



Section 3

General Provisions

3 General Provisions

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Introduction

The provisions in this section apply to all development to which this DCP applies, except where it is clear that they are not relevant to a particular development type or use.

The objectives and provisions describe design outcomes for the private domain, but also set out requirements for the treatment of the public domain and public domain interface. These requirements cover landscaping, heritage, transport, access and other areas where private development can make positive contributions to high quality public domain outcomes.

The order in which the provisions appear do not represent any particular order of priority or importance. The provisions are to be read in conjunction with other sections of this Development Control Plan and Sydney LEP 2012.

3.1

Public Domain Elements

This Section includes provisions to ensure that development makes a positive contribution to the public domain.

3.1.1 Streets, lanes and footpaths

Streets, lanes and footpaths provide permanent, inalienable pedestrian and vehicle connections through the city fabric at all hours. Streets and lanes define the urban hierarchy, articulate the urban grain, provide permeability of movement and define vistas and views within and beyond the city limits. In Sydney, the alignment of streets often express the topographic and landscape structure of the city.

Objectives

- (a) Provide streets that prioritise pedestrians, cycling and transit use.
- (b) Encourage a street hierarchy that supports sustainable travel behaviour.
- (c) Provide an integrated and legible street hierarchy that is supplemented by a corresponding hierarchy for pedestrians and bike riders.
- (d) Encourage water sensitive urban design and locate utilities within the street reservation.
- (e) Ensure that lanes are retained and enhanced.
- (f) Establish the design palette for footpaths.
- (g) Provide intersections, traffic and parking lanes that naturally calm traffic.

Provisions

3.1.1.1 General

- (1) New streets, lanes and footpaths are to be constructed in accordance with the Sydney Streets Design Code.
- (2) Where new streets and lanes are required by Council, they are to be provided in the locations identified in the *Proposed streets and lanes map*.
- (3) Street trees are to be provided in accordance with the Street Tree Master Plan.
- (4) Street furniture is to be consistent with the Sydney Streets Design Code and relevant Council public domain plans.

3.1.1.2 Streets

- (1) New streets or vehicle accessways are to be designed to encourage pedestrian use. Cul-de-sacs or dead ends are to be avoided, however where required, streets leading to them must be no longer than 60m and are to be straight with a direct line of sight from adjoining public space to the deepest point.
- (2) New streets are to be located and orientated to enhance the relationship between built form, open space, views, active street frontages, pedestrian paths and the bicycle network identified in the Cycle Strategy and Action Plan 2007-2017.
- (3) Where feasible, new streets are to incorporate water sensitive urban design techniques such as landscaped swales to improve the quality of groundwater and water entering the waterways and tree bays.

- (4) New streets are to integrate utilities underground within the street reservation, with services located underground and in a manner that facilitates tree planting.
- (5) Traffic and parking lanes on local streets, as defined in the Street Design Code as Local Area (Type 1) are to be designed to conform with the minimum dimensions permitted by the relevant Australian Standard for Parking Facilities under part 1: off street car parking.
- (6) Provide intersections, traffic lanes and parking lanes that naturally calm traffic to 40-50m per hour on collector streets, 30km per hour on local streets and 10km per hour on laneways.

Figure 3.1
Examples of a
landscaped swale



3.1.1.3 Lanes

- (1) Existing lanes (including privately owned lanes) as shown on the *Proposed streets and lanes map* are to be retained.
- (2) Developments adjacent to lanes in Central Sydney, business zones and the mixed use zones is to:
 - (a) include active uses at ground level to encourage pedestrian activity;
 - (b) include lighting appropriate to the scale of the lane;
 - (c) enhance pedestrian access and activity;
 - (d) avoid bridges and projections over lanes which overshadow the lane, obstruct a view or vista or impede pedestrian activity at ground level;
 - (e) ensure access rights of the public and other owners of property abutting the lane; and
 - (f) provide access for service vehicles as necessary and respond in design terms to any conflict with pedestrian functions.

Figure 3.2
Active uses at
the ground level
in a lane, Central
Sydney



3.1.1.4 Footpaths

- (1) Footpaths are to be designed:
 - (a) in accordance with the Sydney Streets Design Code;
 - (b) so that pedestrians, regardless of mobility impairments, are able to move comfortably and safely; and
 - (c) to allow planting, including trees consistent with the Street Tree Masterplan.
- (2) Streets are to include footpath extensions at corners, pedestrian refuges and mid-block zebra crossings on raised thresholds, where appropriate.
- (3) The Council may require a different design treatment for certain streets and footpaths.

3.1.2 Pedestrian and bike network

Pedestrian and bike networks increases opportunities for people to move around, maintain or improve their health and reduce the environmental and economic impacts of congestion caused by private car use. As part of *Sustainable Sydney 2030*, the City will provide a safe and attractive walking and bicycle network connecting main streets, neighbourhoods and open space. More information on cycling strategies within the City of Sydney can be found in the Cycle Strategy and Action Plan 2007–2017.

Refer to Section 5.2 Green Square, 5.3 Epsom Park and 5.8 Southern Employment Lands for additional provisions and supporting maps which show the preferred bike network proposed along new streets.

Objectives

- (a) Ensure that any new public pedestrian and bike links are located on nominated sites.
- (b) Ensure the pedestrian and bike network is well designed, safe, well lit, highly accessible and promotes public use.

Provisions**3.1.2.1 Bike network**

- (1) The provision of cycleways is to be consistent with the locations identified in the Cycle Strategy and Action Plan 2007-2017.

3.1.2.2 Through-site links

- (1) Through-site links are to be provided in the locations shown on the *Through-site links map*.
- (2) Through-site links are to be provided on sites:
 - (a) greater than 5,000sqm in area;
 - (b) with parallel street frontages greater than 100m apart, and
 - (c) where the consent authority considers one is needed or desirable.
- (3) Through-site links are to be an easement on title unless identified in a contributions plan for dedication to Council.
- (4) Through-site links are to be designed to:
 - (a) generally have a minimum width of 4m, or 6m where bike access is provided, and have a clear height of at least 6m;
 - (b) be direct and accessible to all, have a clear line of sight between public places and be open to the sky as much as is practicable;
 - (c) align with breaks between buildings so that views are extended and there is less sense of enclosure;
 - (d) be easily identified by users and include signage advising of the publicly accessible status of the link and the places to which it connects;
 - (e) be clearly distinguished from vehicle accessways, unless they are purposely designed as shareways;
 - (f) include materials and finishes such as paving materials, tree planting and furniture consistent with adjoining streets and public spaces and be graffiti and vandalism resistant;
 - (g) be clear of obstructions or structures, such as electricity substations, or car park exhaust vents;
 - (h) include landscaping to assist in guiding people along the link while enabling long sightlines; and
 - (i) be fully accessible 24 hours a day.
- (5) In retail and commercial developments through-site links may be within a building provided they are:
 - (a) between 3m and 6m in width;
 - (b) at ground level and lined with active uses;
 - (c) designed to have access to natural light from skylights in the middle of the link;
 - (d) open at each end or, where air conditioned, provide entry doors that are glazed and comprise a minimum 50% of the width of the entrance;
 - (e) publicly accessible from 6am to 10pm each day; and
 - (f) connecting streets or lanes and have a clear line of sight between entrances.

Figure 3.3
Retail through-site
links



3.1.3 Pedestrian underpasses and overpasses

Pedestrians should be offered opportunities to commute at the ground level as much as possible to promote a lively and safe public domain. Pedestrian overpasses are discouraged because they enclose public space and affect views along streets. New pedestrian underpasses will only be considered where they provide a direct connection to public transport and improve pedestrian safety.

Objective

- (a) To maximise street life and to avoid interruptions to views and vistas along streets.

Provisions

- (1) New underpasses are not encouraged unless they provide a direct connection from adjacent streets to public transport and substantially improve pedestrian safety and access.
- (2) Where an underpass is permitted:
 - (a) access to the underpass is to be provided directly from a public footpath at the street alignment to ensure public access at all times and to enhance use of the public domain (rather than reducing the space of the footpath);
 - (b) it is to be a minimum width of 4.5m and clear of all fixed obstructions; and
 - (c) it is to be activated with retail uses.

3.1.4 Public open space

Public open space makes the city liveable and attractive for residents and workers. Public open space needs to accommodate a range of recreational and cultural activities both active and passive.

It is important that public open space is connected to the existing and planned pedestrian and bike network and, where possible, linked to biodiversity corridors and water bodies.

This provision applies to land shown in Figure 1.1 *Land covered by this DCP*, except for land in Central Sydney.

This DCP identifies the areas where public open space is required. Public open space can be provided through dedication, easements or covenants. When Council requires dedication of open space, this is identified in the Section 94 Contributions Plan. Where dedication is not required, open space may need to be provided via another means such as an easement. The requirements for public open space that is to be dedicated to the Council are described in Schedule 5 Public open space dedication and design criteria.

Objectives

- (a) Provide high quality and publicly accessible open space in urban renewal areas.
- (b) Ensure the design of open space provides for a variety of both passive and active uses appropriate to the location and can respond to community needs.
- (c) Provide corridors of locally indigenous vegetation that link major open spaces and water bodies to enhance environmental quality and optimise opportunities for habitat for native flora and fauna species.
- (d) Ensure that open space is strategically located to assist with water sensitive urban design and stormwater management.

Provisions

- (1) Public open space is to be provided and designed in accordance with the *Public open space map* and in Schedule 5 Public open space dedication and design criteria.
- (2) Public open space is to accommodate a range of uses that meet the needs of the present and future residents and workers population of the City.
- (3) In relation to parks (i.e. non-linear public open space):
 - (a) 50% of the total area is to receive sunlight for 4 hours from 9am to 3pm on 21 June;
 - (b) protection from direct sun is to be available on 21 December for a minimum of 20% of the area used for passive recreation; and
 - (c) protection from strong winds is to be provided, where practicable.
- (4) Landscape design is to be high quality and create interest and character through measures such as indigenous tree species, well integrated public art, pavement design and other appropriate elements to the satisfaction of the consent authority.
- (5) Public open space is to include native vegetation that connects native fauna habitat corridors to major open spaces and water bodies.
- (6) Public open space is to be primarily soft landscaping except for civic spaces, pathways and small areas ancillary to activity areas (recreational, retail or commercial).
- (7) Public open space is to provide for deep soil planting and must not have car parking or access located underneath.
- (8) Public open space is to be irrigated with recycled water or harvested rainwater sources wherever possible.
- (9) The design of public open space is to include native drought-tolerant plants and grasses and sub-surface drip irrigation systems controlled by timers using soil moisture or rainfall sensors.
- (10) Pervious paving is to be generally used for low traffic and pedestrian areas.

- (11) Landscape design is to be compatible with flood risk. Dense planting, fences and walls are not to be located within a floodway.
- (12) Landscaping, plant species and structures such as walls are to be designed and constructed to withstand temporary flood inundation.
- (13) Dedicated children's playgrounds are to be fenced to the satisfaction of the consent authority.
- (14) Public spaces are to have clearly defined pedestrian entries and movement routes, appropriate seating, and zones for activities that are clearly defined and encourage use.
- (15) Public open space is to be accessible from a variety of points within the wider public domain and located along major existing or proposed pedestrian and cycleways throughout the area.
- (16) Where land use zoning permits, buildings that directly adjoin public open space are to contain predominantly active uses for the full extent of the ground floor (where practicable). Refer to Section 3.2.3 Active frontages for more details.
- (17) Public open space is to be designed to be safe and secure for all users by providing:
 - (a) open sightlines and landscaping that allows high levels of public surveillance;
 - (b) a clear distinction between private and public open space;
 - (c) lighting in accordance with Council's Lighting Design Code and designs out any potential 'hiding spots'; and
 - (d) legible entrances to encourage public use of the open space.

Figure 3.4
Public open space,
Sydney Park



3.1.5 Public art

Public art is a defining quality of dynamic, interesting and successful cities. The City recognises the cultural and economic benefits by integrating public art into the urban fabric. Well-integrated ecologically sustainable public art is encouraged in new development. Ecologically sustainable public art can be embedded into essential infrastructure to carry out vital processes for new development such as stormwater treatment, water collection and the generation of power in creative and innovative ways.

Developers, architects, landscape architects and artists should be involved in producing public artworks. The *City of Sydney Guidelines for Public Art in Private Development* will assist developers to provide high quality artworks that benefit the City and businesses, residents, tourists and visitors.

Developers should refer to these guidelines when planning a development so that public art is integrated into the fabric of the building and the public domain.

Objectives

- (a) Increase the number and improve the quality of public artworks in private developments.
- (b) Promote sustainability through public art in new development.
- (c) Ensure that public art is an integrated and cohesive part of new development.
- (d) Deliver essential infrastructure in creative and innovative ways through the use of public art.
- (e) Recognise former uses through interpretive public art.

Provisions

- (1) Integrate public art in essential ecological sustainable infrastructure.
- (2) A detailed Public Art Strategy is to be submitted with a site specific DCP or a Stage 1 DA (refer to clause 7.22 of the Sydney LEP 2012),
- (3) Public Art is to be provided in accordance with the *City of Sydney Guidelines for Public Art in Private Development* and the *Public Art Policy* (available at www.cityofsydney.nsw.gov.au).

Figure 3.5
An example of
public art in private
development,
Australia Square



3.1.6 Sites greater than 5,000sqm

Streets define the size, flexibility and permeability of new urban blocks. For large sites 5000sqm and above an appropriate street pattern will ensure a fine grain, highly connected urban place. The emphasis on fine grain urban form is consistent with Sustainable Sydney 2030 and will lead to liveable, attractive and diverse urban renewal areas.

The following provisions do not apply to development in Central Sydney as defined in Section 2 Locality Statements.

Objectives

- (a) Provide a 'fine grain' to the urban structure.
- (b) Improve pedestrian, bike and vehicular access, permeability and connectivity through large sites.
- (c) Establish a clear hierarchy of public streets that are well connected to the existing street network.
- (d) Improve access and visibility to public open spaces.
- (e) Provide a clear public address for all buildings within a development.
- (f) Introduce a range of complimentary uses and housing types.
- (g) Ensure high quality public art is included in all publicly accessible open spaces.

Provisions

- (1) New streets, lanes and footpaths are to be designed in accordance with the provisions within Section 3.1 Public Domain Elements.
- (2) Introduce through-site links, narrow building frontages and limiting the length and size of street blocks.
- (3) Street blocks are not to exceed 120m in length. Where site frontages exceed 120m, new public streets are to be introduced.
- (4) New streets are to be located to align and connect with the surrounding street network, maximising connectivity and creating view corridors.
- (5) Lanes, shared ways or through-site links are to be provided at breaks between buildings.
- (6) The layout of the development is to provide legible and publicly accessible through-site links.
- (7) Development on sites greater than 5,000sqm is to provide a range of complimentary uses and housing types, including single storey apartments, garden apartments, and maisonette apartments or terrace houses.
- (8) At least 5% of the total dwellings on a 5,000sqm or larger site are to be terrace houses or maisonette apartments.
- (9) A Public Art Strategy is to be submitted with a Site Specific DCP or Stage 1 DA and is to describe the public art proposed for the development and be consistent with the City of Sydney Guidelines for Public Art in Private Development.

3.2

Defining the Public Domain

3.2.1 Improving the public domain

Private development plays an important role in defining an attractive, interesting and culturally diverse public domain. Development is to protect sunlight to parks and streets and high quality views to the built and landscape features. Part 6, Division 3 of Sydney LEP 2012 includes particular requirements for sun access to nominated public places in Central Sydney.

Refer to the Public Art Policy and Guidelines for Public Art in New Development.

Objective

- (a) Enhance the public domain by ensuring adequate sun access to publicly accessible spaces and protecting significant views from public places.

Provisions

3.2.1.1 Sunlight to publicly accessible spaces

- (1) Overshadowing effects of new buildings on publicly accessible open space are to be minimised between the hours of 9am to 3pm on 21 June.
- (2) Shadow diagrams are to be submitted with the development application and indicate the existing condition and proposed shadows at 9am, 12 noon and 2pm on 14 April and 21 June. If required, the consent authority may request additional detail to assess the overshadowing impacts.

3.2.1.2 Public views

- (1) Buildings are not to impede views from the public domain to highly utilised public places, parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments including public statues, sculptures and art.
- (2) Development is to improve public views to parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments by using buildings to frame views. Low level views of the sky along streets and from locations in parks are to be maintained.

3.2.2 Addressing the street and public domain

A person's experience of the city will be formed by the public domain as well as private developments which adjoin the public domain. It is important that development adjacent to the public domain be attractive, comfortable, safe, functional and accessible for all. The public domain and pedestrian environment should be characterised by excellence in design, high quality materials and well integrated public art.

Objectives

- (a) Ensure that development contributes to the activity, safety, amenity and quality of streets and the public domain.
- (b) Present appropriate frontages to adjacent streets and public domain in terms of scale, finishes and architectural character.
- (c) Provide legible and accessible entries from the street and the public domain.

- (d) Reinforce street edge conditions that significantly contribute to the characteristics of a heritage conservation area.
- (e) Reinforce Central Sydney's strong definition of streets and the public domain aligned with property boundaries.
- (f) Ensure that in areas outside of Central Sydney new development relates to neighbouring buildings that define the street and public domain.
- (g) Minimise and ameliorate the effect of blank walls (with no windows or entrances) at the ground level.

Provisions

- (1) Buildings are to be designed to positively address the street.
- (2) Buildings are to be designed to maximise the number of entries, visible internal uses at ground level, and include high quality finishes and public art to enhance the public domain.
- (3) Development that exposes the blank side of an adjoining building or has a party wall to the public domain is to be designed with a visually interesting treatment of high quality design applied to that wall.
- (4) Ground floor tenancies and building entry lobbies on sites not flood affected are to:
 - (a) have entries at the same level as the adjacent footpath or public domain;
 - (b) have finished floor levels between 0-1.0m above or below the adjacent footpath or public domain entry;
 - (c) provide opportunities for direct surveillance of the adjacent street or public domain at maximum intervals of 6m; and
 - (d) be elevated up to 1.0m above ground level for privacy for ground floor residential uses.
- (5) Car parking areas at ground level are to be screened by active uses to a minimum depth of 6m from the facade visible to the street or public domain.
- (6) Basement parking areas and structures:
 - (a) in Central Sydney, must not protrude above the level of the adjacent street or public domain;
 - (b) in other areas, must not protrude more than 1.0m above the level of the adjacent street or public domain. Where they are visible, basement structures and vent grills are to be integrated into the building and landscape design. Ventilation grills are to block views into basement areas and, in appropriate locations, be screened by landscaping in garden beds with a minimum soil plan depth of 1m.
- (7) Residential developments:
 - (a) are to have a street address and provide a direct line of sight from a street to the principal common building entry or entries. Where a development comprises a number of buildings with a variety of orientations, a major part of the overall development is to face the street;
 - (b) are to be designed and laid out so that every 6m a dwelling, communal space or other high use space provides opportunities for direct surveillance of the adjacent street or public domain; and
 - (c) are to provide individual entries directly from the street to any ground floor dwellings next to the street.

- (8) Lanes are to be fronted by entries to dwellings, retail and/or commercial uses where practicable.
- (9) Align breaks between buildings with nearby streets, lanes and pedestrian links to enable view connections.
- (10) In village centres, new buildings are to be built to the street alignment or property boundary except where:
 - (a) the site is adjacent to or setback from a heritage item. In this case, the new building is to have setbacks to maintain the heritage curtilage or setting of the item as identified in the Statement of Significance;
 - (b) the development contributes an appropriate active public space at the street frontage;
 - (c) the development involves only the refurbishment of an existing building; or
 - (d) the site is an Opportunity Site as identified in Sydney LEP 2012.
- (11) On sites outside village centres that are greater than 1,500sqm, the consent authority may allow open space at the street frontage if:
 - (a) the public can access and use the open space;
 - (b) the open space is directly fronted by active uses at ground level;
 - (c) the design, landscaping and furnishing satisfies the consent authority; and
 - (d) the space does not reduce the activity on adjoining streets or the public domain and enhances the character of surrounding areas.

3.2.3 Active frontages

A diverse range of activities should be provided at street level to reinforce the vitality and liveliness of the public domain.

Active frontages to streets are encouraged so activities within buildings can positively contribute to the public domain. Such uses include retail, customer service areas, cafes and restaurants, and other uses that involve pedestrian interest and interaction. Outdoor dining areas may also contribute to active street frontages in appropriate circumstances.

A well designed street frontage is important for pedestrian amenity and includes attractive building entries, window displays, display cases, artworks, well detailed architecture, facade modulation, clear glazed windows, and recessed visually permeable security screens.

Objectives

- (a) Ensure ground floor frontages are pedestrian oriented and of high design quality to add vitality to streets.
- (b) Provide fine grain tenancy frontages at ground level to street frontages.
- (c) Provide continuity of ground floor shops along streets and lanes within Central Sydney and other identified locations.
- (d) Allow for active frontages in other non-identified locations to contribute to the amenity of the streetscape.
- (e) Encourage frequent building entries that face and open towards the street.

Provisions

- (1) Active frontages are to be provided in the locations nominated on the *Active frontages map*.
- (2) Active frontages are to contribute to the liveliness and vitality of streets by:
 - (a) maximising entries and display windows to shops and/or food and drink premises or other uses, customer service areas and activities which provide pedestrian interest and interaction. Generally, active frontages on the ground floor of a property boundary are to be provided in accordance with Table 3.1 Ground floor active frontages;
 - (b) minimising blank walls (with no windows or doors), fire escapes, service doors, plant and equipment hatches;
 - (c) providing elements of visual interest, such as display cases, or creative use of materials where fire escapes, service doors and equipment hatches cannot be avoided.
 - (d) in Central Sydney, providing three floors of retail (basement, ground and first floor) in the blocks bounded by George, Market, King and Castlereagh Streets as shown in Figure 3.7 *Central Sydney retail core*. Where this is not practicable, the design of new buildings should enable the conversion of these floors to retail at a later stage; and
 - (e) providing a high standard of finish and appropriate level of architectural detail for shopfronts.
- (3) Generally, a minimum of 70% of the ground floor frontage is to be transparent glazing with a predominantly unobstructed view from the adjacent footpath to at least a depth of 6m within the building.
- (4) Generally, foyer spaces are not to occupy more than 20% of a street frontage of a building in Central Sydney and no more than 8m of a street frontage elsewhere.
- (5) Active frontages are to be designed with the ground floor level at the same level as the footpath.
- (6) Driveways and service entries are not permitted on active frontages, unless there is no alternative.
- (7) Enclosed glazed shopfronts are preferred to open shopfronts, except for food and drink premises which are encouraged to provide open shopfronts.
- (8) Security grilles may only be fitted internally behind the shopfront and are to be fully retractable and at least 50% transparent when closed.
- (9) Through-site links or arcades are to have a clear width of 3-6m and a minimum clear height of 1.5 times the width or 6m, whichever is greater.

Figure 3.6
Active frontages,
Crown Street, Surry
Hills



Table 3.1: Ground floor active frontages

Location	Within Central Sydney		Outside Central Sydney	
	Category 1 on the Active Frontages Map	Category 2 on the Active Frontages Map	Category 1 on the Active Frontages Map	Not nominated on the Active Frontages Map
Minimum active frontage proportion at each public domain frontage	5m or 80% of each public domain frontage (whichever is the greater)	5m or 70% of each public domain frontage (whichever is the greater)	5m or 80% of each public domain frontage (whichever is the greater)	
Uses on public domain frontage	Entries or display windows to shops and/or food and drink premises	Entries or display windows to shops and/or food and drink premises or other uses, customer service areas and activities which provide pedestrian interest and interaction.	Entries or display windows to shops and/or food and drink premises or other uses, customer service areas and activities which provide pedestrian interest and interaction.	No requirement under this provision.
Minimum preferred "grain" of tenancies	15-20 separate tenancy entries per 100m	10-14 separate tenancy entries per 100m	10-14 separate tenancy entries per 100m	
Preferred max. average ground floor tenancy width	6.0m	10.0m	10.0m	
Provide Awnings	Fixed awnings	Fixed or retractable	Fixed awnings	
Active uses through site link (arcade) required	For properties with 2 street/lane frontages both greater than 45m in length	No requirement	As identified	

The following table should be used as a general guide when designing the ground floor of a building. To create an attractive public domain and encourage high levels of pedestrian activity between destinations and attractions, the City's preferred design of ground floors for all uses are **Grade A – Active** and **Grade B – Friendly**.

Table 3.2: Ground floor design

Grade A — Active	<ul style="list-style-type: none"> Small units, many doors (15 – 20 doors per 100 m) Large variation in function No blank walls and few passive units Lots of character in facade relief Primarily vertical facade articulation Good details and material
Grade B — Friendly	<ul style="list-style-type: none"> Relatively small units (10 – 14 doors per 100 m) Some variation in function Few blind and passive units Facade relief Many varied details
Grade C — Mixture	<ul style="list-style-type: none"> Large and small units (6 – 10 doors per 100 m) Modest variation in function Some blind and passive units Modest facade relief Few details
Grade D — Boring	<ul style="list-style-type: none"> Large units, few doors (2 – 5 doors per 100 m) Almost no variation in function Many blind or uninteresting units Few or no details
Grade E — Inactive	<ul style="list-style-type: none"> Large units, few or no doors (0 – 2 doors per 100 m) No visible variation in function Blind or passive units Uniform facades, no details, nothing to look at

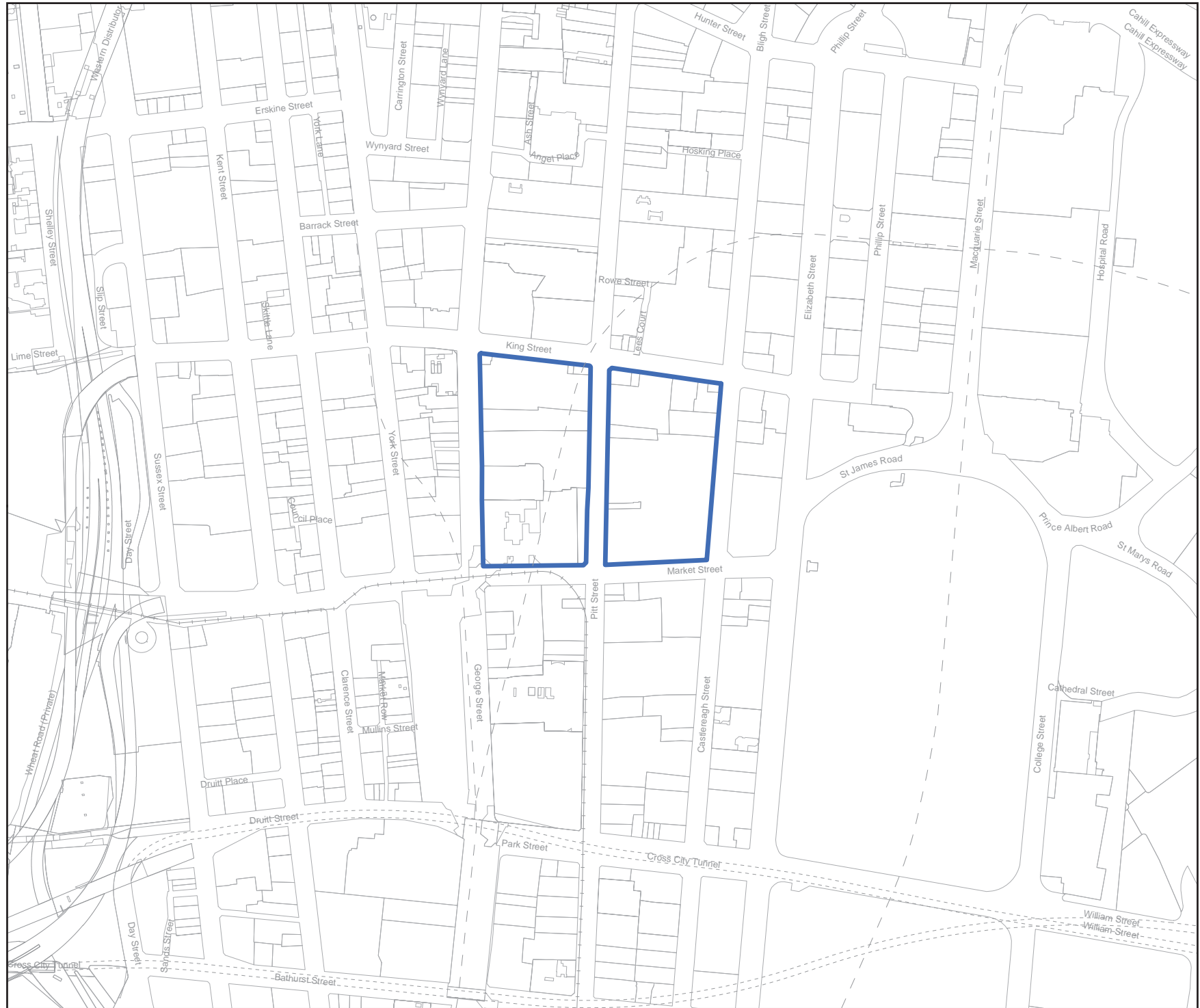
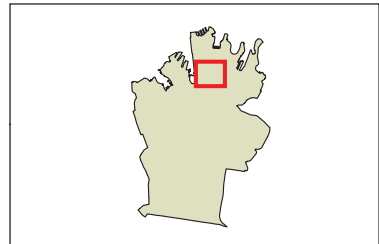
Source: Adapted from Jan Gehl's Cities for People 2010

Figure 3.7

Central Sydney retail core map

Legend

- Retail core
- Land excluded from this DCP



3.2.4 Footpath awnings

Awnings are important for the amenity and attractiveness of streets. They provide protection from the weather and if designed well create visual interest.

It is important to provide continuous weather protection on footpaths. Awnings are the preferred form of weather protection. Appropriately designed awnings create attractive pedestrian environments and ensure clear visibility on the footpath.

Refer to the relevant Schedule 4 Projections over or into public roads.

Objective

- (a) Encourage footpath awnings to enhance pedestrian amenity and provide weather protection.

Provisions

- (1) An awning over the footpath is to be provided in the locations nominated on the *Footpath awning and colonnades map*.
- (2) New awnings are to be compatible with the scale of host and adjacent buildings and the architectural features of the host building.
- (3) Where an awning is to be provided, it is to be provided along the full extent of the street frontage of the building or for the part along the main entry or with ground floor retail or commercial uses.
- (4) Awnings where provided are to be located between the ground and first floors to maximise weather protection. The height of an awning may vary between 3.2m and 4.2m above the footpath. The height of the awning must ensure continuity in appearance with adjacent awnings and to relate to any distinctive features of the building.
- (5) An awning may be introduced where it reinstates a previous awning.
- (6) Where there is no existing continuity of awnings on buildings within the same block on the same side of the street, or there would be a major adverse impact on the consistency of development within a heritage conservation area, awnings are not permitted.
- (7) Reconstruction or renovation of existing awnings must retain any significant fabric, for example pressed metal soffits.
- (8) Awnings on corner buildings are to wrap around the corner.
- (9) Lighting fixtures are to be recessed into the awning. All wiring and conduits are to be concealed.
- (10) Where signs are to be included on the awning they are to be consistent with the overall design of the awning and with Section 3.16 Signage and advertising.
- (11) Gutters are to be concealed from the footpath. Downpipes are to be fully concealed within or recessed into the ground floor frontage of the building.
- (12) Generally, awnings are to be cantilevered, non-trafficable and consistent with either Figure 3.9 *Traditional awning design* and/or Figure 3.10 *Contemporary awning design*.
- (13) On sloping streets awnings are to be stepped in height with a maximum difference of 700mm between each section of the awning.
- (14) Awning width is to be between 2m and 3.6m with the final width being determined to:
 - (a) maximise weather protection;
 - (b) match adjoining awnings;

- (c) give a minimum setback of:
 - (i) 1m from the face of the kerb to accommodate smartpoles™ utility poles and vehicles in the kerbside lane; and
 - (ii) 1.5m from the face of the kerb to accommodate street trees.
- (15) Cut out segments in awnings are not acceptable.
- (16) The depth of the fascia is not to exceed 700mm with the preferred depth less than 350mm.
- (17) Awnings are to have a maximum slope of 5 degrees for roofs and soffits and a roof slope towards the building so that gutters and downpipes are not required at the street edge.
- (18) The conversion of awnings to verandahs or balconies is generally not permitted.
- (19) Steeply sloped, arched or barrel vaulted awnings are not permitted.

