCP.

For landscape guidelines associated with creekline or road reserve interface, refer to the *Warriewood Valley Release Area Landscape Masterplan and Design Guidelines* (Public Domain) as amended.

For further deep soil area requirements see control C6.8 Landscaped Area (Sector, buffer area or development site).

For landscaped area requirements for individual allotments see control D16.5 Landscape Area for Individual Allotments.

C6.3 Ecologically Sustainable Development, Safety and Social Inclusion

Land to which this control applies

Land identified as being within the Warriewood Valley locality.

Uses to which this control applies

Attached dwelling
Boarding house
Business development
Cafe
Child care centre
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Entertainment facility
Exhibition home
Funeral home
Group home
Hardware and building supplies
Industrial Development
Kiosk
Landscaping material supplies
Multi dwelling housing
Neighbourhood shop
Occupation/change of use of an existing premises where building works are proposed
Office premises
Other Development
Residential flat building
Restaurant
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Signage
Subdivision of a sector, buffer area or development site in a Release Area.
Take away food and drink premises
Telecommunications facility
Timber yard
Tourist and visitor accommodation
Vehicle sales and hire premises

Outcomes

An ecologically sustainable environment is developed and maintained.

Ensure that development is designed on a 'whole of development/site' approach by applying the principles and processes that contribute to Ecological Sustainable Development (ESD).

Ensure that the development (including the public domain) has incorporated the Crime Prevention Through Environmental Design (CPTED) principles of surveillance, access control, territorial management and space management control into its design.

Maximise access and adaptive reuse of the development including the public domain for all members of the community.

The land release development results in a liveable community fostering a strong sense of community and facilitates social interaction among residents.

Controls

Designing for ESD

Development should be designed and located with consideration to orientation, ventilation, topography, vegetation, microclimate, adjoining development and landscape, that incorporates:

- passive solar building design;
- a reduction in greenhouse gas emissions;
- opportunities to monitor consumption performance, for example through the installation of SMART metering;
- safe connections to the existing pedestrian/cycleway networks and public transport routes; and
- principles of Universal Design.

Sub-metering of building services to enable individual tenancies to facilitate individual monitoring of consumption performance is required.

Integration of CPTED

Development is designed to incorporate the following CPTED principles:

Principle 1 – Natural Surveillance

Provide opportunities for effective surveillance (natural and technical) to reduce the attractiveness of crime targets. Good surveillance means that people can see what others are doing thereby deterring 'would be offenders' from committing crimes in areas with high levels of surveillance and can be achieved by (but not limited to):

- locating public services in areas of high activity;
- providing clear sightlines between public and private spaces;
- providing natural surveillance into communal and public areas;
- locating entries that are clearly visible from the street;
- avoiding blind corners in pathways, stairwells, hallways and carparks; and
- installation of effective lighting in public spaces that does not produce glare or dark shadows.

Principle 2 – Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people and in turn, minimise opportunities for crime. Effective access control can be achieved by (but not limited to):

- creating landscapes/settings that channel and group pedestrians into target areas or conversely, use vegetation as barriers to deter unauthorised access;
- designing public spaces that attract rather than discourage people from gathering; and
- providing clear entry points and ensuring buildings (or tenancies in buildings) are clearly identified by the street number (in regard to tenancies, unit number).

Solid roller shutters are not permitted as security devices on buildings or tenancies.

Principle 3 – Territorial Reinforcement

This principle relies on the users of the spaces or areas feeling that they have some ownership of the public space and are therefore more likely to gather and enjoy that space. Territorial reinforcement can be achieved in the design of the development by:

- Having distinct transitions and boundaries between the public and private areas; and
- Clearly defining spaces to express a sense of ownership and reduce illegitimate use/entry.

Principle 4 – Space Management

Public space that is attractive and well maintained is inviting to users and becomes a well-used space. Linked to the principle of territorial reinforcement, space management ensures that the space is appropriately utilised and well cared for. It may include:

- proper and regular maintenance regimes;
- rapid repair of vandalism and graffiti, replacement of furniture and lighting; and
- the design itself promotes pride and sense of place for community.

Universal Design and Adaptive Reuse

The principles of Universal Design must be integrated into new developments and the urban spaces surrounding, ensuring access and utility for people.

Developments and the public domain, must comply with Australian Standard *AS 1428:2009.1: Design for access and mobility – General requirements for access – New building work*.

Developments should be designed and constructed to serve beyond its initial/first use to ensure that building stock is durable and capable of adaptability in the future. The 'whole of development' approach needs to consider the design, construction and materials selection at the outset to encourage adaptability and accessibility and, in turn, maximise the longevity of building stock.

Dwellings should be flexible in their design to facilitate 'ageing in place' and change in lifecycle/circumstance. Control C1.9 prescribes the circumstances when dwellings are to be designed to facilitate adaptable housing in accordance with Australian Standard *AS4299-1995: Adaptable Housing*.

Residential accommodation in mixed use, shop top housing, residential flat buildings and multi dwelling housing

developments require the provision of adequate communal open spaces to facilitate opportunities for:

- its residents to meet informally; and
- casual/passive surveillance onto these spaces.

The design and location of the communal open space areas must consider the likely noise impacts generated from these areas.

Variations

Nil

Advisory Notes

The indoor environmental quality of occupants is to be improved by:

- natural ventilation and air circulation that, in turn, reduces the need for mechanical ventilation;
- increasing the thermal comfort of occupants, for example through the zoning of sections that enables individual control of heating and cooling;
- installation of lighting systems and fittings appropriate for the use/activity located in that part of the building(s), resulting in reduced energy consumption; and
- selecting materials and furniture from renewable resources that have minimal emissions of toxic substances, have minimal and safe production techniques and that produce minimal waste. Timber should be reused or come from sustainable forestry practices.

Certain developments (refer to control 5.2 under Pittwater 21 Development Control Plan Preliminary (Part A)) will require referral to NSW Police where a crime risk assessment will be undertaken, having considered how the design has integrated the CPTED principles into the development.

Control C5.22 prescribes additional sustainability requirements for non-residential development of a particular size.

Controls C6.2 Natural Environment and Landscaping Principles and D16.10 Private and Communal Open Space discuss further communal open spaces, include area requirements.

C6.4 The Road System and Pedestrian and Cyclist Network

Land to which this control applies

Land identified as being within the Warriewood Valley locality.

Uses to which this control applies

Business- New Construction or Alterations and Additions.

Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).

Industrial- New Construction or Alterations and Additions.

Subdivision of a sector, buffer area or development site in a Release Area.

Roads

Outcomes

Provision of sustainable transport arrangements to, from and within Warriewood Valley aimed at reducing the use of private motor vehicles.

To facilitate a hierarchy of interconnected streets of sufficient carriageway and verge widths that allow streets to perform their designated functions and facilitate safe, convenient and clear access within and beyond Warriewood Valley.

Safe, convenient and direct access by non-motorised means from residences to public transport, employment areas, adjoining sectors, open space, community facilities and other services.

Provision of roads, including ones fronting areas of public open space, that accommodate public utilities, drainage systems and substantial street tree planting within the street network providing an attractive and spacious streetscape that includes a sense of address, where dwellings front onto a street.

Compliance with the requirements of the *Roads Act 1993* (s 138).

Controls

The Road System

A traffic analysis report and road plans and sections for the Sector, buffer area or development site, demonstrating that the outcomes within this control will be achieved, must be prepared by a suitably qualified professional and submitted with the application. The road plans must comply with the relevant specifications and cross sections in Council's *Warriewood Valley Roads Masterplan*.

In order to address the outcomes and controls of this DCP, the Warriewood Valley Roads Masterplan adopts the following road hierarchy:

- Sub-arterial Streets - *Ponderosa Parade, Macpherson Street, Warriewood Road (east of Macpherson Street) and Garden Street.*
- Collector Streets - *Foley Street, Jubilee Avenue, Orchard Street, Warriewood Road (north of Macpherson Street), Daydream Street and Boondah Road and any new road with traffic volumes 2000 to 5000 vehicles per day.*
- Local Streets - *Fern Creek Road and new roads servicing a maximum of 200 dwellings, located within a Sector, buffer area or development site.*
- Access Streets – *New roads servicing a maximum of 30 dwellings located within a Sector, buffer area or development site.*
- Laneways – *New which are not primary street frontages to dwellings servicing a maximum of 30 dwellings, and not exceeding a length of 80m located within a Sector, buffer area or development site.*
- Sector Entry Streets - *Primary entrance street to a Sector, buffer area or development site.*

Council shall not grant consent to development on land adjoining Pittwater Road or Mona Vale Road if the development proposes vehicular access to Pittwater or Mona Vale Roads.

The design and construction of the road and pedestrian network shall, regardless of the form of subdivision and future ownership of the road(s), provide full pedestrian and vehicular access and on-street parking and function as a public road network.

Design Requirements

A single access point to each sector, buffer area or development site serviced by a roundabout or other on-street traffic management facilities (if necessary) is to be provided with vehicular access to individual lots within the subdivision being from internal roads within that subdivision. Internal roads linking separate existing sites are to be provided.

