

Central Sydney Development Control Plan 1996



May 2011

Central Sydney Development Control Plan 1996

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Approved 10 May 2010 and commenced 27 August 2010

Central Sydney Development Control Plan 1996 (Amendment No 20)

Approved 15 November 2010 and commenced 29 April 2011

Note: Clauses amended by the DCP amendments identified above are notated in the column adjacent to the relevant clause.

This plan consolidates Amendments Nos 1-7 inclusive and Amendments No 9, 10, 12, 13, 14, 16, 17, 18, 19 and 20 of Central Sydney DCP 1996. It has been prepared for ease of reference only. No warranty is given that the consolidation is free from error or omission or to the time and effect of each amendment.

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1 Introduction

1.1 The purpose of this Development Control Plan

This Development Control Plan (DCP) has been prepared in accordance with Section 72 of the *Environmental Planning and Assessment Act 1979* (the Act) and with clauses 15 to 24 of the *Environmental Planning and Assessment Regulation 1994*. The DCP provides more detailed provisions than in the *Central Sydney Local Environmental Plan 1996* (LEP) for development in Central Sydney that will:

- protect and enhance the public domain,
- contribute to the prosperity and character of Central Sydney.

Under Section 90 of the Act, the consent authority is required to take into consideration the relevant provisions of this DCP in determining an application for development in Central Sydney.

1.2 Citation

This plan may be referred to as the *Central Sydney Development Control Plan 1996*.

1.3 Land covered by this plan

This plan applies to the land covered by *Central Sydney Local Environmental Plan 1996* (see Figure I-1).

1.4 Relationship of this DCP to the LEP

The provisions contained in this DCP are in addition to the provisions of the LEP. If there is any inconsistency between this DCP and the LEP, the LEP will prevail.

Compliance with the provisions of this DCP does not necessarily guarantee that consent to a Development Application (DA) will be granted. Each DA will be assessed having regard to the LEP, this DCP, other matters listed in Section 90 of the Act, and any other policies adopted by the consent authority.

Consistent application of the provisions of this DCP will be given high priority by the consent authority.

For convenience, related clauses in the LEP are noted where applicable in this DCP.

1.5 The Consent Authority

Sydney City Council is the consent authority for all development, except major development (as defined in the City of Sydney Act 1988) where the Central Sydney Planning Committee is the consent authority.

1.6 Explanatory Notes

Separate explanatory notes which provide further assistance to applicants will be issued by the Council from time to time. These notes will cover topics including *Requirements for Development Applications* and *List of Relevant Council Policies, Codes and Practices*.

1.7 Monitoring and Review

The consent authority is required to keep the local environmental plans and development control plans under regular and periodic review (see section 73 of the Act). The consent authority is committed to this process to ensure that the Plans continue to be useful and relevant planning instruments. It is considered vital that the consent authority regularly appraises the implementation of the Plans to assist in the identification of necessary amendments to be made to the Plans.

The consent authority is to review the *Central Sydney Local Environmental Plan 1996* and *Central Sydney Development Control Plan 1996* at five yearly intervals in order to:

- (i) assess the continued relevance and responsiveness of the Plan's provisions;
- (ii) measure the achievement of the objectives of the Plan;
- (iii) identify the need for changes to the provisions to better achieve the objectives of the Plan; and
- (iv) ensure the availability of adequate development capacity under the Plan's provisions.