Figure 3.8

The design of awnings should contribute to the attractiveness of the street

**Figure 3.9**

Traditional awning design

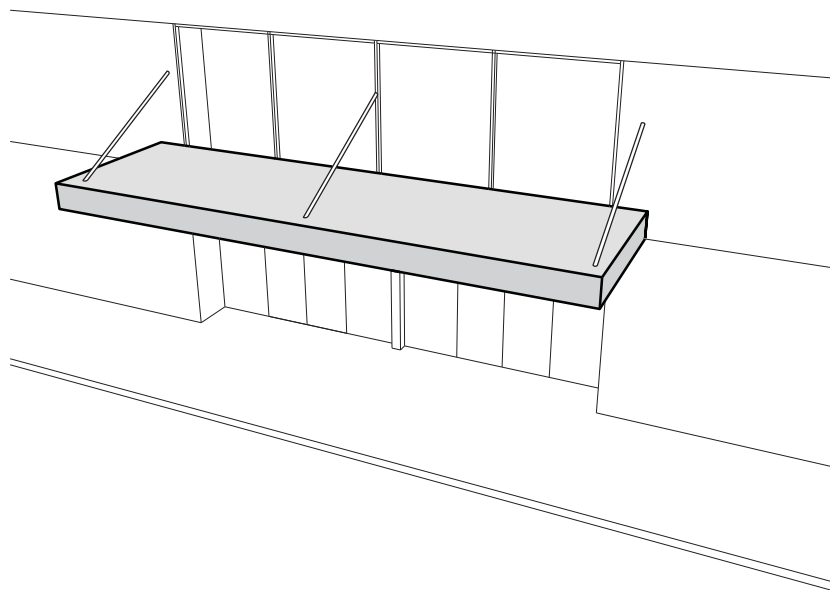
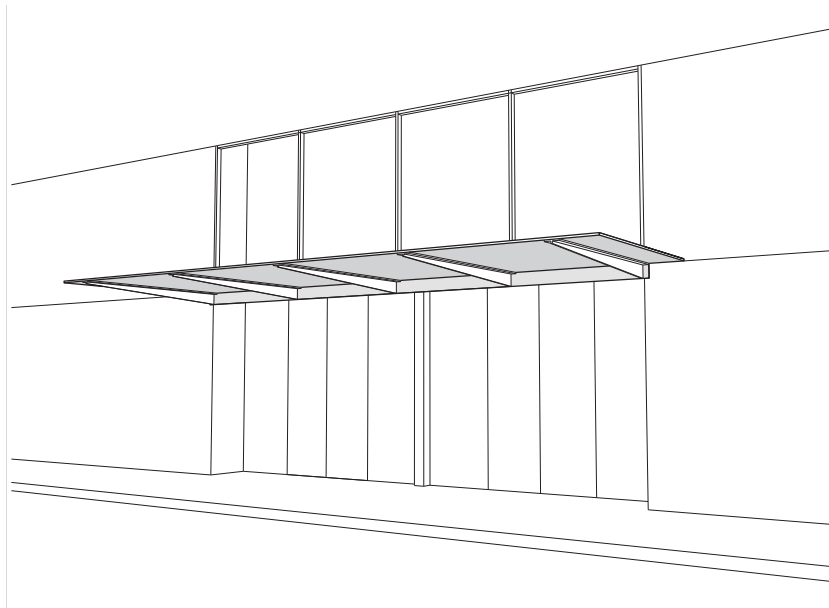


Figure 3.10
Contemporary
awning design



3.2.4.1 Awnings with posts and balconies

- (1) Awnings that include posts or are trafficable are acceptable where they reinstate former awnings of that configuration and can satisfy contemporary public safety requirements.
- (2) Design the structure so that the awning is self-supporting in the event of removal of a corner post or any other single post. Details of the verandah design are required to be certified by a structural engineer and submitted with the development application.
- (3) Reinstatement of posted verandahs is to be based on physical and documentary evidence. A posted verandah may be reinstated only where it reinforces the heritage significance of a heritage item or building in a Heritage Conservation Area.
- (4) Posted verandahs are to be designed so that the awning is self supporting in the event of the removal of a corner post or any other single post. Details of the verandah design are required to be certified by a structural engineer and submitted with the development application.
- (5) Applications for these awnings are to be supported by documentation based on physical and documentary evidence demonstrating that:
 - (a) the building originally had a similar awning and its reinstatement reinforces the heritage significance of the existing building or heritage conservation area;
 - (b) the design replicates the original awning or, where there is insufficient documentation, is based on reference to details of similar awnings from that period; and
 - (c) modifications to the structure and materials to meet current safety standards or to adopt a contemporary interpretation will not result in an adverse impact on the overall character and, where relevant, heritage significance of the property.
- (6) Where the building is a heritage item, the supporting documentation to be provided is to be in the form of a Conservation Management Plan.

3.2.4.2 Other awning types

- (1) Fabric canopies (including retractable canopies) may be acceptable:
 - (a) for cafes, food outlets and hotels where awnings are not required or in streets without a consistent awning line, particularly in areas adjacent to parks and public spaces; and
 - (b) on heritage buildings originally designed without awnings provided there is no impact on the heritage significance of that building.
- (2) Skylights within fixed awnings:
 - (a) are to be less than one third of the awning width;
 - (b) are to be glass;
 - (c) are to be clear or very lightly tinted or patterned in a durable finish, such as a fritted or seraphic glass finish, to mask dirt, dust and wind blown debris; and
 - (d) are not required to be continuous. The length of glazed portions is to correspond to the architectural design of the ground floor by aligning skylights with ground floor entries, windows or columns.
- (3) Fully glazed awnings are generally not acceptable.

3.2.5 Colonnades

Colonnades may be appropriate in exceptional circumstances for weather protection where they can extend along the entire street frontage of a street block, or for pedestrian amenity where they provide a sunlit environment for active pedestrian use including outdoor dining.

Objective

- (a) Discourage the provision of colonnades, except in exceptional circumstances.

Provision

- (1) Colonnades are generally not permitted as they obscure views of retail frontages and separate street frontage activity from the street.
- (2) The consent authority may allow colonnades where:
 - (a) they are continuous for an entire street block;
 - (b) they are designed with finely proportioned vertical elements; and
 - (c) they provide a high level of visual and physical access to shopfronts.
- (3) The consent authority may allow existing colonnades to be used for active uses, generally where the colonnade is discontinuous.

3.2.6 Wind effects

These provisions apply to all buildings over 45m high and other development where Council requires wind effects to be considered.

Windy conditions can cause discomfort and danger to pedestrians and downdraughts from buildings can inhibit the growth of street trees. Conversely, moderate breezes can enhance pedestrian comfort and disperse vehicle emissions and air-conditioning plant exhausts. The useability of open terraces on buildings also depends on comfortable conditions being achieved.

The shape, location and height of buildings are to be designed to satisfy wind criteria for public safety and comfort at ground level.

Objective

- (a) Ensure that new developments satisfy nominated wind standards so as to maintain comfortable conditions for pedestrians and encourage the growth of street trees.

Provisions

- (1) A wind effects report is to be submitted with a development application for buildings higher than 45m and for other buildings at the discretion of the consent authority. The report is to be prepared by a suitably qualified engineer and is to:
 - (a) be based on wind tunnel testing, which compares and analyses the current wind conditions and the wind conditions created by the proposed building;
 - (b) report the impacts of wind on the pedestrian environment at the footpath level within the site and the public domain;
 - (c) provide design solutions to minimise the impact of wind on the public and private domain; and
 - (d) demonstrate that the proposed building and solutions are consistent with the provisions of this DCP.
- (2) Development must not create a ground level environment where additional generated wind speeds exceed:
 - (a) 10 metres per second for active frontages as shown on the *Active frontages map*; and
 - (b) 16 metres per second for all other streets.
- (3) New developments are to incorporate design features that will ameliorate existing adverse wind conditions so that the criteria above are achieved.
- (4) Building design is to minimise adverse wind effects on recreation facilities and open spaces within developments.
- (5) Balconies are to be designed to minimise wind impacts and maximise useability and comfort through recessed balconies, operable screens, pergolas and shutters.
- (6) Balconies must be recessed on building over 45m where possible.

3.2.7 Reflectivity

Reflective materials used on the exterior of buildings can result in undesirable glare for pedestrians and on occupants of other buildings and potentially hazardous glare for motorists.

Objectives

- (a) Minimise the reflection of sunlight from buildings to surrounding areas and buildings.
- (b) Ensure that building materials do not lead to hazardous, undesirable or uncomfortable glare to pedestrians, motorists or occupants of surrounding buildings.

Provisions

- (1) A Reflectivity Report that analyses potential solar glare from the proposed building design may be required for tall buildings.
- (2) Generally, light reflectivity from building materials used on facades must not exceed 20%.

- (3) For buildings in the vicinity of arterial roads/major roads and Sydney Airport, proof of light reflectivity is required and is to demonstrate that light reflectivity does not exceed 20%.

3.2.8 External lighting

The external lighting of buildings can enhance the character of buildings at night and enliven an area. However, external lighting can create light pollution, increase energy use and greenhouse gas emissions and affect residential amenity. Often, it is more appropriate to highlight certain architectural features of a building rather than floodlighting entire facades.

Objectives

- (a) Encourage appropriate external lighting of buildings that adds to the architectural character of the building.
- (b) Minimise light spill to the sky.

Provisions

- (1) Generally, external lighting of buildings is discouraged to avoid light pollution and the unnecessary consumption of energy and generation of greenhouse gas emissions, unless there is particular and justifiable merit in illuminating a building.
- (2) Applications for decorative lighting or for the illumination of building facades, billboards or roof tops (accessible or inaccessible) are required to include a photomontage or computer modelling to illustrate the visual effect of the proposal, including the visual effect of any associated structure during the day.
- (3) External light fixtures are to be integrated with the architecture of the building.
- (4) The visual effects of external lighting must contribute to the character of the building, surrounds and skyline.
- (5) The external lighting system must be energy efficient and subject to appropriate times of operation.
- (6) External lighting must not reduce the amenity of residents in the locality.
- (7) External lighting must not negatively impact areas of habitat for local fauna.
- (8) External lighting must minimise the light spill into the night sky.
- (9) LED down lighting is preferred over up lighting to minimise light pollution.
- (10) The following decorative lighting techniques are inappropriate:
 - (a) bud-lights and similar festoon lighting on buildings which detract from the architectural qualities of the building;
 - (b) broad floodlighting of facades from large light sources located separate to the building; and
 - (c) up lighting of flag poles and banner poles.

3.3

Design Excellence and Competitive Design Processes

This section contains objectives and provisions to guide design excellence and fine grain urban form in significant development. All buildings contribute to the urban and public domain character of a city. It is important that design excellence is a fundamental consideration in the assessment of development applications.

In recognition of the additional cost of a competitive design process, a successful design competition that achieves design excellence can be awarded additional building height or floor space of up to 10% or one floor whichever is the greater.

To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Central Sydney Tower Cluster Areas, a building demonstrating design excellence through an architectural design competition can be awarded up to 50% additional floor space.

The following DCP provisions complement Division 4 Design Excellence under the Sydney LEP 2012 and must be read in conjunction with the City of Sydney Competitive Design Policy and the Model Competitive Processes Brief.

The City of Sydney contains a number of urban renewal areas and large development sites. Within these areas it is important that development achieves high design quality standards and design variety. The following objectives and provisions aim to achieve design excellence through the application of competitive design processes.

Refer to Section 3.1.6 Sites greater than 5,000sqm, Section 3.3.8 Site specific development controls plans and concept development applications.

Objectives

- (a) Ensure high quality and varied design through the use of competitive design processes for large and prominent developments.
- (b) Ensure development individually and collectively contributes to the architectural and overall urban design quality of the local government area.
- (c) Encourage variety in architectural design and character across large developments to provide a fine grain which enriches and enlivens the City's public realm.

Provisions

3.3.1 Competitive design process

- (1) In accordance with Clause 6.21D(1) of the Sydney LEP 2012 any of the following development is subject to a competitive design process:
 - (a) buildings greater than 55m in Central Sydney and greater than 25m outside of Central Sydney;
 - (b) development having a capital value of more than \$100,000,000;
 - (c) development in respect of which a development control plan is required to be prepared under Clause 7.20 of the Sydney LEP 2012;
 - (d) development for which the applicant has chosen such a process.

- (1A) In accordance with Clause 6.21E of Sydney LEP 2012 a building demonstrating design excellence in a Tower Cluster Area must:
- (a) be located in a Tower Cluster Area on the Locality and Site Identification Map;
 - (b) The unencumbered area of the subject site must be greater than 2,000 square metres, excluding areas of the site that are occupied by:
 - (i) heritage items
 - (ii) public places, including streets, lanes, parks, squares
 - (iii) areas above or below major infrastructure including bridges and viaducts used for rail, vehicle, cyclist and pedestrian purposes
 - (iv) major utility infrastructure
 - (v) publicly accessible open spaces, easements, common access areas and privately owned land
 - (c) contain or proposes only Commercial Premises, Centre-based child care facilities, Community facilities, Educational establishment, Entertainment facilities, Function centres, Health Services facility, Hotel or motel accommodation, Information and education facilities, Light industries and ancillary uses such as parking, utilities and storage.
- (1B) For the purposes of Clause 6.21E of Sydney LEP 2012 a building demonstrating design excellence means a building where the design of the building (or the design of an external alteration to the building) is the winner of an architectural design competition and the consent authority is satisfied that the building or alteration exhibits design excellence.
- (2) The competitive design process must be undertaken in accordance with the City of Sydney Competitive Design Policy and using the Model Competitive Processes Brief.
 - (3) The competitive design process is to be undertaken in accordance with a Design Excellence Strategy approved by Council as part of an associated site-specific DCP or concept development application (Concept Development Application).
 - (4) The competitive design process is to be undertaken before the detailed Development Application is submitted.

3.3.2 Design excellence strategy

- (1) The Design Excellence Strategy is to define:
 - (a) the location and extent of each competitive design process, where each competitive design process is to be limited to a single development site or street block;
 - (b) the type of competitive design process(es) to be undertaken: an open or invited architectural design competition or competitive design alternatives. Competitive design alternatives is not available for buildings seeking to demonstrate design excellence in a Tower Cluster Area;
 - (c) the number of designers involved in the process(es);
 - (d) how fine grain and contextually varied architectural design is to be achieved across large sites;
 - (e) whether the competitive design process is pursuing additional floor space or height;
 - (f) options for distributing any additional floor space or height which may be granted by the consent authority for demonstrating design excellence through a competitive design process; and

- (g) the target benchmarks for ecologically sustainable development.
- (1A) In addition to clause (1), buildings seeking to demonstrate design excellence in a Tower Cluster Area, the Design Excellence Strategy is to:
 - (a) demonstrate compliance with the City of Sydney Competitive Design Policy; and
 - (b) demonstrate the analysis required under 3.3.8 Site Specific development control plans and concept development applications has been addressed in the application.

3.3.3 Award for design excellence

- (1) In accordance with Clause 6.21D of the Sydney LEP 2012, the consent authority may grant up to 10% additional floor space or height to a building where design excellence is achieved through a competitive design process.
- (1A) In accordance with Clause 6.21E of the Sydney LEP 2012, the consent authority may grant up to 50% additional floor space where a building demonstrates design excellence through an architectural design competition.

3.3.4 Awarding additional height

- (1) Additional height available under Clause 6.21D of the Sydney LEP 2012 must be located on the building which is subject to the competitive design process.
- (2) Awarding additional height is at the discretion of the consent authority and is dependent on the building achieving design excellence with the additional height included in the design.
- (3) Despite 3.3.4(1) and (2) a building demonstrating design excellence in a Tower Cluster Area may have a building height that exceeds the maximum height shown for the land on the Sydney LEP 2012 Height of Buildings Map, but must not exceed any sun access controls, public view protections or aircraft operations related controls, as per Clause 6.21E(5).

3.3.5 Awarding additional floor space

- (1) Additional floor space available under Clause 6.21D and Clause 6.21E of the Sydney LEP 2012 will be pro-rated by the area covered by the competitive design process, as a proportion of the total developable site area.

Clause 6.21D

Additional floor space bonus (%) = {Competitive design process site area / (Lot area – Land to be dedicated area)} x 10

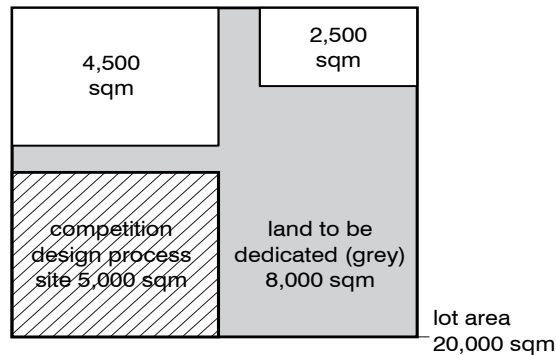
or

Clause 6.21E

Additional floor space bonus (%) = {Competitive design process site area / (Lot area – Land to be dedicated area)} x 50

For example, if a competitive design process covers half the developable site area, then the maximum additional floor space will be up to 5%.

A further example is shown below:



A competitive design process undertaken on the hatched site would result in a maximum floor space bonus of up to:

$$\{5,000\text{sqm} / (20,000\text{sqm} - 8,000\text{sqm})\} \times 10 = 4.17\% \text{ floor space bonus}$$

- (2) Awarding additional floor space is at the discretion of the consent authority and is dependent on achieving design excellence and the capacity of the developable site area to absorb the additional floor space without environmental impacts.

3.3.6 Distribution of additional floor space

- (1) In distributing any additional floor space within the site area covered by the competitive design process, the following considerations must be appropriately addressed:
- (a) Site and context analysis;
 - (b) Public domain layout, including levels, uses, access and circulation, dedications and hierarchy of spaces;
 - (c) Built form massing and dimensioned envelopes;
 - (d) Overshadowing analysis;
 - (e) Stormwater management strategy;
 - (f) Traffic management and servicing strategy, parking numbers and location;
 - (g) Ecologically sustainable development strategies and benchmark commitments (including connection to green infrastructure); and
 - (h) Heritage impact statement.
- (2) In addition to provisions 3.3.6(1)(a)-(h), for Tower Cluster Area sites subject to Clause 6.21E of Sydney LEP 2012, when distributing any additional floor space within the site area covered by the architectural design competition process, the following considerations must be appropriately addressed:
- (a) Where variations to Minimum Street Setbacks, Minimum Side and Rear Setbacks, Building Form Separations and Tapering controls under Sydney DCP 2012 are proposed, a Procedure B: Wind and Daylight Equivalence report is to be prepared in accordance with Schedule 12 of Sydney DCP.

To allow multiple options to be explored during the design competition applicants are required to test at least three massing options as part of the Concept Plan (see 3.3.8). For regular shaped sites where the base case envelope results in large, functional, and regular shaped floor plates, the base case envelope may be considered as one of the three massing options.

Note: where variations to Sydney DCP 2012 Minimum Street Setbacks, Minimum Side and Rear Setbacks, Building Form Separations and Tapering controls are sought the proponent is to demonstrate that variations comply with equivalency variation tests in relation to wind impacts and daylight/sky view factor. Importantly equivalency results still require urban design and streetscape analysis to determine their acceptability.

- (b) A quantitative wind effects report is to be prepared by a suitably qualified wind specialist testing the base case building massing envelope and alternative massing envelopes. The report is to detail findings and compliance of wind tunnel testing conducted in accordance with Sydney DCP 2012 controls including Schedule 12, where appropriate. The report is to identify all locations and elements requiring wind management.

Note: Wind tunnel testing is a mandatory requirement. This wind tunnel testing will also apply where setback and separation variations to Sydney DCP 2012 are proposed.

- (c) Provision of appropriate architectural roof feature and construction zones.

Note: Construction methodology for envelopes within 30 metres vertically of an airspace protection surface (excluding the Obstacle Limitation Surface) must be provided demonstrating no temporary penetrations of surfaces are required for cranes and other construction equipment.

A detailed site survey and demonstrated compliance via an envelope analysis of airspace protection charts detailed below is required <http://www.sydneyairport.com.au/corporate/community-environment-and-planning/planning/airspace-protection.aspx>

- (d) Proposed new buildings (or altered buildings) must be capable of achieving best practice National Australian Built Environment Rating System (NABERS) performance that exceeds established minimum requirements of Sydney DCP 2012, as demonstrated through Energy Commitment Agreements.

3.3.7 Public art

- (1) A public art strategy prepared by a suitably qualified person consistent with the City of Sydney's Guidelines for Public Art in Private Development is to inform the competitive design process and where appropriate, be included in the competition brief.

3.3.8 Site specific development control plans and concept development applications

A site specific development control plan or a concept development application is required under Clause 7.20 of Sydney LEP 2012 for certain categories of development. The development control plan must address the issues set out in Clauses 7.20(4) and Division 4 Design Excellence of Sydney LEP 2012.

- (1) The following documentation is to be provided as part of a site specific development control plan application:
- (a) Site, context and development options analysis;
 - (b) Public domain layout including levels, uses, access and circulation and dedications;
 - (c) Built form massing and dimensioned envelopes;
 - (d) Distribution of uses and floor space areas;
 - (e) Overshadowing analysis;

- (f) Stormwater management strategy;
 - (g) Traffic management and servicing strategy and parking numbers and location;
 - (h) Ecologically sustainable development strategies and benchmark commitments (including connection to green infrastructure);
 - (i) Heritage impact statement;
 - (j) Design excellence strategy;
 - (k) Landscape concept plan;
 - (l) Public art strategy; and a
 - (m) Staging plan.
- (2) The site, context and development options analysis is to document at least three different and realistic site development options and is to provide an analysis of each option.
- (2A) For Tower Cluster Area sites subject to Clause 6.21E of Sydney LEP 2012, this option analysis is to incorporate:
- (a) demonstrate compliance with the City of Sydney Competitive Design Policy;
 - (b) establish a compliant base case building massing envelope in accordance with 5.1.1 Built Form Controls;
 - (c) document a minimum 3 alternative massing envelopes that comply with Schedule 12;
 - (d) provide detailed environmental impact tests that compare the base case building massing envelope and alternative massing envelopes, including:
 - (i) overshadowing of protected public spaces
 - (ii) public view protection planes
 - (iii) Sydney Airport Prescribed Airspace
 - (iv) Special Character Area, street frontage heights, setbacks, tower heights and contextual analysis
 - (v) compliance with tower massing and tapering requirements of any relevant development control plan or guide
 - (vi) wind tunnel testing and compliance
 - (vii) wind and daylight equivalence form testing, and
 - (viii) underground infrastructure.
 - (e) for the purpose of providing an indicative FSR for each massing envelope, where the envelopes and estimated FSRs assume:
 - (i) a 15 metre architectural roof feature zone for sites where the maximum height of the building is determined by Sun Access Planes, No Overshadowing Controls or Public View Protection Planes (or an amount as demonstrated by best practice and a reference design)
 - (ii) a 30 metre architectural roof feature/construction zone where the maximum height of the building is determined by Sydney Airports Prescribed Airspace (excluding the Obstacle Limitation Surface) (or an amount as demonstrated by best practice and a reference design)

- (iii) 5 metres clear floor to floor for ground and first floors and allowances for new pedestrian links and public domain improvements supported by urban design analysis
- (iv) 3.8 metres floor to floor for typical commercial floors and structural transfer zones at steps in the building massing
- (v) 3.3 metres floor to floor for typical hotel floors and structural transfer zones at steps in the building massing
- (vi) a full floor plant level at least for every 20 occupied levels at minimum 6 metres floor to floor should be provided for plant and equipment with no floor space
- (vii) a minimum proportion of the entire design envelope for architectural articulation and external façade depth and external sun shading (not occupied by floor space) of 8.0% plus 0.5% for each 10m in height above 120m up to a maximum value of 16% articulation.

Note: the proportion (percentage) is established according to the maximum building height, this proportion is then applied to the whole envelope.

- (viii) minimum 16 per cent floor space exclusions allocated to building core and other internal non-floor space elements
- (ix) vehicle access, servicing, services, balconies, voids or other areas are not counted as floor space and should be determined from demonstrated best practice and a reference design.

Note: the FSR assumptions in this provision are only for the purpose of establishing a generally acceptable indicative FSR accounting for general site constraints and commercial building efficiencies. The individual parts (i)-(ix) are not to be treated as development standards or controls for assessing detailed building designs.

- (f) the base case building massing envelope, the alternative massing envelopes and indicative FSRs will form part of the architectural design competition brief
 - (g) consent authority may amend the indicative FSRs based on the assessment of the Concept Plan application.
- (3) A design excellence strategy is to be provided that defines:
- (a) the location and extent of each competitive design process, where each competitive design process limited to a single development site or street block;
 - (b) the type of competitive design processes to be undertaken: an architectural design competition, open or invited; or competitive design alternatives;
 - (c) the number of designers involved in the processes;
 - (d) how fine grain and contextually varied architectural design is to be achieved across large sites; and
 - (e) options for distributing any additional floor space area which may be granted by the consent authority for demonstrating design excellence through a competitive design process.
- (3A) For Tower Cluster Area sites subject to Clause 6.21E of Sydney LEP 2012, if appropriate, the Concept DA or Site Specific DCP will be determined with an envelope capable of achieving the indicative maximum FSR.

The approved Design Excellence Strategy, the base case building massing envelope, the alternative massing envelopes and indicative FSRs will inform the Architectural Design Competition brief.

Final FSR will be applied for in the detailed design DA and assessed and determined by the consent authority at this time.

- (4) A detailed Public Art Strategy, prepared by a suitably qualified person and consistent with the City of Sydney Guidelines for Public Art in Private Development is to be submitted with a Concept DA or Site Specific DCP.

3.4

Hierarchy of Centres, City South

Objectives

- (a) Establish and maintain a viable and vibrant hierarchy of centres in the City South area.
- (b) Facilitate adequate and appropriate retail development to meet the needs of existing and future workers and residents..
- (c) Promote centres as the appropriate location for public investment in public domain, community facilities, public services and public transport.
- (d) Ensure centres are interesting and vibrant places for residents and workers to meet and access diverse forms of retail, entertainment and services that support their day to day needs.
- (e) Ensure that retail development in the City South area does not have an adverse impact on one or more centres, either on its own or cumulatively with recent applications or developments, or undermine the viability of any centre or its role in the economic and social life of the community.

Provisions

3.4.1 Land use

- (1) Retail development is permissible outside of centres provided it does not have a negative impact on the viability and economic role of the planned centres in the Southern areas retail hierarchy map and where it will result in a net community benefit.
- (2) Retail development in centres is to be consistent with the function of that centre in Table 3.3 Desired character of centres.
- (3) Additional neighbourhood centres may be permissible in locations where the applicant can demonstrate that there will be no significant impact on the viability or vitality of the hierarchy of centres described in Table 3.3 Desired character of centres.
- (4) Retail development outside of centres is to activate the public domain and provide for convenient shopping opportunities within walking distance of homes and workplaces.

Table 3.3: Desired character of centres

Centre	Function
Major centre The Green Square Town Centre	The primary retail, commercial and community centre in the City South area. The range of retail and entertainment uses found in the Green Square Town Centre is to be greater than other centres and it should be the most highly-visited and vibrant centre.
Local villages Victoria Park Danks Street Ashmore Estate George Street, Waterloo Waterloo Estate (South)	Existing and future local village centres will meet local daily shopping in denser residential areas. These centres are to be accessible via public transport and bikeways and be supported by services and open space.

Centre	Function
Small Villages Botany Road, Rosebery Fountain Street, Alexandria Waterloo Metro	The small village will continue to service the convenience retail needs of local residents and workers. Additional specialty shops and services in this location will consolidate the small village as demand increases.
Neighbourhood Centres Dalmeny Avenue, Rosebery Crewe Place, Rosebery Future locations to be determined by demand	<p>A neighbourhood centre is a group of more than three neighbourhood shops that provide convenience shopping within walking distance of homes and workplaces. They should not provide so wide a range of groceries and food that people do not need to visit a village centre or the major centre.</p> <p>New neighbourhood centres may be developed where they are consistent with other planning controls and will not significantly detract from other centres. A neighbourhood centre is to be provided with minimal car parking spaces.</p>
Expanded Retail Area	A full range of retail uses is encouraged in the expanded retail area including full-line supermarkets, department stores, discount supermarkets, cinemas, markets, specialty shops, fashion, comparison shopping, homewares and fresh food.

3.4.2 Economic impact assessment

- (1) Where a proposed development is inconsistent with Table 3.3 Desired character of centres, the consent authority may require the applicant to prepare an economic impact assessment to demonstrate that the proposed development is consistent with:
 - (a) the function of that centre as described in Table 3.3 Desired character of centres;
 - (b) the objectives of this Section; and
 - (c) wider planning strategies.

3.4.3 Retail greater than 2,000 sqm of consolidated floor space

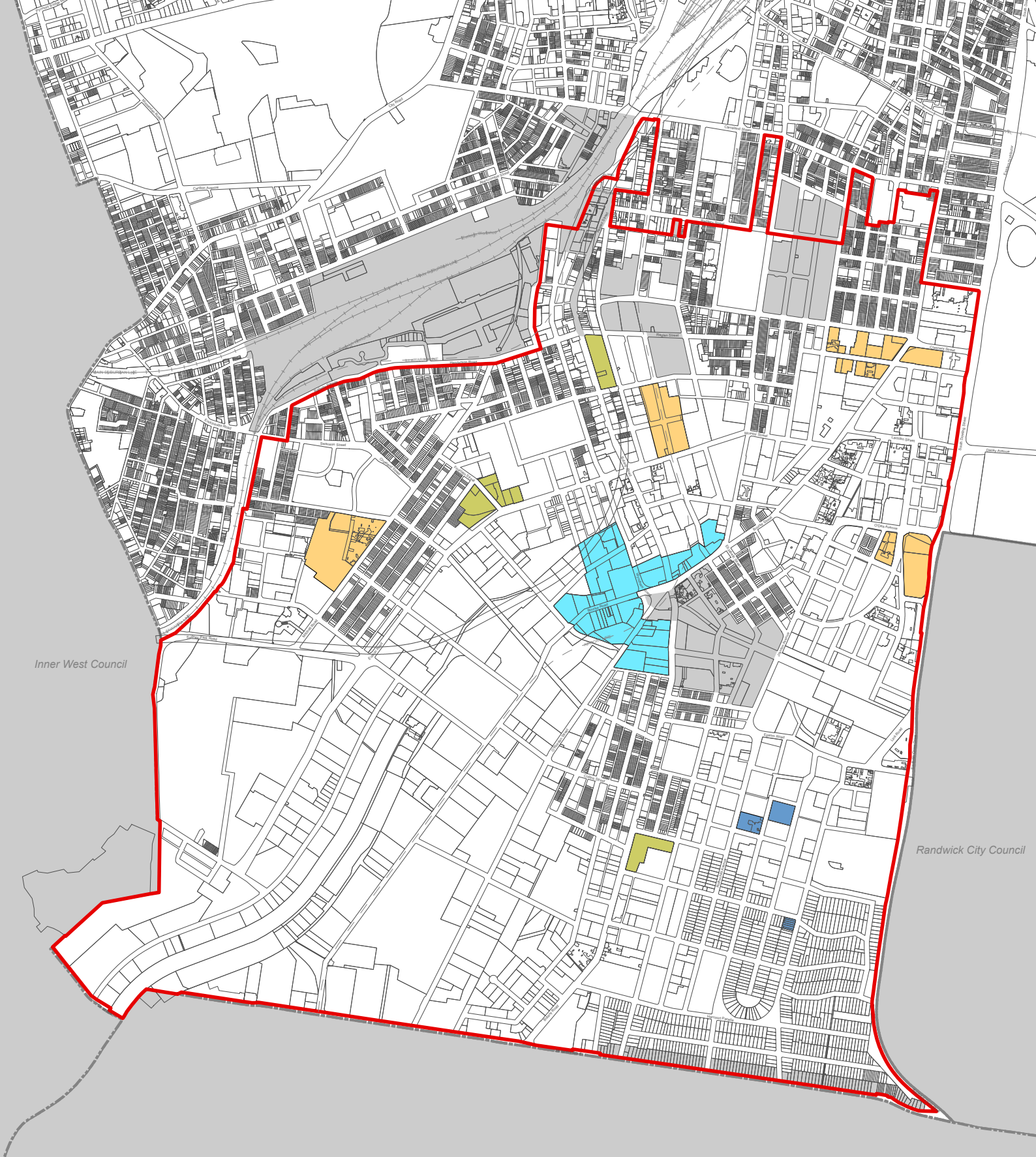
- (1) Where retail with a consolidated floor space of more than 2,000 square metres is provided:
 - (a) the Traffic Management Plan required to accompany development applications is to provide a detailed assessment of the traffic and safety measures required for the development, including 'direct to boot', 'click and collect' options, for servicing and loading, and for movement of medium-ridged and heavy-ridged vehicles; and
 - (b) the development application is to demonstrate best practice site-wide resource recovery for operational waste and recycling systems.
- (2) Any supermarket development of more than 2,000 sqm, is to submit an operational waste management plan that, at minimum:
 - (a) establishes targets that match or exceed the NSW government targets, including:
 - (i) targets for recovery of food organics;
 - (ii) targets for resource recovery rate from all waste streams; and
 - (iii) targets derived from national packaging targets (where applicable);

- (b) specifies design and operational measures required to meet targets;
- (c) commits to attaining Green Star Performance with “exceptional performance” under Responsible Resource Management;
- (d) specifies how the development embeds core circular economy principles, including:
 - (i) designing out waste and pollution;
 - (ii) keeping products and materials in use; and
 - (iii) regenerating natural systems.
- (e) specifies strategies and actions to encourage public recycling for ‘return and earn’ containers and small household problem waste such as batteries, light bulbs, mobile phones and small electronics..

3.4.4 Retail in the expanded retail area

The provisions in this section apply to land within the expanded retail area identified in Figure 3.12 Hierarchy of Centres, City South map.