The street pattern must provide direct, safe, and convenient pedestrian and cyclist access from housing and employment areas to public transport stops and to areas of open space, services and other facilities. Connectivity within the sector, buffer area or development site is required to ensure the majority of dwellings are within walking distance to bus stops.

The street layout and design is to consider opportunities for the retention of existing significant trees within the road reserve where possible. Trees may be incorporated with small, informal spaces that provide opportunities for 'greening of the street'.

All roads in Warriewood Valley must be designed with traffic calming devices to lower vehicle speeds, which may incorporate pavement treatment and enhanced landscaping. The provision of safe crossing areas is required. All roads and any traffic calming devices in Macpherson Street, Warriewood Road, Ponderosa Parade, Garden Street and Boondah Road must be able to cater for ultra-low floor articulated buses. The road system is to cater for adequate vehicular access for waste removal services.

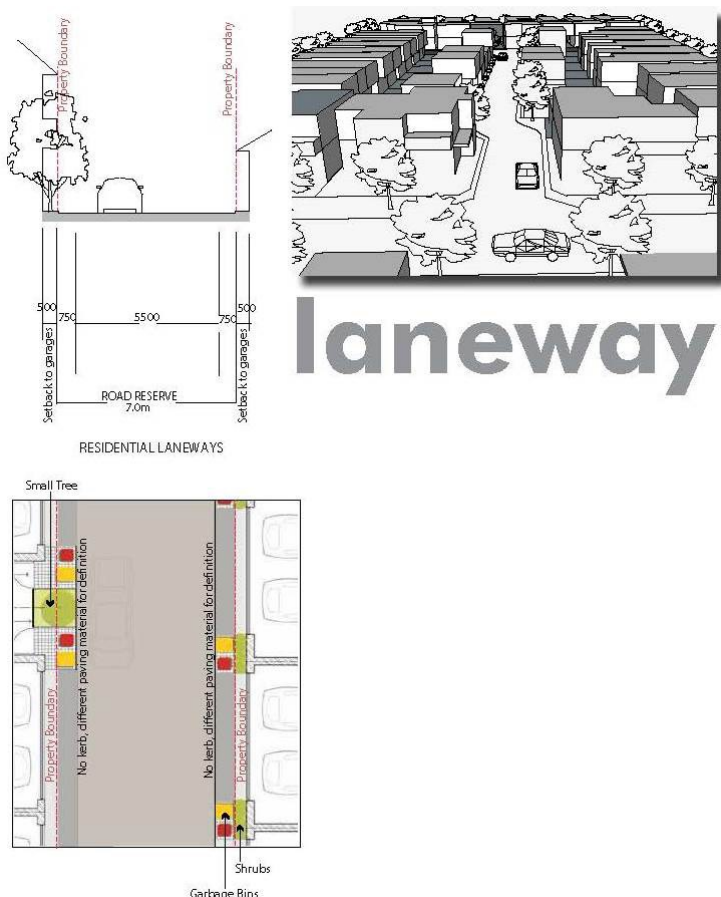
Driveway locations on Sub-arterial Roads, Collector, Local and Access Streets are to consider the impact on street trees and on street parking opportunities.

Laneways

For residential lots with double frontages, laneways should be used to provide rear loaded access. Laneways are not suitable for single frontage lots.

The design, dimensions and materials of the laneway should promote a slow speed driving environment, distinctively different from a street. Laneways are to be provided with a suitable level of passive surveillance.

Garbage collection areas are to be incorporated into the design of laneways to ensure access along the laneway is not hindered during garbage collection periods. Garbage bins are to be located in designated collection areas only during the collection period. The garbage collection area(s) is not to be used for parking or storage.



Temporary Roads

Where access arrangements have not been constructed in a timely manner, the construction of temporary roads may be permitted to enable an isolated property to develop ahead of the surrounding roads being constructed to facilitate direct access onto the existing public road network. In these circumstances temporary roads are permitted subject to the following criteria being satisfied:

- a traffic report being prepared by an appropriately qualified professional demonstrating how the temporary road provides for the safe usage of all road users including service and passenger vehicles, pedestrians and cyclists;

- the final road configuration (permanent road) for the development is consistent with the applicable specifications and cross section within the *Warriewood Valley Roads Masterplan*;
- the temporary road is to cater for no greater than 300 vehicles per day, with a minimum carriageway width of 6m provided to cater for two-way traffic;
- the safety of all road users including service and passenger vehicles; pedestrians and cyclists is not compromised by the temporary road;
- engineering design details are submitted for the temporary road, including details of any necessary water management, drainage and service utility provision requirements;
- where the development of adjoining development sites results in them being temporarily isolated from formal and final road infrastructure, arrangements between developers of these sites is to result in temporary roads being located so that a full width temporary road can be provided i.e. the temporary road on each development site should be adjacent to the other temporary road; and
- the temporary road being removed once direct access to the newly completed public road network has been achieved.

Half Width Road Construction

Due to the narrow width of some Sectors, Buffer Areas or Development Sites in Warriewood Valley, it may be necessary for roads to be constructed across the boundary of two adjoining properties.

Where a road is to be constructed along the boundary of two properties, the partial/half width construction of the road is permitted subject to the following criteria being satisfied:

- a traffic report is submitted with the application prepared by an appropriately qualified professional demonstrating how the partial road proposal provides for the safe usage of all road users including service and passenger vehicles, pedestrians and cyclists;
- a minimum carriageway width of 6m is provided to cater for two-way traffic;
- the development potential of all adjoining allotments is maintained. The proposed development shall not render any allotment of future redevelopment opportunity undevelopable in the event that this allotment does not meet the development standards set out in Pittwater LEP 2014 or the controls set out in this DCP;
- the safety of all road users including service and passenger vehicles, pedestrians and cyclists is not compromised by the partial road construction;
- engineering drawings are provided with the application for the partial and full width of the road, including details of any necessary water management, drainage and service utility provision requirements;
- where the road classification requires a footpath to be provided, the footpath is to be provided along the first completed side of the road;
- reciprocal right of access is afforded to the adjoining property(s); and
- the final road configuration is consistent with the applicable specifications and cross section within the *Warriewood Valley Roads Masterplan*, as amended.

Subdivision adjoining an existing public road

Where the subdivision adjoins an existing public road reserve, plans are to be submitted for the intersection treatment to the public road reserve and any works within the public road reserve including road pavement, vertical kerb and gutter, footpaths and cycleways (minimum 1.5m wide footpath or a minimum 2.1m wide where a cycleway is required).

All works associated with the intersection treatment (except those identified under the *Warriewood Valley Section 94 Development Contributions Plan* as amended) and any works within the public road reserve are to be carried out at full cost to the developer.

Pedestrian and Cyclist Network

A pedestrian and cyclist network is to be provided in accordance with the *Warriewood Valley Landscape Masterplan & Design Guidelines* (Public Domain).

The pedestrian/cycleway link should be located off road, where practical. Where a pedestrian/cycleway link is located in:

- a public reserve, the minimum width is 2.5 metres; and
- the road verge adjacent to the road carriageway, the minimum width is 2.1 metres.

The location of the pedestrian path/cycleway is variable within the creekline corridor to ensure connectivity with existing sections of the path and facilitate retention of vegetation so long as the pedestrian path/cycleway is sited above the 20% AEP flood level to reduce the incidence of flood damage to a manageable level and achieve a satisfactory safety level for regular use. The alignment of the pedestrian/cycleway network must provide adequate sightlines for cyclists.

Where a pedestrian/cyclist link is identified within or adjoining a sector, buffer area or development site, the

applicant is to identify on their development drawings the location for this infrastructure.

The pedestrian/cycleway network must be accompanied by appropriate landscaping and vegetation. Details of the proposed landscaping and vegetation must accompany any development application.

Reference should be made to *Warriewood Valley Landscape Masterplan & Design Guidelines* (Public Domain) for further information.

Approval for works on the public road reserve under Section 138 of the Roads Act 1993

Any new road, regardless of ownership, connecting to the existing public road network, will require separate approval from Pittwater Council as the Roads Authority under the *Roads Act 1993*.

Access Driveways

Driveways shall be designed and constructed to:

- provide safe access and reduce the impacts of stormwater run-off to any public land;
- the minimum practical pavement width needed to facilitate access and turning movements; and
- minimise the area of impervious pavement within the land.

The cost for Access Driveways construction and maintenance and adjustment of any utility service is the responsibility of the Applicant.

Access Driveway Location

Access Driveways shall be designed and located to provide adequate sight distance to maximise pedestrian and vehicular safety as follows:

- minimum clear distance along the road frontage edge of kerb of 50 metres for 40 and 50 km/h speed limit roads measured from a point on the centreline of the driveway 2.5 metres from the face of kerb; and
- minimum clear distance along the frontage footway of 5 metres, measured from a point on the centreline of the driveway 2.5 metres from the edge of footway area closest to property boundary.

For corner allotments, the closest point of the Access Driveway shall be located at the maximum practical distance from the intersection of the adjoining roads, being no closer than 6m from the tangent point at the kerb.

The location of Access Driveways is to maximise the retention of trees and native vegetation in the public road reserve.

Access Driveways located in front of adjoining properties will be considered on merit, based on Council's consideration of the site constraints.