DCP Amendment No 4
Relevant LEP clause: 5

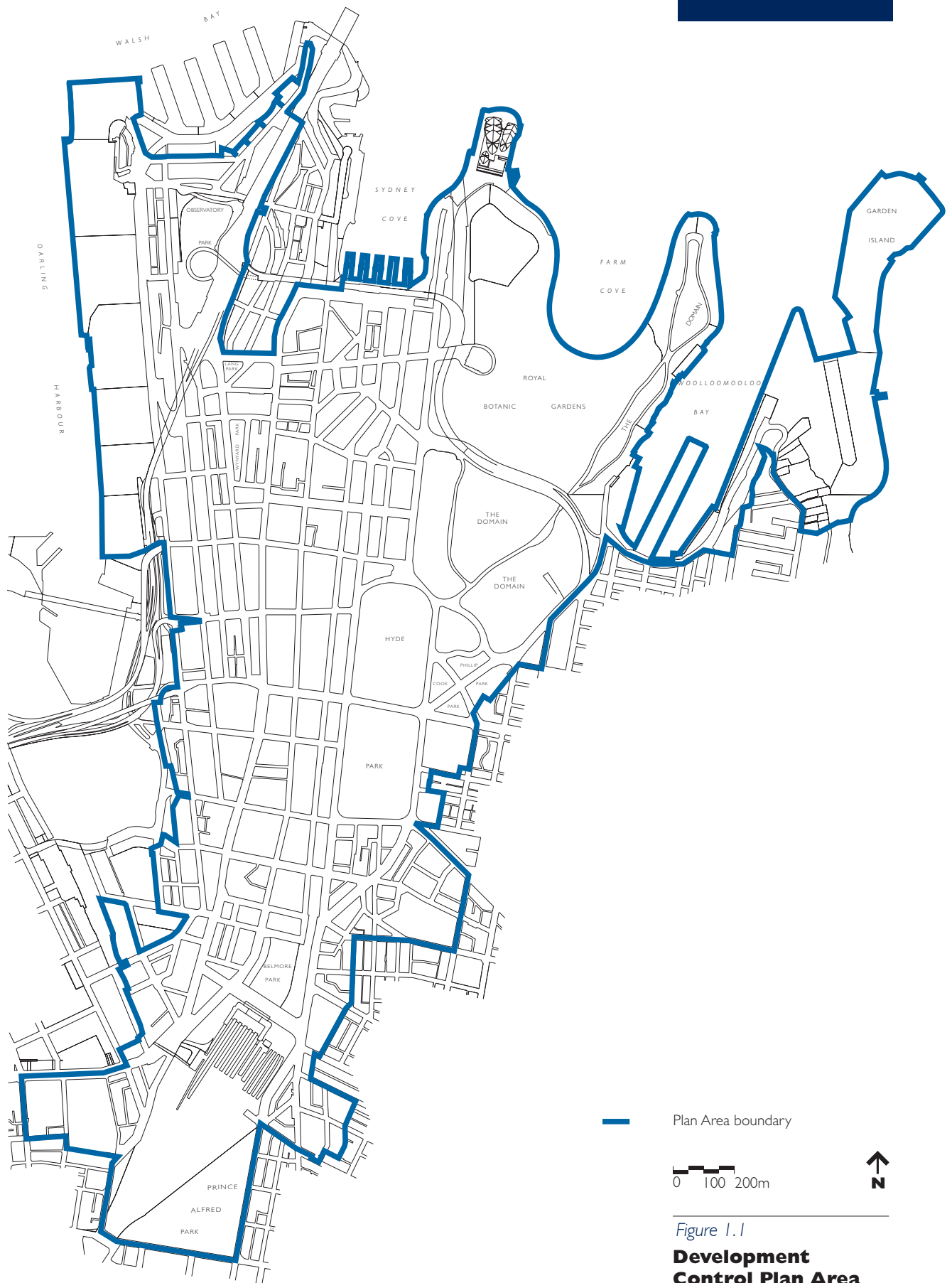


Figure 1.1
**Development
Control Plan Area
(Amendment No 4)**

2 Building Form and Character

Building form and character refers to the individual elements of building design that collectively contribute to the character and appearance of the built environment. The development provisions in this section of the DCP are intended to encourage high quality design for new buildings, balancing respect for the defining characteristics of Central Sydney with innovation and creativity. The resulting built form and character of new development should contribute to an attractive public domain in Central Sydney and produce a desirable setting for its intended uses.

2.1 Building to the street alignment

Strategy

Central Sydney's buildings are built predominantly to the street alignment (see Figure 2.1). By requiring new buildings to have frontages predominantly on the street alignment, it is intended to reinforce this character and improve pedestrian amenity at street level (see Figure 2.2).

Relevant LEP clauses: 12(f), 12(h), 12(i), 12(m), 12(n), 12(o), 42, 46, 51

Building to the street alignment in Central Sydney also achieves:

- **Definition of the public domain** - Most people experience Sydney via its public outdoor spaces. Buildings built to the street alignment give a strong definition to the public outdoor spaces.
- **Active use** - Building to the street alignment results in the location of active uses, such as shopfronts, closer to pedestrians.
- **Visual order** - Visual order and consistency in urban environments is achieved by building the main street frontages of buildings to a common alignment.
- **Environmental amenity** - Improved pedestrian comfort and protection from unpleasant weather conditions can be achieved by consistently building to the street alignment.
- **Territory and security** - Building to the street alignment reinforces the definition of the public street and prevents the development of spaces that are ambiguous in terms of public accessibility and safety and difficult to clean and maintain.

Objectives

- To reinforce Central Sydney's strong definition of streets and public spaces.
- To improve the quality of the public domain.

Provisions

- 2.1.1 New buildings are to have street frontages built predominantly to the street alignment (see Figure 2.3).
- 2.1.2 Circumstances where building predominantly to the street alignment may be inappropriate include development where:
 - (i) the site is adjacent to a freestanding or setback heritage building. In this case, the new building should match the setback of the heritage building. In such instances, a Heritage Impact Statement should be prepared, or

- (ii) it contributes an appropriate public space at the street frontage (see Section 2.1.3), or
 - (iii) it involves only the refurbishment of an existing building and/or the development of an Opportunity Site (see Section 2.1.1).
- 2.1.3 The consent authority may consider the provision of open space at the street frontage on a large site in the City Centre zone where that open space will:
 - (i) be accessible to and useable by the public
 - (ii) be north or north west oriented for sun access
 - (iii) be on a street other than a major pedestrian street (see Figure 2.27),
 - (iv) occupy less than 25% of the street frontage,
 - (v) be surrounded by a high level of active uses,
 - (vi) be compatible with the streetscape,
 - (vii) be designed, landscaped and furnished to the satisfaction of the consent authority.
- 2.1.4 Buildings on sites fronting Wylde Street, Potts Point may be set back from the street frontage at a distance to be determined by the consent authority.