- (1) Where there is an inconsistency between provisions in this Section and Section 5.8 of this DCP, the provisions in this section prevail.
- (2) The retail component of any development is required to have:
 - (a) at least a 5-metre-wide frontage to a public place;
 - (b) a minimum depth of 6 metres;
 - (c) a minimum floor to ceiling height of 4.5 metres for at least 30 per cent of the ground level of the building, with the remainder of the ground floor to have at least 3.6 metres floor to ceiling height; and
 - (d) a minimum 3.6 metre floor to ceiling height for basement level retail.
- (3) Retail spaces are to incorporate large areas of transparent glazing that enable clear sightlines between the public domain and internal area.



Inner West Council

Randwick City Council

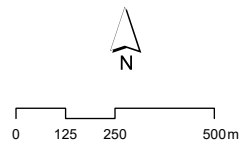
Hierarchy of centres, city south map

Figure 3.11

Legend

- Green Square Town Centre Primary Trade Area
- Local Village Centre
- Small Village Centre
- Neighbourhood Centre
- Expanded Retail Area
- Land excluded from this DCP

Sydney Development Control Plan 2012



CITY OF SYDNEY

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3.5

Urban Ecology

3.5.1 Biodiversity

This Section applies to all development that will affect existing habitat, or involves landscaping. Other policies that apply to biodiversity management in the City of Sydney include the Greening Sydney Plan, Urban Forest Strategy, the Urban Tree Management Policy, the Street Tree Master Plan, the Register of Significant Trees and the Park Tree Management Plans as well as the Urban Ecology Strategic Action Plan and Landscape Code when they are complete.

Objectives

- (a) Protect existing habitat features within and adjacent to development sites.
- (b) Improve the diversity and abundance of locally indigenous flora and fauna species across the LGA.

Provisions

- (1) Development is to be consistent with the Street Tree Master Plan, Park Tree Management Plans and the Landscape Code.
- (2) Existing habitat features including cliff lines, rocky outcrops, waterbodies, trees, shrubs and groundcover vegetation are to be retained.
- (3) New habitat features including trees, shrubs and groundcover vegetation, waterbodies, rockeries and green roofs and walls are to be included, wherever possible.
- (4) Link and enhance existing and potential biodiversity corridors wherever possible.
- (5) Landscaping is to comprise a mix of locally indigenous tree, shrub and groundcover species as outlined in City's Landscape Code. Where this is not possible it is preferred that plants native to Australia are used.
- (6) Shrubs are to be densely planted and trees are to be well-spaced, as outlined in the City's Landscape Code.

3.5.2 Urban vegetation

Urban vegetation is all of the trees and other vegetation found in our commercial and residential areas, along our streets and in our parks. This vegetation is one of the City's most important assets, with benefits ranging from reducing air pollution, managing stormwater, providing natural habitat for birds and other wildlife to enhancing our quality of life and reducing the heat of urban spaces. Vegetation will become increasingly valuable in the face of climate change. Maintaining and supplementing existing vegetation can help mitigate climate change, by absorbing carbon dioxide, and adapt to it, by helping to cool the City.

These provisions do not apply to Central Sydney.

Objective

- (a) Ensure that tree canopy cover is considered in all development and provided appropriately in each development.

Provisions

- (1) Development applications are to include a Landscape Plan, except where they are for single dwellings, terraces and dual occupancies.
- (2) Provide at least 15% canopy coverage of a site within 10 years from the completion of development.
- (3) Appropriate plant species are to be selected for the site conditions with consideration given to trees providing shade in summer and allowing sunlight in winter, or to provide habitat. Appropriate tree species include any tree (excluding noxious weed trees) that are not prone to drop fruit, seedpods, gumnuts, branches, sap and or bark.
- (4) Locally indigenous species are to be used where possible and in accordance with the City's Landscape Code.
- (5) Understorey plantings comprising locally-indigenous shrubs and groundcovers are encouraged.
- (6) Provide soft landscaping between 1.5m and 3m in plan depth to the perimeter of ground level car parking areas to screen the car parking area from the street and integrate with streetscape planting.
- (7) One tree per 4 car spaces is to be provided within ground level parking areas in addition to perimeter planting. This planting is to:
 - (a) be planted in bays with a minimum dimension of 2m and soil depth of 1m unencumbered deep soil. The bays are to be provided with a raised kerb barrier and native ground cover planting;
 - (b) be planted in soil with a suitable rooting volume for the required number of trees;
 - (c) use trees that develop a clean trunk height greater than 4.5m and a crown canopy of at least 50sqm to provide adequate shade and vehicle clearance;
 - (d) improve pedestrian amenity;
 - (e) not to hinder the visibility of either drivers or pedestrians, with open sightlines maintained between parking areas, public streets and paths;
 - (f) not conflict with lighting and services; and
 - (g) break up large areas of impervious surfaces.
- (8) Car parking areas and access aisles should be designed, surfaced and graded to reduce run-off, allow stormwater to be controlled within the site, and provide for natural infiltration of stormwater runoff through landscaping.

3.5.3 Tree management

The following objectives and provisions apply to all development that may have an impact on the health or structural stability of a tree and are to be read in conjunction with Clause 5.9 of the Sydney LEP 2012.

Clause 5.9 of the Sydney LEP 2012 does not apply to trees on land vested in the Royal Botanic Gardens and Domain Trust or the Centennial Park and Moore Park Trust.

Other policies that apply to the management of trees in the City of Sydney include the Urban Tree Management Policy, Urban Forest Strategy, Street Tree Master Plan, and Park Tree Management Plans and Register of Significant Trees. These are available at www.cityofsydney.nsw.gov.au.

Schedule 8 Tree Management provides information about notifications of proposals to remove a tree from Council's Register of Significant Trees and arborist's reports.

Definitions

Imminently dangerous includes but is not restricted to obvious instability of the root system, evidence of soil heave or cracking, loss of structural roots, root decay, storm damage and structural defects that are imminently hazardous, such as splitting branches.

Objectives

- (a) Establish the trees to which Clause 5.9 Preservation of trees or vegetation of the Sydney LEP 2012 applies.
- (b) Ensure the protection of trees within and adjacent to development sites.
- (c) Maximise the quality and quantity of healthy tree canopy coverage across the LGA.

Provisions

- (1) A permit or development consent is required to ringbark, cut down, top, lop, prune, remove, injure or wilfully destroy a tree that:
 - (a) has a height of 5m or more; or
 - (b) has a canopy spread of over 5m; or
 - (c) has a trunk diameter of more than 300mm, measured at ground level; or
 - (d) is listed in the Register of Significant Trees.
- (2) Under Clause 5.10 of the Sydney LEP 2012, development consent is required for certain activities affecting a tree which is a heritage item or a tree within a heritage conservation area. However, this requirement may be waived if
 - (a) the criteria in clause 5.10(3) of the Sydney LEP 2012 are satisfied; and
 - (b) the work relates to a tree or activity to which provision (1) does not apply.
- (3) Provision (1) does not apply to a tree of the following species that is less than 10m in height:
 - (a) *Cinnamomum camphora* (Camphor Laurel);
 - (b) *Celtis sinensis* (Chinese Hackberry);
 - (c) *Celtis occidentalis* (American Nettle Tree);
 - (d) *Erythrina x sykesii* (Coral Tree); and
 - (e) *Liquidambar styraciflua* (Liquidambar).
- (4) Provision (1) does not apply to any tree of the following species:
 - (a) *Ailanthus altissima* (Tree of Heaven);
 - (b) Bamboo sp (all species and cultivars);
 - (c) Citrus sp (all varieties);
 - (d) *Cotoneaster* sp (Cotoneaster);
 - (e) *Ficus elastica* (Rubber Tree);
 - (f) *Gleditsia triacanthos* – not cultivars (Wild Honey Locust);
 - (g) *Lagunaria patersonia* (Norfolk Island Hibiscus);

- (h) Ligustrum sp (Privet);
 - (i) Melia azedarach (White Cedar);
 - (j) Morus species (Mulberry);
 - (k) Musa species (Banana);
 - (l) Olea europaea var. Africana (African Olive);
 - (m) Robinia pseudacacia –not cultivars (False Acacia);
 - (n) Salix babylonica (Willow);
 - (o) Schefflera actinophylla (Umbrella Tree); and
 - (p) Syagrus romanzoffianum (Cocos Palm).
- (5) A permit or development consent to prune a tree on private land in accordance with provision (1) is not required provided the pruning:
- (a) provides clearances consistent with the Guideline for tree pruning, and where the branch size is less than the diameter size detailed in Table 3.4; and
 - (b) does not remove more than 5% of a trees canopy; and
 - (c) does not damage or affect the health or structural stability of the tree; and
 - (d) is undertaken in accordance with the relevant Australian Standard for the Pruning of Amenity Trees, using a qualified Arborist (minimum Australian Qualification Framework (AQF) Level 2 Arboriculture).

Table 3.4: Guideline for tree pruning

Location	Height to which pruning is permitted	Maximum diameter of branch which may be pruned
Major Arterial Roads	4.5m above the kerb	100mm
Local Roads	2.5m over a parking lane and 4.5m above the kerb	100mm
Council pedestrian paths	2.5m above the footpath	100mm
Buildings	1m above any approved building, measured from the surface of the structural component, such as a wall or roof on the building's edge	50mm
Domestic power or Telecommunication lines	Must be 0.5m minimum and 1m maximum clearance from the service line	50mm

Note: Branch size is measured from the point of attachment to another branch or the trunk.

- (6) In relation to Clauses 5.9(5) and (6) of Sydney LEP 2012, to satisfy Council that the tree is dead, dying or a risk to human life or property, the applicant is to:
- (a) record the tree's condition; identify the risk a tree may pose; and provide a statement that verifies that the works undertaken will be or were the minimum necessary to manage the risk; and
 - (b) a report from a qualified arborist (Minimum AQF Level 3 Arboriculture) is to be provided to Council prior to works taking place, or immediately following the works.

3.6

Ecologically Sustainable Development

This section sets out objectives and controls to provide a framework for the application of ecologically sustainable development principles in the design, construction and operation of buildings across the City of Sydney local government area.

Council encourages the application of ecologically sustainable development principles for all development. Implementing the principles means that the development will be designed and constructed so that it complies with the objectives of this section.

Where an applicant voluntarily proposes achieving a Green Star or other building tool rating Council will apply a condition of development consent that requires the development to obtain the certified rating that was nominated by the applicant.

Objectives

- (a) Apply principles and processes that contribute to ecologically sustainable development (ESD).
- (b) Reduce the impacts from development on the environment.
- (c) Reduce the use of resources in development and by development over its effective life.
- (d) Reduce the cause and impacts of the urban heat island effect.
- (e) Increase the resilience of development to the effects of climate change.
- (f) Ensure that greenhouse gas emissions will be reduced.
- (g) Replace intensive carbon power sources with low carbon and renewable energy.
- (h) Reduce the use of potable water.
- (i) Ensure that development can adapt to climate change.
- (j) Ensure that demolition, construction and operational waste will be reduced.
- (k) Increase the use of products from recycled sources.
- (l) Improve indoor environmental quality.
- (m) Reduce the environmental impact from building materials through reduction, re-use and recycling of materials, resources and building components.
- (n) Improve biodiversity.

Provisions**3.6.1 Energy efficiency in non residential developments**

- (1) Development is to be designed and constructed to reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.
- (2) Lighting for streets, parks and any other public domain spaces provided as part of a development should be energy efficient lighting such as LED lighting.
- (3) In multi-tenant or strata-subdivided developments, electricity sub-metering is to be provided for lighting, air-conditioning and power within each tenancy or strata unit. Locations are to be identified on the development plans.
- (4) Electricity sub-metering is to be provided for significant end uses that will consume more than 10,000 kWh/annum.
- (5) Car parking areas are to be designed and constructed so that electric vehicle charging points can be installed at a later time.
- (6) Where appropriate and possible, the development of the public domain should include electric vehicle charging points or the capacity for electric vehicle charging points to be installed at a later time.
- (7) For the purposes of clause 7.33 'Sustainability requirements for certain large commercial development' in Sydney LEP, development must be designed to meet the relevant performance standards in Table 3.5: 'Energy performance standards' in order to optimise energy efficiency and the use of renewable energy generated on-site, and:
 - (a) applications are to include an Energy Assessment Report prepared by a suitably qualified person, who is also a NABERS accredited assessor, demonstrating that the building is capable of achieving the performance standards identified in Table 3.5: Energy performance standards.
 - (b) where development proposes to achieve the energy intensity performance standard (kWh/yr/m²), an assessor from the NABERS Independent Design Review Panel is to formally verify energy modelling.
 - (c) where it is a refurbishment of or addition to a heritage item, a reduction in the performance standards in Table 3.5: Energy performance standards may be considered if it is clearly demonstrated that compliance with the standards cannot be reasonably achieved without unacceptable impact on the heritage item and that energy efficiency and use of renewables is optimised. The application for a reduction in the standards must be supported by:
 - (i) a Heritage Impact Statement, prepared by an appropriately experienced heritage consultant, and
 - (ii) energy modelling prepared by a suitably qualified person.

Table 3.5: Energy performance standards

Proposed and use	Energy performance standards	
	Applications submitted between 1 October 2023 – 31 December 2025	Applications submitted from 1 January 2026 onwards
Office (base building)	<ul style="list-style-type: none"> - maximum 45 kWh/yr/m² of Gross Floor Area (GFA), or - 5.5 Star NABERS Energy Commitment Agreement (CA) + 25%, or - certified Green Star Buildings rating with a “credit achievement” in Credit 22: Energy Use, or - equivalent 	<ul style="list-style-type: none"> - maximum 45 kWh/yr/m² of GFA, or - 5.5 Star NABERS Energy CA + 25%, or - certified Green Star Buildings rating with a “credit achievement” in Credit 22: Energy Use, or - equivalent <p>and</p> <ul style="list-style-type: none"> - renewable energy procurement equivalent to “net zero emissions from energy used on-site” or a maximum of 45 kWh/yr/m² of GFA
Prescribed shopping centre	<ul style="list-style-type: none"> - maximum 55 kWh/yr/m² of GFA, or - 4 star NABERS Energy CA, or - certified Green Star Buildings rating achieving the “minimum expectation” in Credit 22: Energy Use, or - equivalent 	<ul style="list-style-type: none"> - maximum 45 kWh/yr/m² of GFA, or - 5 star NABERS Energy CA, or - certified Green Star Buildings rating with “exceptional performance” in Credit 22: Energy Use, or - equivalent <p>and</p> <ul style="list-style-type: none"> - renewable energy procurement equivalent to “net zero emissions from energy used on-site” or a maximum of 45 kWh/yr/m² of GFA
Hotel (whole of building)	<ul style="list-style-type: none"> - maximum 245 kWh/yr/m² of GFA, or - 4 star NABERS Energy CA, or - certified Green Star Buildings rating achieving the “minimum expectation” in Credit 22: Energy Use, or - equivalent 	<ul style="list-style-type: none"> - maximum 240 kWh/yr/m² of GFA, or - 4 star NABERS Energy CA + 10%, or - certified Green Star Buildings rating with a “credit achievement” in Credit 22: Energy Use, or - equivalent <p>and</p> <ul style="list-style-type: none"> - renewable energy procurement equivalent to “net zero emissions from energy used on-site” or a maximum of 240 kWh/yr/m² of GFA
Mixed use	<ul style="list-style-type: none"> - The above performance standards apply for each proposed use 	<ul style="list-style-type: none"> - The above performance standards apply for each proposed use

Note: The performance standards for offices and hotels only apply when they are ‘large commercial development’ as defined in State Environmental Planning Policy (Sustainable Buildings) 2022 and for prescribed shopping centres as defined in Sydney LEP 2012.

(8) For the purposes of clause 7.33 ‘Sustainability requirements for certain large scale commercial development’ in Sydney LEP 2012, large commercial development with a capital investment of \$10 million or more involving alterations to an existing office premises is considered to be designed to optimise energy efficiency and the use of renewable energy generated on-site where:

(a) development meets the performance standards for new office buildings in Table 3.5, or

- (b) where (a) cannot be achieved, development demonstrates:
 - (i) a NABERS Energy Base Building Commitment Agreement of 5 Star or above, elimination of all base building natural gas appliances, service and supply, and net zero emissions from energy used on-site; or
 - (ii) a NABERS Energy Base Building Commitment Agreement for a star rating that exceeds the existing NABERS Energy Base Building rating excluding GreenPower of the building for the past 12 months by at least 2 stars, and elimination of all base building natural gas appliances, service and supply.
- (9) For the purposes of clause 7.33 (2) (b) in Sydney LEP, and provision (8) (b) (i) above, development is considered to have net zero emissions from energy used on-site where:
 - (a) Development consumes no more total electricity other than is provided by:
 - (i) renewable energy generated on-site, and
 - (ii) renewable energy procured from off-site sources for a period of at least 5 years

Fuels used for emergency back-up generation are excluded.

Note: For office premises and retail premises, relevant energy use is the base building. For hotel or motel accommodation, energy use is for the whole building.

Note: Renewable energy procured from off-site sources may be demonstrated by GreenPower certified power plans, power purchase agreements with renewable energy generators or retiring large-scale generation certificates.

Note: Clause 7.33 (2) (b) in Sydney LEP applies to development applications lodged on or after 1 January 2026.

3.6.2 Water efficiency in non-residential development

- (1) All new water fittings and fixtures such as showerheads, water tap outlets, urinals and toilet cisterns, in all non-residential development, the public domain, and public and private parks are to be the highest Water Efficiency Labelling Scheme (WELS) star rating available at the time of development.
- (2) Generally, rainwater tanks are to be installed for all non-residential developments, including major alterations and additions that have access to a roof form from which rainwater can be feasibly collected and plumbed to appropriate end uses.
- (3) Where a non-residential building, the public domain, a public or private open space or a community facility is serviced by a dual reticulation system for permitted non-potable uses such as toilet flushing, irrigation, car washing, fire fighting and certain industrial purposes, the development is to be connected to the system.
- (4) Generally, water used for irrigation of public and private open space is to be drawn from reclaimed water or harvested rainwater sources. Possible sources include harvested stormwater, treated greywater and wastewater and water from a decentralised local network.
- (5) Separate meters are to be installed for each individual tenancy in commercial or retail buildings over 5,000sqm, such as separate tenant areas within a shopping centre.
- (6) Separate meters are to be installed for the make-up lines to cooling towers, swimming pools, on the water supply to outdoor irrigation, and other major uses.

- (7) Where cooling towers are used they are to be connected to a:
 - (a) recirculating cooling water loop; and
 - (b) conductivity meter so that the blow down or bleed off system in a cooling tower can be automated based on conductivity. This ensures that the water is being re-circulated an optimum number of times before being discharged to the sewer.
- (8) Cooling towers are discouraged where they are a single pass cooling system.

3.6.3 Photovoltaic solar panels

- (1) The use, location and placement of photovoltaic solar panels is to take into account the potential permissible building form on adjacent properties.
- (2) Where possible proposals for new buildings, alterations and additions and major tree plantings are to maintain solar access to existing photovoltaic solar panels having regard to the performance, efficiency, economic viability and reasonableness of their location.

3.6.4 Wind turbines

- (1) Wind turbines are not to cause the following LAeq levels to be exceeded in any nearby residential development (with windows closed):
 - (a) in any bedroom in the building—35 dB(A) at any time between 10pm and 7am;
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
- (2) Wind turbines are:
 - (a) not to involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent;
 - (b) to be clear from power lines in accordance with the requirements of the relevant electricity authority;
 - (c) not to affect the structural integrity of the building;
 - (d) not to detract from the significance of a heritage item or a heritage conservation area; and
 - (e) to be installed in accordance with manufacturer's specifications.

3.6.5 Materials and building components

- (1) Paints and floor coverings with low levels of volatile organic compounds (VOC) and low formaldehyde wood products are to be used where possible.
- (2) Where possible, use building materials, fittings and finishes that:
 - (a) have been recycled;
 - (b) are made from or incorporate recycled materials; and
 - (c) have been certified as sustainable or 'environmentally friendly' by a recognised third party certification scheme.
- (3) Design building components, including the structural framing, roofing and facade cladding for longevity, adaptation, disassembly, re-use and recycling.

- (4) Reduce the amount of materials used in the construction of a building wherever possible. Examples of potential methods include:
 - (a) exposing structures to reduce the use of floor, ceiling and wall cladding and finishes;
 - (b) naturally ventilating buildings to reduce ductwork;
 - (c) providing waterless urinals to reduce piping and water use;
 - (d) using prefabricated components for internal fit outs; and
 - (e) providing only one bathroom for every two bedrooms in residential developments.

3.7

Water and Flood Management

Terms used in this section are consistent with the NSW Floodplain Development Manual 2005.

Objectives

- (a) Ensure an integrated approach to water management across the City through the use of water sensitive urban design principles.
- (b) Encourage sustainable water use practices.
- (c) Assist in the management of stormwater to minimise flooding and reduce the effects of stormwater pollution on receiving waterways.
- (d) Ensure that development manages and mitigates flood risk, and does not exacerbate the potential for flood damage or hazard to existing development and to the public domain.
- (e) Ensure that development above the flood planning level as defined in the Sydney LEP 2012 will minimise the impact of stormwater and flooding on other developments and the public domain both during the event and after the event.
- (f) Ensure that flood risk management addresses public safety and protection from flooding.

Note: A number of flood studies are currently underway. New development will be required to conform to the flood studies once endorsed by Council.

Provisions

3.7.1 Site specific flood study

- (1) When required by Clause 7.15 of Sydney LEP 2012, a site-specific flood study is to be prepared by a suitably qualified and experienced hydrologist in accordance with the NSW Floodplain Development Manual 2005, the NSW Coastal Planning Guideline: Adapting to Sea Level Rise, NSW Coastal Risk Management Guide: Incorporating Sea Level Rise Benchmarks In Coastal Risk Assessments and the NSW Flood Risk Management Guide: Incorporating Sea Level Rise Benchmarks In Flood Risk Assessments.
- (2) The site-specific flood study is to include, but not be limited to:
 - (a) a detailed topographical survey that defines flow paths, storage areas and hydraulic controls; and
 - (b) flood modelling that uses appropriate hydrological and hydraulic techniques and incorporates boundary conditions.
- (3) The site-specific flood study is to show pre-development and post-development scenarios, and at a minimum is to include the following information:
 - (a) water surface contours;
 - (b) velocity vectors;
 - (c) velocity and depth product contours;
 - (d) delineation of flood risk precincts; and
 - (e) flood profiles for the full range of events for total development including all structures and works (such as revegetation and physical enhancements).

- (4) The site-specific flood study is to assume the 'worst case scenario' conditions for blockages to pipes, culverts and other infrastructure, such that:
 - (a) kerb inlets are assumed to be 50% blocked;
 - (b) sag pits are assumed to be 100% blocked; and
 - (c) culverts and bridges with an open area less than six metres, measured on the diagonal, are assumed to be 50% blocked.

3.7.2 Drainage and stormwater management

These provisions are supported by the *Stormwater management map*. The map identifies the catchments with specific stormwater management requirements and also those areas where stormwater is required to be integrated with open space.

- (1) A local drainage management plan is required for development on sites of:
 - (a) 1,000sqm or more in the Fowler's Creek catchment area and drains to Johnston's Creek as shown on the *Stormwater management map*; or
 - (b) 1,800sqm or more in other catchments.
- (2) The Local Drainage Management Plan is to address:
 - (a) the hydrology of the locality and its relationship to the drainage system;
 - (b) the distribution of soil types and the scope for on-site infiltration;
 - (c) any expected rise in ground water level due to development;
 - (d) the role of the principal landscape components on the site for water conservation and on-site detention;
 - (e) the scope for on-site stormwater detention and retention, including collection of water for re-use;
 - (f) how any detrimental impacts on the existing natural hydrology and water quality are proposed to be minimised;
 - (g) how pedestrian safety is to be ensured; and
 - (h) integration of drainage management responses and open space areas.
- (3) A suitably qualified engineer with experience in drainage design is to assess the site drainage requirements for the proposed development, and prepare the required local drainage management plan in accordance with the provisions of this DCP.
- (4) Development on sites identified in the *Stormwater management map*, are to provide on-site stormwater detention within open space areas.
- (5) Drainage systems are to be designed so that:
 - (a) on a site with an area less than or equal to 1,000sqm:
 - (i) stormwater flows up to the 20% annual exceedance probability event are conveyed by a minor drainage system; and
 - (ii) stormwater flows above the 20% annual exceedance probability event are conveyed by a major drainage system;

- (b) on a site with an area greater than 1,000sqm:
 - (i) stormwater flows up to the 5% annual exceedance probability event are conveyed by a minor drainage system; and
 - (ii) stormwater flows above the 5% annual exceedance probability event are conveyed by a major drainage system.
- (6) The development proposal must demonstrate how the major drainage system addresses any site-specific conditions and connects to the downstream drainage system.
- (7) Major drainage systems are to be designed so that ensures that public safety is not compromised.
- (8) Minor flows from a development site are not to be discharged to the kerb if direct connection to an existing stormwater pipe is available, unless it can be demonstrated there is sufficient capacity within the existing gutter and the flow velocity and depth within the gutter will remain below 400mm.
- (9) Where the proposed development is located on a floodplain, high level overflows are permitted for roof drainage systems where the overflow is set above the 1% annual exceedance probability level.
- (10) Connection to existing stormwater infrastructure are not to reduce the capacity of that infrastructure by more than 10%. The development proposal is to show the level of impact on the existing stormwater infrastructure as a result of the proposed new connection.
- (11) The post development run-off from impermeable surfaces (such as roofs, driveways and paved areas) is to be managed by stormwater source measures that:
 - (a) contain frequent low-magnitude flows;
 - (b) maintain the natural balance between run-off and infiltration;
 - (c) remove some pollutants prior to discharge into receiving waters;
 - (d) prevent nuisance flows from affecting adjacent properties; and
 - (e) enable appropriate use of rainwater and stormwater.
- (12) Post-development stormwater volumes during an average rainfall year are to be:
 - (a) 70% of the volume if no measures were applied to reduce stormwater volume; or
 - (b) the equivalent volume generated if the site were 50% pervious, whichever results in the greater volume of detention required.
- (13) Stormwater detention devices are to be designed to ensure that the overflow and flowpath have sufficient capacity during all design rainfall events, discharge to the public stormwater system without affecting adjoining properties, and are free of obstructions, such as fences.
- (14) Where filtration and bio-retention devices are proposed, they are to be designed to capture and provide temporary storage for stormwater.
- (15) Car parking areas and access aisles are to be designed, surfaced and graded to reduce run-off, allow stormwater to be controlled within the site, and provide for natural infiltration of stormwater runoff through landscaping.

3.7.3 Stormwater quality

- (1) Development of a site greater than 1,000sqm must undertake a stormwater quality assessment to demonstrate that the development will achieve the post-development pollutant load standards indicated below:
 - (a) reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - (b) reduce the baseline annual pollutant load for total suspended solids by 85%;
 - (c) reduce the baseline annual pollutant load for total phosphorous by 65%; and
 - (d) reduce the baseline annual pollutant load for total nitrogen by 45%.
- (2) The stormwater quality assessment is to be prepared by a suitably qualified engineer with experience in water sensitive urban design (WSUD) and include:
 - (a) modelling of pollutant load standards with an industry standard water quality model;
 - (b) the design of WSUD measures used to achieve the post-development pollutant load standards; and
 - (c) maintenance schedules of any proposed WSUD measure that requires maintenance or full replacement including the likely recycling or disposal location of any wastes that may be generated.
- (3) Development on a site with an area less than 1,000sqm is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

3.7.4 Additional provisions for commercial and industrial properties

- (1) Development proposals for service stations, motor showrooms, vehicle repair stations and vehicle body repair workshops are to capture all stormwater up to the 3 month average recurrence interval event within the site to reduce the risk of stormwater pollution caused by spilled contaminants. The critical duration storm for the property and the 24 hour duration storm should be analysed.
- (2) Drainage and waste disposal is to be conducted to the levels specified by the NSW Environmental Protection Authority.

3.7.5 Water re-use, recycling and harvesting

- (1) Development proposals that seek to re-use water runoff from paved surfaces for irrigation and wash down purposes are to incorporate measures into the design of the development that will treat the water to ensure that it is fit for this purpose. These measures are to clean the water to exclude contaminants such as litter, sediment and oil.

3.8

Subdivision, Strata Subdivision and Consolidation

The subdivision and consolidation of land can have long term effects on the economic performance and urban form of the City.

As the City grows, older properties that have been strata titled, particularly commercial and industrial properties, can create a barrier to achieve new higher density and more sustainable development. Therefore, Council generally discourages the strata subdivision of commercial and industrial development.

The consolidation of sites is discouraged where it obscures the original subdivision patterns, removes pedestrian and bike links, or does not allow for the interpretation of the historical subdivision pattern. Proposals to consolidate adjoining buildings should ensure that the resulting rhythm and form of the building continues to be compatible with the characteristic form of the area or streetscape.

Objectives

- (a) Ensure lot sizes and street frontages can support the desired building type and use and achieve internal spaces appropriate to their function.
- (b) Encourage fine grain subdivision for large sites in urban renewal areas.
- (c) Allow for the interpretation of an original, historically significant subdivision pattern in new development.
- (d) Ensure that strata subdivision does not inhibit conservation works and adaptive re-use of heritage items.
- (e) Ensure the long-term provision of rent controlled affordable housing by prohibiting the subdivision of individual dwellings in affordable housing projects.

Provisions

3.8.1 General

- (1) New allotments are to be regular in shape, with an orientation and alignment that enables future buildings to face the street and optimise solar access to buildings.
- (2) The strata titling of commercial and industrial development and affordable housing is discouraged.
- (3) Within a strata or community title subdivision, parking spaces and spaces used for other purposes for example, storage, that are associated with an individual unit are to be included in the same strata allotment as the unit.
- (4) Visitor car spaces and loading spaces are to be designated as common property in a strata subdivision.
- (5) Landscaping, communal open space, access areas, service areas and directory board signage, where not part of an individual unit in a strata subdivision, are to be designated as common property.

3.8.2 Subdivision and lot consolidation affecting heritage items or in heritage conservation areas

- (1) Subdivision (including strata) or lot consolidation is not to occur where the original subdivision pattern is still in evidence and contributes to the significance of the heritage item or heritage conservation area.
- (2) Applications for subdivision or lot consolidation are to demonstrate that:
 - (a) the setting of the heritage item or contributory building on the site, or within the vicinity, is not compromised; and
 - (b) the relationship between the heritage item or contributory building and associated features such as landscaping trees, fences, and outbuildings is retained.

3.9

Heritage

Heritage planning aims to ensure that the significant elements of the past are appropriately managed and respected by new development. Heritage conservation does not preclude change but rather responds to different constraints and opportunities.

This DCP is consistent with the Australia International Council on Monuments and Sites (ICOMOS) Charter for Conservation of Places of Cultural Significance (The Burra Charter).

These provisions are based on the underlying principles that:

- Change should be based on an understanding of heritage significance; and
- The level of change should respect the heritage significance of the item or area.

The intention of these provisions is to ensure that decisions about change are made with due regard to heritage significance, and that opportunities to improve the understanding and appreciation of this significance are taken.

A list of heritage practitioners can be found on the website of the Heritage Branch, NSW Department of Planning at www.heritage.nsw.gov.au.

Heritage items, contributory, neutral and detracting buildings are identified on the *Building contributions map*.

Objectives

- (a) Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.
- (b) Enhance the character and heritage significance of heritage items and heritage conservation areas and ensure that infill development is designed to respond positively to the heritage character of adjoining and nearby buildings and features of the public domain.

Provisions

3.9.1 Heritage Impact Statements

- (1) A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting:
 - (a) heritage items identified in the Sydney LEP 2012; or
 - (b) properties within a Heritage Conservation Area identified in Sydney LEP 2012.
- (2) The consent authority may not grant consent to a development application that proposes substantial demolition or major alterations to a building older than 50 years until it has considered a heritage impact statement, so as to enable it to fully consider the heritage significance of a building and the impact that the proposed development has on the building and its setting.
- (3) A Heritage Impact Statement is to be prepared by a suitably qualified person, such as a heritage consultant. Guidelines for the preparation of Statements of Heritage Impact are available on the website of the Heritage Branch, NSW Department of Planning at www.heritage.nsw.gov.au.

- (4) The Heritage Impact Statement is to address:
 - (a) the heritage significance of the heritage item or the contribution which the building makes to the heritage significance of the heritage conservation area;
 - (b) the options that were considered when arriving at a preferred development and the reasons for choosing the preferred option;
 - (c) the impact of the proposed development on the heritage significance of the heritage item, heritage items within the vicinity, or the heritage conservation area; and
 - (d) the compatibility of the development with conservation policies contained within an applicable Heritage Conservation Management Plan or Conservation Management Strategy, or conservation policies within the Sydney Heritage Inventory Report.
- (5) Where the site adjoins another local government area, the Heritage Impact Statement is to address the potential impact on adjoining or nearby heritage items or heritage conservation areas in the adjoining local government area.
- (6) Where the development application proposes the full or substantial demolition of a heritage item, or a contributory building within a heritage conservation area, the Heritage Impact Statement is to:
 - (a) demonstrate why the building is not capable of retention or re-use;
 - (b) include a statement from a quantity surveyor comparing the cost of demolition to the cost of retention if the demolition is recommended primarily on economic grounds;
 - (c) include a report by a suitably qualified structural engineer if the demolition is proposed on the basis of poor structural condition; and
 - (d) include a pest inspection report if the building is a weatherboard building.
- (7) When giving consent to the full or partial demolition of a heritage item, a building in a heritage conservation area, or a building older than 50 years, Council may require photographic recording of the building as a condition of consent.