Ancillary structures within the public road reserve may be considered where the intended purpose is to structurally support the access driveway only however, encroachment into the road reserve is to be minimised. Suspended driveways must not use the existing road structure for support.

Access Driveway design, widths and profiles

The maximum width of an Access Driveway for dwelling houses, dual occupancies and secondary dwellings shall be as follows:

Distance Building Line to Boundary	Minimum Width at Boundary	Width at Kerb
Nil to 3.5m	3.0m	Width at the boundary plus 0.5m
Greater than 3.5m to 6.5m	4.0m	4.5m

Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles. The Access Driveway is to be structurally adequate for its intended use. All structural elements within the road reserve must be certified by a Structural Engineer. In addition, where the land is identified on the Landslip Hazard Map, the design of all structural elements must satisfy the Landslip Hazard Controls.

Access Driveways are to be in accordance with:

- Australian Standard AS/NZS 2890.1-2004: *Parking Facilities Part 1: Off-Street Car Parking*.
- Australian Standard AS/NZS 2890.2-2002: *Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities* except as qualified in this control.

Turning movements are to be in accordance with the turning paths for a B85 vehicle (Australian Standard AS/NZS 2890.1-2004: *Parking Facilities - Part 1: Off-Street Car Parking*).

Provision is to be made for vehicles to enter and leave the site in a forward direction, where:

- the internal driveway grade exceeds 1:4 (V:H);
- the land abuts a roadway subject to high pedestrian use (e.g. School, Commercial Centre); and/or
- driveways are more than 30m in length.

Access Driveways are to match in with adjacent constructed footpaths or alternatively adjacent constructed footpaths are to be adjusted to provide a continuous surface with no trip points with a maximum 1:14 (V:H) transition.

Access Driveway for Service Vehicles to Loading Dock

For developments on land zoned B7 Business Park and IN2 Light Industrial, separate entry/exit vehicular access is required with Access Driveways for entry and exit separated by a minimum distance of 2 metres.

Access Driveways providing access for service vehicles to loading docks must be separated from access used by the general public for access to public parking areas and where practical, be located on a rear public road frontage providing separation from pedestrian activity.

Where Access Driveways are located on the same frontage, the minimum distance between an Access Driveway for service vehicles and an Access Driveway for the general public shall be 5 metres from inside edge to inside edge of the Access Driveways.

Access Driveway Construction and Finishes

All Access Driveways shall be constructed with an impervious pavement and gutter crossing construction.

Gutter crossings are to be in plain concrete.

Access Driveways are to be either in plain concrete or a cosmetic finish consisting of concrete, asphaltic concrete or paver construction in dark earthy tones, (Cosmetic Access Driveways on a public road reserve are subject to a Deed of Agreement releasing Council in respect to liability and damage to the driveway by any means).

Where retaining walls and structures are visible from a public place, preference is given to the use of textured finishes of dark earthy tones or sandstone-like finishes.

Variations

Nil

Advisory Notes

Reference should be made to Council's *Warriewood Valley Roads Masterplan* for road classifications and their associated design details, *AMCORD Part 2- Design Elements: Physical Infrastructure*, and to the *Traffic Authority of NSW Guidelines for Traffic Facilities- Part 7.3: Shared Traffic Zones* for further design standards.

In addition to the requirements under the *Warriewood Valley Landscape Masterplan & Design Guidelines* (Public Domain), the *Warriewood Valley Roads Masterplan* specifies a requirement for footpaths to be provided along roads of a certain classification.

The pedestrian and cyclist network is funded through developer contributions in accordance with the *Warriewood Valley Section 94 Contributions Plan*.

Access driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in [Appendix 10 -Driveway Profiles](#).

C6.5 Utilities, Services and Infrastructure Provision

Land to which this control applies

Land identified as being within the Warriewood Valley locality.

Uses to which this control applies

Attached dwelling
Boarding house
Business development
Cafe
Child care centre
Development ancillary to residential accommodation
Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).
Dual occupancy (attached)
Dual occupancy (detached)
Dwelling house
Entertainment facility
Exhibition home
Funeral home
Group home
Hardware and building supplies
Industrial Development
Kiosk
Landscaping material supplies
Multi dwelling housing
Neighbourhood shop
Occupation/change of use of an existing premises where building works are proposed
Office premises
Other Development
Residential flat building
Restaurant
Secondary dwelling
Semi-detached dwelling
Seniors housing
Shop top housing
Signage
Subdivision of a sector, buffer area or development site in a Release Area.
Take away food and drink premises
Telecommunications facility
Timber yard
Tourist and visitor accommodation
Vehicle sales and hire premises

Outcomes

Ensure that utility services are capable to meet the demands of increased development in Warriewood Valley.
Design and the undergrounding of utility services is funded by the developer.
Visual pollution from overhead services is prevented.
Telecommunications and technological innovations are installed.
Improved safety and removal of visual clutter.
Security of utility services is improved.
Opportunities for street tree planting are enhanced.
Provision of public infrastructure as listed in the Warriewood Valley Section 94 Plan.
Infrastructure associated with the development and identified to be directly provided is appropriately managed.

Controls

New development including the creation of new allotments is to be fully serviced by electricity, reticulated water and sewer, gas and communications.

All services, including telecommunications and cable television, are to be provided underground, within the road reserve (proposed and/or existing) and on the development site itself including lots being created by the subdivision. The undergrounding of the services is at the full cost to the developer.

Common trenching of services is encouraged, and consideration must be given to the location of underground services and landscape planting.

All development is to be designed and constructed to allow internal access for telecommunications, intelligent

lighting and home automation facilities from underground street electrical and telecommunications cabling without costly retro-fitting. Buildings are to be designed to enable sufficient riser capacity and sufficient space within ceilings to permit connection to a central point for communications wiring for televisions, telephones, satellite, computers and burglar alarms. Consideration should be given to the provision of a "patch panel" in dwellings. This is a central point for communications wiring with conduits to various points such as living rooms and bedrooms.

Infrastructure integral to the development must take into consideration that the water management facilities and the internal road network are likely to remain in private ownership, including access arrangements and lifecycle costs associated with the maintenance and management of the infrastructure.

Infrastructure required for the development not listed in the Warriewood Valley Section 94 Plan, is to be provided by the proponent and will not be subject to credit against the developer contributions payable to Council. This includes works within Council's (existing or proposed) public road reserve.

Variations

Subject to achieving the outcomes of this control, based on merit (including social, environmental and economic factors), technical practicalities and advice from the energy supplier, the justification for not proceeding with undergrounding of utility services will be considered in the following circumstances:

- Electricity wires carrying 16,000 volts, 33,000 volts or more; and
- Short lengths of overhead wires of two spans or less, unless opportunities to underground with adjoining properties are available.

Advisory Notes

Refer to the *Warriewood Valley Section 94 Contribution Plan*, as amended.

In the event that a proponent seeks to provide infrastructure or land to Council and it is not identified in the *Warriewood Valley Section 94 Contributions Plan*, such proposition should be identified in the development application and will be subject to Council agreeing to the future ownership arrangement. The infrastructure or land may be dedicated to Council free of cost.

C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development

Land to which this control applies

Land identified as being within the Warriewood Valley locality.

Uses to which this control applies

Business Development – New Construction or Alterations and Additions

Cafe

Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).

Development ancillary to residential accommodation

Entertainment facilities

Industrial Development – New Construction or Alterations and Additions.

Neighbourhood Shop

Restaurant

Subdivision of a sector, buffer area or development site in a Release Area

Outcomes

Development does not have an adverse impact upon adjoining existing residential properties.

Any adverse impacts on environmentally sensitive areas or impacts of differing land uses are mitigated.

Landscaped zones provide amenity buffers between incompatible land uses, such as the Warriewood Wetlands and residential areas, non-residential land uses in residential areas, and between light industrial and residential areas.

A reasonable level of solar access and visual privacy to residential properties is maintained.

Minimisation of acoustic impacts.

Controls

Development adjoining Warriewood Wetlands

A minimum setback of 15 metres (buffer strip) is to be provided between any development and the Warriewood Wetlands.

Landscaping is to be in accordance with the requirements specified in this control.

Non-residential development within residential areas or commercial/industrial development adjoining residential areas

A minimum setback of 10 metres (buffer strip) is to be provided between the proposed development and the existing development.

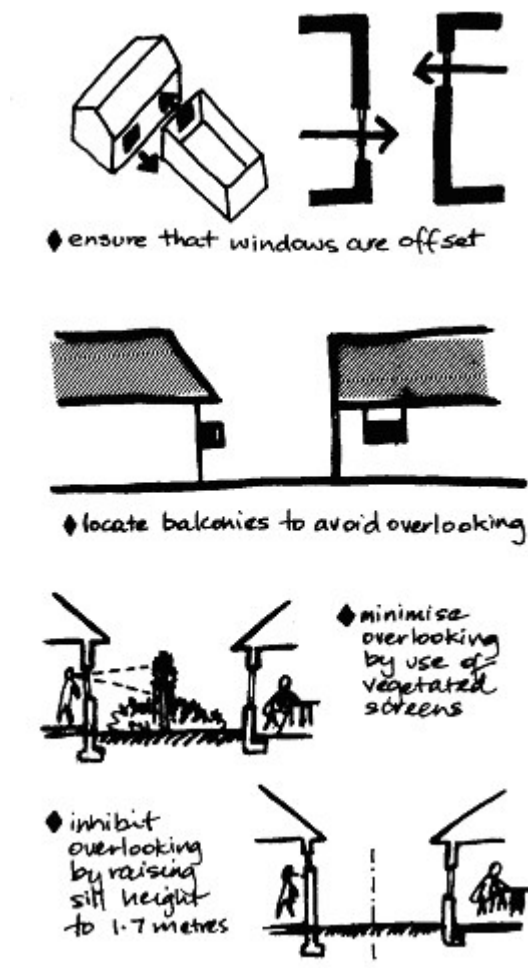
The following principles are to be considered.