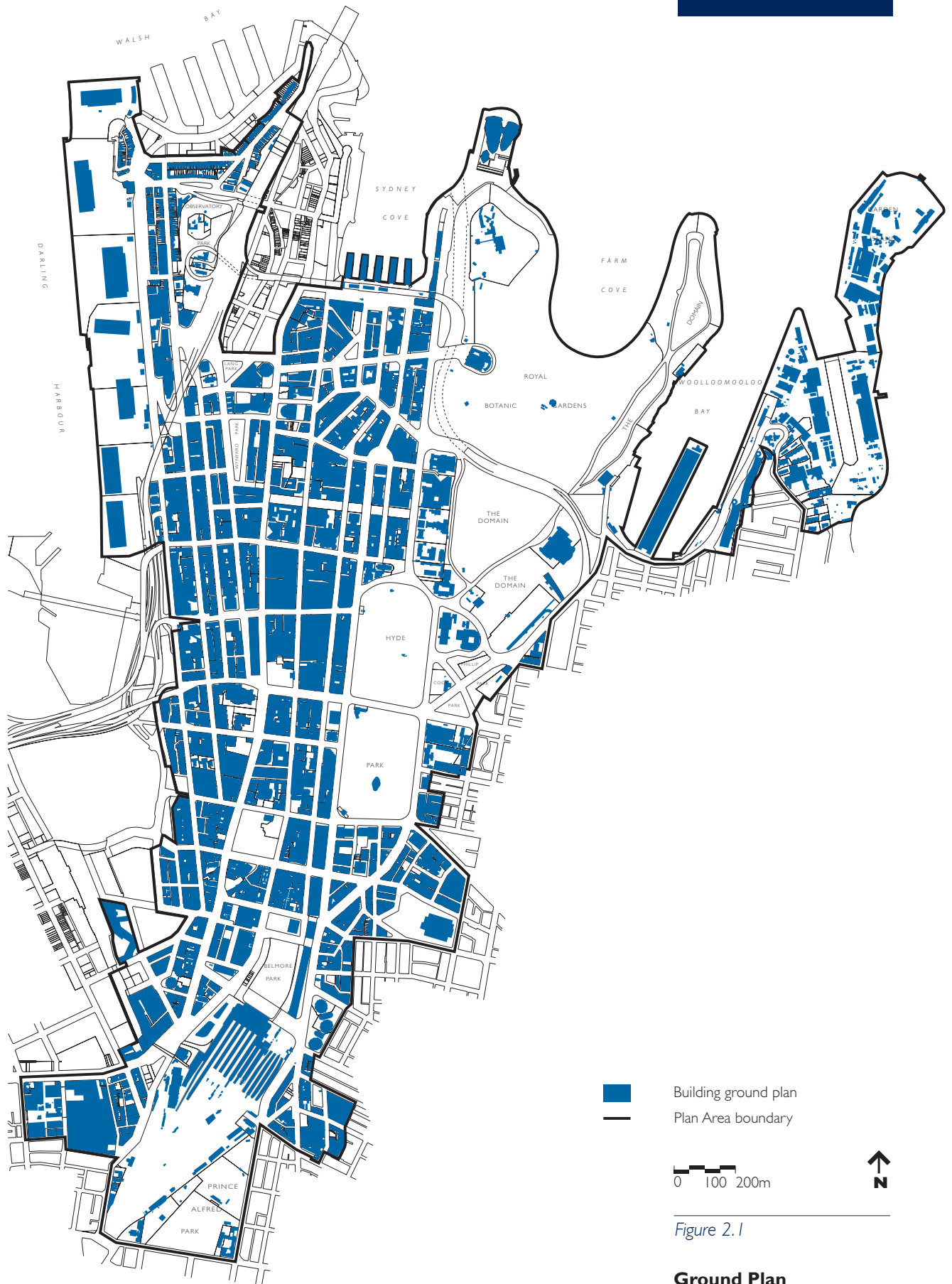


Figure 2.1

Ground Plan

The ground plan of Central Sydney shows a high proportion of buildings built to the street alignment.

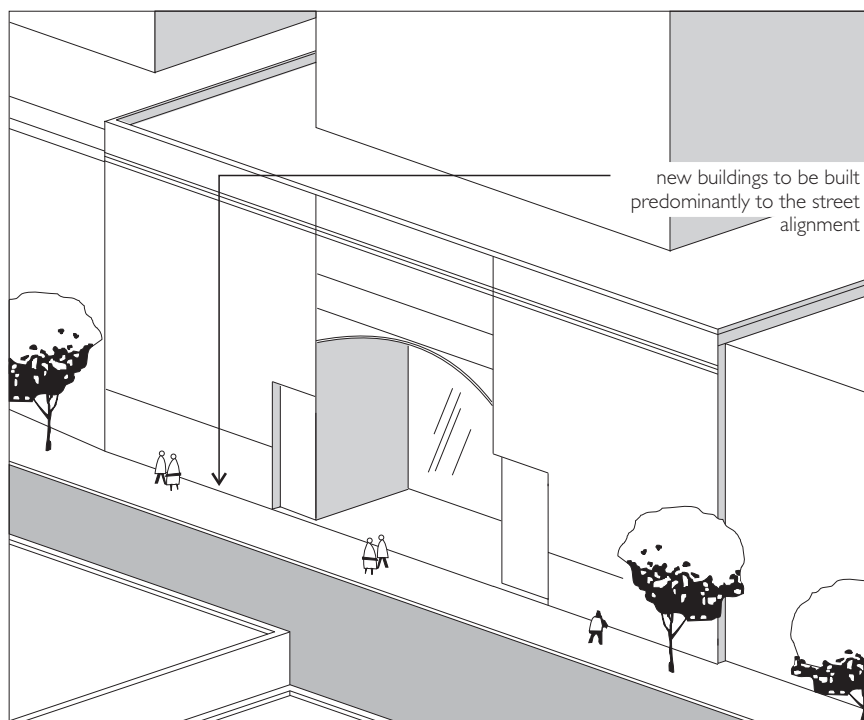


Figure 2.2

Buildings built predominantly to the street alignment generally enhance the public domain for pedestrians.