3.9.2 Conservation Management Plans

Definition

A Conservation Management Plan (CMP) is a comprehensive document which identifies the heritage significance of a place and should be prepared in accordance with the NSW Heritage Manual published by the NSW Heritage Office, the Australian ICOMOS Burra Charter Process and the Conservation Plan by J.S Kerr, which is available from the NSW National Trust. The Conservation Management Plan is to also consider compliance with any recommended management policies contained in the Heritage Inventory Report for the property or heritage conservation area.

Provisions

- (1) A conservation management plan prepared by a suitably qualified heritage practitioner for development applications is required for the following:
 - (a) a change of use of a heritage item of State heritage significance;
 - (b) any alteration to the fabric or setting of a heritage item of State heritage significance which requires consent;

- (c) an award of heritage floor space under Sydney LEP 2012; or
 - (d) substantial alterations and or additions to a heritage item considered by the Council to be of high local significance, unless the consent authority determines that it is not required.
- (2) The conservation management plan is to include:
- (a) the investigation of the physical and documentary evidence of the heritage item;
 - (b) a comparative analysis and curtilage assessment;
 - (c) assessment of the significance of the heritage item;
 - (d) the investigation of the constraints and opportunities for the item including the owner's needs and resources, and external constraints;
 - (e) conservation policies which address the following:
 - (i) conservation of the fabric and setting of the heritage item;
 - (ii) appropriate uses of the heritage item;
 - (iii) appropriate ways to interpret the significance of the heritage item;
 - (iv) management of the heritage item;
 - (v) guidelines for future development; and
 - (f) priorities for instigation of conservation policies.
- (3) In certain cases, the consent authority may accept a conservation management strategy in place of a conservation management plan for heritage items of local significance. A conservation management strategy is to be prepared in accordance with the format prepared by the NSW Office and Environment and Heritage.

3.9.3 Archaeological assessments

- (1) An archaeological assessment is to be prepared by a suitably qualified archaeologist in accordance with the guidelines prepared by the NSW Office and Environment and Heritage.
- (2) For development proposals in Central Sydney, refer to the *Central Sydney Archaeological Zoning Plan* to determine whether the development site has archaeological potential.
- (3) An archaeological assessment is to be submitted as part of the Statement of Environmental Effects for development applications affecting an archaeological site or a place of Aboriginal heritage significance, or potential archaeological site that is likely to have heritage significance.
- (4) An archaeological assessment is to include:
 - (a) an assessment of the archaeological potential of the archaeological site or place of Aboriginal heritage significance;
 - (b) the heritage significance of the archaeological site or place of Aboriginal heritage significance;
 - (c) the probable impact of the proposed development on the heritage significance of the archaeological site or place of Aboriginal heritage significance;
 - (d) the compatibility of the development with conservation policies contained within an applicable conservation management plan or conservation management strategy; and

- (e) a management strategy to conserve the heritage significance of the archaeological site or place of Aboriginal heritage significance.
- (5) If there is any likelihood that the development will have an impact on significant archaeological relics, development is to ensure that the impact is managed according to the assessed level of significance of those relics.

3.9.4 Development of sites of State heritage significance or containing more than one heritage item

- (1) This provision applies to development that will introduce major changes to a heritage item identified in Schedule 5 of the Sydney LEP 2012 as being of State heritage significance or to a site containing more than one heritage item, if the development involves:
- (a) demolition that will result in a reduction of the building envelope of the heritage item by more than 35%;
 - (b) an increase in the size of the building envelope of the heritage item by more than 20%; or
 - (c) building over more than 20% of a heritage item's building footprint within the airspace above the item, but not within the airspace next to the item.
- (2) When considering an application for development to which this provision applies, the consent authority is to:
- (a) appoint a committee that includes heritage professionals to examine and advise on the merits of the proposal;
 - (b) be satisfied that that committee has followed an appropriate public process for the purpose of that examination; and
 - (c) consider the advice of the committee, but is not bound by the advice of the committee.

3.9.5 Heritage items

Development in the vicinity of a heritage item can have an impact upon the heritage significance of the item. The determination of the setting of a heritage item should consider the historical property boundaries, significant vegetation and landscaping, archaeological features, and significant views to and from the property.

Objective

- (a) Ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item.

Provisions

- (1) Development affecting a heritage item is to:
- (a) minimise the extent of change to significant fabric, elements or spaces;
 - (b) use traditional techniques and materials where possible unless techniques and materials can offer substantial conservation benefits;
 - (c) enable the interpretation of each of the significant values of the item through the treatment of the item's fabric, spaces and setting;
 - (d) provide a use compatible with its significance and which with any changes proposed, including any BCA upgrade or the introduction of services will have minimal impact on significant fabric, elements or spaces;

- (e) the provision of on-site interpretation, or a combination of each of these measures;
 - (f) not reduce or obscure the heritage significance of the item; and
 - (g) be reversible where necessary so new work can be removed with minimal damage, or impact to significant building fabric.
 - (h) be consistent with an appropriate Heritage Conservation Management Plan, Conservation Management Strategy, or policy guidelines contained in the Heritage Inventory Assessment report for the item;
 - (i) ensure that any changes to the original/significant room configuration is evident and can be interpreted; and
 - (j) respect the pattern, style, dimensions or original windows and doors.
- (2) Development should enhance the heritage item by removing unsympathetic alterations and additions and reinstating missing details, building and landscape elements, where physical or documentary evidence is available.
- (3) Alterations and additions to buildings and structures and new development of sites in the vicinity of a heritage item are to be designed to respect and complement the heritage item in terms of the:
- (a) building envelope;
 - (b) proportions;
 - (c) materials, colours and finishes; and
 - (d) building and street alignment.
- (4) Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:
- (a) providing an adequate area around the building to allow interpretation of the heritage item;
 - (b) retaining original or significant landscaping (including plantings with direct links or association with the heritage item);
 - (c) protecting, where possible and allowing the interpretation of archaeological features; and
 - (d) Retaining and respecting significant views to and from the heritage item.

3.9.6 Heritage conservation areas

Buildings and sites within heritage conservation areas are identified on the *Building contributions map* as being contributory, neutral or detracting to the character and heritage significance of the heritage conservation area.

The contribution of these buildings is based on studies carried out by heritage consultants for the City.

New development in heritage conservation areas must be designed to respect neighbouring buildings and the character of the area, particularly roofscapes and window proportions. Infill development should enhance and complement existing character but not replicate heritage buildings.

- (1) Development within a heritage conservation area is to be compatible with the surrounding built form and urban pattern by addressing the heritage conservation area statement of significance and responding sympathetically to:
- (a) topography and landscape;
 - (b) views to and from the site;

- (c) significant subdivision patterns and layout, and front and side setbacks;
 - (d) the type, siting, form, height, bulk, roofscape, scale, materials and details of adjoining or nearby contributory buildings;
 - (e) the interface between the public domain and building alignments and property boundaries; and
 - (f) colour schemes that have a hue and tonal relationship with traditional colour schemes.
- (2) New infill buildings and alterations and additions to existing buildings in a heritage conservation area are not to be designed as a copy or replica of other buildings in the area, but are to complement the character of the heritage conservation area by sympathetically responding to the matters identified in (1)(a) to (e) above.
 - (3) Infill development is not to include garages and car access to the front elevation of the development where these are not characteristic of the area.
 - (4) Development within a heritage conservation area is to be consistent with policy guidelines contained in the Heritage Inventory Assessment Report for the individual conservation area.

Figure 3.12
Infill development
Iglu Central,
Chippendale
(student
accommodation)



3.9.7 Contributory buildings

Contributory buildings are buildings that make an important and significant contribution to the character and significance of the heritage conservation area. They have a reasonable to high degree of integrity and date from a key development period of significance of the heritage conservation area. They are buildings:

- from a significant historical period and are highly or substantially intact; or
 - from a significant historical period and are altered yet recognisable and reversible.
- (1) Contributory buildings are to be retained unless the consent authority determines the replacement is justified in exceptional circumstances.

- (2) Alterations and additions must not significantly alter the appearance of principal and significant facades of a contributory building, except to remove detracting elements.
- (3) Alterations and additions to a contributory building are to:
 - (a) respect significant original or characteristic built form;
 - (b) respect significant traditional or characteristic subdivision patterns;
 - (c) retain significant fabric;
 - (d) retain, and where possible reinstate, significant features and building elements, including but not limited to original balconies and verandahs, fences, chimneys, joinery and shop front detailing;
 - (e) remove unsympathetic alterations and additions, including inappropriate building elements;
 - (f) use appropriate materials, finishes and colours; and
 - (g) respect the pattern, style and dimensions of original windows and doors.
- (4) Where an addition to the building is proposed, significant external elements are to be reinstated.
- (5) Foyers or other significant interior features, including hallway detailing, panelling and significant staircases, designed to be visible from the street, are to be retained especially where they form part of the building's contribution to the character of the heritage conservation area.

Figure 3.13
Single storey
contributory
buildings, Glebe



3.9.8 Neutral and appropriate infill buildings

Neutral buildings are buildings that do not contribute nor detract from the significant character of the heritage conservation area.

Neutral buildings are:

- From a significant historical period, but altered in form, unlikely to be reversed;
- sympathetic contemporary infill; or
- from a non-significant historical period but do not detract from the character of the Heritage Conservation Area.

- (1) Demolition of neutral buildings will only be considered where it can be demonstrated that:
 - (a) restoration of the building is not reasonable; and
 - (b) the replacement building will not compromise the heritage significance of the heritage conservation area.
- (2) Where demolition of a neutral building is allowed, a photographic record of the building may be required to be submitted to the City.
- (3) Alterations and additions to a neutral building are to:
 - (a) remove unsympathetic alterations and additions, including inappropriate building elements;
 - (b) respect the original building in terms of bulk, form, scale and height;
 - (c) minimise the removal of significant features and building elements; and
 - (d) use appropriate materials, finishes and colours that do not reduce the significance of the Heritage Conservation Area.

3.9.9 Detracting buildings

Detracting buildings are buildings that are intrusive to a heritage conservation area because of inappropriate scale, bulk, setbacks, setting, design or materials. They do not represent a key period of significance and detract from the character of a heritage conservation area.

- (1) Development on sites containing detracting buildings is to improve the contribution of the site to the character of the heritage conservation area.
- (2) Alterations and additions to, or redevelopment of, detracting buildings are to:
 - (a) remove inappropriate elements or features that are intrusive to the heritage significance of the heritage conservation area; and
 - (b) respect the prevailing character of the area and street in terms of bulk, form, scale and height.

3.9.10 Building materials for heritage items and buildings within heritage conservation areas

- (1) Where residential flat buildings have foyers or other significant interior features, including hallway detailing, panelling and significant staircases, that are designed to be visible from the street, these are to be retained.
- (2) Existing face brickwork and stone walls are not to be coated, rendered or painted.
- (3) Original materials are to be retained, unless it can be demonstrated that significant deterioration has occurred and repair is not practical. Any replacement should be with similar materials.
- (4) New materials are to complement the colour, finishes and proportion of existing materials on the building and be identifiable as new on close inspection without detracting from the character and heritage significance of the building.
- (5) Development along King Street, Newtown and certain properties adjacent is to be consistent with the King Street and Enmore Road Paint Scheme, available on the City's website, www.cityofsydney.nsw.gov.au.
- (6) Solar water heater storage tanks, ventilators, wind generators, air conditioning units, satellite dishes and antennae and the like, are not to be located on the principal roof plane of heritage items or contributory items in heritage conservation areas.

- (7) Solar collector or photovoltaic panels may be located on buildings in a heritage conservation area. Where solar collector or photovoltaic panels are proposed on the principal roof plane of a contributory building in a heritage conservation area, the panels are to be removable, parallel to the pitch of roof and preferably integrated with the roof. The panels must make minimal intrusive change to significant roof fabric.

3.9.11 Conservation of public domain features in heritage conservation areas

- (1) The following elements of streets, lanes, parks and other areas of the public domain are to be retained if they contribute to the heritage significance of the heritage conservation area:
- evidence of early road surfaces and associated features;
 - stone kerbing, guttering and paving;
 - sandstone steps and retaining walls;
 - street furniture;
 - cast iron letterboxes;
 - signposts;
 - light posts;
 - original pavement lights;
 - fences;
 - railings;
 - trachyte or sandstone; and
 - milestones and ward markers.
- (2) The removal of significant public domain features will only be considered if their retention in situ is not feasible and has been demonstrated in a Heritage Impact Statement.
- (3) If significant public domain features are to be removed, they are to be replaced in one of the following ways:
- detailed and made of materials to match the period and character of the street or park in which they are located; or
 - a contemporary interpretation of traditional elements.

Figure 3.14
Significant public domain elements:
Ward boundary marker, Cardigan Street and El Alamein fountain



3.9.12 Reduction of rising damp and salt attack in buildings constructed prior to 1920

Older masonry buildings without an effective damp proof course can suffer rising damp leading to deterioration of the walls. A well ventilated subfloor can reduce rising damp. Replacing a timber floor with a concrete floor on the ground level will cause rising damp and damage to the building. Further information can be found in the publication 'Attack and Rising Damp' by David Young available on the NSW Heritage Office website at: http://www.heritage.nsw.gov.au/docs/HVC014_Salt_Damp_tech_guide_FA_web.pdf

Provision

- (1) Where a heritage item or a building within a heritage conservation area constructed prior to 1915 has no damp proof course, the ventilated sub floor space must be retained to avoid potential damage caused by rising damp and migrating salts. Concrete slabs laid directly on the ground are not permitted within such buildings, including verandahs, or as paving slabs laid adjacent to external walls.

3.9.13 Excavation in the vicinity of heritage items and in heritage conservation areas

Excavation beneath, adjacent to, or in front of early buildings has the potential to adversely impact on their structural integrity. Understanding the nature of construction of all structures on the site and neighbouring sites and the ground conditions is necessary to assess the effects of excavation.

Provisions

- (1) Excavation beneath, or adjacent to heritage items and/or buildings in heritage conservation areas will only be permitted if it is supported by both a Geotechnical Engineering report and a Structural Engineering report.
- (2) Excavation will not be permitted if:
 - (a) it will occur under common walls and footings to common walls, or freestanding boundary walls, or under any other part of adjoining land, and
 - (b) it will occur under or forward of the front facade.

3.9.14 Heritage inventory assessment reports

The City maintains a database of Heritage Inventory Assessment Reports for heritage items and heritage conservation areas. The report includes a description of the item or area. Statement of Heritage Significance and Recommended Management provisions. Heritage Inventory Assessment Reports are available by contacting the City or online through the NSW Heritage Office at: www.heritage.nsw.gov.au.

Provision

- (1) Development to a heritage item or within a heritage conservation area or special character area is to be consistent with the policy guidelines contained within the Heritage Inventory Assessment Report.

3.10

Significant Architectural Building Types

3.10.1 Warehouses and industrial buildings older than 50 years

The City has a variety of warehouses and industrial buildings including Victorian, Federation, and Interwar periods. These different architectural periods result in various built form characteristics and detailing.

Central Sydney, Haymarket, Chippendale, Pyrmont, Ultimo and Surry Hills have examples of Federation and pre-war, interwar and post-war warehouses. These often draw inspiration from Romanesque architecture and feature arched windows and sandstone trimmings. Federation warehouses are typically utilitarian in character and often have simple cubic or rectangular forms reinforced with vertical brick piers terminating in arches and articulated bays at regular intervals.

The following objectives and provisions relate to alterations and additions to warehouse buildings that are heritage items on Schedule 5 of the Sydney Local Environmental Plan 2012, draft heritage items or are located within a Heritage Conservation Area

Objectives

- (a) Conserve warehouse and industrial buildings older than 50 years and ensure that alterations, additions and adaptive re-use maintain the legibility of the historic use.
- (b) Encourage the conservation of existing warehouse buildings and fabric and ensure that alterations and additions are sympathetic in scale and style to the existing building.

Provisions

- (1) Alterations and additions are to be supported by a report, prepared by a suitably qualified and practising engineer, certifying that the works will not jeopardise the structural integrity of the building.
- (2) Alterations and additions are to maintain significant fabric and building elements.
- (3) A proposed change of use must not compromise the significant fabric and building elements.
- (4) A proposed increase in floor space outside the existing building envelope is not permitted where it would compromise the significant fabric and building elements.
- (5) The provision of car parking within the existing building is not an acceptable justification for creating additional storeys above the height of the existing roof.
- (6) Where scope exists for a roof addition, it is to be complementary to, rather than dominate the original building; be simple in form; and able to be distinguished as new work.
- (7) Additional storeys or roof additions must not result in the removal of the original roof structure where that roof is an essential component of the original building form.

- (8) Alterations and additions are to:
 - (a) retain the essential geometric form of the existing building when viewed from the public domain; and
 - (b) complement the materials and articulation of existing façade elevations, including distinguishing features that occur at regular intervals.
- (9) The original or significant pattern of windows and openings is to be retained.
- (10) All original window frames, sashes and lights are to be retained on prominent elevations and on secondary elevations where considered critical to the significance of the building.
- (11) Work to the facade is to:
 - (a) retain original and significant elements and finishes including catheads, hoists and face brick detailing;
 - (b) reinstate or restore missing original elements;
 - (c) remove detracting elements;
 - (d) minimise new elements; and
 - (e) not obscure original elements.
- (12) Street level doors, gates or grilles should, where possible be set back a minimum of 200mm from the external face of the building, if not, detailed in a manner that makes them recessive.
- (13) External awnings, hoods and other overhanging devices are not to be attached to the building façades where they detract from the overall building form.
- (14) Face brick and sandstone must not be rendered, painted or otherwise coated.
- (15) Existing floor levels are to be maintained. Mezzanine or loft areas may be acceptable where they have minimal heritage impact, including on any significant structure and significant views into the interior.
- (16) Any internal subdivision and change to the layout of floor areas such as the creation new units, is to respect the existing pattern of windows and openings and have minimal heritage impact including on significant structure and views into the interior.
- (17) Significant original elements, fabric and features that are characteristic of the former use of the building are to be:
 - (a) retained;
 - (b) generally not obscured by new elements; and
 - (c) where retained, be adapted to meet contemporary needs or safety standards, alterations must be reversible and minimal, where possible.
- (18) Active street frontages in the form of a retail or studio space are encouraged to help screen visible car park levels and ventilation openings. Detracting blank street walls are to be avoided at street level.
- (19) Active frontages are to be integrated into the existing fabric to ensure that entrances and display windows do not alter the regularity of façade elements or compromise the external appearance.
- (20) Where existing or amalgamated sites contain significant buildings of a different character, form, size and finish which reflect former uses, this difference is to be retained.

- (21) Existing painted signs that relate to the history of the building, or to the surrounding area are to be retained and kept visible where possible.
- (22) Development proposals that relate to warehouse and industrial buildings with courtyards are to:
 - (a) retain the courtyard at its existing size, with:
 - (i) the buildings defining the courtyard and opening onto the courtyard at all levels; and
 - (ii) the courtyard remaining open to sky (although a glazed roof structure may be acceptable if it does not obscure views in and out);
 - (b) maximise opportunities for active uses within the buildings defining the courtyard and within the courtyard itself; and
 - (c) preserve original vertically aligned openings to the courtyard and replace later unsympathetic openings with reconstructed original or similarly proportioned openings.

Figure 3.15

An example of a warehouse that has been adaptively re-used



3.10.2 Weatherboard buildings older than 50 years

The following objectives and provisions relate to alterations and additions to weatherboard buildings that are heritage items under Schedule 5 of the Sydney LEP 2012 or are located within a Heritage Conservation Area.

Weatherboard buildings are important because they are among the oldest buildings in the City and demonstrate particular aspects of 19th and early 20th century life. Weatherboard buildings contribute to the character of the streets in which they are located and to the diversity of housing stock. They are now rare in the City.

Weatherboard buildings are typically modest in scale and simple in design. Alterations and additions should maintain this characteristic and be compatible with the scale of the original building.

Objectives

- (a) Ensure alterations and additions maintain significant fabric and building elements of weatherboard buildings.
- (b) Ensure modifications to weatherboard buildings are sympathetic in scale and style to the existing building.

Provisions

- (1) Alterations and additions to weatherboard buildings are to:
 - (a) retain the general form and scale of the building, its setting and relationship with the street;
 - (b) be compatible with the scale of the original building;
 - (c) retain early building elements, fabric, finishes and detailing;
 - (d) remove building elements and fabric that are intrusive later additions; and
 - (e) incorporate new materials that are complementary in form and detailing to the design and heritage values of the building.
- (2) Additional decorative details that are not part of the original building character are not permitted to weatherboard buildings.
- (3) The addition of storeys above the existing significant timber framed buildings is not permitted.
- (4) Replacement weatherboards must match the profile of original weatherboards, where evidence of this exists. Where no evidence exists, replacement weatherboards should be of a profile typical of the period and style of the building.
- (5) Where permission is sought to demolish a weatherboard building, the applicant will need to demonstrate, with independent documentary evidence, that the building has little significance or that retention of the building is no longer viable for either structural or pest management reasons.

Figure 3.16

A single storey weatherboard dwelling and a two storey weatherboard terrace

**3.10.3 Pubs and hotels older than 50 years**

Pubs and hotels often date from several periods of construction and significant elements can therefore be associated with different periods of a building's history and can show the evolution of drinking practices and laws. A number of pubs and hotels in the City have contemporary and later additions designed by prominent architects in high quality contemporary styles.

Objectives

- (a) Ensure that alterations, additions and change of use of pubs and hotels:
 - (i) retain significant fabric and building elements from all periods of construction; and
 - (ii) provide for the ongoing use primarily as pubs and hotels.

Provisions

- (1) Alterations and additions are to maintain significant fabric and building elements including:
 - (a) external design details such as wall tiles, wall signs and advertising, awnings, pressed metal and patterned awning soffits, balconies and verandahs, doors, windows and joinery;
 - (b) internal design details such as bars, ceiling details, fireplaces, bathroom tiling and fittings, joinery;
 - (c) wall tiles, or external face brickwork or stonework are not to be painted over or otherwise obscured; and
- (2) Street verandahs, balconies and post-supported awnings should only be constructed where there is documentary or physical evidence of an early verandah, balcony, or post-supported awning attached to the building.
- (3) New colours schemes are to reflect the most significant design period of the building.

3.10.4 Significant Shopfronts

Many of the City's Heritage Conservation Areas are characterised by their significant retail shopfronts and facades. As well as being important individually, such shopfronts often contribute to the important character of the street and area. It is particularly important to understand the style and period of the shopfront, particularly where this forms part of a significant row or streetscape. Materials and detailing should be appropriate to the predominant style and period, and avoid the use of materials that were unavailable during the significant period of development.

Objective

- (a) Encourage the retention of original, early significant shopfronts and ensure the design of street frontages is not detrimental to the aesthetic quality of the street.

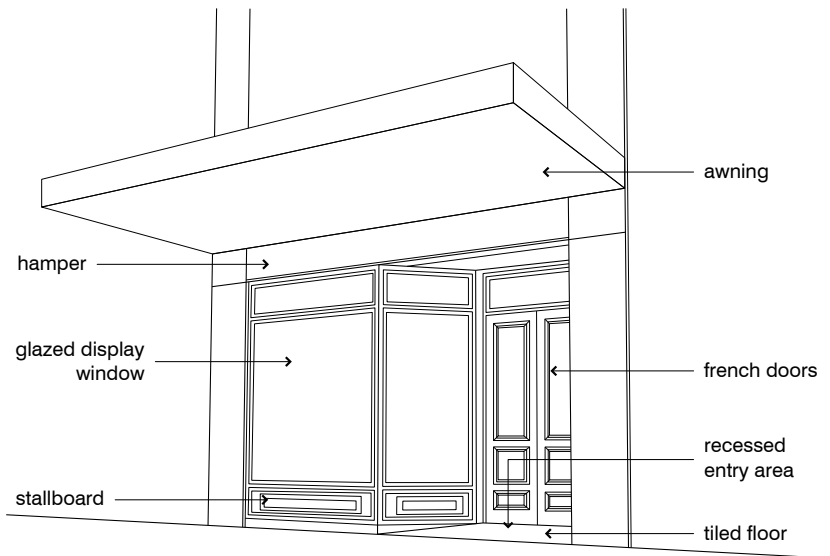
Provisions

- (1) Alterations and additions to significant shopfronts within heritage conservation areas must not compromise the heritage significance.
- (2) New shopfronts within heritage conservation areas may be contemporary in style, but respond to the characteristic elements of traditional and significant shopfronts in the street, such as facade and fenestration detailing, engaged columns, pilasters or mullions and the typical narrow frontage width.
- (3) New street verandahs or balconies on infill development are to complement the streetscape rather than replicate traditional forms, materials and embellishments.
- (4) Where original shopfronts or facades within heritage conservation areas have been altered, significant contributory detailing and other characteristic elements are to be reinstated where there is evidence of the original style or detailing on the building or within the row or group.

- (5) Shopfronts are not to be introduced into traditional residential terrace properties where the change would have a detrimental impact on the heritage significance of a heritage item or heritage conservation area.
- (6) Where there is evidence of early suspended awnings, such as original suspension points and suspension devices, these are to be retained or reinstated.

Figure 3.17

Typical building elements within early shopping strips



3.10.5 Public and community buildings older than 50 years

Public and community buildings include churches, schools, hospitals and community halls. Current and former public and community buildings often provide a landmark within an area or streetscape and may have social and aesthetic significance in addition to their built form character and detailing.

Objectives

- (a) Ensure alterations, additions and change of use of current and former public and community buildings:
 - (i) are sympathetic to the existing fabric and design of the building and do not compromise its particular qualities from all periods of construction;
 - (ii) allow for and encourage, the ongoing public or community use for which the building was constructed;
 - (iii) retain significant fabric and building elements; and
 - (iv) retain significant internal features and spaces.

Provisions

- (1) Alterations and additions to current and former public and community buildings are to retain:
 - (a) significant external fabric or building elements including original design details like lead lighting, doors, windows and joinery;
 - (b) significant internal fabric and building elements including original design details, structural elements associated with roofing, fixed joinery, galleries, lighting and fixtures; and
 - (c) sufficient evidence of the significant internal layout to enable interpretation.

- (2) External stone and face brickwork are not to be painted over or otherwise obscured.
- (3) New colour schemes are to reflect the most significant design period of the building.

Figure 3.18
Glebe Town Hall is an example of an early community building



3.11

Transport and Parking

This section contains provisions for managing the transport and parking needs of the city so that the environmental and economic impacts of private car use can be managed. The provisions also encourage walking, cycling, public transport and car sharing.

Schedule 7 Transport, parking and access of this DCP is to be read with this section. It contains information on how to prepare reports required by this section, including Transport Impact Studies, Parking and Access Reports, Green Travel Plans and Transport Access Guides.

This section is to be read in conjunction with the parking Clauses under Sydney LEP 2012 (refer to Part 7 Local Provisions – General, Division 1 Car parking ancillary to other development of the LEP).

Objectives

- (a) Ensure that the demand for transport generated by development is managed in a sustainable manner.
- (b) Ensure that bike parking is considered in all development and provided in appropriately scaled developments with facilities such as change rooms, showers and secure areas for bike parking.
- (c) Establish requirements for car share schemes for the benefit of people living and or working within a development.
- (d) Design vehicle access and basement layouts and levels to maximise pedestrian safety and create high quality ground level relationships between the building and the public domain.
- (e) Provide accessible car parking.

Provisions

3.11.1 Managing transport demand

'Managing transport demand' refers to the measures taken which minimise the need to travel and the length of trips, particularly by car, and encourages travel by the most sustainable mode of transport.

Applicants are to refer to Sydney LEP 2012 for maximum on-site car parking rates and for the associated *Land Use and Transport Integration (LUTI)* and *Public Transport Accessibility Level (PTAL) Maps*.

- (1) A Transport Impact Study is required to address the potential impact of the development on surrounding movement systems where the proposed development is:
 - (a) a non-residential development equal to or greater than 1,000sqm GFA;
 - (b) car park with more than 200 spaces;
 - (c) for 25 or more dwellings; or
 - (d) in the opinion of the consent authority, likely to generate significant traffic impacts.

- (2) Commercial development is to include initiatives to promote walking, cycling and the use of public transport, through the submission of a Green Travel Plan, where the estimated peak trip generation is greater than or equal to:
 - (a) 100 vehicles per hour for non-residential development; or
 - (b) 50 vehicles per hour for residential development within Green Square and shown as Category A on the *Land Use and Transport Integration Map*; or
 - (c) 60 vehicles per hour for residential development within Green Square and shown as Category B or C on the *Land Use and Transport Integration Map*; or
 - (d) is likely to generate significant traffic impacts according to Council.
- (3) A Transport Access Guide and a strategy for the future availability of the Guide to residents, employees and visitors of a development is to be prepared for all developments except:
 - (a) individual dwelling houses and dual occupancies;
 - (b) residential flat buildings of less than 25 units;
 - (c) individual businesses and services in existing shopping strips and retail centres;
 - (d) developments having a floor area of less than 1,000sqm GFA; and
 - (e) businesses employing less than 10 staff.

3.11.2 Car share scheme parking spaces

Car share scheme means car share scheme as defined in Sydney Local Environmental Plan 2012.

These provisions apply to development that provides parking spaces for exclusive use by an organised car share scheme (car share parking spaces).

Land Use and Transport Integration (LUTI) Map means the *Sydney LEP 2012 Land Use and Transport Integration Map*.

Public Transport Accessibility Level (PTAL) Map means the Sydney LEP 2012 Public Accessibility Level Map.

Land in accessibility category A, B or C is shown on the *LUTI Map* and land in accessibility category D, E or F is shown on the *PTAL Map*.

- (1) Car share parking spaces are to be provided in addition to the maximum number of car parking spaces permitted in the development.
- (2) The minimum number of on-site parking spaces to be made available for car share scheme vehicles is to be provided according to the following rates:
 - (a) residential development, other than dwelling houses and dual occupancies, on land shown on the *Land Use and Transport Integration (LUTI) Map* in the Sydney LEP 2012 as:
 - (i) Category A - 1 per 50 car spaces provided;
 - (ii) Category B - 1 per 60 car spaces provided; or
 - (iii) Category C - 1 per 90 car spaces provided.
 - (b) office premises, business premises or retail premises on land shown on the *PTAL Map* in the Sydney LEP 2012 as:
 - (i) Category D - 1 per 30 car spaces provided;
 - (ii) Category E - 1 per 40 car spaces provided; or
 - (iii) Category F - 1 per 50 car spaces provided.

- (3) Clearly marked plans identifying the location of all car share parking spaces must be submitted with the development application.
- (4) All car share parking spaces are to be:
 - (a) publicly accessible 24 hours a day seven days a week;
 - (b) located together;
 - (c) located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external; and
 - (d) clearly designated by signs as being for car share scheme use.
- (5) Car share parking spaces located on private land are to be retained as common property by the Owners Corporation of the site and not to be sold or leased to an individual owner or occupier at any time.

3.11.3 Bike parking and associated facilities

- (1) All development is to provide on-site bike parking designed in accordance with the relevant Australian Standards for the design criteria of bike parking facilities.
- (2) Bike parking spaces for new developments are to be provided in accordance with the rates set out in Table 3.5 On-site bike parking rates, except where:
 - (a) an apartment in a residential building has a basement storage area on title that is large enough to accommodate a bike and is no smaller than a Class 1 bike locker, then additional bike parking for that apartment is not required; and
 - (b) a proposed use is not included in Table 3.5 On-site bike parking rates, an applicant is to provide bike facilities to accommodate Council's mode share target for trips by bike as described in the *Cycle Strategy and Action Plan 2007-2017*.

Note: The minimum number of bike parking spaces is to be rounded up to the nearest whole number if it is not a whole number.

