

City of Sydney **Convenience Store** Development Control Plan 2004

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I. Introduction

I.1 Citation

This development control plan (DCP) is called the *City of Sydney Convenience Store Development Control Plan 2004*.

I.2 Area to which the plan applies

This DCP applies to all land within the City of Sydney area as shown in Figure I, where the City of Sydney or Central Sydney Planning Committee is the consent authority.

Figure I The City of Sydney and Consent Authority Boundaries



I.3 Commencement

This DCP was adopted by the Council of the City of Sydney on 13 September 2004 and the Central Sydney Planning Committee on 9 September 2004. The DCP commenced operation on 24 September 2004. This DCP shall be reviewed every two years from the date of its commencement.

1.4 Relationship to other environmental planning instruments and development control plans.

This DCP generally complements the provisions of the relevant environmental planning instruments as they apply to the City of Sydney. Where there is any inconsistency between this DCP and an applicable Local Environmental Plan (LEP), the LEP will prevail.

2. Purpose and Objectives

2.1 Purpose

The purpose of this DCP is to provide consistent and relevant planning controls for assessing the impacts associated with establishing and operating convenience stores in the City of Sydney. The unrestricted proliferation of convenience stores in the City of Sydney has generated streetscape, amenity and clustering impacts that require specific planning policy responses. This DCP seeks to facilitate the appropriate location and operation of convenience stores, while minimising adverse impacts of such uses for the wider community.

2.2 Objectives

The objectives of this DCP are:

- to prevent the excessive proliferation of certain types of businesses and encourage a broad range of different land use opportunities within the City of Sydney;
- to apply consistent planning controls to all convenience stores within the City of Sydney;
- to minimise potential adverse amenity impacts from convenience stores on surrounding properties; and
- to enhance the scenic quality and amenity of streetscapes and public places within the City of Sydney by restricting the quantity of signage, lighting and shopfront clutter associated with convenience stores.

3. Provisions

3.1 What type of development does this Development Control Plan apply to?

The *City of Sydney Convenience Store Development Control Plan 2004* will apply to all development applications for convenience stores lodged in the City of Sydney where the City of Sydney or Central Sydney Planning Committee are the consent authority. The DCP will apply regardless of whether the application forms part of another development application.

This DCP also applies to applications to modify existing consents for established premises (eg. expansion of premises, inclusion of new activities or land uses within the premises).

3.2 Definition of convenience store

For the purposes of this DCP a convenience store is defined as:

- premises primarily offering pre-packaged, processed Snack Foods for sale in addition to soft drinks, cigarettes, magazines and other miscellaneous grocery and convenience items; and
- a retail shop generally with under 200 square metres of floor area; and
- located at street level in places with medium to high volume of passing traffic.

In all cases, the discretion as to what development is considered to be a 'convenience store' for the purposes of this DCP shall be solely that of the consent authority and generally in accordance with this DCP.

4. Controls for Convenience Stores

The intent is to maintain the amenity and high quality streetscape values of the City of Sydney by minimising the impact of certain intrusive land uses which have the potential to degrade these values.:

This may be achieved through:

- ensuring that retail uses such as convenience stores are not overly concentrated together; and
- that the cumulative impact of such businesses is carefully considered in the development assessment process.

The result of carefully managing such uses is the improvement of the character and attractiveness of Sydney for a broad range of land uses such as commercial, retail, residential, tourism, open space and cultural purposes.

Convenience stores in the City of Sydney are at present generally associated with adverse impacts resulting from:

- concentration of stores;
- signage;
- illumination;
- unsympathetic architectural design changes;
- operational issues.

Controls to address these categories of impact are listed below.

4.1 Signage and illumination

4.1.1 Objective

To prevent adverse impacts on the streetscape and local amenity from excessive advertising and illumination of convenience stores.