Solar access to adjoining residences should be maintained in accordance with the following:

- the principal private open space of each dwelling is to receive a minimum of three (3) hours of sunlight between 9am and 3pm on June 21.
- the windows to the principal living area of adjoining dwellings are to receive a minimum of three (3) hours of sunlight between 9am and 3pm on June 21 (that is, to at least 50% of the glazed area of those windows), or if the existing impact is greater than this then the cumulative effect is not worsened.

Direct views of private open space or any habitable room window of an adjoining residence within 9m may be restricted (see diagram below) by:

- vegetation/landscaping;
- increased spatial separation;
- building layout;
- a window sill height 1.7m above floor level;
- offset windows;
- fixed translucent glazing in any part below 1.7m above floor level; and/or
- solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:
 - permanent and fixed;
 - made of durable materials; and
 - designed and painted or coloured to blend in with the house.



Landscape treatment of the Buffer Strip

The buffer strips are to be extensively landscaped and where possible should incorporate:

- landscaped mounds with mass plantings of native trees and shrubs in suitable locations;
- planting should consist of a framework of locally indigenous canopy trees with native shrubs and groundcovers;
- native groundcovers should be used as an alternative to lawn; and
- the buffer strips are to contain pedestrian/cycleway paths, with vandal-resistant solar lighting which allow for casual surveillance of the path from adjacent buildings.

A landscape plan for the buffer strip documenting the proposed landscape treatment and planting species as selected from the *Warriewood Valley Release Area Landscape Masterplan and Design Guidelines* (Public Domain) as amended, is to be submitted with the Development Application.

Variations

Nil

Advisory Notes

Nil

C6.7 Landscape Area (Sector, Buffer Area or Development Site)

Land to which this control applies

Land identified as being with the Warriewood Valley locality.

Uses to which this control applies

Cafe

Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).

Entertainment facilities

Restaurant

Subdivision of a sector, buffer area or development site in a Release Area.

Outcomes

Achieve the desired future character of the Locality.

Conservation of natural vegetation and biodiversity and minimisation of the ecological footprint of development.

Vegetation is retained and enhanced to screen and soften the appearance of the built form.

Stormwater runoff is appropriately managed and reduced, preventing soil erosion and siltation of natural drainage channels.

To ensure the provision of an attractive and landscaped streetscape, enhanced by street tree planting and deep soil landscaping.

Landscaped areas are predominately areas of deep soil.

Controls

Where a sector, buffer area or development site has a frontage to a creek, a minimum 35% of the site area is to be landscaped area.

Where the sector, buffer area or development site has no frontage to a creek, a minimum 25% of the site area is to be landscaped area.

The minimum landscaped area directly impacts on site storage requirements for the overall water cycle management of a sector, buffer area or development site based on the *Warriewood Valley Urban Land Release Water Management Specification (2001)*. This policy assumes 50% impervious area for a sector, buffer area or development site, therefore the Water Management Cycle model must account for the quantum of built upon area. Where the proposal's impervious area exceeds 50%, a reassessment of the site storage requirements should be undertaken and measures to address the difference must be clearly outlined.

Landscaped areas are to be predominately areas of deep soil to allow the infiltration of rain water to the water table to reduce stormwater runoff, promote the healthy growth of large trees with large canopies and protect existing mature trees. Deep soil areas are areas of soil unobstructed by buildings or structures above or below the ground. The location of deep soil areas should, where possible, facilitate the retention of existing trees and vegetation.

Variations

Nil

Advisory Notes

Refer to the *Warriewood Valley Urban Land Release Water Management Specification (2001)*, as amended and control C6.1 Integrated Water Cycle Management.

C6.8 Residential Development Subdivision Principles

Land to which this control applies

Land zoned R3 Medium Density Residential within the Warriewood Valley locality.

Uses to which this control applies

Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).

Subdivision of a sector, buffer area or development site in a Release Area.

Outcomes

Development occurs in an efficient and orderly manner.

A range of lot sizes and dwelling types are provided to foster a diverse community and interesting streetscape.

To efficiently utilise land to achieve the target dwelling yield.

Proposed residential lots achieve a high level of amenity including reasonable solar access.

Surveillance of public open spaces is facilitated.

An ecologically sustainable environment which reduces the use of fossil fuels and increases the use of renewable energy is developed and maintained.

Active modes of transport and accessibility are encouraged through design.

Controls

Subdivision Principles

The design of the subdivision should be generally consistent with the following key principles:

- Sectors, buffer areas and development sites with an effective lot width less than 60 metres should ideally pursue opportunities for site amalgamation to facilitate orderly planning and development outcomes and the efficient use of land.
- The subdivision layout including the lot size must respond to the physical characteristics particular to each sector, such as slope and existing significant vegetation, and site constraints including bushfire risk.
- The subdivision layout is to incorporate adequate pedestrian, cycle and vehicle links to the road network, public transport nodes, pedestrian/cyclist network and public open space areas.
- Roads should adjoin creekline corridors and open space areas to facilitate surveillance, provide access to and prevent isolation and degradation of these spaces.
- Where it is not possible to locate a road along creekline corridors and open space areas, Residential Flat Buildings or Multi Dwelling Housing products designed to facilitate casual surveillance should adjoin these areas.
- A single access point to each sector, buffer area or development site serviced by a roundabout, if necessary, or other on-street traffic management facilities is to be provided, with vehicular access to individual lots within the subdivision being from internal roads within that subdivision.
- The number of driveway entrances from any sector, buffer area or development site onto major roads in Warriewood Valley including Garden Street, Macpherson Street, Forest Road, Orchard Street and Warriewood Road is to be minimised. Opportunities for shared driveways maximise the on-street parking provision and create a more attractive streetscape.
- Lots must have the appropriate area, dimensions and shape to accommodate the housing product proposed as well as canopy trees and other vegetation, an private outdoor open space, rainwater tanks, vehicular access and onsite parking.
- Lots are to be orientated to optimise solar access for dwellings and areas of private open space. Widest or deepest lots are to be oriented with north to the front, with the narrowest orientated with north to the rear.
- Larger lots should be located on corners.
- Use of battle-axe shaped lots should be minimised.
- A 'break' is to be provided between every three (3) attached/abutting dwelling of the same lot width.
- Continuous runs of garages fronting laneways are to be avoided (i.e. break up through pairing, setback variation etc.)

Lots should be rectangular. Where lots are irregular in shape, they are to be large enough and orientated appropriately to enable a future dwelling to meet the controls in this DCP.

In instances where the permitted maximum dwelling yield for the sector, buffer area or development site is to be achieved, the retention of existing dwellings on large lots greater than 500m², particularly along Warriewood Road, is not desired as it is not in keeping with the desired future character and limits the ability to achieve the adopted density. Lots suitable for housing typologies that reflect the streetscape character of existing housing on the opposite side of Warriewood Road, for example dual occupancies (attached or detached), should be sited fronting Warriewood Road.

Lots less than 225m² in size or less than 9m wide are to be rear loaded, except where it can be demonstrated that:

- rear access is not practical due to the size or shape of the development site; or
- there will be no adverse impact on streetscape amenity and on-street parking.

The minimum width of a rear loaded lot is to be 4.5 metres.

Where dwellings front two roads, dwellings are to present to the higher street classification and are to reflect the streetscape character of the higher street classification. Appropriate presentation to the higher street classification is to include a front door, front entry articulation such as a porch, letterbox and direct pedestrian access to the higher street classification from the dwelling. A front building setback is also applicable.

Street Network

The design of the internal street network should:

- establish a traditional grid street network pattern to facilitate walking and cycling and enable direct local vehicle trips;
- encourage a low speed traffic environment;
- optimise solar access opportunities for dwellings;
- respond to the natural site topography to minimise cut and fill;
- seek to retain significant trees or areas of bushland; and
- provide frontage to and maximise surveillance of open space areas and riparian corridors.

Cul-de-sacs may be included only in limited circumstances such as where access-denied roads or shallow lots caused by irregular shaped areas exist and where the applicant can demonstrate that the outcomes of the control can be satisfied.

Subdivision of existing small and narrow lots

Due to the dimensions and size of some sectors, buffer areas and development sites in Warriewood Valley, it may be difficult to achieve quality urban design outcomes and a mix of dwelling types. Narrow lots with single street frontages, in particular, are also likely to have difficulty in achieving access without compromising lot depth.

Through site amalgamations however there may be opportunities to reduce unnecessary road duplication and deliver better quality urban design outcomes.