Table 3.5: On-site bike parking rates

Proposed use	Residents/Employees	Customer/Visitors
Residential		
Residential accommodation	1 per dwelling	1 per 10 dwellings
Tourist and Visitor Accommodation		
Hotel or motel accommodation or serviced apartment	1 per 4 staff	1 per 20 rooms
Backpackers accommodation	1 per 4 staff	1 per 10 beds
Commercial		
Office premises or business premises	1 per 150sqm GFA	1 per 400sqm GFA
Bulky goods premises	1 per 600sqm GFA	1 per 1,000sqm GFA
Shop, Restaurant or cafe	1 per 250sqm area	2 plus 1 per 100sqm over 100sqm GFA
Shopping centre	1 per 200sqm GFA	1 per 300sqm sales GFA

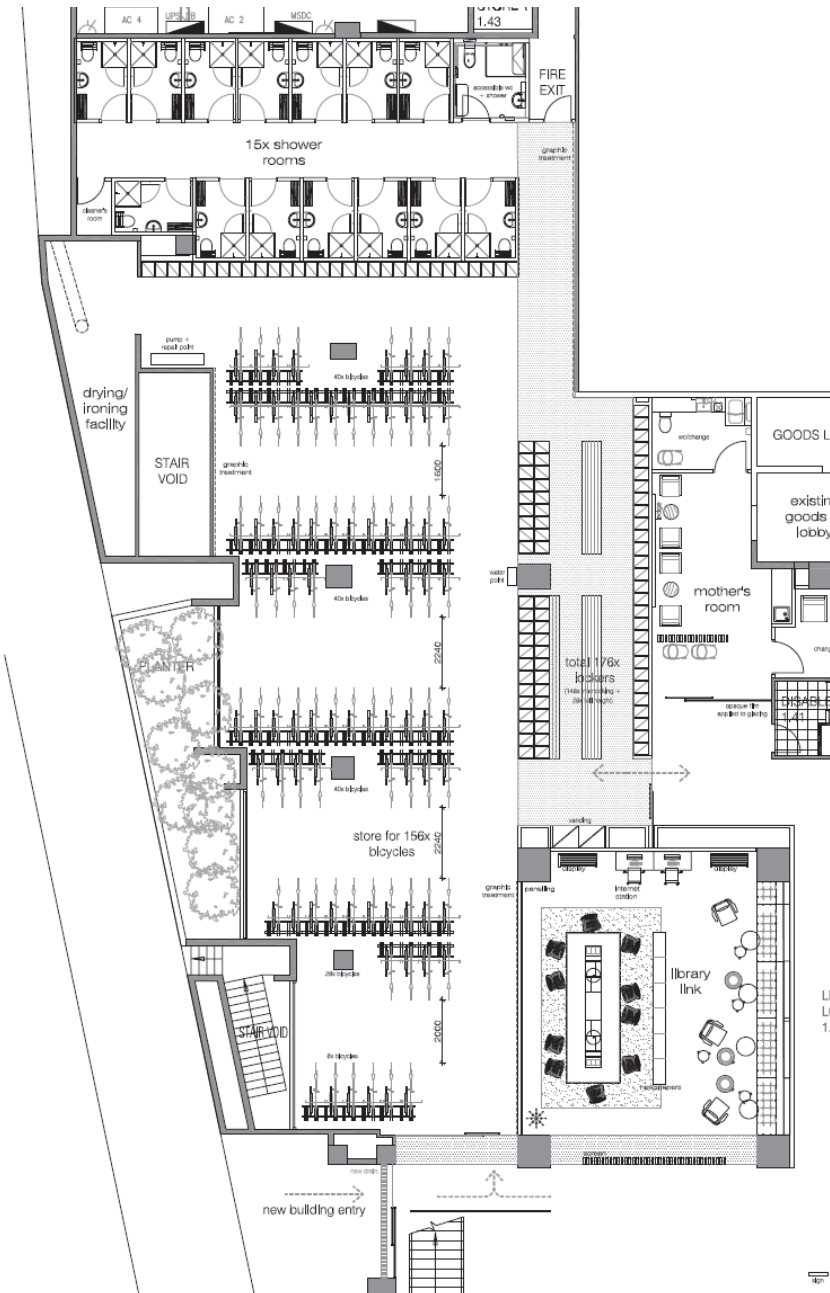
Proposed use	Residents/Employees	Customer/Visitors
Pub	1 per 100sqm GFA	1 per 100sqm GFA
Entertainment facility	-	Greater of 1 per 15 seats or 1 per 40sqm GFA
Place of public worship	-	Greater of 1 per 15 seats or 1 per 40sqm GFA
Industry		
Industry or warehouse or distribution centre	1 per 10 staff	-
Community		
Child care centre	1 per 10 staff	2 per centre
Medical centre, Health Consulting rooms	1 per 5 practitioners / professionals	1 per 200sqm GFA
Tertiary educational institution	1 per 10 staff and 1 per 10 students	-
Swimming pool	1 per 10 staff	2 per 20sqm of pool area
Library	1 per 10 staff	2 plus 1 per 200sqm GFA
Art gallery or museum	1 per 1000sqm GFA	1 per 200sqm

- (3) Secure bike parking facilities are to be provided in accordance with the following:
 - (a) Class 1 bike lockers for occupants of residential buildings;
 - (b) Class 2 bike facilities for staff/employees of any land use; and
 - (c) Class 3 bike rails for visitors of any land use.
- (4) Where bike parking for tenants is provided in a basement, it is to be located:
 - (a) on the uppermost level of the basement;
 - (b) close to entry/exit points; and
 - (c) subject to security camera surveillance where such security systems exist.
- (5) A safe path of travel from bike parking areas to entry/exit points is to be marked.
- (6) Access to bike parking areas are to be:
 - (a) a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each other and may be shared with vehicles within buildings and at entries to buildings);
 - (b) accessible via a ramp;
 - (c) clearly identified by signage; and
 - (d) accessible via appropriate security or intercom systems.
- (7) Bike parking for visitors is to be provided in an accessible on-grade location near a major public entrance to the development and is to be signposted.
- (8) For non-residential uses, the following facilities for bike parking are to be provided at the following rates:
 - (a) 1 personal locker for each bike parking space;
 - (b) 1 shower and change cubicle for up to 10 bike parking spaces;

- (c) 2 shower and change cubicles for 11 to 20 or more bike parking spaces are provided;
- (d) 2 additional showers and cubicles for each additional 20 bike parking spaces or part thereof;
- (e) showers and change facilities may be provided in the form of shower and change cubicles in a unisex area in both female and male change rooms; and
- (f) locker, change room and shower facilities are to be located close to the bike parking area, entry and exit points and within an area of security camera surveillance where there are such building security systems.

Figure 3.19

Example of bike parking and associated facilities planned for Town Hall House with parking for 80 bikes, 104 lockers and 15 showers and a drying and ironing room



3.11.4 Vehicle parking

- (1) Where the development comprises a land use not specified in the Sydney LEP 2012, the proposed rate of car parking provision is to be justified via a Parking and Access Report.
- (2) For residential buildings, car parking spaces are to be allocated to dwelling units in accordance with parking rates in the Sydney LEP 2012 and are to be a part lot to a dwelling unit in a strata plan so that they remain connected to the dwelling.
- (3) All visitor spaces are to be grouped together in the most convenient locations relative to car parking area entrances, pedestrian lifts and access points and are to be separately marked and clearly sign-posted.
- (4) Development applications are to indicate how visitor parking is to be accessed, including arrangements for access into a secure area if proposed.
- (5) New developments are to achieve high quality ground level relationships between the buildings and all public domain interfaces even where this will result in inefficient basement car parking layouts including: spilt basement levels or additional excavation.
- (6) Where a residential development proposes less than the maximum number of car parking spaces permissible under Sydney Local Environmental Plan 2012, the reduction in the number of spaces should be shared proportionally between resident parking spaces and visitor parking spaces.
- (7) Development proposing less than the maximum number of parking spaces permissible under *Sydney Local Environmental Plan 2012* must adjust the number of visitor parking spaces in accordance with the reduction of total car parking spaces.

3.11.5 Car parks under the public domain

- (1) Underground car parks are not permitted under public domain areas required for dedication to Council, except for tunnels that connect two or more car park areas as this reduces the number of vehicular entry and exits at the street level.
- (2) If site constraints result in a car park being located under a public street or lane, the following criteria will apply:
 - (a) only common areas such as circulation space or unallocated visitor parking spaces are to be located below the street or lane; and
 - (b) ownership of the street or lane by the City shall be in stratum above the water-proofing membrane, and to a minimum depth of 1m for clearance for services as measured from the road levels approved by Council.

3.11.6 Service vehicle parking

- (1) Separate parking spaces for service vehicles are to be provided in accordance with Schedule 7 Transport, parking and access, and are not to be shared with parking provided for any other purpose. Service vehicle parking spaces, including spaces for bike couriers are to be:
 - (a) located near vehicle entry points and near lifts;
 - (b) clearly designated and signposted for service vehicles only;
 - (c) screened from the street where possible; and

- (d) located completely within the boundary of the site, clear of parked vehicles; and clear of through traffic.
- (2) Parking spaces for service vehicles are not to be used for other purposes such as storage of goods and equipment.

3.11.7 Motorbike parking

- (1) Parking spaces for motorbikes are to be included in the allocation of car parking and provided according to parking rates in Schedule 7 Transport, parking and access.

3.11.8 Bus parking

- (1) Where the proposed land use is a hotel, factory outlet store or another use that attracts persons arriving or leaving by bus, a development application is to include a Parking and Access Report which assesses the provision of bus set-down and parking.
- (2) Parking spaces for buses are to be provided in addition to other parking requirements.
- (3) Bus parking is to be provided in accordance with the rates in Schedule 7 Transport, parking and access, and in addition to other parking requirements.
- (4) If the consent authority considers that the proposed arrangements for passenger pick-up and set-down by buses will lead to undesirable on-street traffic and parking conditions, the development may be restricted by a condition of consent from receiving buses.
- (5) The use of on-street space for passenger pick-up and set-down may be possible in exceptional circumstances if off-street provision is impractical or detrimental to pedestrian amenity and urban design. Any proposed use of on-street space for passenger pick-up and set-down should be discussed at an early stage with Council and may require the agreement from the Sydney Traffic Committee.

3.11.9 Accessible parking

- (1) Accessible car parking spaces for people with a mobility impairment are to be included in the allocation of car parking for a development and provided in accordance with the rates specified in Schedule 7 Transport, parking and access.
- (2) Accessible parking is not required in car parking areas where a parking service is provided and direct access to any of the car parking spaces is not available to the general public or occupants.
- (3) For residential development, accessible car parking spaces are to be allocated to adaptable units, or as visitor parking. Accessible car parking spaces allocated to adaptable dwelling units are to form part of the lot of the associated adaptable unit in the strata plan.

3.11.10 Vehicle access for developments greater than 1000sqm GFA

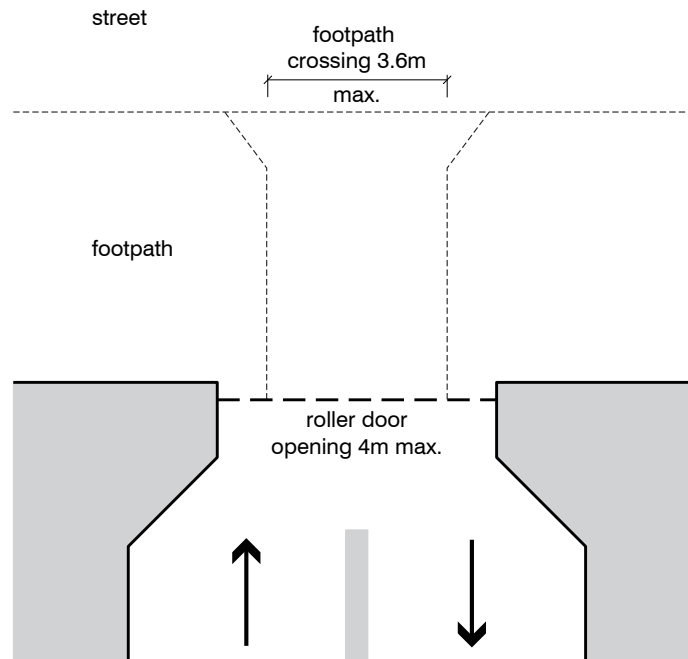
- (1) For developments equal to or greater than 1,000sqm GFA, vehicle access to a site is to be located so the safety of those using the access and the street is not likely to be compromised. Vehicle access is not to be located in the following locations:
 - (a) within 10m of an uncontrolled intersection, including intersections with laneways;

- (b) within 25m of the property boundary adjacent to a signalised intersection;
- (c) within 60m of the approach side of an intersection on a state road and within 30m on its departure side;
- (d) within 12m of a 'stop' or 'give way' sign or hold line at intersections;
- (e) opposite a busy side road for a distance of 6m beyond the alignment of the property boundaries adjacent to that side road;
- (f) opposite a busy driveway for a distance of 6m beyond the alignment of the driveway edges;
- (g) within 15m of the alignment of an intersection where the proposed vehicle access is to be used by service vehicles;
- (h) within 30m of the alignment of an intersection where the proposed vehicle access is used by service vehicles to access 3 or more loading spaces;
- (i) where there is insufficient 'weaving' distance to or from a nearby road that could be used by traffic generated by the development;
- (j) within 2m of other access driveways or within 1m of any common boundary, except where access is off a laneway; and
- (k) within 20m of the approach to, and 10m of the departure from an existing or proposed pedestrian crossing.

3.11.11 Vehicle access and footpaths

- (1) Vehicle access points are restricted in places of high pedestrian activity identified on the *Pedestrian priority map*.
- (2) Where a driveway is proposed across a major pedestrian thoroughfare or footpath, additional safety measures may be required including a parking attendant or signals to manage access. The driveway is to cross the footpath at footpath level.
- (3) Car parks are to be designed so that vehicles do not queue or reverse across pedestrian crossings or footpaths.
- (4) Parking and driveway crossovers are to be designed to minimise impact on existing street trees and to maximise opportunities for new street tree plantings.
- (5) Walking routes through car parks with more than 150 car spaces are to be clearly delineated with appropriate markings, pedestrian crossings and signposting.
- (6) Vehicular access is to be designed to give priority to pedestrians and cyclists by continuing the type of footpath material and grade.
- (7) Wherever practicable, vehicle access and egress is to be a single crossing with a maximum width of 3.6m over the footpath, and perpendicular to the kerb alignment as shown in Figure 3.20 *Vehicle crossing layout*.

Figure 3.20
Vehicle crossing
layout



- (8) Subject to urban design, heritage and streetscape considerations, access is to be designed to avoid reversing movements into or out of a public street for all developments other than dwelling houses. If necessary, a mechanical turntable may need to be installed to achieve this requirement.
- (9) On-site parking may be refused where the required access arrangements would have an adverse impact on on-street parking.
- (10) Where possible adjoining developments are to share or amalgamate vehicle entry and exit points. Internal on-site signal equipment is to be used to allow shared access.
- (11) Direct access to a designated arterial or sub-arterial road is not permitted wherever an alternate access can be provided.
- (12) Where rear lane access is achievable, car parking is to be designed to be accessed from the rear lane only.
- (13) Where vehicular access to parking is not accessed from the laneway it is to be located on a secondary street.
- (14) Where there is no parking on an original lot and off-street parking is not characteristic, vehicle access from the street is not allowed.
- (15) Service vehicle access is to be combined with parking access and provided in accordance with other controls for vehicular access in this DCP.

3.11.12 Tandem, stacked and mechanical parking areas

Definitions

Mechanical parking installations means mechanical car stackers, car lifts and turntables.

Stacked parking means sharing a parking space vertically through use of a mechanical car stacker.

Tandem parking means two or more vehicles sharing a parking space at the same level configured nose to tail.

Provisions

- (1) Where development includes a mechanical parking installation, such as car stackers, turntables, car lifts or another automated parking system, the development application is to include a Parking and Access Report.
- (2) Access to mechanical parking installations is to be in accordance with the relevant Australian Standards.
- (3) Tandem or stacked parking will only be permitted where:
 - (a) each tandem or stacked parking arrangement is limited to a maximum of two spaces;
 - (b) the maximum parking limit for spaces is not exceeded;
 - (c) they are not used for service vehicle parking;
 - (d) the spaces are attached to the same strata title in residential buildings and small commercial or retail developments;
 - (e) in residential buildings and serviced apartments, they are used for tenant parking only;
 - (f) in commercial or retail development, they are used for staff parking only; and
 - (g) the manoeuvring of stacked vehicles is able to occur wholly within the premises.
- (4) Mechanical parking installations will be considered for developments involving the adaptive re-use of existing buildings where site or building constraints prevent standard parking arrangements and no inconvenience arises from their use.
- (5) Mechanical parking installations, tandem or stacked parking are not to be used for visitor parking or parking for car share schemes.
- (6) The minimum length of a tandem space is to be 10.8 m.

3.11.13 Design and location of waste collection points and loading areas

- (1) Waste collection and loading is to be in accordance with the City of Sydney's Guidelines for Waste Management in New Developments (the Guidelines) and accommodated wholly within new development in order of preference:
 - (a) in the building's basement; or
 - (b) at grade within the building in a dedicated collection or loading bay; or
 - (c) at grade and off street within a safe vehicular circulation system where in all cases vehicles will enter and exit the premises in a forward direction.

Consideration will only be given to less preferable options if the consent authority is satisfied the preferred options are unreasonable.

- (2) The waste collection and loading point is to be designed to:
 - (a) allow waste collection and loading operations to occur on a level surface away from vehicle ramps; and
 - (b) provide sufficient side and vertical clearance to allow the lifting arc for automated bin lifters to remain clear of any walls or ceilings and all ducts, pipes and other services.

- (3) Vehicle access for collection and loading will provide for:
 - (a) a 9.25m Council garbage truck and a small rigid delivery vehicle;
 - (b) minimum vertical clearance of 4.0 metres clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle;
 - (c) collection vehicles to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes;
 - (d) maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end;
 - (e) a minimum driveway width of 3.6m; and
 - (f) a minimum turning circle radius of 10.5m.
- (4) Where vehicle access is via a ramp, design requirements for the gradient, surface treatment and curved sections are critical and must be analysed at an early stage in the design process.

3.11.14 Parking area design

- (1) In Central Sydney, basement parking areas and structures must not protrude above the level of the adjacent street or public domain.
- (2) Vehicle ramps must not be visible from the public domain and are to be located inside the building.
- (3) Car parking areas are to:
 - (a) be well lit, visible, and avoid hidden and enclosed areas to allow for casual surveillance;
 - (b) include, mirrors or similar devices where hidden and enclosed areas such as staircases and lift lobbies cannot be avoided;
 - (c) be well ventilated and provide natural rather than mechanical ventilation where practicable; and
 - (d) be subordinate in appearance to the main building.
- (4) Car parking spaces are not to be located in areas used for the manoeuvring of service vehicles.
- (5) Where parking is at ground level, it is to be:
 - (a) located to the rear or side of buildings and not visible from the street and public domain;
 - (b) incorporated into the building and screened by other uses; and
 - (c) designed with materials, details, proportions and landscaping to complement the building and adjoining buildings.

3.11.15 Public car parking in Central Sydney

To discourage commuter car parking and provide short stay car parking in Central Sydney, a fee structure and restriction on hours of use is to apply to public car parking. Both the restricted hours of use and the fee structure support the efficient use of spaces for people within Central Sydney for retail, recreation and cultural activities and discourage commuter parking. The implementation of the fee structure alone is not acceptable.

GENERAL PROVISIONS

- (1) Approval for the operation of a public car park will include the following conditions:
- (a) the car park is not to be accessible to vehicles between 5.30am and 9.30 am Monday to Friday, other than on public holidays, unless access during this period is, in the opinion of the consent authority, warranted in the circumstances of the case; and
 - (b) between 9.30am and 6.00pm Monday to Friday, other than on public holidays, the car park is to have in place at least the following fee structure to discourage long stay parking:

1 st to 4 th hours of parking:	n* per hour
5th hour of parking and each hour thereafter:	Greater than or equal to 1.5n per hour

* where n equals the hourly rate determined by the public car park operator. The value of n may increase for each subsequent hour but it may not decrease.

3.12

Accessible Design

The City of Sydney is committed to creating an inclusive and accessible city. The City recognises that by improving access to the built environment for people with a disability there are wider community benefits as a result of the increased opportunities for people with a disability to participate. This DCP aims to provide non-discriminatory, equitable and dignified access for everyone in the City. It also aims to ensure that new dwellings cater for the needs of elderly people and people who have a disability.

The Access Guideline provides advice to building owners and applicants and references relevant standards from the Building Code of Australia (BCA) and Australian Standards relevant to equitable access and adaptable housing.

The City encourages applicants to use the Universal Housing Guidelines which provide best practice examples of accessible design. Applicants should also refer to the Disability Discrimination Act 1992 (DDA) which ensures areas accessible to the public are also accessible to people with a disability for new and existing buildings.

Objectives

- (a) Ensure that the public domain of new development provides equitable and safe and legible access for everyone.
- (b) Provide equitable access and facilities for all people to all new development and upgraded or intensified uses in existing buildings.
- (c) Provide a reasonable proportion of residential units in multi-unit developments which are designed to be flexible and easily modified to cater for occupants with an existing or progress disability.
- (d) Encourage consideration of access issues early in the development design process.
- (e) Establish adaptable dwelling standards for easy modification to cater for occupants with a disability.
- (f) Raise awareness and understanding of access issues for people with disability through investigation of best practice.

Provisions

3.12.1 General

- (1) All development must comply with the following: all Australian Standards relevant to accessibility; the Building Code of Australia access requirements; and *Disability Discrimination Act 1992*. Complex developments where compliance is proposed through alternative solutions must be accompanied by an Access report prepared by a suitably qualified access professional.
- (2) The provision of equitable access is to have minimal impact on the significant fabric and setting of heritage items and of contributory buildings within heritage conservation areas; and be reversible.
- (3) Where heritage impact is used as a reason for not providing equitable access in accordance with this Section, evidence is to be provided that no suitable alternatives for access are available.

- (4) Encroachment onto public land to achieve access requirements is generally not permitted except when:
 - (a) access by other means will result in a substantial loss of original fabric of a heritage-listed property impacting on the heritage significance of the place, and that the provision of equitable access is highly desirable, with no alternative access options available; or
 - (b) the proposal involves a significant public building where equitable access is highly desirable and there are no alternative access options available.
- (5) Access for pedestrians and vehicles are to be separated.
- (6) Access arrangements are to be:
 - (a) integral with the overall building and landscape design and not appear as 'add-on' elements or as of secondary importance;
 - (b) as direct as possible; and
 - (c) designed so that a person does not need to summon help.
- (7) Required egress routes in residential development are to allow for safe escape for persons with a disability including, but not limited to, waiting space on landings within fire stairs and provision of accessible egress paths from ground floor apartments.

3.12.2 Adaptable dwelling mix

Adaptable housing is designed to enable easy modification in the future for occupation and visitation by people with a disability or people who may acquire a disability gradually as they age. Design criteria for adaptable housing are set out in the relevant Australian Standards.

- (1) Adaptable dwellings are to be spread amongst all unit sizes to accommodate various household sizes.
- (2) Adaptable dwellings are to be provided in all new development in accordance with the following rates:

Total number of dwellings	Number of adaptable dwellings to be provided
Between 0 and 7	Nil
Between 8 and 14	1 dwelling
Between 15 and 21	2 dwellings
Between 21 and 29	3 dwellings
30 or more	15% of total dwellings

3.13

Social and Environmental Responsibilities

3.13.1 Crime prevention through environmental design

Objective

- (a) Provide a safe environment and minimise opportunities for criminal and anti-social behaviour.

Provisions

- (1) Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of streets, laneways, parking areas, public spaces and communal courtyard space.
- (2) In commercial, retail or public buildings, facilities such as toilets and parents rooms are to be conveniently located and designed to maximise casual surveillance to facility entries.
- (3) Minimise blind-corners, recesses and other external areas that have the potential for concealment or entrapment.
- (4) Building entries are to be clearly visible, unobstructed and easily identifiable from the street, other public areas and other development. Where practicable lift lobbies, stairwells, hallways and corridors should be visible from the public domain.
- (5) Ground floors of non-residential buildings, the non-residential component of mixed use developments, and the foyers of residential buildings, are to be designed to enable surveillance from the public domain to the inside of the building at night.
- (6) Pedestrian routes from car parking spaces to lift lobbies are to be as direct as possible with clear lines of sight along the route.
- (7) Where dwelling units have individual main entries directly from a public space, the entry is to include a clearly defined transitional space between public and private areas.
- (8) Building details such as fencing, drainpipes and landscaping are to be designed so that illegitimate access is not facilitated by the opportunity for foot or hand-holds, concealment and the like.

3.13.2 Air quality for development near the Cross City Tunnel

Objective

- (a) Ensure potential air quality impacts from the Cross City Tunnel plume of emissions are considered in the assessment of a development.

Definitions

Sensitive receptor means a location where people are likely to work or reside and may include a dwelling, school, hospital, office or public recreational area. An air quality impact assessment should also consider the location of known or likely future sensitive receptors.

Provisions

- (1) These following provisions apply to development that:
- (a) has a building height relative to distance from the Cross City Tunnel ventilation stack as nominated in Table 3.7 Development near the Cross City Tunnel ventilation stack;
 - (b) may, in the opinion of the consent authority, have an adverse impact on air quality of any sensitive receptor, including neighbouring buildings and/or any area open to air due to the developments potential to disperse the plume of emissions from the Cross City Tunnel ventilation stack; or
 - (c) may be adversely impacted in terms of the effect of the emissions from the Cross City Tunnel ventilation stack on occupants of the development.
- (2) The consent authority is to consider:
- (a) the impact of the development on the occupants of other existing and future development and people using a place open to the public due to the potential of the development to disperse the plume of emissions from the Cross City Tunnel ventilation stack;
 - (b) the likely impact of emissions from the Cross City Tunnel ventilation stack on occupants of the proposed development;
 - (c) whether the concentration of emissions at any sensitive receptor exceeds the Air Quality Goal of 246ug/m³ of NO₂ due to emissions from the Cross City Tunnel;
 - (d) an Air Quality Impact Assessment Report which:
 - (i) has been prepared by a suitably qualified person in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales, published by the Department of Environment and Climate Change in 2005 and any relevant Council guideline or the Air Quality Assessment Process – Cross City Tunnel: Protocol to Address Provisions of Condition of Approval 247 (Roads and Traffic Authority 11 February 2008); and
 - (ii) identifies the predicted concentration of Nitrous Oxide at all sensitive receptors; and
 - (iii) includes an assessment of the matters outlined in sub-clauses (a) through to (c).

Table 3.7: Development near the Cross City Tunnel Ventilation Stack

Distance of development from Cross City Tunnel ventilation stack in metres	Height of proposed development above ground level Proposed building height in metres
0 – 50	greater than 25
50 – 100	greater than 30
100 – 150	greater than 40
150 – 200	greater than 50
200 – 250	greater than 60
250 – 300	greater than 70
300 – 400	greater than 90
400 – 500	greater than 100

3.13.3 Social Impact

A Social Impact Assessment may also be required for development applications proposing significant residential development, hazardous or offensive uses, major infrastructure, community and recreational uses, large medical facilities, educational facilities, and some business premises. At the discretion of Council, the preparation of a Social Impact Assessment may be required for any development.

Objective

- (a) Ensure that development applications are accompanied by sufficient information so that social issues and impacts resulting from development can be adequately assessed.

Provisions

- (1) The following development types will generally be required to submit a comprehensive Social Impact Assessment Report with a development application for:
 - (a) a group home where the proposal is for a new premise accommodating more than 15 people, alterations and additions which will increase the capacity to more than 15 people or a change of use from a group home;
 - (b) health services facilities that provide specialist drug, alcohol or mental health rehabilitation services where the proposal is for a new premises, alterations and additions that would increase the intensity of the premise by more than 50%, or change of use from the premise;
 - (c) places of public worship where the proposal is for a new premises greater than 250sqm GFA or alterations and additions that would increase the size of the premises to greater than 250sqm GFA;
 - (d) new social housing development of 20 or more units; and
 - (e) strata subdivision of low cost rental housing with 6 or more units.
- (2) Where a Social Impact Assessment is not required, social impacts are to be addressed in the Statement of Environmental Effects (SEE) accompanying a development application. At a minimum, the Statement of Environmental Effects is to consider:
 - (a) the potential social impacts;
 - (b) the scale of those impacts;
 - (c) the likely extent of those impacts including when and where they might occur;
 - (d) outcomes of any discussions with affected people or groups; and
 - (e) any measures to maximise the positive impacts and eliminate or minimise negative impacts.

3.13.4 Indoor air quality in new residential development

Objective

- (a) To improve indoor air quality within the built environment and promote health by reducing exposure to air pollutants from gas heating and cooking systems.

Provisions

- (1) For development applications lodged after 31 December 2025 - gas cooktops, gas ovens or gas internal space heating systems are not permitted in new residential development; instead, electric systems should be installed.

3.14

Waste

The City of Sydney's *Guidelines for Waste Management in New Developments* (the Guidelines) provide the minimum waste management requirements for all new and 'change of use' developments requiring consent and are to be used in the design, management and operation of a building's waste and recycling systems. They include design and construction specifications for waste storage areas, the typical dimensions of collection vehicles, what streams need to be recovered in the design and operation and waste generation rates to help calculate the number, size and type of bins required.

The purpose of the Guidelines is to ensure all new buildings will provide for the efficient storage, separation, collection and handling of waste to maximise resource recovery and provide safe and healthy spaces for people to live and work in.

Waste and Recycling Management Plans are to be prepared in accordance with the Guidelines and the City's *Waste Management Local Approvals Policy*, which outlines how waste and recycling must be managed, stored and collected in public places.

Objectives

- (a) Reduce the amount of construction and demolition waste going to landfill.
- (b) Reduce amount of waste generated in the operation of a development from going to landfill and maximise resource recovery.
- (c) Ensure waste from within developments can be collected and disposed in a manner that is healthy, efficient, minimises disruption to amenity, and is conducive to the overall minimisation of waste generated.

Provision

3.14.1 Waste and Recycling Management Plans

- (1) A Waste and Recycling Management Plan is to be submitted with the Development Application and will be used to assess and monitor the management of waste and recycling during construction and operational phases of the proposed development. The Waste and Recycling Management Plan is to be consistent with the City of Sydney *Guidelines for Waste Management in New Developments*.

3.14.2 Construction and demolition waste

- (1) The Waste and Recycling Management Plan is to address construction and demolition waste and include:
 - (a) details regarding how waste is to be minimised within a development;
 - (b) estimations of quantities and types of materials to be re-used or left over for removal from the site;
 - (c) details regarding the types of waste and likely quantities of waste to be produced;
 - (d) a site plan showing storage areas away from public access for reusable materials and recyclables during demolition and construction and the vehicle access to these areas;
 - (e) targets for recycling and reuse;

- (f) nomination of the role/person responsible for ensuring targets are met and the person responsible for retaining waste dockets from facilities appropriately licensed to receive the development's construction and demolition waste;
- (g) confirmation that all waste going to landfill is not recyclable or hazardous; and
- (h) measures to reuse or recycle at least 80% of construction and demolition waste, either on site or diverted for reuse and recycling with receipts sufficient to demonstrate the target will be achieved.

3.14.3 Collection and minimisation of waste during occupation

- (1) The Waste and Recycling Management Plan is to address the generation of waste from the occupants of the development and include:
 - (a) plans and drawings of the proposed development that show:
 - (i) the location and space allocated to the waste and recycling management systems;
 - (ii) the nominated waste collection point/s for the site; and
 - (iii) identify the path of access for users and collection vehicles.
 - (d) details of the on-going management of the storage and collection of waste and recycling, including responsibility for cleaning, transfer of bins between storage areas and collection points, maintenance of signage, and security of storage areas; and
 - (c) where appropriate to the nature of the development, a summary document for tenants and residents to inform them of waste and recycling management arrangements.
- (2) Waste incineration devices are not permitted.
- (3) Development is to include sufficient space in kitchens to separate food waste collection or compostable material for composting or worm farming.
- (4) Development is to include a separate space in a room or screened area for the storage and management of bulky waste (this can include furniture, mattresses and stripout waste) and problem waste (this can include light bulbs and electronic waste) for recycling collection.

3.15

Late Night Trading Management

This section assists in encouraging diverse late night trading in the city to meet the social and cultural needs of the community, while managing the effects of these uses on the neighbourhoods in which they are located.

The City's night-time economy is an integral part of its commercial, cultural and social fabric. Late night trading premises are an important part of Sydney social and cultural life and play an important role in contributing to the City's economic growth and standing as a global city. Late night trading supports a 24 hour economy where residents, workers and tourists can access a diverse range of businesses for convenience, leisure and entertainment. Late night trading premises also provide employment and jobs with flexible hours.

The following provisions provide greater certainty to the community and proponents of late night trading premises in respect to appropriate operating hours and location. The provisions do not set out to curb or increase potential trading hours in a blanket fashion throughout the City, but allow opportunities for late night trading hours in appropriate locations and with appropriate management actions.

The provisions also identify shorter operating hours for late night trading in areas within a predominantly residential context. Longer trading hours are contemplated for premises located in places where impacts on amenity in residential neighbourhoods are likely to be lower and are considered capable of being adequately managed.

The provisions encourage a mix of late opening shops and businesses, like grocery stores, bookshops, hairdressers and galleries, as well as licensed theatres, pubs, cafes, small bars and restaurants in late night precincts. Having more diverse forms of late night trading attracts a wide range of people of all ages and interests, creating a safer and more balanced night time economy.

To encourage more live entertainment in a range of locations in the city, the provisions provide the possibility for additional trading hours for dedicated performance venues and licensed venues which host cultural uses and live performance.

Late trading hours are considered by the City of Sydney Council to be a privilege. Late trading hours will only be approved in circumstances where an ongoing commitment to good management is evident through a series of successful trial periods. It is particularly important for proponents of late night trading premises with greater effects on surrounding uses to demonstrate responsible management over time. This commitment should be demonstrated both at the application stage and throughout the history of the operation of the premises.

Late night trading area character statements and guidelines for preparing plans of management are included in Schedule 3 and should be referred to when preparing your application.

Generally, late night trading areas are places within the City of Sydney that already or have historically been characterised by late night trading and related activity, for example George Street and the wider CBD, or are suitable areas identified for late night trading in the future. Longer trading hours may be permitted where it is considered that there is capacity for more late night uses to operate which reinforce the existing character of late night trading areas and do not create adverse impacts on residential areas.

There are a number of sites in the city LGA which are excluded from the Sydney Development Control Plan 2012 because Minister is the consent authority. The City is however the consent authority for proposals of less than \$10 million in value, and applies the provisions of the Late Night Trading DCP 2007 when it assesses proposals. Green Square Town Centre DCP 2012 applies to the Green Square Town Centre, which is excluded from the Sydney DCP 2012.