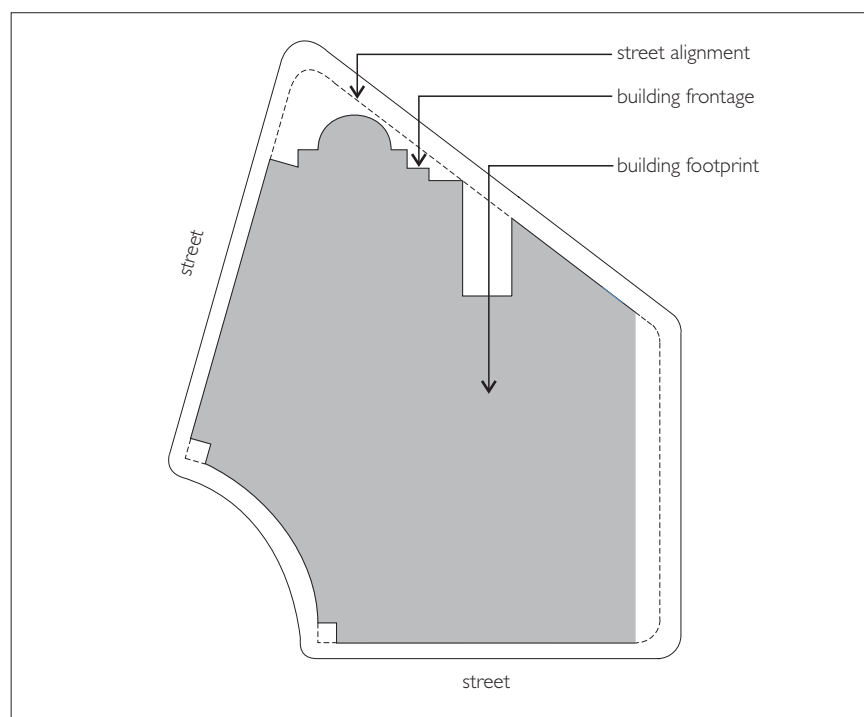


Figure 2.3

New buildings are to have street frontages built predominantly to street alignment.

2.2 Street frontage heights

Strategy

Buildings built to the street alignment and with a height to street width ratio of at least 1:1 give a sense of enclosure to the street that is appropriate to a major urban centre. In Central Sydney, street widths average 20 metres, so an appropriate **minimum street frontage height** for buildings is 20 metres.

Buildings taller than 45 metres at the street alignment (ie. greater than 2.5 times the street width) impact negatively on the street alignment (see Section 2.3). This means that an appropriate **maximum street frontage height** is 45 metres.

The street frontage height of most existing buildings in Central Sydney ranges from 20 to 45 metres above street level. Many existing buildings in Central Sydney are built to a height of 45 metres. Consequently, buildings with street frontage heights in the 20 to 45 metre range will reinforce the characteristic built form of Central Sydney.

There is no requirement to provide a 'podium' style building with floor space fully occupying all the lower levels across the entire site. Design flexibility is available for tower form buildings.

Objectives

- To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.
- To reinforce the intrinsic character of Central Sydney while enabling flexibility in building design.

Provisions

- 2.2.1 The street frontage height of a new building is to be between 20 metres and 45 metres above street ground level (see Figure 2.4), except in certain Special Areas where specific street frontage heights are nominated - see Section 2.4. Within this range, the street frontage height should have regard to:
- the street frontage heights of adjacent buildings,
 - the predominant street frontage height in the vicinity of the proposed building (see Figures 2.5 and 2.6,
 - the location of the site in the street block, ie., corner sites can generally include special design emphasis, such as increased street frontage height of one or two storeys compared with adjacent sites (see Figure 2.7),
 - site size. ie. small sites (less than 1,000 square metres) may attain a street frontage height of 45 metres regardless of the above criteria.
- 2.2.2 In some Special Areas and certain other locations, the consent authority may nominate a minimum street frontage height higher than 20 metres based on urban design and heritage considerations (see Table 2.1 and LEP clause 46).
- 2.2.3 In certain locations within the City, the consent authority may nominate a street frontage height that is less than 20 metres, based on urban design and heritage considerations. Such locations include:
- Regent Street (South) - the maximum street frontage height for this location is 9 metres (see Figure 2.7a)

Relevant LEP clauses: 12(a), 12(f), 12(h), 12(i), 12(o), 12(m), 12(n), 18(c), 18(h), 28B(a), 29(1)(c), 29(1)(c), 32(7), 35(1D), 42, 46.
DCP Amendment No.20

- (ii) The corner of Alfred and Pitt Street on I Alfred Street as shown in Figure 2.67 in Section 2.12.G - APDG Site - Building Frontage Height Plan.

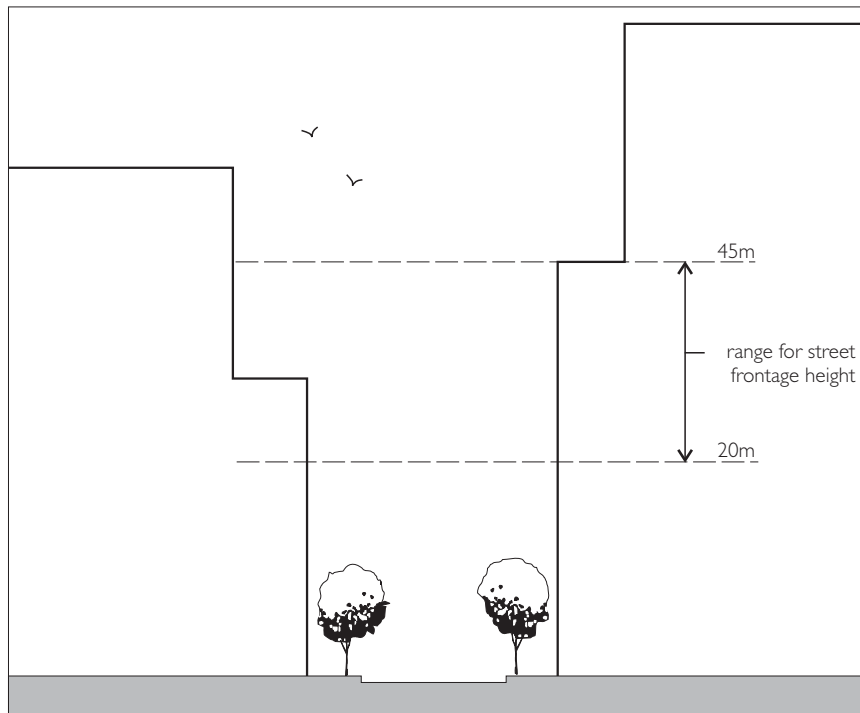


Figure 2.4

Range of permissible street frontage heights.