4.1.2 Background

Convenience stores have traditionally sought to identify and promote themselves using signage and illumination in excess of established standards. This DCP seeks to prevent such promotional devices in the future, including:

- corporate paint schemes and logos in exterior painting / wall cover creating signage across the frontage of the shop;
- signage mounted inside the windows often exceeding that otherwise permitted;
- the use of lighting in excess to what is considered reasonable or necessary including; brightly lit interiors, spotlights, flashing lights, neon strips, fluorescent lights (located adjacent to the window, either inside or outside);
- illuminated signage mounted inside the shop in addition to any street lighting or lighting approved with the building; and
- lighting combined with reflective corporate paint scheme that may present the entire shop exterior as an advertising panel.

4.1.3 Controls for signage and illumination

The following controls apply to the signage and illumination of convenience stores:

Permitted signage

Each convenience store is limited to the following signage:

- One under awning sign, or where no awning exists, one horizontally projecting wall sign (if appropriate). Such signs are to have maximum dimensions of 2.5m x 0.3m. These signs may be illuminated (not flashing) and have a minimum vertical clearance of 2.7m above the footpath, and
- one unilluminated awning fascia sign with a maximum length of three (3) metres and a width of no greater than the awning fascia, and
- one window or flush mounted wall sign is permitted (may be illuminated), including paint scheme and logo, with a maximum area of 1m², and designed to fit within the architectural style of the shop front. If the sign is a hamper sign, it must comply with the relevant Signage and Advertising Structures Development Control Plan or Policy.

Intensity of lighting

Illumination from the convenience store, when measured from any place in the public domain is not to exceed:

- within the area shaded grey in Figure 2 a maximum horizontal illuminance level of 220 lux (includes reflectivity of exterior finishes); and
- for the remainder of the local government area, a maximum horizontal illuminance level of 200 lux (includes reflectivity of exterior finishes); and
- the horizontal illuminance uniformity ratio (E_{avg}/E_{min}) of 4:1 to ensure safe movement of pedestrians; and
- the intensity, colour, period of intermittency and hours of illumination of convenience stores and associated signage shall be varied if, at any time in the opinion of the consent authority, adverse impact is being caused to the amenity of the area; and
- where nearby residents are located above the level of the store, details are to be provided to show that light is not directed upwards toward such residences.

The following types of signage and illumination are prohibited in convenience stores:

- any signage, lighting, banners or corporate paint schemes located above the awning;
- free standing signage (external);
- banners (windows or external);
- flags (window or external);
- spotlights (windows or external);
- flashing lights (windows or external);
- neon tubes or writing (windows or external);
- decals and stickers attached to shopfronts;
- sandwich boards;
- fluorescent lighting (windows or external);