The Late Night Trading DCP 2007 and the Green Square Town Centre DCP 2012 will adopt the relevant provisions of the amended Sydney DCP 2012, with the late night trading maps of each plan amended accordingly.

Definitions

Category A - High Impact Premises means any of the following premises:

- (i) a hotel within the meaning of the Liquor Act 2007 that is not designated as a general bar licence;
- (ii) a hotel within the meaning of the Liquor Act 2007 that has a capacity of more than 120 patrons and is designated as a general bar licence;
- (iii) an on-premises licence within the meaning of the Liquor Act 2007 where the primary business or activity carried out on the premises is that of a nightclub with a capacity of more than 120 patrons;
- (iv) A dedicated performance venue, which may be licensed and includes theatres, cinema, music hall, concert hall, dance hall or other space that is primarily for the purpose of performance, creative or cultural uses, with the capacity of 250 patrons or more, but does not include a pub, bar, karaoke venue, small bar, nightclub, adult entertainment venue or registered club;
- (iv) a club within the meaning of the Liquor Act 2007;
- (v) a premises that has a capacity of more than 120 patrons where the primary purpose is the sale or supply of liquor for consumption on the premises; or
- (vii) premises that are used as a karaoke venue where the owner or occupier sells or supplies liquor for consumption on the premises.

Category B – Low Impact Premises means any of the following premises:

- (i) a hotel within the meaning of the Liquor Act 2007 that has a capacity of 120 patrons or less and is designated as a small bar or general bar licence;
- (ii) premises that have a capacity of 120 patrons or less where the primary purpose is the sale or supply of liquor for consumption on the premises;
- (iii) an on-premises licence within the meaning of the Liquor Act 2007;
- (iv) any premises where the owner or occupier sells or supplies liquor for consumption on the premises that is not a Category A Premises;
- (vi) any other commercial premises, other than Category C premises, which in the opinion of the Council may impact on the amenity and safety of a neighbourhood resulting from its operation at night, including but not limited to, food and drink premises, takeaway food and drink premises, theatres, karaoke venues, convenience stores, entertainment facility and stand-alone gyms in buildings with residential accommodation and the like; or
- (vii) A dedicated performance venue, which may be licensed and includes theatres, cinema, music hall, concert hall, dance hall or other space that is primarily for the purpose of performance, creative or cultural uses, with the capacity of up to 250 patrons, but does not include a pub, bar, karaoke venue, small bar, nightclub, adult entertainment venue or registered club.

Category C – means any of the following premises:

- (i) Any retail premises or business premises which does not sell, supply or allow the consumption of liquor on or off the premises or hold any license under the Liquor Act 2007. This may include premises selling groceries, personal care products, clothing, books/stationery, music, homewares, electrical goods and the like, or businesses such as drycleaners, banks and hairdressers and the like. It does not include convenience stores, food and drink premises, takeaway food and drink premises, gyms in buildings with residential accommodation, or adult entertainment venue or sex services premises.

Note: Category A, B and C Late night trading premises do not include sex services premises.

Base hours are the standard range of trading hours that a late night trading premises is entitled to if an application is approved.

Convenience store is a shop that:

- primarily offers pre-packaged, processed snack food for sale in addition to soft drinks, cigarettes, magazines and other miscellaneous grocery and convenience items; and
- has a floor area generally under 200 square metres; 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.

Extended hours mean trading hours that may be approved above base hours on a trial basis.

Outdoor areas are any areas that are not considered an enclosed place within the meaning described in the *Smoke-free Environment Regulation 2007*.

Patron capacity means the maximum number of patrons permitted in a development consent. Outdoor seating is included in patron capacity calculations.

Performance, creative or cultural uses include:

- Live entertainment, being an event at which one or more persons are engaged to play or perform live or pre-recorded music, or a performance at which the performers (or at least some of them) are present in person; or
- Display, projection or production of an artwork, craft, design, media, image or immersive technology; or
- Rehearsal, teaching or discussion of art, craft, design, literature or performance.

Note: The definition of live entertainment is consistent with clause 102 of the Liquor Regulation 2018.

Objectives

- (a) Identify appropriate locations and trading hours for late night trading premises.
- (b) Ensure that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses.

- (c) Ensure that a commitment is made by operators of late night trading premises to good management through the monitoring and implementation of robust plans of management.
- (d) Encourage late night trading premises that contribute to vibrancy and vitality, as appropriate for a Global City.
- (e) Encourage a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work and live in the City of Sydney as well as people who visit the City.
- (f) Encourage a diversity of night-time activity in defined areas.
- (g) Encourage a diversity of night time activity by incentivising performance, creative or cultural uses in licensed premises and dedicated performance venues.
- (h) Prevent the proliferation of poorly managed high impact late night premises.
- (i) Ensure that new late night trading premises do not reduce the diversity of retail services in an area.
- (j) Encourage diverse retail and services to meet the needs of communities.
- (k) Ensure that applications are accompanied by sufficient information so that proposals for late night trading premises can be fully and appropriately assessed.
- (l) Provide the possibility of extensions of trading hours for premises where they have demonstrated good management during trial periods.
- (m) Encourage premises with extended trading hours that are of a type that do not operate exclusively during late night hours and may be patronised both day and night.
- (n) Ensure that appropriate hours are permitted for outdoor trading; and
- (o) Ensure a consistent approach to the assessment of applications for premises seeking late night trading hours.

Provisions

3.15.1 General

- (1) These provisions apply to applications made under Part 4 of the Environmental Planning and Assessment Act 1979 which includes development applications and applications to review a determination or modify a consent.
- (2) These provisions apply to applications for new and existing Category A, B and C premises that:
 - (a) seek approval for trading hours;
 - (b) seek refurbishment, additions or extensions that will result in an intensification of an existing use;
 - (c) seek an extension or renewal of trial trading hours as prescribed in this section of the DCP; or
 - (d) seek approval for outdoor trading.
- (3) These provisions do not apply to Category B and C premises that do not trade after 10pm, and Category A premises trading only between 10am to 10pm.
- (4) Generally standard trading hours between 7am and 10pm will apply in business zones.

Note: These provisions are not retrospective and do not derogate from existing consents. Existing consents, and past operation under those consents, will be taken into account in assessing new applications.

3.15.2 Late night trading areas

- (1) These provisions identify a hierarchy of three late night trading areas located throughout the City of Sydney. Late night trading areas are described in Schedule 3 Late night trading and identified on the late night trading areas map and include:
 - (a) Late Night Management Areas;
 - (b) City Living Areas; and
 - (c) Local Centre Areas.
- (2) Notwithstanding the above, all proposals for premises located outside of the late night trading areas will be subject to the requirements of these provisions.

3.15.3 Matters for consideration

These matters for consideration provide the basis for a consistent approach to the determination of appropriate trading hours and create greater certainty for the community and proponents of late night trading premises.

Once these factors are taken into consideration, late night trading hours may be permitted in appropriate circumstances, particularly in areas within the City that already exhibit a vibrant night-time character, as opposed to parts of the City that are predominantly residential in character where amenity impacts can be the greatest and most difficult to manage.

- (1) Appropriate trading hours for late night trading premises will be determined by taking into account a number of issues, where relevant, which include, but are not limited to:
 - (a) the location and context of the premises, including proximity to residential and other sensitive land uses and other late night trading premises;
 - (b) the specific nature of the premises, its activities and the proposed hours of operation;
 - (c) the likely impact on the amenity of surrounding sensitive land uses, including noise, and the ability to manage the impacts.
 - (d) the provision of indoor performance, creative or cultural use and how this increases the diversity of late night activities in the area
 - (e) the provision of indoor space for performance, creative or cultural uses in a licensed premises, including the nature of the space available for the use, programming and entertainment being provided.
 - (f) the contribution that late night trading proposals make to street activation and vibrancy of an area at night.
 - (g) the likely impacts arising from the closing times and patron dispersal of the proposed and existing late night uses, including consideration of unlicensed late night trading in an area, such as shops, businesses and food and drink premises.
 - (h) the existing hours of operation of surrounding business uses;

- (i) the size and patron capacity of the premises;
- (j) the impact of the premises on the mix, diversity and possible concentration of late night uses in the locality;
- (k) the likely operation of the proposal during day time hours, including the potential for street front activation.
- (l) submission of a plan of management that demonstrates a strong commitment to good management of the operation of the business, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain;
- (m) the diversity of retail and business services within an area and the impact of a late night trading proposal on this diversity;
- (n) measures to be used for ensuring adequate safety, security and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding, the premises; and
- (o) the accessibility and frequency of public transport during late night trading hours.

3.15.4 Trading hours and trial periods

These provisions identify base and extended trading hours within the three late night trading areas and for premises located outside of these areas.

Approvals for late night trading premises will be limited in time to enable Council to assess the ongoing management performance of a premise and its impacts on neighbourhood amenity. These trial periods allow Council the flexibility to review the conditions on development consents and respond to such things as changes in the late night character of a neighbourhood and changes in management.

- (1) Base and extended hours that apply to particular late night trading areas are identified in Table 3.8 Late night trading hours.

Table 3.8: Late night trading hours

		Category A		Category B		Category C Unlicensed premises Indoor
		Indoor	Outdoor	Indoor	Outdoor	
Late Night Management Area	Base	6am to midnight	9am to 10pm	6am to 2am	7am to 10pm	24 hours
	Extended	24 hours	9am to 1am	24 hours	7am to 1am	
City Living Area	Base	7am to 11pm	9am to 10pm	7am to 1am	7am to 10pm	24 hours
	Extended	7am to 5am	9am to midnight	7am to 5am	7am to midnight	
Local Centre Area	Base	9am to 10pm	9am to 10pm	7am to 11pm	7am to 10pm	7am to 2am
	Extended	9am to midnight	9am to 10pm	7am to midnight*	7am to 10pm	
All other areas	Base	10am to 10pm	10am to 8pm	7am to 10pm	7am to 8pm	7am to midnight
	Extended	10am to midnight	10am to 10pm	7am to midnight	7am to 10pm	

*Refer to (2) below

- (2) Notwithstanding Table 3.8, proposals for extended indoor hours of Category B premises in Local Centre Areas up to 2am may be approved but only if Council is satisfied that entry and egress of all patrons will be onto a main street and not onto a laneway which abuts residential properties, or into a predominantly residential area.
- (3) Any hours that are beyond base hours will be subject to a trial period.
- (4) Council may permit trading hours that exceed extended hours for 'all other areas' if it has considered matters in 3.15.3 and provided that:
 - (i) The premises is not located in a R1, R2 (residential) or MU1 (mixed use) zone; and
 - (ii) The premises is located within 800 metres walking distance of the public entrance to railway station or ferry wharf with operating and available services, or 400 metres to the public entrance to a light rail station or platform, or a bus stop with operating and available services.
- (5) Council will consider proposals for stand-alone gyms in Local Centres to exceed the trading hours in Table 3.8 if:
 - (i) the gym is not located in a building with residential accommodation;
 - (ii) the tenancy within which the gym will be located has no common wall to residential accommodation;
 - (iii) Council is satisfied that entry and egress of all patrons will be onto a main street and not onto a laneway which abuts residential properties, or into a predominantly residential area;
 - (iv) no outdoor operation of the gym is proposed;
 - (v) a Plan of Management is approved which addresses noise impacts described in Schedule 3, 3.2(d).
- (6) Extended trading hours beyond base hours may be permitted at the initial application stage, but only where the Council has determined that the premises have been or will be well managed, including compliance with an approved Plan of Management
- (7) At the completion of a trial period a new application must be lodged to either renew existing trial hours or to seek an extension of trading hours.
- (8) Premises seeking extended trading hours may be permitted up to three additional operating hours per trial period if a previous trial period is considered by the Council to have been satisfactory, unless eligible for an additional one trial hour under sections 3.15.4 (16) and (17).
- (9) Trial periods may be permitted up to the following durations:
 - (a) First trial – 2 years;
 - (b) Second and subsequent trials – 5 years.
- (10) Once the full range of extended trading hours is reached an application must be lodged every 5 years to renew trading hours.
- (11) Applications for a renewal or extension of trial trading hours should be lodged 30 days prior to the expiry period and applicants will be allowed a period of 'grace' from the termination of the trial period until the new application has been determined. During this period, the premises may continue to trade during existing approved trial hours.
- (12) If an application is not lodged 30 days prior to the expiry of the trial period, then approved trading hours will revert to base trading hours.

- (13) A renewal or extension of trading hours that are subject to a trial period may only be permitted if Council is satisfied that a late night trading premises has demonstrated good management performance and compliance with a plan of management, following the completion of a satisfactory trial period.
- (14) When Council is assessing trial period applications, it will consider whether a venue has demonstrated good management performance, based on matters including but not limited to:
- (i) Whether the trial period hours have been utilised;
 - (ii) the nature and extent of any substantiated non-compliances with development consent or liquor license conditions, particularly those relating to public safety and impacts on amenity;
 - (iii) responses to substantiated complaints, including complaints recorded on the venues complaints register;
 - (iv) Compliance with the approved Plan of Management for the venue;
 - (v) consideration of complaints to Council and the State licensing authority under the Liquor Act 2007;
 - (vi) an assessment of inspections by Council Officers during trial periods; and
 - (vii) consideration of any submission made by Police.
- (15) If the Council determines that a trial period has been unsatisfactory then trading hours will revert to the base late night trading hours or whatever hours have been approved as the maximum trading hours prior to the commencement of this DCP. Council will consult with an applicant prior to making such a determination.

Additional hour for dedicated performance venues

- (16) Venues which are a Category B dedicated performance venue (identified in the Definitions at Category B (vii)) and located within a late night trading area, may be permitted one additional indoor hour at closing time on a trial period basis in accordance with 3.15.4 (9).

Additional operating hour for venues including performance, creative or cultural uses

- (17) Category A and B premises, excluding dedicated performance venues, karaoke venues, or adult entertainment venues, which are located within a late night trading area and provide indoor space with the capacity for performance, creative and cultural uses may be permitted an additional indoor operating hour at closing time on the night the premises provides performance on a trial period basis in accordance with section 3.15.4 (9).

This hour may be in addition to any other extended hours approved as part of a trial period application. To be eligible, venues must demonstrate the capacity to provide performance.

NOTE: Venues seeking to demonstrate their capacity to provide performance as required by section 3.15.4 (17) may support their application by submitting information including the following:

- A description of the type of music, visual or performance art or other cultural events that may be staged at the premises
- Submission of details of the space to be used and permanent or semi-permanent structure(s) and equipment to present live performance and creative and cultural uses. This may include any stage and audience standing or seating area; and
- Arrangements for booking and promoting performance, creative and cultural uses.

- (18) The performance, creative and cultural use must occur for a minimum of 45 minutes after 6pm.
- (19) Venues seeking to apply for an additional operating hour for providing a performance, creative or cultural use are required to update their Plans of Management to reflect the operation of the performance, creative and cultural use and management of the additional hour of trade.
- (20) Venues seeking to extend trial periods for an additional hour are to demonstrate that they have provided performance in accordance with the requirements of 3.15.4(16) and (17).

Category C premises

- (21) Category C premises may be approved for trading hours up to the maximum described in Table 3.8 subject to an assessment of the relevant matters in 3.15.3. Trial periods may be imposed for premises that propose trading hours after midnight, are in sensitive locations or include uses that may be considered by the Council to be higher risk.

3.15.5 Plans of management requirements

Where the Council is of the opinion that proposals for late night premises have the potential to impact adversely on amenity and neighbourhood safety, applicants are required to prepare and submit with their application Plans of Management that include verifiable data and actions.

3.15.5.1 Preparation

Plans of Management are to include information about the operational and contextual aspects of a premises, for example locality description, security numbers, noise emission and trading hours, as well as details about what actions will be taken to ensure that premises will be responsibly managed, for example, crowd control procedures, noise minimisation and waste management.

This will ensure that proponents of late night trading premises have considered and addressed any potential impacts that may arise from their operation during late night hours, as well enabling the Council to effectively assess any impacts of a proposal. It is the responsibility of the licensee to facilitate a well managed premises and display sensitivity about the impact of the premises on the liveability of neighbourhoods.

- (1) A Plan of Management, prepared in accordance with the guidelines in Schedule 3 Late night trading, is required to accompany an application for the following late night trading premises:
 - (a) new Category A Premises;
 - (b) existing Category A Premises that seek a renewal or extension of existing approved trading hours;
 - (c) new Category B premises;
 - (d) existing Category B premises that seek a renewal or extension of existing approved trading hours;
 - (e) existing Category A Premises that seek extensions, additions or refurbishment which will lead to an intensification of that use;
 - (f) existing Category B Premises that seek extensions, additions or refurbishment which will result in the premises becoming a Category A premises;
 - (g) applications for outdoor trading on the same lot as a Category A or Category B Premises;

- (h) Category A or B premises that seek an additional operating hour for the provision of performance, creative or cultural uses; and
 - (i) Category B dedicated performance venues that seek an additional operating hour at closing.
- (2) Plans of Management must be assessed and approved concurrently with the application for an extension of trading hours.
 - (3) The operators of late night trading premises are required to review their Plan of Management following every trial period and make revisions necessary to maintain a level of amenity and safety in the vicinity of the premises which is at an acceptable community standard.
 - (4) Council may request that an applicant amend their Plan of Management to provide further information in addition to the minimum requirements listed in Schedule 3 Late Night Trading in their Plan of Management where it is considered necessary.

3.15.5.2 Monitoring and Review

At the termination of a trial period, applicants should consider changes in the nature of the operation that have occurred during the operation of a premises that have given rise to unforeseen impacts on the amenity of the area or have been the basis for a substantiated complaint made to Council or the State licensing authority against the premises.

In reviewing a Plan of Management at the termination of a trial period, it will be necessary for this information. This should be in the form of a new Plan of Management which includes a statement of revisions of the previous Plan of Management, if any are required to accompany an application for a renewal or extension of trading hours so that Council can determine whether adequate steps have been taken to resolve any problems that may have arisen from the operation of the premises during a trial period.

The Council will undertake its own review of the level of compliance with the Plan of Management and whether the current operation has been successful on any application to extend a trial period or on any review. The matters considered by Council will include, but not be limited to:

- (i) consideration of complaints to Council and the State licensing authority under the Liquor Act 2007;
- (ii) an assessment of inspections by Council Officers during trial periods; and
- (iii) consideration of any submission made by Police.

3.16

Signs and Advertisements

These provisions encourage signs and advertisements (signage) that contribute positively to the public domain by achieving high design quality. The provisions promote signage that is appropriately located and will protect the significant characteristics of buildings, streetscapes, vistas and the city skyline. They also protect the amenity of residents, workers and visitors, and ensure the safety of all road users.

A range of business and building identification signs can be undertaken without council approval if they meet the specific criteria in State Environmental Planning Policy (*Exempt & Complying Development Code*) 2008. These include building identification signs, wall signs, fascia signs, under awning signs, top hamper signs and window signs. Council approval is needed if the proposed sign does not meet all the criteria of the SEPP.

Objective

To minimise environmental impacts from light spill.

Provisions

Top of building signs should reduce light spill impacts on viewing the night sky from Sydney Observatory by:

- (a) locating signs so they are not in the line of sight of the Observatory,
- (b) minimising the emission of blue wavelengths of light below 550nm, or
- (c) reducing the light emitted above the sign by using shields and non-reflective materials.

Relationship with other environmental planning instruments

These provisions apply to signs and advertisements that are not exempt or complying development under an environmental planning instrument.

Note: Refer to State Environmental Planning Policy (*Exempt & Complying Development Code*) 2008 and Sydney Local Environmental Plan 2012 (Schedule 2 and 3).

The provisions are to be applied in conjunction with Clause 8 and Schedule 1 of State Environmental Planning Policy 64.

Signage not covered by this DCP will be assessed against State Environmental Planning Policy 64, the objectives of this section, the provisions of any relevant signage precinct and the locality statements contained in Section 2 of this DCP.

How to use this section

All signage proposals need to address multiple sections of this DCP. The sections that apply depend on the sign or advertisement's location, purpose, format and media.

Primary development standards

- All signage proposals are to be assessed against the Objectives and Sections 3.16.1, 3.16.2 and 3.16.3.
- Signage within a signage precinct, as shown on the Signage precincts map, is to be assessed against Section 3.16.12.
- Signage on a heritage item or within a heritage conservation area is to be assessed against 3.16.11.

Purpose of signage

- Signage used to identify a building on the land where the signage will be located is to be assessed against Section 3.16.5.
- Signage used to identify or advertise the business on the site is to be assessed against Section 3.16.6.
- Signage used to identify or advertise a business, brand, product, good or service not available on the site is to be assessed against Section 3.16.7.
- Temporary signage that promotes a civic or community activity and event is to be assessed against Section 3.16.8.
- Signage displayed on a construction hoardings, scaffolding or crane is to be assessed against Section 3.16.10.

Format and media of signage

- Internally or externally illuminated signage is to be assessed against Section 3.16.4.
- Business signs with electronic screens are to be assessed against Section 3.16.6.9.
- Advertising structures with electronic screens are to be assessed against Section 3.16.7.2.

The objectives, signage precincts and heritage provisions take precedence over other controls in the event of any inconsistency.

Objectives

- (1) To recognise the City of Sydney council area as a globally competitive city with a strong retail sector and promote innovative, unique and creative signs that support retailers and show design excellence.
- (2) To recognise that well designed and located signs can have a positive effect on the economy of the City of Sydney council area.
- (3) To deliver and maintain a high quality public domain.
- (4) To promote signage that demonstrates design excellence and contributes positively to the appearance and significant characteristics of buildings, streetscapes and the city skyline.
- (5) To deliver coordinated and site-specific approaches to signage that respond to, complement and support the architectural design of a building and any heritage significance.
- (6) To protect the amenity of residents, workers and visitors.
- (7) To ensure signs and advertisements do not create a road safety risk or hazard, confuse, distract or compromise road user safety in any road environment.
- (8) To ensure signage does not detract from a high quality pedestrian experience of streets and other public spaces and prioritises way finding and other signs that are in the public interest.
- (9) To encourage signs and building frontages that provide and allow for interesting and active streets preferably through views in to and from a premises but also through architectural detailing of the sign and building.
- (10) To encourage and provide opportunities for innovative, unique and creative signs.
- (11) To ensure that upgrades to existing third party advertising structures deliver improved design quality and community benefits.

- (12) To reduce energy consumption and minimise the negative amenity impacts of signs and advertisements.
- (13) To ensure signage contributes to the character of identified precincts and is consistent with land uses throughout the city.

Definitions

Accommodation land use means any land use providing overnight accommodation, including (but not limited to) residential accommodation, tourist and visitor accommodation, hospital or eco-tourist facility as defined in the Sydney LEP 2012.

Advertisement has the same meaning as in the *Environmental Planning & Assessment Act 1979*.

Note: *The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.*

Advertising structure has the same meaning as in the *Environmental Planning & Assessment Act 1979*.

Note: *The term is defined as a structure used or to be used principally for the display of an advertisement.*

Animation means any content on a sign or advertisement that incorporates movement, motion or changes in colour and light intensity, but does not include the transition between content associated with variable content signage or changes in sign brightness necessary to comply with luminance and illuminance requirements.

AS means Australian Standard, or Australian / New Zealand Standard.

Building identification sign has the same meaning as in Sydney Local Environmental Plan 2012.

Note: *The term means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.*

Business identification sign has the same meaning as in Sydney Local Environmental Plan 2012.

Note: *The term means a sign (a) that indicates (i) the name of the person or business, and (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed; (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.*

Daylight hours means the time between the end of morning twilight hours and the commencement of evening twilight hours, as outlined in Clause 11.4 of Schedule 11 (Electronic variable content advertising structures) of this DCP.

Dwell time means the period of time that content on a sign remains static without any movement.

Dynamic content sign means a small format sign that has a digital, LCD, LED, plasma or other electronic display area capable of displaying animated, variable or multimedia content and requires a continual power supply for the display area to show content.

Electronic advertising structure means a large format advertising structure that has a digital, LCD, LED, plasma or other electronic display area capable of displaying variable content and requires a continual power supply for the display area to show content.

Glare has the same meaning as contained in AS/NZS 1158-2005.

Note: *The term is defined as the condition of vision in which there is discomfort or a reduction in ability to see, or both, caused by an unsuitable distribution or range of luminance, or to extreme contrasts in the field of vision. The term includes 'Disability glare' (glare that impairs the visibility of objects without necessarily causing discomfort) and 'Discomfort glare' (glare that causes discomfort without necessarily impairing the visibility of objects).*

Illuminance has the same meaning as contained in AS/NZS 1158-2005.

Note: *The term is defined as the physical measure of illumination. It is the luminous flux arriving at a surface divided by the area of the illuminated surface. Unit: lux (lx). The term includes 'Horizontal illuminance' (the value of illuminance on a designated horizontal plane at ground level) and 'Vertical illuminance' (the value of illuminance on a designated vertical plane at a height of 1.5m above ground level. Where the vertical illuminance is considered in the situation of potentially obtrusive light at a property boundary it is referred to as environmental vertical illuminance).*

Luminance has the same meaning as contained in AS/NZS 1158-2005.

Note: *The term is defined as the physical quantity corresponding to the brightness of a surface (e.g. a lamp, luminaire or reflecting material such as the road surface) when viewed from a specified direction. Unit: candela per square metre (cd/ sqm).*

Light projection signage means any sign or advertisement that has its content displayed through the projection of light from a light projection device onto a surface.

Night time hours means the time between the end of evening twilight hours and the commencement of morning twilight hours, as outlined in Clause 11.4 of Schedule 11 (Electronic variable content advertising structures) of this DCP.

Obtrusive light has the same meaning as contained in AS 4282-2019.

Note: *The term is defined as light that, because of quantitative, directional or spectral attributes in a given context, gives rise to excessive annoyance, discomfort, distraction or a reduction in the ability to see essential information, e.g. signal lights.*

On-premises advertisement means any representation that advertises or promotes specific products, goods or services available at the premises where the advertisement is displayed, but does not include the display of a name, logo or profession related to the occupant of the premises.

Road user means any person using a public road and associated road areas and includes a pedestrian, cyclist, motorcycle rider and driver.

Signage has the same meaning as in Sydney Local Environmental Plan 2012.

Note: *The term is defined as any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following: (a) an advertising structure; (b) a building identification sign; (c) a business identification sign; but does not include a traffic sign or traffic control facilities.*

Special promotional signage has the same meaning as special promotional advertisement in State Environmental Planning Policy 64.

Note: *The term is defined as an advertisement for an activity or event of a civic or community nature, but does not include a wall advertisement.*

Third party advertisement means any advertisement that relates to a business, products, goods or services not available at the premises where the advertisement is displayed.

Threshold increment has the same meaning as contained in AS 4282-2019.

Note: *The term is defined as the measure of disability glare expressed as the percentage increase in contrast required between an object and its background for it to be seen equally well with a source of glare present. Higher values of threshold increment correspond to greater disability glare.*

Transition time means the period of time taken for content to change on a variable content sign.

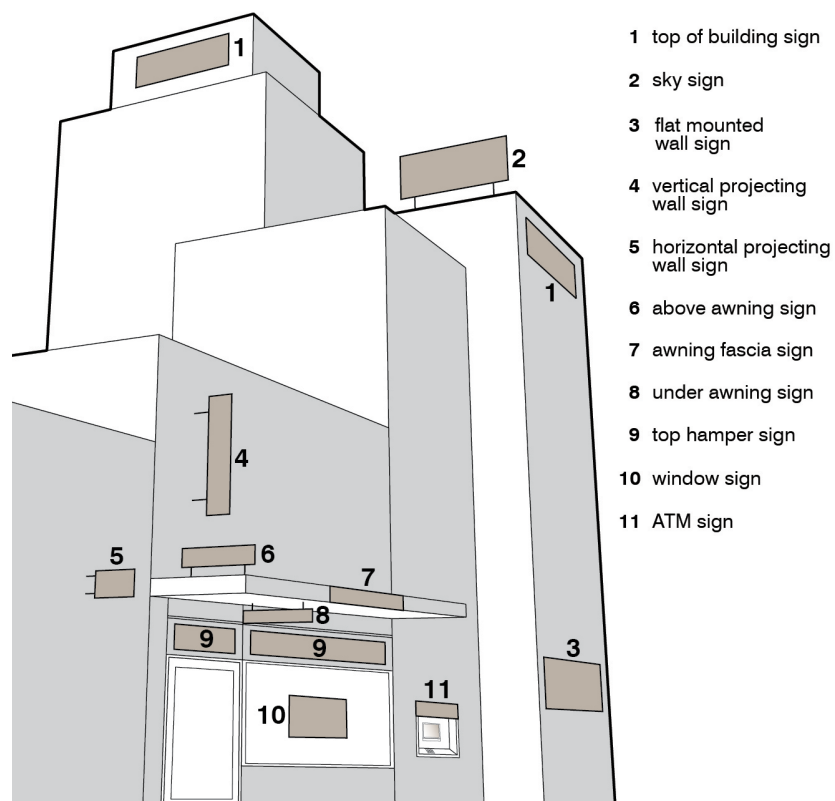
Twilight hours means the time of transition between daylight hours and night time hours, as outlined in Clause 11.4 of Schedule 11 (Electronic variable content advertising structures) of this DCP.

Variable content means static content that changes automatically on a specified time cycle by electronic or programmable methods.

Note: *All other terms used in this section are to be in accordance with the definitions and interpretations in the relevant environmental planning instrument.*

Figure 3.21

Signage types referred to in this section



3.16.1 Signage strategy

- (1) A signage strategy is to be prepared for all signage applications:
 - (a) in a heritage conservation area or involving a heritage item;
 - (b) on sites that are strata titled or contain more than four business premises; or
 - (c) seeking variations to the requirements of this section.
- (2) The requirement for a signage strategy may be waived by the consent authority where it is satisfied that a proposal is minor in nature and satisfies the objectives of this section.
- (3) A signage strategy is to be prepared in accordance with Council guidelines.

3.16.2 Changes to content

- (1) A new development consent is not required for changes to the content of approved signage.

3.16.3 General requirements for signage

- (1) Signage is to be compatible with the architecture, materials, finishes and colours of the building and the streetscape.
- (2) Signage attached to a building is to be positioned in locations or on panels in between any architectural elements (such as awnings, windows, doors and parapet lines). Signs are not to conceal or detract from integral architectural features or cover any mechanical ventilation systems.
- (3) Signage is to be installed and secured in accordance with relevant Australian Standards.
- (4) Signage that will detract from the amenity or visual quality of heritage items, heritage conservation areas, open space areas, waterways or residential areas is not permitted.
- (5) Signage should not create unacceptable visual clutter taking into account existing signs, neighbouring buildings, the streetscape and the cumulative effect of signs.
- (6) Signs should allow the main facades of buildings from the first floor to the rooftop or parapet to be uncluttered and generally free of signage.
- (7) Signage is not to be supported by, hung from or placed on other signs or advertisements.
- (8) Signage that will distract road users, or could be mistaken for a traffic control device, is not permitted.
- (9) Signage that will unduly obstruct the passage or sightlines of vehicles, cyclists or pedestrians is not permitted.
- (10) Advertisements, dynamic content signs and light projection signs on or within the vicinity and visible from a classified road are to be consistent with the road safety criteria in section 3 of the NSW Transport Corridor Outdoor Advertising and Signage Guidelines.
- (11) Signage is not to contain reflective materials, colours and finishes.
- (12) Signage is not to incorporate sound, vibration, odour or other emissions, unless the emission is necessary as part of a community message, an approved public artwork or to meet accessibility requirements.
- (13) Signage is not to result in the gathering of people in any manner that will limit the movement of motorists, cyclists or pedestrians along a public road, thoroughfare, footway or other access way.

3.16.4 Illuminated signage

- (1) Any illuminated signage is to be designed to ensure that the illuminance and luminance from the sign or advertisement is, in the opinion of the consent authority, consistent with the existing light level of the streetscape or environment within which it is located and does not cause glare.
- (2) Unless otherwise provided for in this Section, the illuminance, luminance and threshold increment of illuminated signage is to comply with the recommended values of AS 4282-2019. The maximum night time luminance of any sign is not to exceed 300 cd/sqm.

- (3) Signage is only permitted to be illuminated while a premises is open and trading where the sign is on, or within 25m of and visible from, land zoned R1 General Residential or R2 Low Density Residential.
- (4) Any externally illuminated signage is to have a downward facing light source focused directly on the display area. Upward facing light sources are not permitted.
- (5) Signs with flashing, chasing, pulsating or flickering lights are not permitted unless part of an approved public artwork.
- (6) Where the consent authority is of the opinion that an illuminated sign or advertisement is expected to generate high levels of energy use based on size, hours of operation or illumination source, the signage is to be powered by:
 - (a) onsite renewable energy of a capacity to provide the energy required to illuminate the sign; or
 - (b) the purchase of a renewable energy product offered by an electricity supplier equivalent to the estimated annual amount of electricity used.

3.16.5 Building identification signs

3.16.5.1 General requirement

- (1) Unless otherwise provided for in Section 3.16.5.2 (Top of building signs), a building identification sign should be located at or near the major pedestrian entry to a building and be designed to fit within the architectural elements of a building.