Sectors, buffer areas and development sites with an effective lot width less than 60 metres should ideally pursue opportunities for site amalgamation to facilitate orderly planning and development outcomes and the efficient use of land.

Lot Diversity Requirements

A range of residential lot types (varying in area, frontage, depth and access) should be provided to ensure a mix of housing types and dwelling sizes.

With the exception of development applications for an Integrated Housing development (refer to control C6.9 Residential Land Subdivision Approval Requirements) not more than 40% of the lots created through a subdivision proposal may be of the same lot type. Every development application for subdivision must be accompanied by a Lot Mix table showing the lot types, number and percentage of the overall total. If the application is to be staged and a single stage does not demonstrate that not more than 40% of the lots are the same lot type, an indicative plan of the remaining lot types proposed under the remaining stages is to be submitted, indicating compliance with the above.

Lot type is determined by lot width. Lot width is measured from one side boundary to the other at the primary street front building line not including access handles. Lots of different lot types must have to have a difference in their lot widths of at least 2 metres.

Not more than 20% of any block length is to be of front loaded lots less than 9 metres wide to avoid the streetscape being visually dominated by garages and to reasonably optimise on street parking opportunities.

Titling arrangements

The design of the subdivision must consider the future ownership, access and management of the internal road network, water management facilities and any other infrastructure associated with the development that, in turn, informs the form/type of subdivision proposed.

Details of proposed requirements for services and infrastructure, including garbage collection and emergency

services, access and maintenance necessary for the subdivision to function are to accompany the development application.

Additional requirements for specific development types

Allotments proposed to incorporate a zero lot line and attached or abutting dwellings (zero lot line dwellings and attached/abutting dwellings see Figures 1 and 2 in this control respectively)

The location of a zero lot line dwelling is to be determined with regard to the allotment orientation and ability to achieve the solar access provisions within this DCP. The location of a zero lot line dwelling should only occur on the southern side boundary of east-west allotments and on either side boundary of north-south allotments.

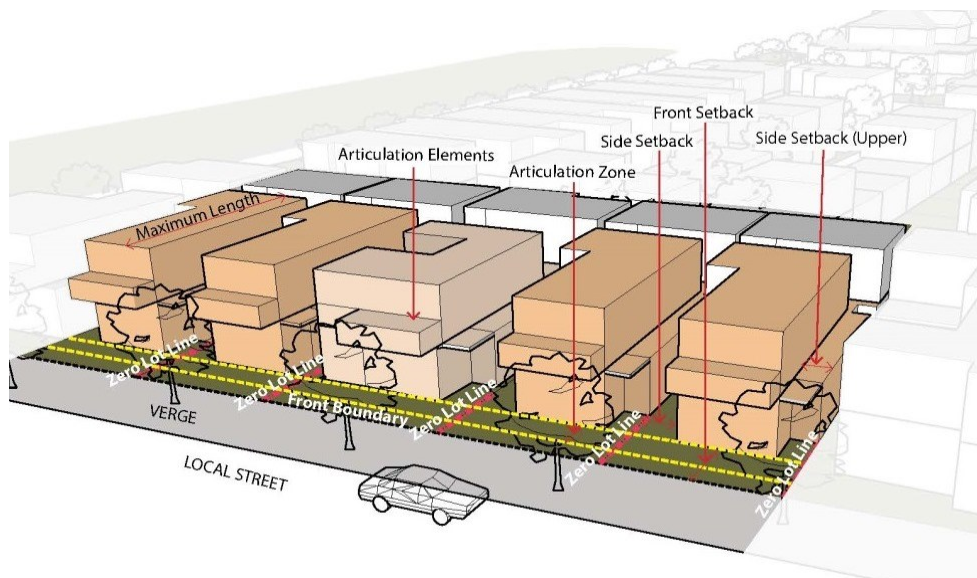
The location of all nominated zero lot lines must be identified on the proposed Plan of Subdivision (refer to control C6.10 Residential Subdivision Approval Requirements).

Where a zero lot line is nominated, the following is to be ensured:

- a Section 88B instrument is to be applied to both the benefited lot and the burdened lot and shall include a notation identifying the potential for a building to have a zero lot line;
- the burdened lot is to include an easement for access and maintenance on the burdened boundary in accordance with the following:
 - 900mm for single storey zero lot walls; or
 - 1200mm for two storey zero lot walls;
- the easement is to enable servicing, construction and maintenance of the adjoining dwelling;
- the Section 88B instrument is to be worded so that Council is removed from any dispute resolution process between adjoining allotments; and
- no overhanging eaves, gutters or services (including rainwater tanks, hot water units, air conditioning units, downpipes, electrical conduits or the like) of the dwelling on the benefited lot will be permitted within the easement.

Where buildings are to be located on boundaries, retaining walls (as required) are to be built as part of the subdivision works. Details of the fill (depth, source and amount of fill material to be deposited) and retaining walls are to be submitted with the application.

Figure 1 below – Zero Lot Line dwellings



Allotments for attached and abutting dwellings are to be rear loaded, except where it can be demonstrated that rear access is not practical due to constraints arising from the shape or size of the development site.

Where dwellings are proposed on lots with two street frontages (not corner lots), the dwellings are to present (have a street address) to the higher street classification and are to reflect the streetscape character of the higher street classification.

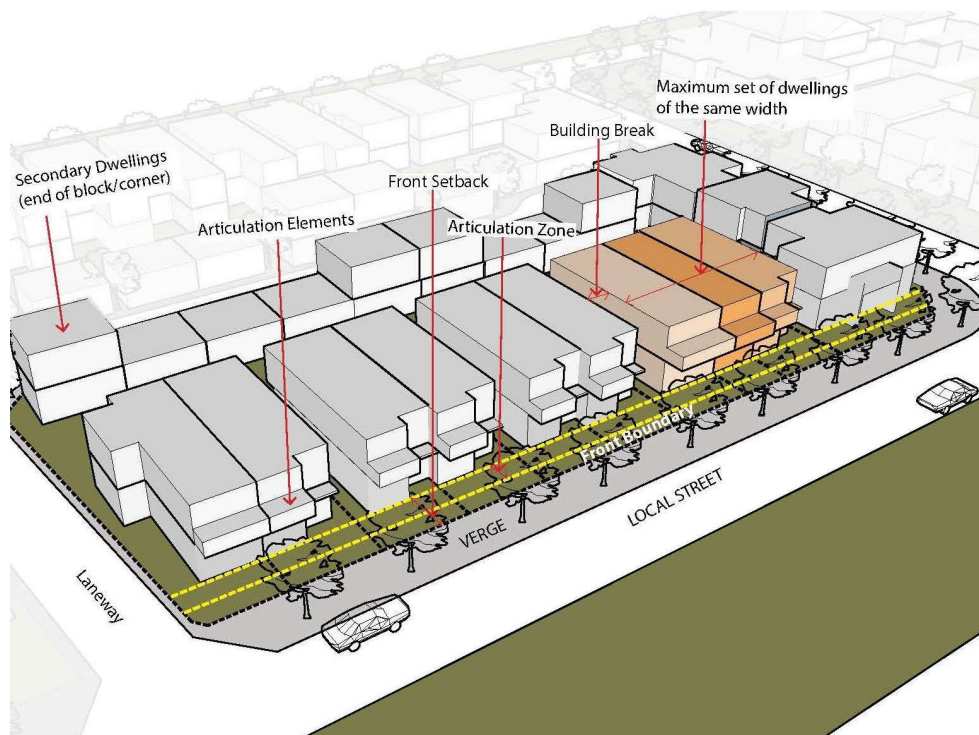
The composition of attached/abutting dwellings needs to be determined at the subdivision stage to take into account the lot widths required in order for a 'break' to be provided.

A 'break' (i.e. a larger lot width, an indentation in the dwelling with a width and depth of 1.5m on both levels, a

housing product of a different width, a detached housing product) is to be provided between every 3 attached/abutting dwellings of the same lot width.

Where buildings are to be located on boundaries, retaining walls (as required) are to be built as part of the subdivision works. Details of the fill (depth, source and amount of fill material to be deposited) and retaining walls are to be submitted with the application.

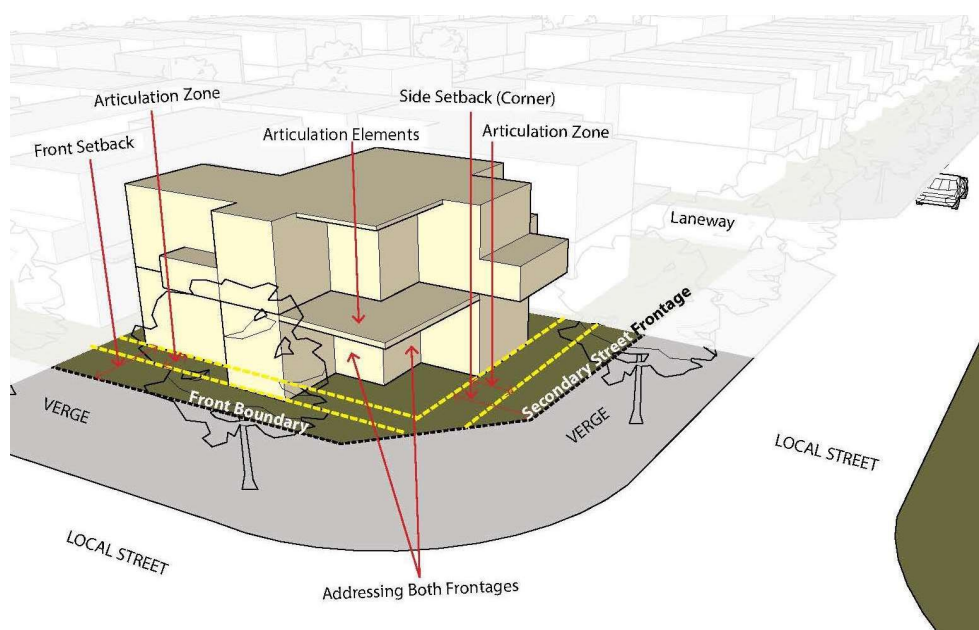
Figure 2 below – Attached/Abutting dwellings



Corner lots

Corner lots are to be configured to allow the dwelling to address both street frontages as depicted in Figure 3 below. Multi-dwelling housing is a good example of a housing type that achieves this.