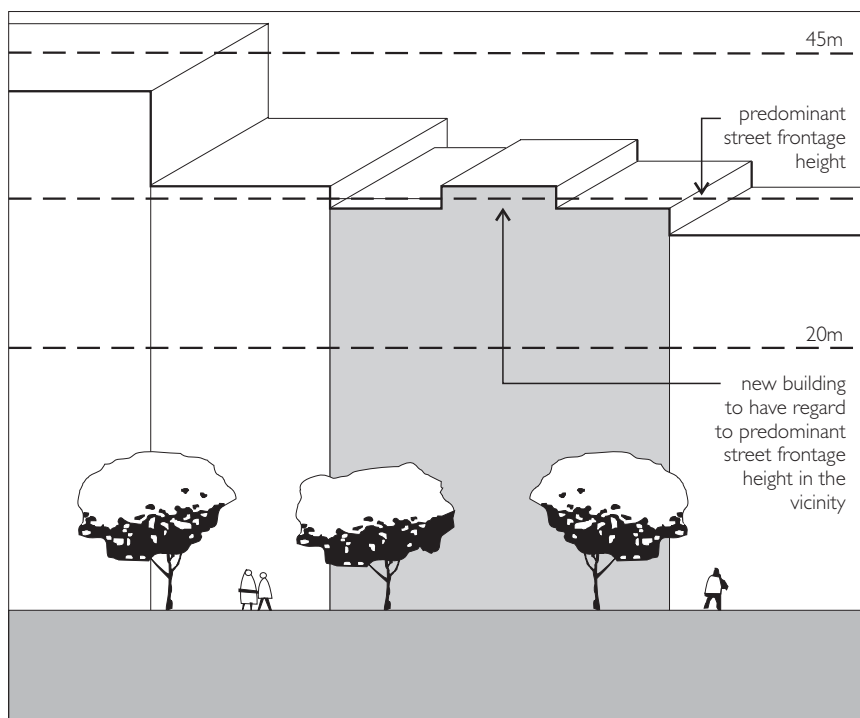
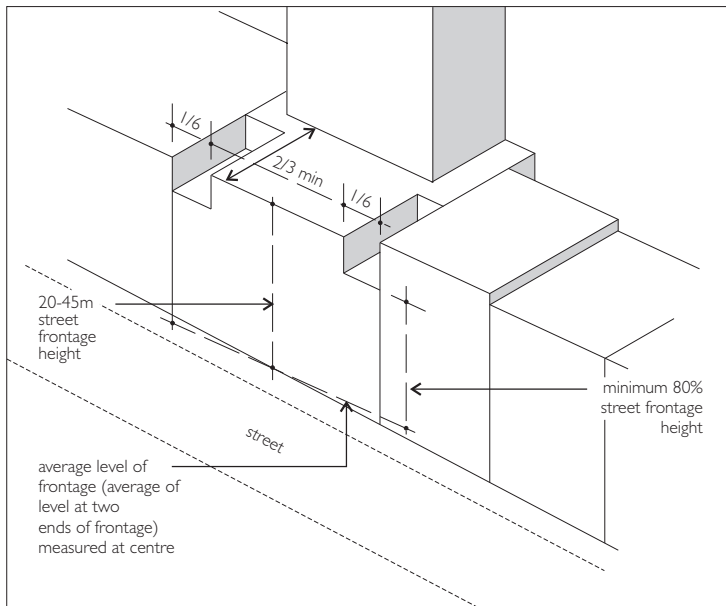


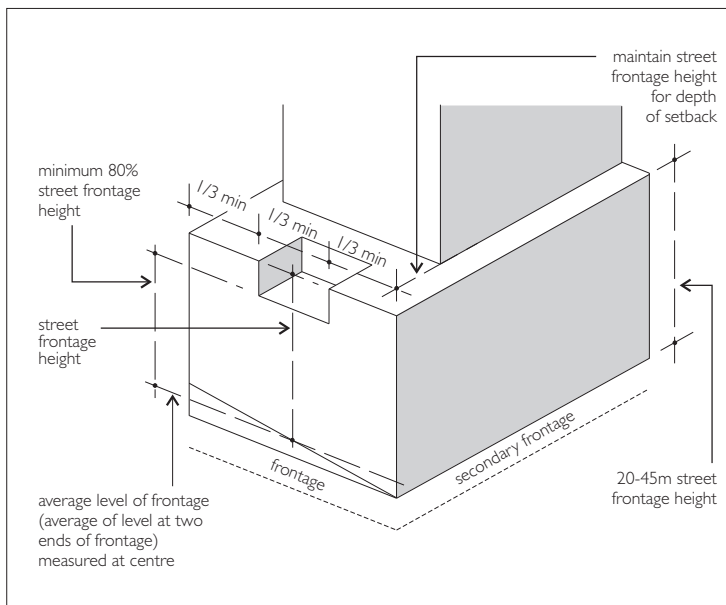
Figure 2.5

Street frontage heights of new buildings should have regard to the predominant street frontage height in the vicinity of the proposed buildings.



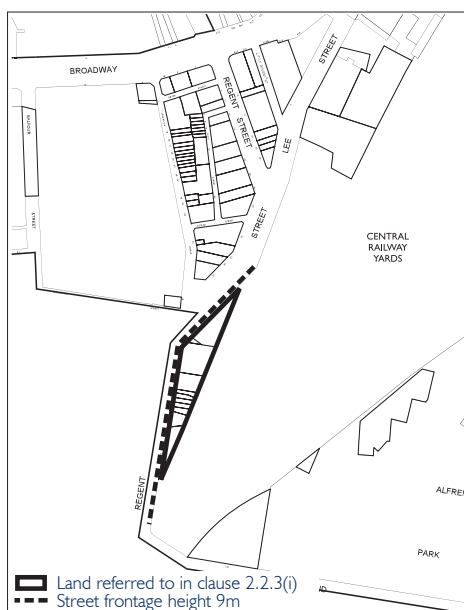
Street frontage height for infill sites.