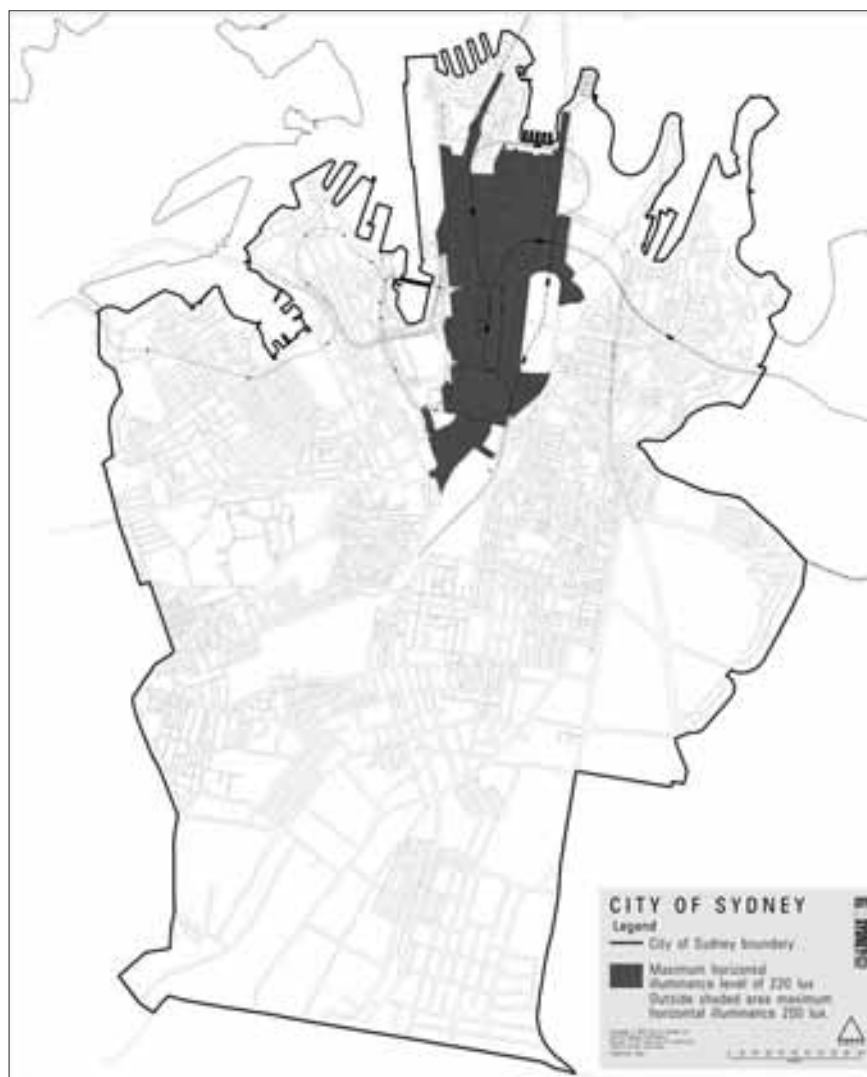
- promotional materials (windows or external); and
- illuminated signs mounted within two (2) metres of the window.

A reference above to 'window' refers to signage or lighting mounted inside the convenience store and oriented to be seen outside the windows of the shop. Any lighting in addition to the normal lighting required to illuminate the retail floor area and which is mounted within two (2) metres of the windows is considered to be window lighting and is prohibited.

Buildings and places with recognised Heritage or Conservation Significance

Signage may be further restricted at the Council's discretion for convenience stores proposed to be located on heritage items and/or within areas/streetscapes with recognised conservation significance.

Figure 2: Maximum Permitted Horizontal Illuminance Levels within the City of Sydney



4.2 Concentration of convenience stores

4.2.1 Objective

To prevent any adverse impact from excess concentration of convenience stores in any area.

4.2.2 Background

In order to maintain a high level of amenity in the City of Sydney and promote the attractiveness of the area for a broad variety of uses it is essential to prevent an excessive concentration of convenience stores. Excessive concentration of convenience stores is considered to occur when:

- the prevalence of such businesses acts as a disincentive for other uses such as residential, other types of retail, commercial or cultural activities; and
- the accumulation impact of such businesses has an adverse impact on the streetscape and is contrary to the established or desired character of the area, and detracts from the diversity of retail uses in the City of Sydney.