Figure 3 below- Dwelling presentation on corner lots.



Residential Flat Buildings and Multi-dwelling housing

The minimum dimensions of a lot proposed to contain a residential flat building (but not multi dwelling housing) is

30 metres in any direction.

Residential Flat Buildings and Multi Dwelling Housing developments with 10 or more dwellings are to provide at least:

- 10% studio apartments/units;
- 10% 1 bedroom apartments/units; and
- 10% 2 bedroom apartments/units.

Variations

Where the subdivision proposal will result in the creation of less than 20 lots, compliance with the lot diversity requirements within this control will be considered on merit.

Advisory Notes

For the purposes of control C6.8, "effective lot width" is the average width of the lot, not including any access handles.

Control C6.9 stipulates specific information required to be submitted as part of a land subdivision application which proposes lots below a certain size.

Control C1.9 also applies regarding the provision of Adaptable Housing.

Additional requirements specified in control C6.10 apply to land in Buffer Area 1a to 1m Warriewood Valley.

Additional requirements specified in control C6.11 apply to land in Sector 901A to 901H Warriewood Valley.

Consideration of the Land and Environment Court Planning Principle "*Isolation of site by redevelopment of adjacent site(s)*" in *Melissa Grech v Auburn Council [2004] NSWLEC 40 at 51* should be given in the design of the subdivision.

C6.9 Residential Land Subdivision Approval Requirements

Land to which this control applies

Land zoned R3 Medium Density Residential within the Warriewood Valley locality.

Uses to which this control applies

Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).

Subdivision of a sector, buffer area or development site in a Release Area.

Outcomes

Development that reflects the desired future character of the Warriewood Valley locality.

Superior design is achieved.

Facilitate housing diversity and choice.

Controls

The land subdivision approval process is to be consistent with the requirements of the table below:

Approval Pathway	Pathway 1: DA for subdivision	Pathway 2a: DA for subdivision and detached or abutting dwellings (Integrated Housing)	Pathway 2b: DA for subdivision and attached dwellings (Integrated Housing)
Application	Proposed lots equal to or greater than 225 square metres in area, and with a lot width equal to or greater than 9 metres.	Subdivision and dwelling construction involving detached or abutting dwellings on lots less than 225 square metres or on lots with a lot width less than 9 metres.	Subdivision and dwelling construction involving attached dwellings on lots less than 225 square metres or on lots with a lot width less than 9 metres
Plans required	Plan of Subdivision showing the building envelope for each lot is required. Plans of each dwelling are not required, as these will be included as part of any future Development Application or Complying Development Certificate.	Dwelling plans (floor plans, sections and elevations etc.) are required as part of an Integrated Housing proposal.	Dwelling plans (floor plans, sections and elevations etc.) are required as part of an Integrated Housing proposal.
Section 88B restriction on dwelling design	No	Yes – only approved dwelling can be built.	Yes – only approved dwelling can be built.
Timing of subdivision (registration of the subdivision with Land and Property Information)	Prior to approval of any land use including residential development.	Prior to the issue of a Construction Certificate for dwellings.	Prior to the issue of any Occupation Certificate (Interim or Final) for dwellings.

Pathway 1 – Application for subdivision only

If a Plan of Subdivision incorporating a Building Envelope Plan is provided with the Development Application, it must be in accordance with the following:

- The Building Envelope, shown on the Plan of Subdivision, should be at a legible scale and include the following elements:
 - maximum permissible building envelope (including site coverage for a Complying Development Certificate), specifying setbacks, storeys and articulation zones;
 - landscaped areas and deep soil areas;
 - preferred location of private open space;
 - driveway location and location of any hardstand areas;
 - garage size (single or double) and location; and
 - zero lot line boundaries.
- Other elements that may be relevant to include on the Building Envelope depending on the particular lot/development proposed include:
 - extent of basement car parking;
 - retaining walls;

- easements;
- for corner lots, the preferred entry/frontage;
- frontage where vehicular access is not permitted; and
- special fencing requirements.

Pathway 2a and 2b – Application for subdivision and dwelling construction

Subdivision of land creating residential lots with an area less than 225m² or a width less than 9 metres, shall include dwelling plans (floor plans, sections and elevations etc.) as part of the Development Application for subdivision, i.e. Integrated Housing approval for the subdivision and construction of the dwellings on each lot.

Upon approval of the subdivision a Section 88B instrument will be attached to the lot restricting the built form to the approved dwelling plans.

Variations

Nil

Advisory Notes

For the purposes of this Control, “Integrated Housing” means:

Development involving the construction of residential accommodation and concurrent subdivision that results in a dwelling(s) on a newly created lot(s).

For the purposes of control C6.9, “effective lot width” is the average width of the lot, not including any access handles.

Detached dwelling

Is a building containing one dwelling, on a single block of land that is not attached to any other dwelling.

C6.10 Additional Specifications for development of Buffer Area 1a to 1m

Land to which this control applies

Land labelled as Buffer Area 1a to 1m inclusive on the Pittwater Local Environmental Plan 2014 Urban Release Area Map.

Uses to which this control applies

Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).

Subdivision of a sector, buffer area or development site in a Release Area.

Outcomes

To efficiently utilise land to achieve the target dwelling yield.

Development occurs in an orderly manner.

All residential lots achieve a high level of amenity.

Ensure the conservation of natural vegetation and biodiversity.

Continue the network of multifunctional creekline corridor of Narrabeen Creek addressing the creek, floodway, flora and fauna habitat, water quality treatment, cyclist and pedestrian access, drainage, and linking the Warriewood escarpment with the Warriewood Wetlands and Narrabeen Lagoon.

Ensure an integrated approach to water management.

To provide an equitable, logical, legible and safe internal road layout.

Prohibit additional vehicle access off Macpherson Street.

The needs for public recreation and open space are met.

The risk to life and property from the threat of bushfire is minimised.

Controls

Subdivision and lot layout

Individual buffer sectors with effective lot widths less than 60 metres should pursue opportunities for amalgamation to facilitate orderly planning and development outcomes and the efficient use of land. The Indicative Layout Plan included further in this control identifies Council's preferred site amalgamations.

Denser housing typologies, including Residential Flat Buildings and Multi Dwelling Housing, should be located on the north eastern side of Lorikeet Grove, in close proximity to the creekline corridor.

Where it is not possible to align Lorikeet Grove directly along the creekline corridor, Residential Flat Buildings and Multi Dwelling Housing products should be proposed adjoining these areas which will facilitate casual surveillance.

Lots suitable for housing typologies that reflect the streetscape character of existing housing on the opposite side of Warriewood Road, for example dual occupancies (attached or detached), should be sited fronting Warriewood Road. The retention of existing dwellings on lots greater than 500m² in size along Warriewood Road is not desired as it is not in keeping with the future desired character and limits the ability to achieve the adopted density.

Access Arrangements

Lorikeet Grove extension is to traverse Buffer Areas 1a to 1l, and be:

- designed and constructed as a Local Road under the *Warriewood Valley Roads Masterplan* and comply with the specifications and cross section; and
- generally in accordance with the alignment of Lorikeet Grove on the Indicative Layout Plan below.

A maximum of two new public roads are to directly connect to Warriewood Road and Lorikeet Grove. Each new connection road is to comply with the specifications and cross section for a Local Road under the Warriewood Valley Roads Masterplan, as amended. One road connection is to be located across the boundaries of Buffer 1g, 1h and 1i. The second road connection is to be located within Buffer 1l, adjacent to Hill Street. The traffic management device for both proposed road intersections with Warriewood Road is to be in accordance with the Indicative Layout Plan contained further within this control.

The number of driveways along Warriewood Road is to be minimised. This can be achieved through shared driveways for dwellings that front Warriewood Road.

All other access roads within Buffer Areas 1a to 1l must be designed with traffic calming devices to lower vehicle speeds, which may incorporate pavement treatment and enhanced landscaping. The provision of safe crossing areas is required.