Figure 2.6



Street frontage height for corner sites.

Figure 2.7



Regent Street South

Figure 2.7a

2.3 Building setbacks

Strategy

Front Setbacks

Buildings over 45 metres high built at the street alignment can result in the following negative impacts:

- overshadowed streets,
- reduced daylight to pedestrians and lower levels of other buildings,
- unpleasant wind conditions,
- pedestrians overwhelmed by the height of buildings,
- poor growing conditions for street trees.

By setting back higher parts of buildings from the street frontage, it is possible to achieve comfortable street environments, in particular to:

- allow reasonable levels of daylight to streets (see Figure 2.8),
- lessen wind problems at street level.

Generally, the greater the setback of the building above the street frontage height, the greater the benefits of daylight access and wind mitigation, and the lower the overall building height perceived by pedestrians. A setback of 10 metres above street frontage heights would effectively double the exposure of sky to the streets in Central Sydney which average 20 metres width (see Figure 2.8). Such a setback also accords with wind mitigation principles (see Section 4.2). However, for some sites in Central Sydney, such a setback may not be reasonably achievable. Consequently, in order to provide building design flexibility, the front setback is to be a weighted average of at least 8 metres with a minimum setback of 6 metres.

Side and Rear Setbacks

Side and rear setbacks, where provided, allow ventilation, daylight access and view sharing, increase privacy, and reduce adverse wind effects.

In residential buildings and serviced apartments where windows are provided on side and rear facades, separation between such windows and other buildings is particularly important for privacy. However, in a major urban centre such as Central Sydney, the levels of privacy achievable for residential units may be less than in lower density suburban areas.

Separation between commercial buildings is less important because of a reduced requirement for privacy. Separation between mixed use buildings and other buildings will be in accord with relevant distances for component uses.

Objectives

- To enhance the amenity of building occupants in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy in residential buildings and serviced apartments.
- To enhance the quality of the public domain in terms of wind mitigation and daylight access.

Relevant LEP clauses: 12(f), 12(g), 12(h), 12(i), 12(o), 18(c), 18(f), 18(g), 18(h), 20(e).

Provisions

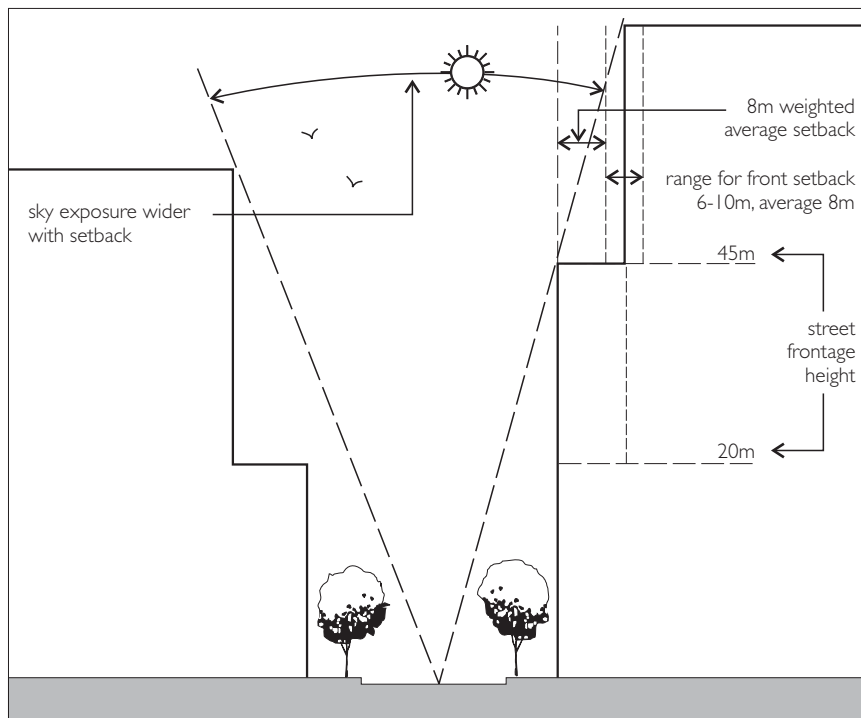
Note: For the purpose of this section, 'commercial buildings' means all non-residential buildings (including hotels). These provisions are not applicable to 'dwelling houses'. 'Principal windows and balconies' mean the main window or balcony of a living room or bedroom of a dwelling unit.

Front setbacks

- 2.3.1 Above the street frontage height, buildings are to be **set back** a weighted average of 8 metres. This setback may be reduced in part by up to 2 metres (to achieve architectural variety) provided the weighted average setback from the street frontage alignment is 8 metres (see Figure 2.8). No part of the building is to be set back less than 6 metres.
- 2.3.2 Smaller setbacks may be acceptable:
- (i) on corner sites up to 1,000 square metres fronting streets or lanes at least 6 metres wide,
 - (ii) on corner sites where increased setbacks are provided to other streets (generally, increased setbacks are to be provided on the major pedestrian streets and/or on north-south streets) (see Figures 2.9 and 2.10),
 - (iii) on street blocks less than 30 metres deep from the street frontage,
 - (iv) to accommodate protrusions for architectural modulation and visual interest.
- 2.3.3 Setbacks greater than 10 metres are permissible.
- 2.3.4 In retail streets (see Figure 2.27), a greater setback is desirable and, where appropriate, will be determined by the consent authority. For Pitt Street Mall, which is identified as a Special Area, the setback is 15 metres (see Figure 2.21). (See also Section 2.4).
- 2.3.5 Any new building or additions above a heritage item in a heritage streetscape are to have a setback at least 10 metres above the street frontage height (see also Section 2.9).