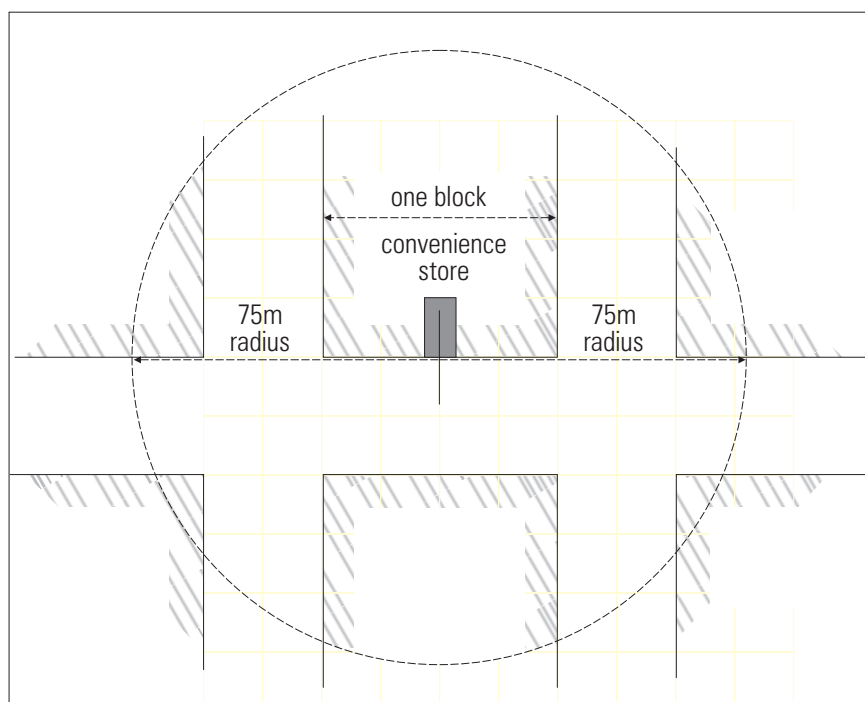
4.2.3 Controls for concentration of convenience stores

The following controls will apply to the location of convenience stores:

- the minimum distance between convenience stores is 75m as measured in accordance with the following diagram.

The distance between convenience stores is measured in accordance with the diagram below.

Figure 3 – Concentration of Convenience Stores



4.3 External fabric of buildings

4.3.1 Objective

To prevent unsympathetic changes to buildings that will adversely affect the architectural merit of a building and may also detract from the established or desired streetscape.

4.3.1 Background

Removal of traditional shopfronts or architectural elements can have a negative impact on the building or the vicinity. This may generate problems on individual sites or cumulatively, in terms of streetscape or area character.

4.3.2 Controls for alterations to buildings

The following controls apply to changes to shopfronts and building exteriors for the purpose of establishing convenience stores in existing buildings:

- all exterior alterations (and signage) are to consider and reflect the heritage values of the building and of the place as stated in any relevant LEP, DCP, other planning instrument or policy; and
- all proposed changes to the building are to avoid removing or replacing architectural elements where the existing elements positively reflect the style of the building, the architectural style established in the vicinity and the streetscape in general; and
- details are to be provided of all fittings and features to be removed or replaced as part of the fitout for use as a convenience store.

4.4 Operation of convenience stores

4.4.1 Objective

To prevent adverse impacts from poorly located or managed convenience stores.

4.4.2 Background

In order to prevent loss of amenity for nearby residents and occupants, each development application for a convenience store is to be accompanied by a Plan of Management that addresses the following matters:

- deliveries and services (frequency, location of parking and times); and
- location of adequate storage areas for merchandise, rubbish, and recycled and reusable packaging materials; and
- security issues; and
- recycling of litter, litter minimisation and cleanup.

4.4.3 Controls for the operation of convenience stores

- Each application for a convenience store is to be accompanied by a Plan of Management that addresses the following:
 - i) A security plan specifying measures taken to address security threats to staff and customers including closed circuit television, internal and external view lines, specifying heights of shelving greater than 1.2m above floor level, internal mirrors, security lighting and staffing.

- ii) Measures employed to eliminate litter from the merchandise sold, in the vicinity of the store.
- A further Development Consent is required for any additional activities carried out from the premises including, but not limited to, internet café, coffee shop, liquor store, takeaway food premises or agent/franchise for other retail activity.
- Shelving and machinery placed in front of windows is to be kept a minimum of one (1) metre from the window.

5. Other Matters

Convenience stores require Development Consent for the following:

- to commence operation; and
- to change from another type of retail use or commercial use to a convenience store; and
- to install any additional lighting internally or externally; and
- for shop fitouts associated with the establishment of convenience stores; and
- to change the approved operating hours; and
- to incorporate new land uses / activities not previously approved.

Note: a single development consent can be issued for all stages of the establishment of a convenience store.