3.16.5.2 Top of building signs

- (1) Unless provided for in a signage precinct in Section 3.16.12 (Signage precincts), a building identification sign should not be higher than 15m above the existing ground level or the top of any existing parapet, whichever is lower, unless the sign is for a building on land zoned B8 Metropolitan Centre or B3 Commercial Core.
- (2) Sky signs and other roof signs that project vertically above the roof of a building are not permitted.
- (3) Top of building signs are not permitted on heritage items, except where the consent authority is satisfied that the sign is compatible with the heritage significance of the building.
- (4) Top of building signs are permitted to incorporate the registered name and a logo of the building or development.
- (5) Top of building signs are only to be allocated to a significant tenant of the building or to the building's owner, if the owner occupies a significant amount of floor space within the building relative to other tenants or there is an exceptional circumstance where the owner has owned the building for over 50 years and can demonstrate an historically significant association with the building. Signs must be removed within three months of the relevant circumstances changing.
- (6) A top of building sign is not to be located within 500m of the lot boundary of a building with a top of building sign containing the same name or logo unless exceptional circumstances prevail.
- (7) The maximum number of top of building signs per building is two, with no more than one top of building sign per elevation. Each top of building sign is to be similar in size and appearance.

- (8) Top of building signs are, in the opinion of the consent authority, to achieve a high degree of integration and compatibility with the architectural design, materials, finishes and colours of the building.
- (9) Top of building signs are to have a maximum vertical height equivalent to one typical floor of the building.
- (10) The display area of a top of building sign is to be orientated at right angles to the ground.
- (11) Top of building signs are to comprise of individual raised letters, numbers or symbols affixed directly to the building with a concealed static light source. Light boxes and variable content displays are not permitted as top of building signs.
- (12) The illumination of top of building signs is to comply with the requirements of Section 3.16.4 (Illuminated signage). The illumination is to be powered by a renewable energy source(s) in accordance with clause 3.16.4(6) of this DCP.
- (13) Top of building signs are not to be used, sold or leased as any form of business or third party advertisement.
- (14) Development consents for top of building signs are to be limited to 5 years. Applications for renewal in the form of a Section 4.55 Modification Application to modify the original consent or a new development application can be lodged up to 6 months before the expiration of a development consent.
- (15) Signs painted on or applied to the surface of a building roof in order to be visible from the air are not permitted.

3.16.6 Business identification signs and on-premises advertisements

3.16.6.1 General requirements

- (1) The arrangement, individual size and aggregate area of business identification signs is to:
 - (a) avoid clutter to the street and building elevation; and
 - (b) be compatible with and not cover architectural elements of a building.
- (2) Unless otherwise provided for in Section 3.16.12 (Signage precincts), all business identification signs and on-premises advertisements on land zoned Business (B1-B8) are to be located below the height of a ground floor awning, or 5m where no awning exists.
- (3) Unless otherwise provided for in Section 3.16.12 (Signage precincts), all business identification signs and on-premises advertisements on land zoned R1 General Residential or R2 Low Density Residential are to be located below the height of a ground floor awning, or 3.5m where no awning exists and are not permitted on a side or rear elevation.
- (4) The location and aggregate area of business identification signs and on-premises advertisements on land zoned RE1 Public Recreation is to be considered by the consent authority on its merits.
- (5) Corporate colour schemes associated with business identification are only permitted where the consent authority is satisfied that the colour scheme is compatible with the character of the streetscape and will not detract from the appearance of the building.

3.16.6.2 Signs with design excellence

- (1) A business identification sign that varies the standards of this section may be approved if the consent authority is satisfied the variation provides for a sign that demonstrates design excellence and is a better outcome for the public domain and the building. In determining whether the proposed sign achieves design excellence, the consent authority is to consider the following:
 - (a) Does the sign enhance the character of the area, the streetscape and the architecture of the building on which the sign is located?
 - (b) Does the sign positively contribute to and is it consistent with the range of uses in the area and the intensity of activity in the public domain?
 - (c) Does the sign and building facade create interest and activity in the public domain through architectural detailing, use of materials or the provision of views into and out of the premises;
 - (d) Does the design quality of the sign demonstrates creativity and innovation, including through the use technology or artistic, cultural or human endeavour?
 - (e) Is there discernible artistic quality or a designer or artist involved?
 - (f) Is there a commitment and demonstrated capacity to provide high quality and well-designed content for any dynamic content signs?
 - (g) Does the sign decrease the cumulative visual clutter in the area and on the building?
 - (h) Does the sign meet objectives and general requirements for signage of this DCP and the assessment criteria under Schedule 1 of State Environmental Planning Policy 64?
 - (i) Is there an impact on road safety?
 - (j) Is there an impact on the amenity of surrounding land uses and users of the public domain?
- (2) A signage strategy submitted in support of a sign proposal under 3.16.6.2 is to include an analysis of the design quality of the sign prepared by a registered architect, including a written statement addressing each of the matters in 3.16.6.2(1).

3.16.6.3 Flat mounted wall signs

- (1) Flat mounted wall signs for business identification that are not exempt and complying development may be permitted on blank side elevations of existing buildings if the consent authority is of the opinion that the sign improves the elevation of the building, it's contribution to the public domain and does not contribute to sign clutter.
- (2) Flat mounted wall signs for business identification are to have a maximum height above ground level (existing) of:
 - (a) 4.5m on land zoned Business (B1-B8) or Residential (R1-R2);
 - (b) 15m on land zoned Industrial (IN1-IN2); and
 - (c) At the discretion of the consent authority on land zoned RE1 Public Recreation.

3.16.6.4 Projecting wall signs

- (1) Projecting wall signs are to be located at ground floor level. No part of a projecting wall sign is to be higher than 5m above ground level (existing), unless otherwise provided for in Section 3.16.12 (Signage precincts).
- (2) Projecting wall signs are not to be used for on-premises business advertisements or third party advertisements.
- (3) Projecting wall signs are, in the opinion of the consent authority, to achieve a high level of design excellence and utilise high quality materials that are compatible with the character of the building and streetscape.
- (4) Projecting wall signs are to be generally square or vertically proportioned, have an appropriately designed bracket, be suspended at right angles to the building and should not extend more than 1m from the building.
- (5) Having regard to Section 3.16.6.1 (General requirements for business identification signs and on-premises advertisements), the maximum area of a projecting wall sign is to be 0.5 sqm.
- (6) The height to the underside of a projecting wall sign is to be consistent with the approved height of projecting wall signs and under awning signs on adjoining properties. The minimum height to the underside of a projecting wall sign is 2.6m above ground level (existing) of the footway below.
- (7) Projecting wall signs are to have a minimum setback of 0.6m from the alignment of kerb within a public road and a minimum separation distance of 3m any other projecting wall sign or under awning sign.
- (8) Illuminated projecting wall signs are to satisfy the requirements of Section 3.16.4 (Illuminated signage).
- (9) Unless otherwise provided for in Section 3.16.12 (Signage precincts), projecting wall signs are not permitted to have any dynamic, variable, interactive, flashing or moving content unless associated with an approved public artwork.

3.16.6.5 Under awning signs

- (1) Under awning signs are not permitted to be used for on-premises advertisements or third party advertisements.
- (2) Under awning signs are to be suspended at right angles to the building and are not to project beyond the awning fascia.
- (3) The height to the underside of an under awning sign is to be consistent with the approved height of projecting wall signs and under awning signs on adjoining properties. The minimum height to the underside of an under awning sign is 2.6m above ground level (existing) of the footway below. An under awning sign is not to hang more than 1m below the underside of an awning and should not be more than 400mm high.
- (4) An under awning sign is to be set back a minimum of 0.6m from the alignment of a kerb within a public road.
- (5) An under awning sign is to have a minimum separation distance of 3m from any other under awning sign.
- (6) An under awning sign may be permitted for an upper level or basement tenancy that has a ground level entry to the street provided the sign is separated from any other under awning sign by 3m and does not contribute to sign clutter.
- (7) Illuminated under awning signs are to satisfy the requirements of Section 3.16.4 (Illuminated signage).
- (8) Unless otherwise provided for in Section 3.16.12 (Signage precincts), under awning signs are not permitted to have any dynamic, variable, interactive, flashing or moving content.

3.16.6.6 Awning fascia signs

- (1) Awning fascia signs are not permitted to be used for on-premises advertisements or third party advertisements.
- (2) The size of any awning fascia sign is to have regard to Section 3.16.6.1 (General requirements for business identification signs and on-premises advertisements).
- (3) Awning fascia signs are not to project below, above or beyond the sides of the fascia.
- (4) Awning fascia signs are to be flat mounted and are not to project outwards from the awning. The minimum setback of the sign from the alignment of the kerb within a public road is 0.6m.
- (5) Awning fascia signs are not to be illuminated.

3.16.6.7 Above awning signs

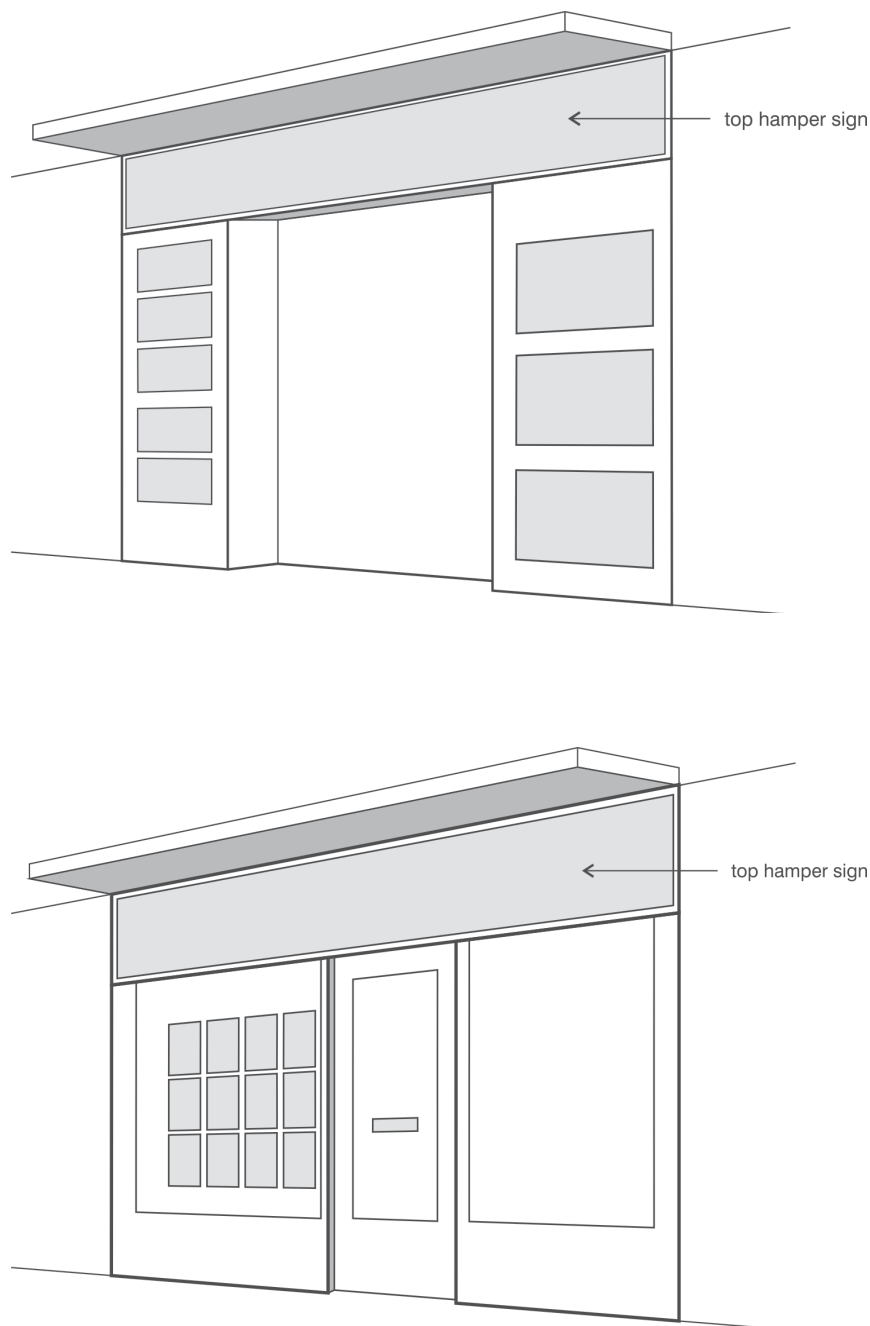
- (1) Signs mounted on top of an awning or canopy, including real estate signs, are not permitted.

3.16.6.8 Window signs and top hamper signs

- (1) Having regard to Section 3.16.6.1 (General requirements for business identification signs and on-premises advertisements) the size and location of window signs are to maintain active frontages by allowing views into and out of the premises.
- (2) Window signs should not occupy more than one third of the area of all the window and door openings of the shop frontage. Internal signage visible from the public domain does not need to be included in the calculation where it is located more than 2m from the glass line of an external window or door.
- (3) Window signs should be arranged so that the area of the window between 1m and 2m above ground level is predominantly open to views into and out of the premises unless the signs comprise self-adhesive letters, numbers or symbols that do not obstruct views into and out of the premises.
- (4) Window signs and top hamper signs are to have a maximum height of 3.5m above ground level (existing).
- (5) A top hamper sign may be permitted for a basement or upper level tenancy that has a ground level entry to the street provided the sign does not contribute to sign clutter.
- (6) Illuminated or dynamic content signs are only permitted in shop windows subject to consent and compliance with the requirements of Section 3.16.4 (Illuminated signage) and Section 3.16.6.9 (Dynamic content signs) are achieved.

Figure 3.22

Possible arrangements of shop window signs that cover about one third of window and door openings to allow views into and out of the premises



3.16.6.9 Dynamic content signs

- (1) Unless otherwise provided for in Section 3.16.12 (Signage precincts), dynamic content signs may be permitted in business zones (B1-B8) and industrial zones (IN1 and IN2).
- (2) Dynamic content signs in the B1, B2 or B4 zones and visible from a residential premises are:
 - (a) not to operate between 11pm and 7am; and
 - (b) to have an image dwell time of at least 10 seconds, transition time of 0.1 seconds and not be animated.
- (3) Dynamic content signs are to be entirely within a building and setback at least 0.3 metres from the glass line. Council may consider reducing the setback for an interactive sign.

- (4) Any dynamic content signs should not occupy more than 20 per cent of window and door openings of the shop frontage. Dynamic content signs are to be included in the calculation of the area of window sign allowed under section 3.16.6.8 and are to comply with the height controls for window signs under section 3.16.6.8. Greater coverage may be considered under section 3.16.6.2 Signs with design excellence.
- (5) Any single dynamic content sign should not be larger than 1.5 sqm in area. Larger signs may be considered under section 3.16.6.2 Signs with design excellence.
- (6) Dynamic content signs, including any animation, video or moving or changing images, are not flash, strobe, pulsate, flicker or contain fast moving images. Any animation and motion of images is to be slow and smooth at all times.
- (7) Dynamic content signs must not be able to be mistaken for a prescribed traffic control device or as text providing instructions to a driver.
- (8) Dynamic content signs are:
 - (a) to satisfy the requirements of Section 3.16.4 (Illuminated signage);
 - (b) to have a default setting that will display an entirely black display area when no content is being displayed or if a malfunction occurs;
 - (c) to have light sensors that automatically adjust the display brightness of the display area to ambient light conditions where the aggregate display area of a dynamic content sign on the premises is greater than 4 sqm. Where the aggregate display area of a dynamic content sign is between 0.3 sqm to 4 sqm, manual or remote adjustability is to be integrated into the device so that the brightness can be reduced during night time hours.
- (9) Dynamic content signs may have interactive technology or technology that enables opt-in direct communication with pedestrians who are within 1m of the premises provided:
 - (a) the sign does not face a classified road or school zone;
 - (b) the sign faces a pedestrianised area or is greater than 20m from a road intersection or crossing; and
 - (c) the consent authority is satisfied there will be no direct communication with or road safety risk for road users of a public road with moving vehicles.

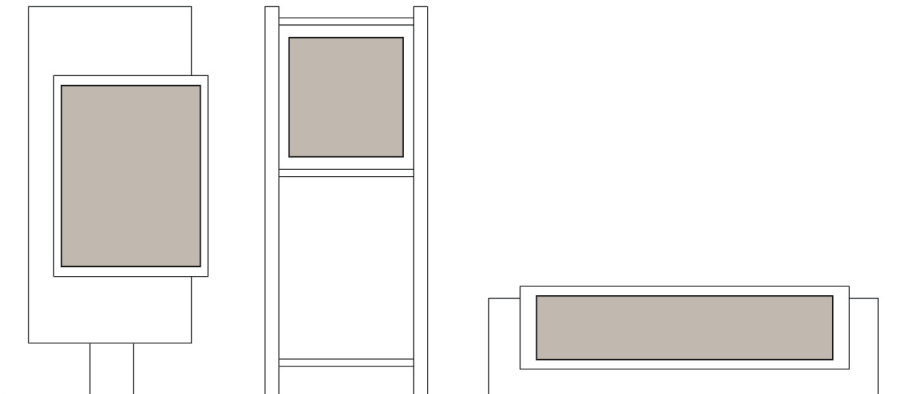
3.16.6.10 Automatic teller machine (ATM) signs

- (1) Having regard to Section 3.16.6.1 (General requirements for business identification signs and on-premises advertisements), ATM signs are to be contained entirely within the structure of the ATM.
- (2) ATM signs are not to be used for third party advertisements.
- (3) ATM signs with static illumination are permitted subject to compliance with the requirements of Provisions 3.16.4 (Illuminated signage).
- (4) ATM signs with dynamic content are to comply with Section 3.16.6.9 (Dynamic content signs).

3.16.6.11 Freestanding signs

- (1) Freestanding business identification signs are permitted subject to consent on land zoned B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial, IN2 Light Industrial and RE1 Public Recreation. Unless otherwise provided for in Section 3.16.12 (Signage precincts), freestanding signs are not permitted in any other zone.

Figure 3.23
Examples of
freestanding signs



- (2) Freestanding signs for business identification are not permitted to display on-premises advertisements or third party advertisements.
- (3) Freestanding signs are to satisfy the following requirements:

Table 3.8: Requirements for freestanding signs

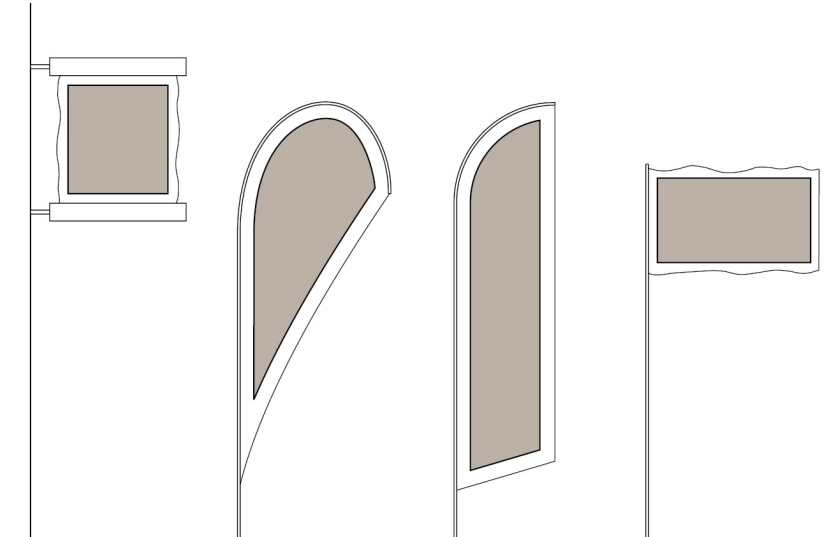
		Street frontage		
		<15m	15-45m	>45m
Maximum number of freestanding business identification signs		0	1	2
Maximum size per sign	One occupant	n/a	8 sqm	8 sqm
	Two or more occupants	n/a	16 sqm	16 sqm
Maximum height above ground level (existing)		n/a	6m	6m

- (4) Freestanding business identification signs are to be permanently fixed or mounted to the ground in accordance with Australian Standards.
- (5) Each occupant of a multiple tenancy property is permitted to have a maximum of one business identification panel on each face of a freestanding business identification sign.
- (6) Illuminated freestanding business identification signs may be permitted subject to consent and compliance with the requirements of Section 13.16.4.
- (7) Illuminated freestanding business identifications signs are not permitted to display animated, dynamic or variable content. The consent authority may give special consideration for one freestanding variable content sign with a maximum display area of 20 sqm where the sign relates directly to a cultural, diplomatic, educational, government, institutional or religious land use on the land where it is displayed. In these instances, the sign is to be considered on its merit having regard to the objectives of this section, the preservation of amenity for nearby accommodation land uses, any heritage significance and the character of the streetscape.
- (8) A freestanding business identification sign is to have the street number of the property prominently displayed.

3.16.6.12 Banners, flags and fabric signs

- (1) Unless otherwise provided for in Section 3.16.12 (Signage precincts), banners, flags and other fabric signs are not permitted. The consent authority may give special consideration for flags, banners and fabric signs associated with cultural, diplomatic, governmental, institutional or religious land uses. In these instances, proposals are to be considered on their merits having regard to the objectives of this section, any heritage significance and the character of the streetscape.

Figure 3.24
Examples of
banners, flags and
fabric signs

**3.16.6.13 Other business identification signage**

- (1) Business identification signage that is not specified in this section may be considered where the signage is of high visual quality, appropriate in size, suitable in location and satisfies the objectives of this section.

3.16.7 Advertising structures and third party advertisements**3.16.7.1 General requirements**

- (1) Generally, new advertising signs and third party advertisements are not permitted. The exceptional circumstances where advertising signs and third party advertisements are permitted shall be assessed against the following criteria:
- (a) Whether the sign is advertising a civic or community event in the City of Sydney area;
 - (b) Whether the sign can be considered as public art in accordance with the City's policies in relation to public art;
 - (c) Whether the signs are consistent with the provisions for signage in this DCP;
 - (d) Whether part of the sign occupied by corporate markings, logos, branding or similar is not more than 5% of the total sign area;
 - (e) Whether the number of existing signs on the site and in the vicinity do not cumulatively create unacceptable visual clutter;
 - (f) Whether the sign is associated with the surrender of a consent for an existing sign on a heritage item or on a contributory building in a heritage conservation area.

- (2) Commercial advertising signs on street furniture, other than furniture provided by or for Council, are not permissible unless undertaken in accordance with the Footways dining policy.
- (3) Development consents for advertising structures and third party advertisements are limited to the time period specified in State Environmental Planning Policy 64.

3.16.7.2 Replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure

- (1) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure may be permitted subject to consent and compliance with the following requirements.
- (2) When considering the replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure, a consent authority is to have regard to:
 - (a) the compatibility of the electronic advertising structure with the site context based on zoning, surrounding land use, built form and the existing and desired character of the area;
 - (b) whether the structure reduces the amenity of areas with sensitive amenity values, including environmentally sensitive areas, recreation areas, residential properties and other accommodation land uses;
 - (c) whether the structure maintains or enhances the significance of heritage conservation areas or heritage items;
 - (d) whether the structure improves the appearance of the existing advertising structure it will replace;
 - (e) whether the structure improves the streetscape appearance and integration with buildings on the land;
 - (f) whether light emitted by the structure reduces the amenity of nearby land uses, users of the public domain and the surrounding precinct;
 - (g) whether the signs and advertisements create a road safety risk or hazard or confuse, distract or compromise road user safety in any road environment;
 - (h) the cumulative impact and visual clutter of signage in the locality, including its effect on the pedestrian experience of the public domain;
 - (i) whether the structure reduces the quality of important views and the visual amenity of the skyline, streetscape and site where the advertising structure is located;
 - (j) the extent of public benefit that will be provided in connection with the structure;
 - (k) the environmental performance and energy use of the structure; and
 - (l) the suitability of the structure's operation and on-going maintenance.

- (3) Electronic variable content advertising structures are not to result in a visual impact that detracts from the existing visual character of the site, streetscape or skyline. A visual impact assessment report is to be prepared in accordance with Council guidelines in Clause 11.1 of Schedule 11 (Electronic variable content advertising structures) of this DCP. The consent authority may waive the requirement for a visual impact assessment report where it is satisfied the proposal is minor in nature and satisfies the matters identified in this clause. In order to minimise the visual impact, the structure is to:
- (a) have an advertising display area that improves the visual contribution of the advertising structure to the building and the area in which it is located and should have a smaller advertising display area than the existing approved advertising structure it is replacing;
 - (b) be integrated with a building in a manner that does not conceal or detract from important architectural features;
 - (c) where replacing, converting or modifying an existing approved roof or sky advertising structure, be designed to reduce, and where possible eliminate, the amount of vertical projection above the building's roofline, eaves or top of parapet;
 - (d) have the brightness of the display area limited based on existing light conditions and the likely impact on surrounding land uses, having regard to clause 3.16.7.2(4) of this DCP;
 - (e) be of high design quality and finish; and
 - (f) have a minimum dwell time of 45 seconds per advertisement. The minimum dwell time may be decreased to be consistent with the *NSW Department of Planning and Environment Transport Corridor Outdoor Advertising Signage Guidelines* if the sign is within:
 - (i) the B6 Enterprise Corridor, B7 Business Park or B8 Metropolitan Centre zone; or
 - (ii) the Broadway and Parramatta Road Signage Precinct, or
 - (iii) the Darling Harbour Signage Precinct.
- (4) Electronic variable content advertising structures are not to result in obtrusive light that will create unacceptable glare, affect the safety of public domain users or detract from the amenity of accommodation land uses. A light impact assessment report is to be prepared in accordance with Council guidelines in Clause 11.2 of Schedule 11 (Electronic variable content advertising structures) of this DCP. In order to minimise obtrusive light impacts, the structure is to:
- (a) comply with the requirements of Table 3.9 when calculated in accordance with Clause 11.2 of Schedule 11 (Electronic variable content advertising structures) of this DCP and when measured in accordance with Clause 11.3 of Schedule 11: Electronic variable content advertising structures of this DCP;

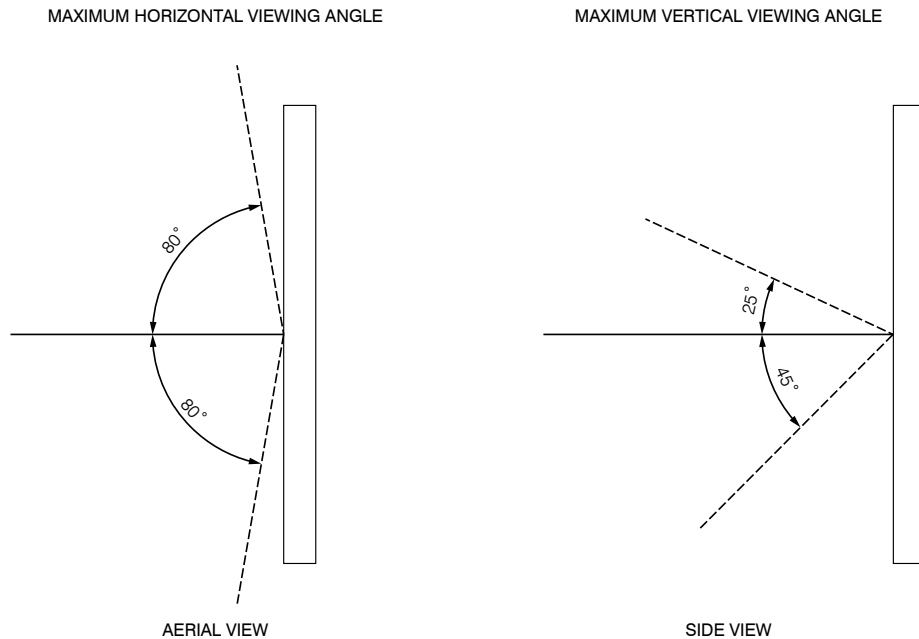
Table 3.9: Illumination requirements for electronic variable content advertising structures

		Business (B1-B8) or Industrial (IN1-IN2) Zone and not within 100m of accommodation land use	Business (B1-B8) or Industrial (IN1-IN2) Zone and within 100m of accommodation land use	Residential (R1- R2) or RE1 Public Recreation Zone
Daylight Hours	Max Luminance	6000cd/ sqm	6000cd/ sqm	6000cd/ sqm
Daylight Hours – cloud cover and inclement weather	Max Luminance	600cd/ sqm	600cd/ sqm	600cd/ sqm
Twilight Hours	Max Luminance	600cd/ sqm	600cd/ sqm	600cd/ sqm
	Max Threshold Increment	20% based in adaptation luminance of 10cd/ sqm	20% based in adaptation luminance of 10cd/ sqm	20% based in adaptation luminance of 0.5cd/ sqm
Night Time Hours	Max Illuminance	3 lux above existing light conditions measured at the plane of windows to habitable rooms of accommodation uses	2 lux above existing light conditions or not greater than illuminance from existing advertising structure (whichever is less) measured at the plane of windows to habitable rooms of accommodation uses	1 lux above existing light conditions or not greater than illuminance from existing advertising structure (whichever is less) measured at the plane of windows to habitable rooms of accommodation uses
	Max Luminance	350cd/ sqm	200cd/ sqm	100cd/ sqm
	Max Threshold Increment	20% based on adaptation luminance of 10cd/ sqm	20% based on adaptation luminance of 10cd/ sqm	20% based on adaptation luminance of 0.5cd/ sqm
	Hours of Operation	Nil	As determined and conditioned by the consent authority	Not permitted to operate between 10:00pm and 7:00am

- (b) have a multi-directional light sensor (to at least three areas with different ambient light conditions) that automatically adjusts the brightness of the advertising display area to prevailing light conditions. The change in maximum luminance between day time hours, twilight hours and night time hours is to be programmed to automatically make a gradual transition, with the dimming of the display area accelerated ahead of the reduction in day light during evening twilight hours;
- (c) have a timing device to ensure compliance with the requirements during twilight hours and night time hours;
- (d) ensure advertisements are designed so that the use of white or any other light or bright colour palette is limited;
- (e) have a maximum horizontal viewing angle of 160 degrees (+80 degrees and -80 degrees) and a maximum vertical viewing angle of 70 degrees (+25 degrees and -45 degrees), as shown in Figure 3.25, to limit the potential for sky flow and upward light spill; and

Figure 3.25

Maximum horizontal and vertical viewing angles for electronic variable content advertising structures



- (f) have a light impact audit undertaken by a professional lighting engineer within 12 months of operation and to be submitted to the consent authority to confirm the operational effect of the sign with recommendations for necessary action to be taken where unacceptable glare, negative safety outcomes for road users or loss of amenity for accommodation land uses are identified.
- (5) Electronic variable content advertising structures are not to result in a negative safety impact for road users using a road corridor. Where visible from a road corridor, a road safety report is to be prepared in accordance with Council guidelines in Clause 11.5 of Schedule 11 (Electronic variable content advertising structures) of this DCP. To minimise negative road safety impacts, a structure that is visible to road users using a public road is to:
- (a) have a minimum height above ground level (existing) of 5.5m, which may be reduced to 2.5m having regard to road safety, pedestrian amenity, the architecture of the building and the height of an existing sign;
 - (b) be no closer than 150m to any other advertising structure with an electronic display area that is visible in the same line of sight, except where the consent authority and any relevant concurrence authority is satisfied that there will be no safety impacts for road users and no cumulative clutter from multiple changing signs in the same line of sight;
 - (c) only display advertisements that are completely static without any motion, animation or special effects for the duration of its display;
 - (d) have a minimum transition time of 0.1 seconds;
 - (e) ensure advertisements are designed so that the amount of text and information is kept to a minimum, no more than a driver can read at a short glance and is preferably displayed in the same font and size;
 - (f) ensure advertisements are designed so that content is not capable of being mistaken for a prescribed traffic control device, and should not have red, amber or green circles, octagons, crosses or triangles, or patterns that may result in the advertisement being mistaken for a prescribed traffic control device;

- (g) ensure advertisements are designed so that content is not mistaken as providing driving instructions to drivers;
 - (h) not have message sequencing designed to make a driver anticipate the next message across images presented on a single sign and across a series of signs;
 - (i) not have images that dazzle or distract drivers or contain flickering or flashing content;
 - (j) be switched to a static display during school zone hours if the sign is visible from the school zone;
 - (k) changes to the speed limit in the area of the sign may require changes to the operation of the sign if there is a detrimental effect on road safety;
 - (l) have a road safety check undertaken by an RMS accredited road safety auditor after the first 12 months of operation and before 18 months after installation for any sign over 20sqm and in accordance with RMS Guidelines for Road Safety Audit Practices and provided to the RMS and the Council with recommendations for changes to the sign to address any identified road safety issues;
 - (m) not emit any sound, vibration, odour or other emission unless associated with an approved public artwork; and
 - (n) not have any technology, process or mechanism that facilitates real-time direct communication with passing road users. This includes any technology, process or mechanism that allows interactivity, transmission or receipt of data, telecommunication, internet or radio signals or the generation of targeted messages. This provision does not restrict the display of a public safety message by a public authority.
- (6) Electronic variable content advertising structures are not to detract from the significance of a heritage item or heritage conservation area. Where on, or within 100m of, land that contains a heritage item or that is within a heritage conservation area, a heritage impact statement prepared by a qualified heritage professional is to be prepared in accordance with Section 3.9.1 (Heritage Impact Statements) of this DCP. The structure is to satisfy the requirements of Section 3.16.11 (Signage related to heritage items and conservation areas).
- (7) Electronic variable content advertising structures are to be powered by a renewable energy source in accordance with clause 3.16.4(6) of this DCP. An environmental performance report prepared by a qualified environmental professional is to be provided to identify the annual energy use of the structure and the required energy offset arrangements to ensure the advertising structure will be carbon neutral.
- (8) Electronic variable content advertising structures are to have a high standard of operation and maintenance. A management plan is to be provided that identifies the operational, content management, maintenance and complaints handling arrangements for the advertising structure. The structure is to:
- (a) have a default setting that will display an entirely black advertising display area when no content is being displayed or if a malfunction occurs;
 - (b) keep an electronic log of activity that is maintained by the operator for the duration of the development consent and be available to the consent authority or Roads & Maritime Services to monitor compliance with any conditions; and
 - (c) be regularly monitored and maintained for the duration of the development consent.