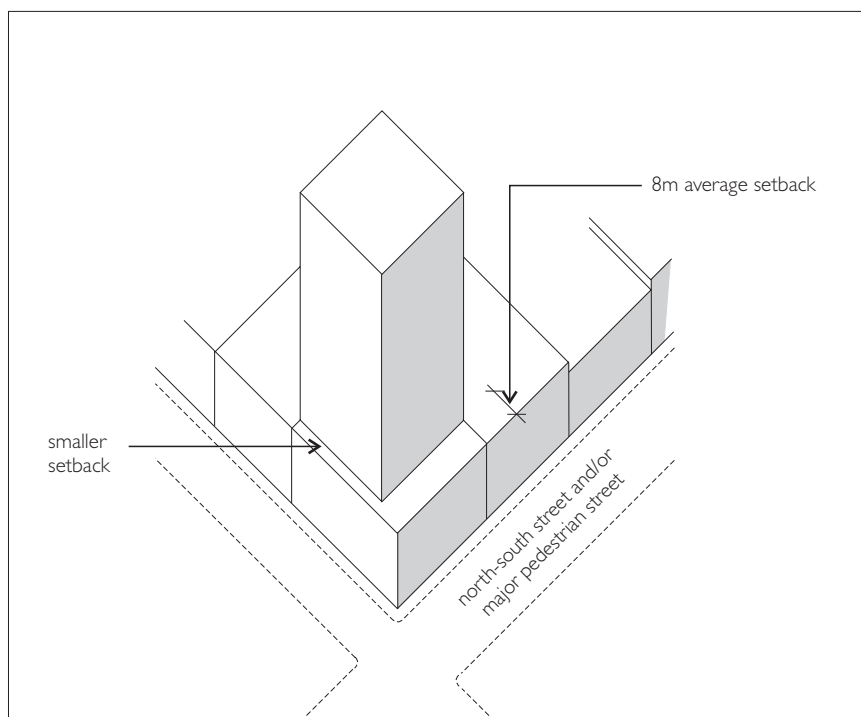
Side and rear setbacks

- 2.3.6 Above a height of 45 metres, windows or balconies of commercial buildings are to be set back at least 3 metres from side boundaries (see Figure 2.11).
- 2.3.7 **Separation between principal windows or balconies of residential buildings or serviced apartments and windows/balconies of commercial buildings** is to be at least 9 metres (see Figure 2.12). This separation is to be achieved by a setback from side boundaries of:
- (i) at least 6 metres for residential buildings or serviced apartments
 - (ii) at least 3 metres for the commercial building.
- See also Section 6.1 - *Amenity for Residential Buildings and Serviced Apartments*).



Range of permissible front setbacks.

Figure 2.8



Front setbacks at street frontage heights may be reduced from the 8 metre average on corner sites on the lesser street frontage, provided an average setback of at least 8 metres is maintained to north-south streets and/or major pedestrian streets.

Figure 2.9

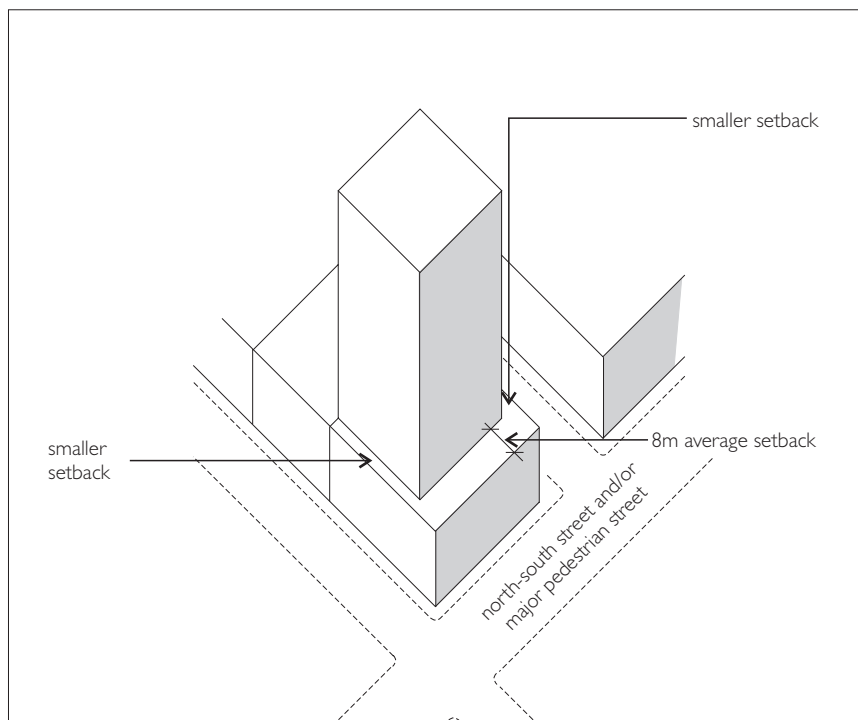


Figure 2.10

Where sites have three street frontages, smaller setbacks may be acceptable on both lesser streets, provided an average setback of at least 8 metres is maintained to north-south streets and/or major pedestrian streets.