No new vehicular access including driveways, is permitted onto Macpherson Street to ensure a safe approach

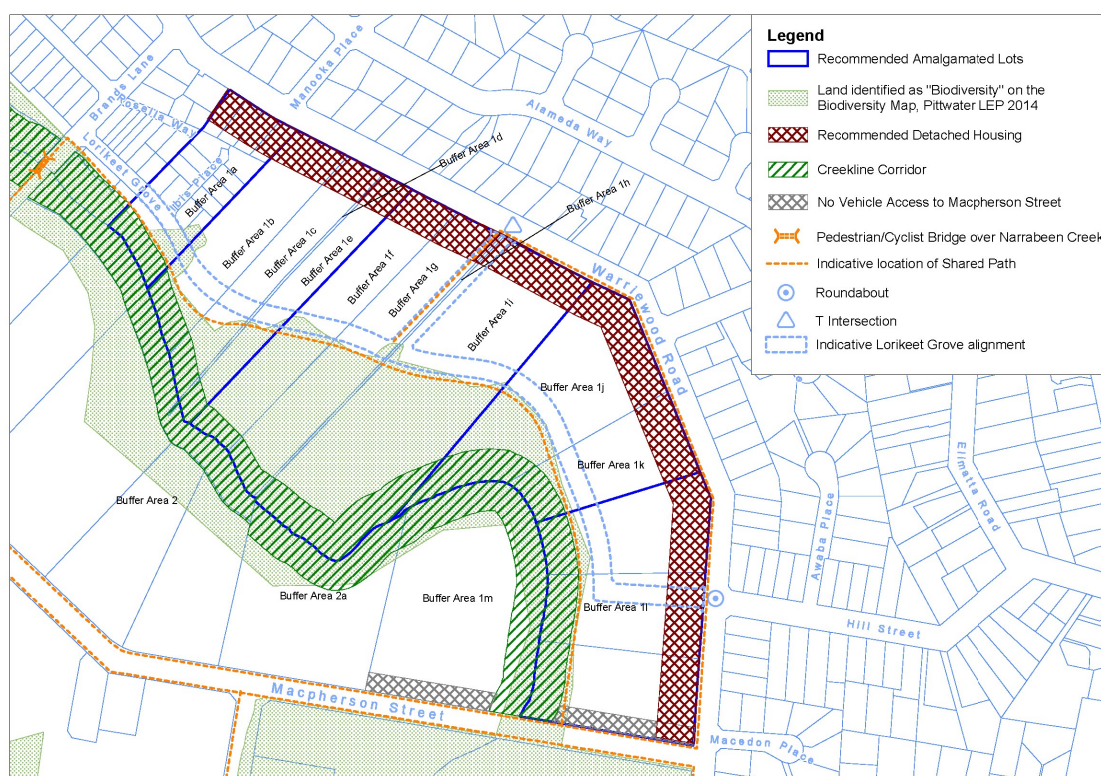
to the bridge across Narrabeen Creek.

A traffic analysis report will need to accompany any subdivision Development Application, taking into account the new East-West connection of Lorikeet Grove, and if applicable, the new North-South connections with Warriewood Road. Where the access arrangements have not been constructed in a timely manner, the construction of temporary roads may be permitted to enable the isolated property to develop ahead of the required roads being constructed. This will be assessed on a merit basis.

Location of Pedestrian and Cycleway Network

The alignment of the pedestrian and cycleway network is to be generally in accordance with the Indicative Layout Plan below.

Indicative Layout Plan



Variations

The location of the pedestrian path/cycleway is variable to ensure connectivity with existing sections of the path and to facilitate the retention of existing vegetation.

Advisory Notes

This control must be read in conjunction with the general design requirements for residential subdivision and proposals for lots below a certain size, being controls C6.8 and C6.9 respectively.

C6.11 Additional Specifications for development of Sector 901A to 901H

Land to which this control applies

Land labelled Sectors 901A, 901B, 901C, 901D, 901E, 901F, 901G, 901H and 9 Fern Creek Road on the Pittwater Local Environmental Plan 2014 Urban Release Area Map.

Uses to which this control applies

Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).

Subdivision of a sector, buffer area or development site in a Release Area.

Outcomes

To efficiently utilise land to achieve the target dwelling yield.

Development occurs in an orderly manner.

All residential lots achieve a high level of amenity.

Ensure the conservation of natural vegetation and biodiversity.

Continue the network of multifunctional creekline corridors addressing the creek, floodway, flora and fauna habitat, water quality treatment, cyclist and pedestrian access, drainage and linking the Warriewood escarpment with Warriewood Wetlands and Narrabeen Lagoon.

Ensure an integrated approach to water management.

To provide an equitable, logical, legible and safe internal road layout.

To ensure safety of all road users.

The needs for public recreation and open space are met.

The risk to life and property from the threat of bushfire is minimised.

Controls

Development/subdivision of land identified as flora and fauna conservation area

A comprehensive site analysis for land identified as a flora and fauna conservation area on the Indicative Layout Plans within this control, is to be provided taking into account the characteristics as part of the subdivision design process. This will involve an arborist report identifying all significant vegetation. This analysis should take into account the final development which will occur on the site as a result of the subdivision. The analysis and resultant subdivision design should address the following issues:

- the slope, topography and any natural features (e.g. creeklines);
- trees and vegetation (particularly trees worthy of retention);
- view lines from within the proposed lots and from adjoining properties;
- solar access to the proposed lots;
- the side, rear and front setbacks of future dwellings and structures;
- boundaries and development on adjoining properties;
- the visual impact of built development which will occur as a result of the subdivision process (height, bulk and scale, visual impact of buildings);
- the provision of vehicular access to the future buildings on the proposed lots;
- the provision of landscaping and/or recreation space for each proposed lot;
- the provision of onsite car parking on each proposed lot;
- the provision of services to each lot, including sewerage, water, electricity; communications and gas (where available); and
- the provision of emergency services to each lot (bushfire, fire brigade, ambulance).

An additional requirement for this land involves the nomination of a building envelope on each proposed lot, shown on the Plan of Subdivision, clearly demonstrating that a dwelling can be accommodated wholly within the building envelope based on the following:

- optimum retention of significant trees and bushland;
- vehicular access;
- provision of services;
- provision of water management facilities;
- provision of emergency services;
- safety from hazards; and
- a building which achieves the desired character of the area, setbacks to boundaries and the site coverage requirements for individual lots.

The Building Envelope Plan should be at a legible scale and include the following elements:

- the maximum permissible building envelope (including site coverage for Complying Development Certificates), specifying setbacks, storeys and articulation zones;
- landscaped areas and deep soil areas;
- the preferred location of private open space;
- the driveway location and location of any hardstand areas;
- the garage size (single or double) and location; and

- zero lot line boundaries.

Other elements that may be relevant in accounting for the building envelope for each lot include:

- extent of basement car parking;
- retaining walls;
- easements;
- for corner lots, the preferred entry/frontage;
- frontage where vehicular access is not permitted; and
- special fencing requirements.

Upon approval of the subdivision a Section 88B instrument will be attached to the lot restricting the built form to the approved Plan of Subdivision incorporating the building envelope for each individual lot.

Development and subdivision of existing small and narrow lots

Site amalgamations provide greater opportunity to deliver better quality urban design outcomes. Sectors or development sites with an effective lot width less than 60 metres should pursue opportunities for site amalgamation to facilitate orderly planning and the efficient use of land. The Indicative Layout Plans included further in this control identifies Council's preferred site amalgamations.

Development of Sector 901H

Any development of Sector 901H as part of the development of the adjoining sites is to ensure that access to 4 and 5 Fern Creek Road is not impeded in accordance with the "Isolation of Sites" Planning Principle.

Internal Road Network

The internal road network within Sector 901 should be consistent with the Indicative Layout Plans within this Control.

The road connection between Garden Street and Fern Creek Road is to be designed to lower vehicle speeds to minimise its attractiveness as a short cut from properties on the western fringe of the sector to Garden Street.

All internal roads within Sector 901 must be designed with traffic calming devices to lower vehicle speeds, which may incorporate pavement treatment and enhanced landscaping. The provision of safe crossing areas is required.

Access and Street Presentation to Existing Public Roads

Garden Street (Classified as a "Sub-Arterial Street" under the *Warriewood Valley Roads Masterplan*)

A new "Local Street" with direct access off Garden Street is to be provided generally in accordance with the Indicative Layout Plans below, and designed and constructed in accordance with the relevant specifications and cross section for a Local Street under the *Warriewood Valley Roads Masterplan*.

The location of the intersection with Garden Street will generally be in accordance with the Indicative Layout Plans and will be subject to the assessment of traffic safety issues and the provision of necessary road improvement works.

All dwellings fronting Garden Street must present to Garden Street as the primary street frontage. No additional vehicle access including driveways will be permitted onto Garden Street.

Orchard Street (Classified as a "Collector Street" under the *Warriewood Valley Roads Masterplan*)

Any road access to Orchard Street (between Fern Creek Road and Garden Street) will be limited to a left in/left out arrangement.

Vehicular access is restricted to only part of Orchard Street (refer to the Indicative Layout Plans at the end of this control). Where permitted, shared driveways off Orchard Street are encouraged to maximise the opportunities for on-street kerb side parking.

Fern Creek Road (Classified as a "Local Street" under the *Warriewood Valley Roads Masterplan*)

Shared driveways off Fern Creek Road are encouraged to maximise the opportunities for on-street kerb side parking.