- (9) Electronic variable content advertising structures are to provide a public benefit in accordance with State Environmental Planning Policy 64. Unless otherwise specified by Council, the public benefit is to be satisfied by making 10 per cent of the advertising time (rounded to the nearest whole number) available free of cost for use by the City of Sydney to display public information, community messages and promotion of Council events and initiatives. The advertising time is to be equally distributed throughout the hours of operation of the structure. Other public benefits that may be provided in lieu of the advertising time depending on the nature of the proposal may include:
- (a) heritage conservation works for heritage items;
 - (b) decommission and removal of other existing advertising structure assets in the vicinity of the land;
 - (c) provision of community services, community infrastructure or public domain enhancements; or
 - (d) any other public benefit arrangement acceptable to Council.

3.16.8 Special promotional signage

- (1) Special promotional signage will only be permitted where it is in the public interest or will provide an identifiable public benefit.
- (2) Special promotional signage is not permitted on land zoned R1 General Residential or R2 Low Density Residential.
- (3) Special promotional signage is to comply with section 3.16.4 Illuminated signage and any illumination is to be turned off between 11pm and 7am if the sign is visible from a residential premises.
- (4) No land or premises is to have more than two special promotional signage schemes per calendar year.
- (5) The timeframe for the display of special promotional signage is to be determined by the consent authority based on the location, purpose, format and size of the entire signage scheme and in accordance with State Environmental Planning Policy 64. The consent authority should not permit the display of a special promotional signage scheme for an activity or event:
 - (a) earlier than 14 calendar days prior the activity or event; and
 - (b) more than two calendar days following the activity or event.
- (6) Special promotional signage is, in the opinion of the consent authority, to be of high visual quality and compatible with the character of the building, site and streetscape.
- (7) Where applicable, special promotional signage is to be compatible with the significance of a heritage item or heritage conservation area.
- (8) Where applicable, special promotional signage is to comply with the illumination requirements of Section 3.16.4.
- (9) Special promotional signage with variable content is to comply with the requirements of Section 3.16.7.2 (Replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure).
- (10) Content that is animated, interactive, or involves transmission or receipt of data, telecommunication, internet or radio signals or the generation of targeted messages is not permitted, unless the consent authority has considered a road safety report and is satisfied that there will no negative impact on the amenity of the streetscape, nearby land uses, heritage significance and safety for road users.

- (11) Where attached to an occupied building, special promotional signage is not to restrict access to daylight, outlook or ventilation, or access to and from the building.
- (12) Special promotional signage is to be professionally installed and secured in accordance with Australian Standards.
- (13) Special promotional signage is to be comprised of materials that are resistant to all weather elements.
- (14) A special promotional sign is not to reduce the safety of road users. A road safety report is to be submitted if the special promotional sign is visible from classified road or may in the opinion of the consent authority reduce the safety of road users.

3.16.9 Light projection signage

- (1) Light projection signage is not permitted, except:
 - (a) where provided for in Section 3.16.12 (Signage precincts); or
 - (b) as a special promotional advertisement compliant with Section 3.16.8 (Special promotional signage).
- (2) Light projection signage is not to be displayed during day time hours and not after 10:00pm on Sunday to Thursday, and a time determined by the consent authority on Friday and Saturday.
- (3) Light projection signage is to satisfy the illumination requirements of Section 3.16.4 (Illuminated signage).

Note: An application for planning approval for a light projection sign must be accompanied by consent of the landowner(s) of the property that contains the source of projection and any property that forms part of the surface for the image to be projected upon.

3.16.10 Signage on construction hoardings, scaffolding and cranes

- (1) Signage on construction hoardings and scaffolding is to comply with the requirements of the City's Guidelines for hoardings and scaffolding.
- (2) Third party advertisements on construction hoardings and scaffolding may be permitted subject to consent where:
 - (a) The third party advertising is designed as an integrated component of an artwork that occupies the entire surface of the hoarding fence, fascia or scaffolding for the development. The artwork is to satisfy the City's public art requirements. The aggregate area of corporate branding and product image is not to exceed 5 per cent of the surface area of the hoarding fence, fascia or scaffolding of the development; and
 - (b) The artwork and third party advertising is, in the opinion of the consent authority, designed to be unified, consistent in presentation and of exceptionally high visual quality.
- (3) Signage on construction cranes is only to identify the name or logo of the crane owner, the development, the developer or the construction company. Crane signs are not permitted to display any other content, including third party advertisements.
- (4) Signage on construction hoardings, scaffolding or cranes is not to extend beyond, or project outwards from, the hoarding, scaffolding or crane to which it is attached.
- (5) If illuminated, signage on construction hoardings, scaffolding or cranes is to comply with Section 3.16.4 (Illuminated signage).

3.16.11 Signage related to heritage items and conservation areas

- (1) Prior to development consent being granted for signage related to a heritage item or conservation area, the consent authority may require a heritage impact statement and signage strategy is to be prepared. The signage strategy is to incorporate all existing and future signage and have regard to all relevant policies and recommendations of any Conservation Management Plan and/or heritage inventory report.
- (2) Existing signage that has heritage value is to be retained and conserved in its original location.
- (3) New signage is to be compatible with the heritage significance of the conservation area or the item, including the built form architectural style and existing signage. Signage is to be appropriately located to prevent significant components or distinguishing features of heritage buildings from being obscured.
- (4) The design, style, materials, colours, images and lettering of new signage shall be high quality and consistent with the relevant heritage style and period, such as bronze, brass and stainless steel. Plastics, such as coloured or clear acrylic, are only to be used as an ancillary material. Corporate branding and colour schemes are to be modified to fit in with the character and significance of the area or item.
- (5) The construction and installation of new signage is to be high quality and undertaken in a reversible manner that does not damage significant fabric of heritage items. Where signage is attached to stone or brick walls, it is to be attached with non-corrosive fixings to mortar joints rather than to the stone or brickwork. Projecting and cantilevered signage is to use a bracketed system that avoids bulky structural components attached to the stone or brick work.
- (6) New signage located between the first floor level and parapet for any building is not permitted for heritage items or in heritage conservation areas. This may be varied where upper level signage is an important aspect of the heritage significance of the conservation area or item on which the sign is located.
- (7) Where appropriate to the heritage style and period, traditional style hand painted signage on window glazing at ground floor level may be permitted subject to consent provided the area of the text is less than 0.1 sqm in order to maintain a high level of visual transparency into the premises.
- (8) Business identification signs for single dwelling houses that are heritage items or contributory items in a heritage conservation area are to be limited to one non-illuminated sign per building with a maximum area of 0.25 sqm. The sign shall be located on the ground floor elevation of the building only and address the main entrance to the premises.
- (9) New internally illuminated signage is only permitted where:
 - (a) it is a reconstruction of an original significant sign;
 - (b) it can be demonstrated that internally illuminated signage is an important aspect of the heritage significance of the heritage conservation area or item; or
 - (c) the illumination is low voltage and visible through cut out lettering in high quality metal consistent with the heritage significance.
- (10) Externally illuminated signage is only permitted where:
 - (a) the design of the signage achieves a high degree of compatibility with the heritage significance of the conservation area or item;
 - (b) the signage is lit from a concealed or discrete energy efficient source; and
 - (c) any cabling and conduits are completely concealed;

- (11) The name or building identification of a heritage item is not to be changed without first considering any relationship with its heritage significance.
- (12) Dynamic content business signs are only permitted where:
 - (a) the requirements of Section 3.16.6.9 (Dynamic content signs) are satisfied; and
 - (b) the consent authority is satisfied that the heritage character or significance of the conservation area or item will not be undermined.
- (13) New advertising structures and third party advertisements are not permitted on heritage items or within heritage conservation areas.
- (14) The replacement, modification or conversion of an existing approved advertising structure with an electronic variable content advertising structure on a heritage item or in a heritage conservation area is only permitted where:
 - (a) The requirements of Section 3.16.7 (Advertising structures and third party advertisements) are satisfied; and
 - (b) The consent authority is satisfied that there will be no adverse impact on the heritage character or significance and the relationship and appearance between the building and advertising structure will be improved.

3.16.12 Signage precincts

- (1) The following provisions apply to areas identified as signage precincts on the *Signage Precincts Map*.
- (2) Signage within a signage precinct is to satisfy all development standards for the relevant precinct. The general development standards contained in this section continue to apply where a component of a sign or advertisement is not referred to in the signage precinct standards.
- (3) All signage within a signage precinct is to have regard to the locality statements in Section 2 of this DCP, any statement of significance in a heritage inventory sheet and any approved signage strategy applying to the land.

Note: *Heritage inventory sheets are available on the Department of Environment's heritage website: <http://www.environment.gov.au/heritage>*

3.16.12.1 Millers Point signage precinct

- (1) Signage is to be designed to be minimal and discreet in recognition of the areas role as a predominantly residential heritage precinct, as outlined in the locality statement in section 2 of this DCP and the relevant heritage statement of significance.
- (2) Signage is to be compatible with the style and period of the building to which it is attached.
- (3) Flat mounted wall signs, window signs, top hamper signs, awning fascia signs and under awning signs may be permitted subject to consent.
- (4) Top of building signs, projecting wall signs, dynamic content signs, freestanding signs, third party advertisements and banners, flags and fabric signs are not permitted.
- (5) Signage is not to be located higher than 3.5m above ground level (existing), unless upper level signage is an integral component of the heritage significance.
- (6) Any back mounting or sign plate is to be constructed of high quality materials, such as bronze, brass or timber. Non-corrosive fixings are to be used.

- (7) All signs are to have a colour palette that is respectful of the building and its surrounds. Fluorescent tones are not permitted.
- (8) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure is not permitted.

3.16.12.2 Circular Quay signage precinct

- (1) Signage is to be designed to respond to the significant role of the precinct as transit hub, tourist precinct and public gathering space, as outlined in the locality statement in section 2 of this DCP and the relevant heritage statement of significance.
- (2) Signage is to be designed to avoid visual clutter and limit negative impact on the visual importance of landmarks and public domain way finding. Regard shall be given to development controls applying to adjacent areas for which the Council is not the consent authority.
- (3) New signage is to be designed to be consistent with the format, size, materials and colours of other existing approved signs on the same site or premises.
- (4) Business identification signs are not to be located above an awning or canopy, or higher than 4m where there is no awning or canopy.
- (5) For sites and premises on the north side of Alfred Street:
 - (a) building identification signs directly facing Sydney Cove and the Circular Quay wharfs are to be non-illuminated raised letters, numbers or symbols; and
 - (b) business identification signs (other than window signage) are not permitted to directly face Sydney Cove, including the Circular Quay wharfs.
- (6) For sites and premises on the south side of Alfred Street, all awning fascia signs and wall signs are to contain individual raised letters, numbers or symbols, which may be illuminated.
- (7) Projecting wall signs are not permitted.

3.16.12.3 Bridge Street signage precinct

- (1) Signage is to be designed to respond to the significant heritage, ceremonial and institutional character of the precinct, as outlined in the locality statement in section 2 of this DCP and the relevant heritage statement of significance.
- (2) Signage on heritage items is to utilise individual lettering where attached to a building having regard to the potential impact from attaching a sign to significant fabric. Where a back mounting or sign plate is required, it is to be constructed of a high quality material that is reflective of the heritage significance, such as bronze, brass or stainless steel. Business identification signs are not permitted to be displayed on the facades of buildings, unless such signage is an integral component of the heritage significance.
- (3) Signage on non-heritage items is to be complementary to the significance of heritage items in the precinct.
- (4) Dynamic content signs for business identification or on-premises advertisements are not permitted in tenancies fronting Bridge Street or Macquarie Place. Dynamic content signs are only to be considered where:
 - (a) associated with an approved civic, curatorial, institutional or public interest land use where this signage is integral to convey community information related to the approved use; or
 - (b) the sign achieves design excellence under Section 3.16.6.2.

- (5) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure is not permitted.

3.16.12.4 Wynyard signage precinct

- (1) Signage is to be designed to respond to the role of the precinct as a major transport interchange, as outlined in the locality statements in section 2 of this DCP and the relevant heritage statement of significance.
- (2) Signage is to be minimised in order to avoid visual clutter and not detract from public domain way finding.
- (3) Signage on non-heritage items is to be complementary to the significance of heritage items in the precinct.
- (4) Dynamic content signs for business identification or on-premises advertisements are not permitted fronting Barrack Street between George Street and York Street or fronting Regimental Square. Dynamic content signs are only to be considered where:
 - (a) associated with an approved civic, curatorial, institutional or public interest land use where the signage is integral to convey community information related to the approved use; or
 - (b) the sign achieves design excellence under Section 3.16.6.2.

3.16.12.5 George Street signage precinct

- (1) Signage is to be designed to respond to the significant role of George Street as the city spine, a retail area, public gathering place and pedestrianised light rail corridor as outlined in the George Street 2020 Public Domain Activation Strategy, the locality statements in section 2 of this DCP and the relevant heritage statement of significance.
- (2) Signage is to be designed with high quality materials and integrated with the architecture of a building in order to avoid visual clutter and detract from public domain way finding.
- (3) Illuminated signage is not to have a night time luminance greater than 300 cd/sqm in accordance with the George Street Lighting Masterplan.
- (4) Internally illuminated light boxes should be avoided. Under awning signs and projecting wall signs are to achieve design excellence, be designed to integrate with the design of the awning or wall of the building and have concealed illumination or use neon illumination.
- (5) Dynamic content signs for business identification or on-premises advertisements are not permitted fronting Barrack Street (between George Street and York Street), Regimental Square or the Cenotaph Block of Martin Place. Dynamic content signs are only to be considered where:
 - (a) associated with an approved civic, curatorial, institutional or public interest land use where the signage is integral to convey community information related to the approved use; or
 - (b) the sign achieves design excellence under Section 3.16.6.2.
- (6) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure may be permitted subject to consent and compliance with Section 3.16.7 (Advertising structures and third party advertisements).

3.16.12.6 Macquarie Street and College Street East signage precincts

- (1) Signage is to be designed to respond to the significant heritage, ceremonial and institutional character within these precincts, as outlined in the locality statements in section 2 of this DCP and the relative heritage statement of significance.
- (2) Signage on heritage items is to utilise individual lettering where attached to a building having regard to the potential impact from attaching a sign to significant fabric. Where a back mounting or sign plate is required, it is to be constructed of a high quality material that is reflective of the heritage significance, such as bronze, brass or stainless steel. Business identification signs are not permitted to be displayed on the facades of buildings, unless such signage is an integral component of the heritage significance. Signs inside windows are to be setback a minimum of 1m from the glass.
- (3) Signage on non-heritage items is to be complementary to the significance of heritage items in the precinct.
- (4) Dynamic content signs for business identification or on-premises advertisements are not permitted fronting Macquarie Street between Queens Square and Bent Street. Dynamic content signs are only to be considered where:
 - (a) associated with an approved civic, curatorial, institutional or public interest land use where the signage is integral to convey community information related to the approved use; or
 - (b) the sign achieves design excellence under Section 3.16.6.2.
- (5) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure is not permitted.

3.16.12.7 Town Hall and Martin Place signage precincts

- (1) Signage is to be designed to respond to the significant heritage, ceremonial and institutional character within these precincts, as outlined in the locality statements in section 2 of this DCP, the relative heritage statement of significance and any relevant Public Domain Plan endorsed by the Council.
- (2) Signage on heritage items is to utilise individual lettering where attached to a building having regard to the potential impact from attaching a sign to significant fabric. Where a back mounting or sign plate is required, it is to be constructed of a high quality material that is reflective of the heritage significance, such as bronze, brass or stainless steel. Business identification signs are not permitted to be displayed on the facades of buildings, unless such signage is an integral component of the heritage significance. Signs inside windows are to be setback a minimum of 1m from the glass.
- (3) Signage on non-heritage items is to be complementary to the significance of heritage items in the precinct.
- (4) Dynamic content signs for business identification or on-premises advertisements are not permitted fronting Martin Place. Dynamic content signs are only to be considered where:
 - (a) associated with an approved civic, curatorial, institutional or public interest land use where the signage is integral to convey community information related to the approved use; or
 - (b) the sign achieves design excellence under Section 3.16.6.2.
- (5) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure is not permitted in Martin Place.

3.16.12.8 Pitt Street Mall signage precinct

- (1) Signage is to be designed to respond to the areas significant role as a pedestrian retail area, as outlined in section 2 of this DCP and any relevant heritage statement of significance.
- (2) Signage is to be designed to avoid visual clutter and not detract from the public domain way finding.
- (3) No signage is permitted above a ground level awning, or 4.5m where no awning exists. Upper level signage is only permitted where it is an integral component of the significance of a heritage item, or where a building has a multi-level ground floor elevation.
- (4) Horizontal dimensioned projecting wall signs may be permitted subject to consent at ground floor level where no awning exists. The height and design of projecting wall signs shall be consistent with under awning signs on adjoining properties.
- (5) Under awning signs and projecting wall signs are encouraged to use illuminated slimline metal cut outs with concealed illumination in lieu of light boxes.
- (6) For premises with multi-level ground floor elevations, one flat mounted wall sign may be permitted subject to consent on the upper portion of the ground floor elevation to a maximum area of 5 per cent of the ground floor elevation or 7.5 sqm (whichever is less). In these cases, the wall sign is to contain individual cut letters, numbers or symbols with internal illumination.
- (7) Light projection signage may be considered where appropriate to the location, setting and building architecture and there is no impact on the amenity of surrounding accommodation uses or road safety.
- (8) Dynamic content signs for business identification and on-premises advertisements should have a maximum height of 4m.
- (9) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure may be permitted subject to consent and compliance with Section 3.16.7 (Advertising structures and third party advertisements).

3.16.12.9 Chinatown signage precinct

- (1) Signage is to be vibrant, visually interesting and consistent with the role of Chinatown as a significant cultural node and night-time activity precinct, as outlined in the locality statement in section 2 and any relevant heritage statement of significance.
- (2) Light boxes may be permitted, and modern interpretations of neon are encouraged. Light projection signage may also be considered where appropriate to the location and setting.
- (3) Signage is encouraged to incorporate traditional and contemporary interpretations of Chinese typefaces, letters, numbers, characters and colours. Where used, English translations are to be included.
- (4) Vertical projecting wall signs between the first floor and the parapet may be permitted on non-heritage buildings where:
 - (a) there is a maximum of one projecting wall sign per street frontage;
 - (b) the sign is located at the lower levels of the building and not mounted on any awnings or canopies;
 - (c) the sign is of a height that relates to the architecture of the building and does not exceed two storeys in vertical dimension;
 - (d) the sign does not project by more than 1m from the wall of the building; and
 - (e) the sign will not obstruct significant architectural features of the building.

- (5) Dynamic content signs should not exceed a maximum height of 4m above ground level (existing). The incorporation of cultural and public benefit content in conjunction with business identification and on-premises advertisements is encouraged.
- (6) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure may be permitted subject to consent and compliance with Section 3.16.7 (Advertising structures and third party advertisements).

3.16.12.10 Darlinghurst Road Kings Cross signage precinct

- (1) Signage is to be visually interesting and consistent with role of Darlinghurst Road as a night-time activity and entertainment precinct, as outlined in the locality statement in section 2 of this DCP. Notwithstanding this role, signage is to be designed to be respectful of nearby residential accommodation land uses.
- (2) Signage is to be illuminated and designed using interesting and aesthetic shapes that contribute to the existing character of the area. Light boxes may be permitted subject to consent, and modern interpretations of neon are encouraged. Animated business identification signs are to be considered on their merits.
- (3) Vertical projecting wall signs between the first floor and the parapet may be permitted subject to consent on non-heritage items where:
 - (a) there is a maximum of one projecting wall sign per street frontage;
 - (b) the sign is located at the lower levels of the building and not mounted on any awnings or canopies;
 - (c) the sign is of a height that relates to the architecture of the building and does not exceed two storeys in vertical dimension;
 - (d) the sign does not project by more than 1m from the wall of the building; and
 - (e) the sign will not obstruct significant architectural features of the building.
- (4) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure may be permitted subject to consent and compliance with Section 3.16.7 (Advertising structures and third party advertisements).

3.16.12.11 Oxford Street West signage precinct

- (1) Signage is to be visually interesting and respond to the role of the Oxford Street as a retail and night-time activity precinct, as outlined in the locality statement in section 2 of this DCP and any relevant heritage significance statement.
- (2) Signage is not to be located above awning level, or 4m where no awning exists. This may be varied where upper level signage is an integral part of the significance of a heritage building.
- (3) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure may be permitted subject to consent and compliance with Section 3.16.7 (Advertising structures and third party advertisements).

3.16.12.12 William Street signage precinct

- (1) Signage is to be complementary to the precinct's role as a retail and business area, as outlined in the locality statement in section 2 of this DCP. Signage on the south side of William Street is to have regard to the any relevant heritage significance statement.

- (2) Signage is not to be located above awning level. Where no awning exists, signage is not to exceed a height of 3.5m above ground level (existing).
- (3) Vertical projecting wall signs between the first floor and the parapet may be permitted subject to consent on properties that are not heritage items or contributory buildings where:
 - (a) there is a maximum of one projecting wall sign per street frontage;
 - (b) the sign is located at the lower levels of the building and not mounted on any awnings or canopies;
 - (c) the sign is of a height that relates to the architecture of the building and does not exceed two storeys in vertical dimension;
 - (d) the sign does not project by more than 1m from the wall of the building; and
 - (e) the sign will not obstruct significant architectural features of the building.
- (4) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure may be permitted subject to consent and compliance with Section 3.16.7 (Advertising structures and third party advertisements).

3.16.12.13 King Street Newtown signage precinct

- (1) Signage is to be consistent with the precinct's role as diverse retail, entertainment and cultural area, as outlined in the locality statement in section 2 of this DCP and any heritage significance statement.
- (2) Signage is to be located within bays created by facade articulation and is to be compatible with the geometry and proportion of these bays.
- (3) No signage is permitted above the awning or first floor level unless it is an existing sign that contributes to the heritage significance of a heritage item or a contributory building.
- (4) Signage is not to obscure important architectural features, not to be located above the cornice lines of parapets, not to be located on rooftops of buildings and is to be at least 700mm from the alignment of the 'string of pearl' under awning lights.
- (5) The number of signs on a building façade (excluding under awning signs) is not to exceed one per premises.
- (6) Painted wall signs for business identification may be permitted subject to consent on the side elevation of a building where:
 - (a) the maximum area is 5 sqm;
 - (b) the maximum height does not exceed 4m above ground level (existing);
 - (c) the paint work is not directly applied to any exposed face brick. Where exposed face brick exists, a face plate with a maximum thickness of 5mm is to be used; and
 - (d) no third party advertisements are incorporated.
- (7) Colours used for signs are to complement the Heritage Colour Scheme for King Street and Enmore Road, which is contained within the *Main Street Heritage Paint Scheme for King St, Newtown, Enmore Rd, Enmore*.
- (8) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure may be permitted subject to consent and compliance with Section 3.16.7 (Advertising structures and third party advertisements).

3.16.12.14 Broadway and Parramatta Road signage precinct

- (1) Signage is to be complementary to the precinct's role as a mixed use arterial road with a mix of commercial, light industry, retail, residential and other land uses. Signage is to be designed with regard to the locality statements in section 2 of this DCP and any heritage statement of significance.
- (2) Signage is not to be located above awning level. Where no awning exists, signage is not to exceed a height of 3.5m above ground level (existing).
- (3) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure may be permitted subject to consent and compliance with Section 3.16.7 (Advertising structures and third party advertisements).

3.16.12.15 Mixed Use Village Main Street signage precinct

- (1) Signage is to respond to the role of these precincts as village main streets with mixed of local retail, commercial and residential land uses, as outlined the locality statements in section 2 of this DCP and any relevant heritage statement of significance.
- (2) Signage is not to be located above a ground floor awning, or greater than 3.5m above ground level (existing) where no awning exists.
- (3) The replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure may be permitted subject to consent and compliance with Section 3.16.7 (Advertising structures and third party advertisements).

3.16.12.16 The Rocks signage precinct

- (1) Signage shall comply with Schedule 6 – Signage in The Rocks which provides detailed guidelines on requirements for signage in this precinct. This includes permissible types of signage for each area within the precinct.

3.16.12.17 Darling Harbour signage precinct

- (1) Signage shall be designed with regard to any relevant policy of the Sydney Harbour Foreshore Authority.
- (2) Light projection signage may be considered where appropriate to the location, setting and building architecture and there is no impact on the amenity of surrounding accommodation uses or road safety.

3.17

Contamination

Objective

- (a) Minimise the risk to human and environmental health on land contaminated by past uses.

Provisions

- (1) Each development application is to include information sufficient to allow Council to meet its obligation to determine whether development should be restricted due to the presence of contamination.

Note: These obligations are outlined in State Environmental Planning Policy No.55 at the time of adoption of this plan.

3.18

Acoustic Amenity

3.18.1 Entertainment sound management

Definitions

Entertainment sound means amplified or live sound associated with music, entertainment and performance, and from patrons while they are inside the development. It does not include other sound associated with the operation of a venue, such as mechanical ventilation, construction and waste management.

Entertainment sound generating activity means performance or activity including live entertainment, musical, film, rehearsal or performance, theatrical, comedy or dance performance that uses live or recorded music provided for the entertainment of patrons, which is typical but not exclusive to the following land uses:

- Entertainment facility
- Pub or registered club
- Restaurant or café
- Small bar

Sensitive receiver means residential accommodation and serviced apartments.

3.18.1.1 Development generating entertainment sound

Objectives

- (a) Ensure development is capable of providing diverse entertainment activities without resulting in amenity impacts to existing and future sensitive receivers.
- (b) Protect the health and amenity of people by managing entertainment sound ingress to sensitive receivers.

Provisions

- (1) This section applies to the following development:
 - (a) introducing a new entertainment sound generating activity;
 - (b) extending the trading hours of an existing entertainment sound generating activity beyond midnight;
 - (c) increasing the patron capacity of an existing entertainment sound generating activity by more than a third of the existing patron capacity;
 - (d) changing the external structure containing an existing entertainment sound generating activity by introducing new external penetrations, windows or doors; or
 - (e) internal alterations to an existing entertainment sound generating activity, where it is located in a mixed-use development with residential accommodation.
- (2) A Noise Impact Assessment prepared by a suitably qualified acoustic consultant is required, detailing the physical noise attenuation and other measures required to meet the requirements of this section, and demonstrating compliance with the sound criteria in Table 3.18.1-1 and 3.18.1-2.
- (3) Development specified for this section must comply with the external entertainment sound criteria shown in Table 3.18.1-1 as measured at the most affected property boundary of the nearest existing sensitive receiver. The measurement location is to be 1.5 metres from ground level at the site boundary.

Table 3.18.1-1: External sound criteria as measured at the property boundary of the nearest identified sensitive receiver

Sensitive receiver	Time period	Sound criteria <i>L</i> _{Ze_q} (15 minute)
Residential accommodation or serviced apartments	7am to midnight	Must not exceed 5dB above RBL in each octave band
	Midnight to 7am	Must not exceed RBL in each octave band

- (4) Development specified for this section must comply with the internal entertainment sound criteria shown in Table 3.18.1-2 as measured inside any habitable room of the nearest existing sensitive receiver.
- (5) For Table 3.18.1-1, the rating background level (RBL) is the background *L*_{Z90} level for each 1/1 octave band from 31.5 Hz to 4 kHz, for the following periods measured in accordance with Fact Sheet B of the NSW Noise Policy for Industry:
- 7am to 10pm
 - 10pm to midnight
 - midnight to 3am
 - 3am to 8am

Table 3.18.1-2: Internal sound criteria as measured inside any habitable room of the nearest sensitive receiver

Sensitive receiver	Time period	Sound criteria <i>L</i> _{Ze_q} (15 minute)
Residential accommodation or serviced apartments	7am to midnight	Must not exceed <i>L</i> _{Z90 (15 minute)} in each octave band
	Midnight to 7am	Must not exceed 12dB below <i>L</i> _{Z90 (15 minute)} or the threshold of audibility in each octave band
Where the dwelling is inside the same building	7am to midnight	Must not exceed 3dB below <i>L</i> _{Z90 (15 minute)} in each octave band
	Midnight to 7am	Must not exceed 12dB below <i>L</i> _{Z90 (15 minute)} or the threshold of audibility in each octave band

- (6) For Table 3.18.1-2, if the *L*_{Z90 (15 minute)} level in the octave bands 31 Hz to 500 Hz is less than the threshold of audibility values listed in Table 3.18.1-3, the values in that table shall be used.

Table 3.18.1-3: Threshold of audibility by octave band

Octave band	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz
<i>L</i> _{Ze_q}	51 dB	32 dB	18 dB	9 dB	3 dB

- (7) The internal sound criteria in Table 3.18.1-2 and provision (4) prevail to the extent of any inconsistency with the external sound criteria in Table 3.18.1-1 and provision (3).

3.18.1.2 Development affected by entertainment sound**Objectives**

- (a) Protect the amenity of residents by reducing entertainment sound ingress.
- (b) Enable the delivery of housing in mixed-use areas with entertainment sound generating activities.

Provisions

- (1) The section applies to development for the purposes of new residential accommodation and/or serviced apartments, or where an alteration to an existing development involves conversion to or delivery of additional dwellings, on the following sites:
 - (a) on land where any part is identified on the Entertainment Sound Management Map as 'Sensitive receivers – Radius 1';
 - (b) on land identified on the Entertainment Sound Management Map as 'Sensitive receivers – Radius 2', to the extent that the part of the site or proposed built form has uninterrupted exposure to a mapped 'Existing live music and performance venue'; or
 - (c) on the same site as an existing entertainment sound generating activity.
- (2) A preliminary Noise Impact Assessment prepared by a suitably qualified acoustic consultant is to be submitted with a Site Specific DCP or Concept DA for development specified for this section, demonstrating how exposure to entertainment noise from a mapped existing venue has been reduced with appropriate siting, orientation and built form elements.
- (3) Development specified for this section must comply with the internal criteria for sound from any pre-existing, planned or approved entertainment sound generating activities shown in Table 3.18.1-4.

Table 3.18.1-4: Internal criteria for entertainment sound

Residential accommodation <i>L_{Zeq}</i> (15 minute)	Octave Band Centre Frequency dB							
Bedrooms								
Octave band	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	1 kHz	4 kHz
7am to midnight	60	50	39	30	25	20	15	13
Midnight to 7am	53	43	32	23	18	13	8	6
Other living areas								
Octave band	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	1 kHz	4 kHz
7am to midnight	65	55	44	35	30	25	20	18
Midnight to 7am	55	48	37	28	23	18	13	11

Note: For reference, the octave bands in Table 3.18.1-4 are approximately equivalent to the dBA levels in Table 3.18.1-5.

Table 3.18.1-5: Approximate dBA equivalent entertainment sound levels of Table 3.18.1-4. Note these are provided for reference only.

Residential accommodation L_{Zeq} (15 minute)	
Bedrooms	
7am to midnight	30 dB
Midnight to 7am	23 dB
Other living areas	
7am to midnight	35 dB
Midnight to 7am	28 dB

- (4) A Noise Impact Assessment prepared by a suitably qualified acoustic consultant is required for development specified for this section. The assessment is to establish the loudest existing L_{Zeq} (15 minute) sound context for any one hour period during the operation of venues for each 1/1 octave band between 31.5 Hz and 4 kHz. The assessment is to demonstrate attenuation from either the existing L_{Zeq} (15 minute) or the levels in Table 3.18.1-6, whichever is higher per octave band, to the internal sound criteria shown in Table 3.18.1-4.

Table 3.18.1-6: Minimum planned external entertainment noise spectrum

Octave band	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
L_{Zeq}	69	63	53	49	47	44	42	45

Note: For reference, the octave bands in Table 3.18.1-6 are approximately equivalent to 51 dBA.

- (5) For the purposes of (1)(b), “uninterrupted exposure” means a direct line of sight without intervening built form, or facing a street or road corridor with an uninterrupted street wall on both sides between the venue and the site. A preliminary urban design analysis with 3D modelling may be required to establish which parts of the site are exposed and which are protected by existing or proposed built form elements.
- (6) To meet the criteria shown in Table 3.18.1-4, development may propose to attenuate the entertainment sound at an existing source. Where this is proposed, the proponent must demonstrate the attenuation measures:
- will be effective at meeting the sound criteria in Table 3.18.1-4;
 - have the consent of relevant parties associated with the source of the entertainment sound; and
 - will last for the life of the proposed development, or have a management plan to ensure their maintenance and continued use through change of ownership at the source.