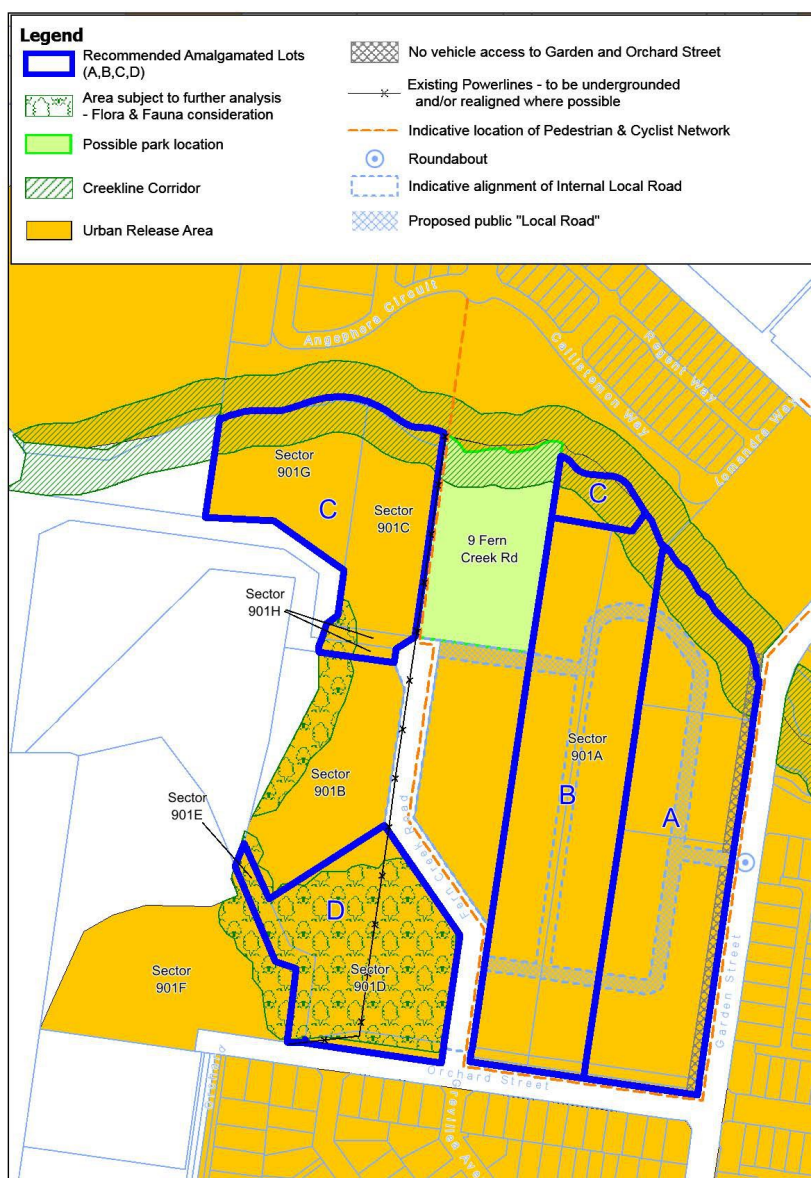
Location of Pedestrian and Cycleway Network

The alignment of the pedestrian and cycleway network is to be generally in accordance with the Indicative Layout Plans below, consistent with the *Warriewood Valley Landscape Masterplan and Design Guidelines* (Public Domain).

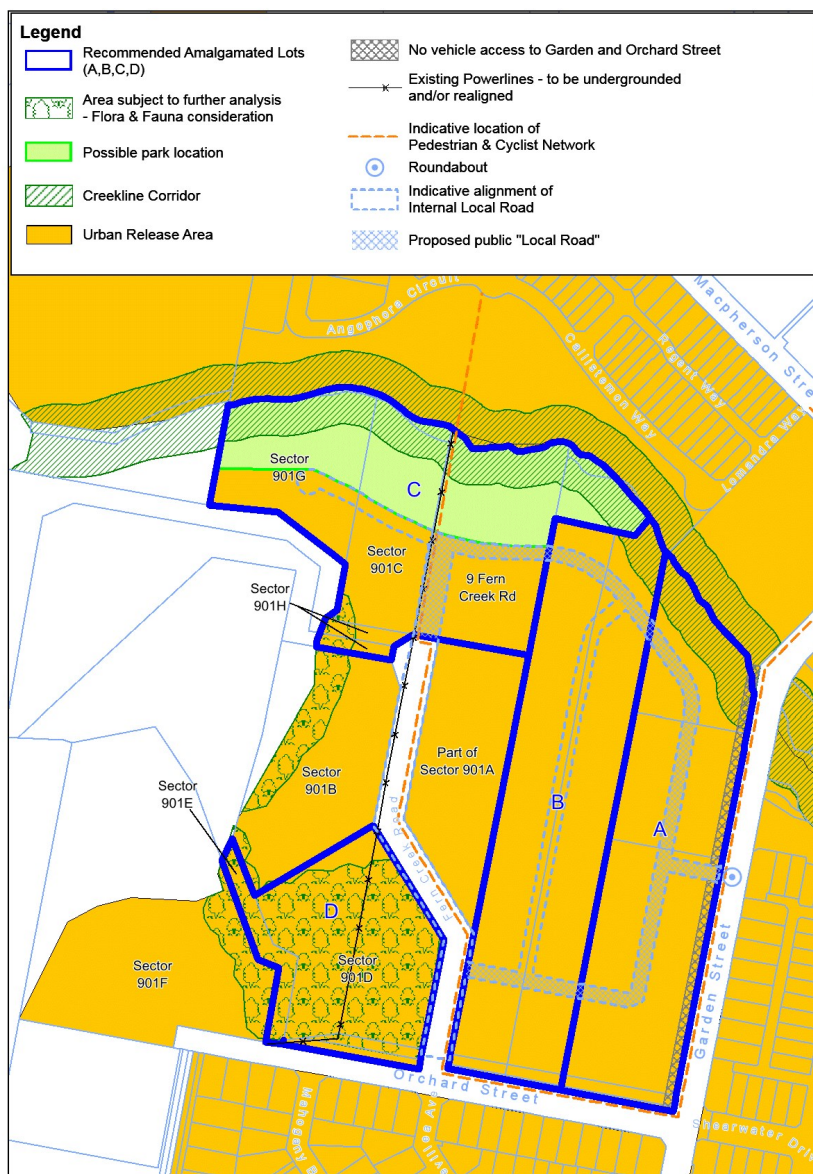
Land for Public Recreation

Approximately 1 hectare of land is to be provided adjacent to the creekline corridor for passive open space. This open space area is to be connected to the internal road and pedestrian cycleway networks generally in accordance with the Indicative Layout Plans within this Control.

Indicative Layout Plan 1 with 9 Fern Creek unchanged



Indicative Layout Plan 2 with linear park



Variations

Nil

Advisory Notes

This control must be read in conjunction with the general design requirements for subdivision and proposals for lots below a certain size, being control C6.8 and C6.9 respectively.

Control C6.5 stipulates the provision of utilities and infrastructure and provides a variation for the undergrounding of 33,000k Volt powerlines.

C6.12 Warriewood Valley Release Area Focal Neighbourhood Centre

Land to which this control applies

Land labelled as Sector 801 on the Pittwater Local Environmental Plan 2014 Urban Release Area Map.

Uses to which this control applies

Cafe

Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form is not limited to residential).

Neighbourhood Shops – New Construction or Alterations and Additions

Subdivision of a sector, buffer area or development site in a Release Area.

Restaurant

Outcomes

The local convenience retail needs of the incoming population are met.

A focal point in the Warriewood Valley Release Area is provided that links local services and facilities, including local retailing, public open space, public transport and community facilities.

Car dependency is reduced by providing services locally.

A sense of community and place is created.

Controls

A focal neighbourhood centre is to be established on the land labelled as Sector 801.

Its central location in Warriewood Valley results in it being within reasonable walking and cycling distance of most residents and employees within Warriewood Valley. The sector fronts Macpherson Street which is the primary vehicular and public transport route through Warriewood Valley along which medium density residential development is concentrated.

The focal neighbourhood centre is to incorporate a gross floor area between 855m² 2,222m² to meet the retail convenience needs of the incoming population (such as a small general store, post office shop, ATM, internet/coffee shop, etc.). The retail potential in Warriewood Valley is limited to this size given nearby established retail/commercial centres at Mona Vale and Warriewood Square.

The focal neighbourhood centre must be linked to public transport nodes and the pedestrian and cyclist network, and if possible, to the district park and/or community facilities. This will enable the majority of residents and people employed in the Valley to walk or cycle to the local shops, public transport, and services. This will also enhance the viability of the neighbourhood centre as a focal point in the Valley and reduce dependence on the car.

The opportunity exists for Shop Top Housing to be incorporated with the retail facilities within the focal neighbourhood centre.

Safety and security are to be considered in the design of the centre.

Carparking for the centre is to be in accordance with this DCP.

Requirements under the *Disability Discrimination Act 1992* and this DCP must also be considered in the design of the centre.

Variations

Nil

Incorporating

Amendments

1-19

Version: 1, Version Date: 25/11/2015