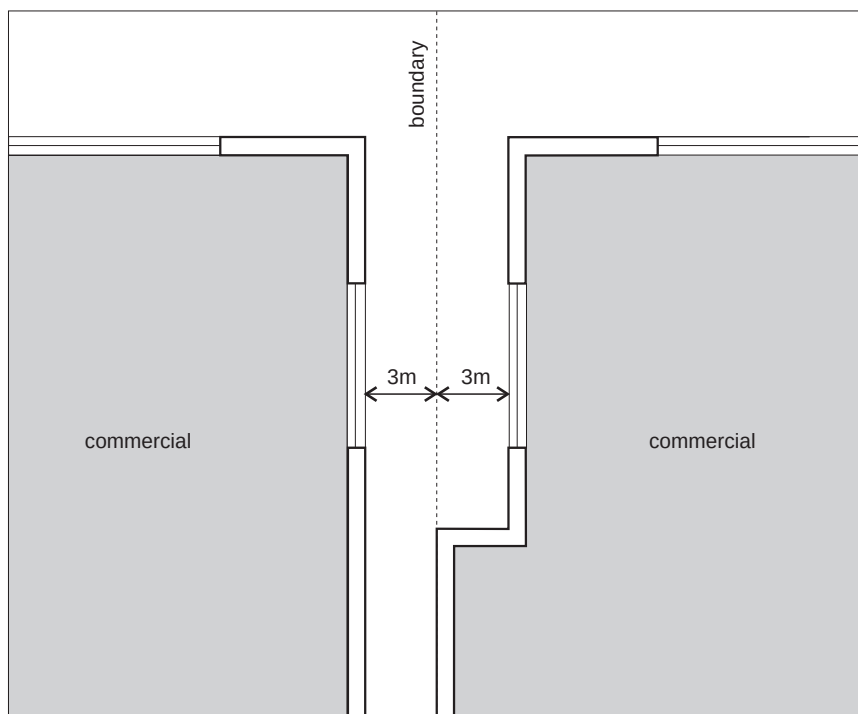


Figure 2.11

Plan of setbacks of commercial buildings above 45 metres on side and rear boundaries where windows are provided

- 2.3.8 **In new commercial buildings**, windows at the same level as the principal living room windows or balconies of adjacent residential buildings or above a height of 45 metres are to be set back from side and rear boundaries at least 3 metres. Walls without windows do not need to be set back.
- 2.3.9 Up to a height of 45 metres, the minimum setback from the boundary for **principal windows or balconies for residential buildings or serviced apartments** is to be 6 metres (see Figure 2.13). Above a height of 45 metres, a minimum setback of 12 metres is desirable for residential buildings or serviced apartments to help ensure visual privacy is achieved between dwellings (see Figure 2.14).
- 2.3.10 Above the floor level of the lowest dwelling, **principal windows or balconies of new residential buildings and serviced apartments** are to be set back at least 6 metres from side and rear boundaries.
- 2.3.11 **Setbacks of principal windows or balconies of mixed use buildings** are to be the distances specified for particular uses in 2.3.6, 2.3.7 or 2.3.8.
- 2.3.12 If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means, for example, the construction of screens (refer also to Section 6.1.10).
- 2.3.13 The above setback provisions are to be applied to proposed buildings with development consent as if they were built.
- 2.3.14 Side and rear setbacks to dwelling units and other development can be reduced by architectural features (such as bay windows, or splayed windows which achieve oblique outlooks) provided that:
- (i) a minimum separation between the main walls of 6 metres is maintained,
 - (ii) separation is between sections of building walls that include only service room windows,
 - (iii) views are available obliquely to site boundaries.

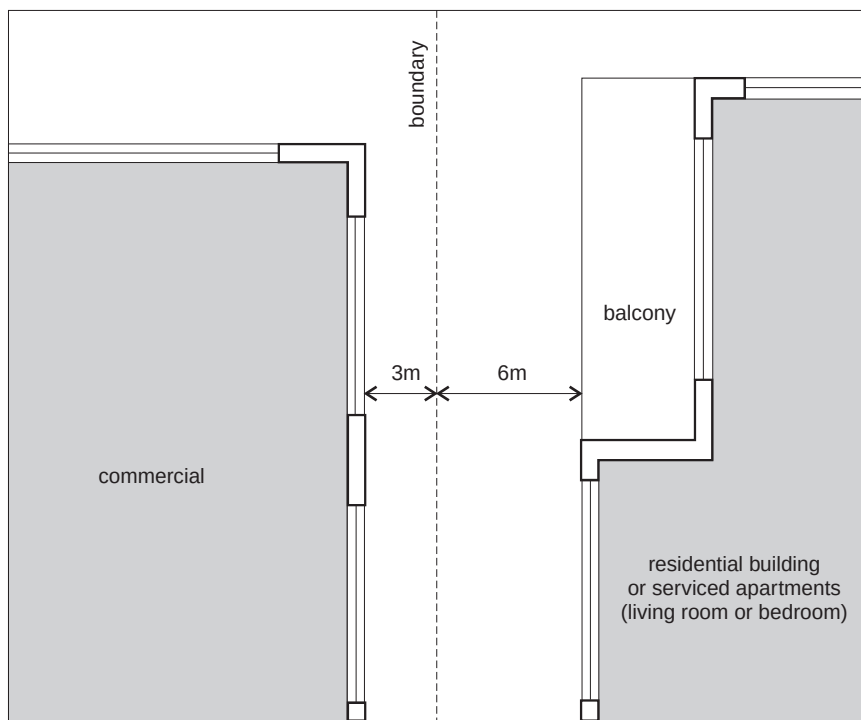
Setbacks for buildings adjoining or fronting lanes

- 2.3.15 **On sites adjoining or fronting lanes**, the minimum setback for residential buildings and serviced apartments is to be (see Figure 2.15):
- (i) up to four storeys - 6 metres from the opposite street frontage alignment,
 - (ii) higher than four storeys - 6 metres from the centre of the lane,
 - (iii) above 45 metres - 12 metres from the centre of the lane.

Smaller setbacks may be considered above four storeys on sites with a maximum building height of up to 25 metres.

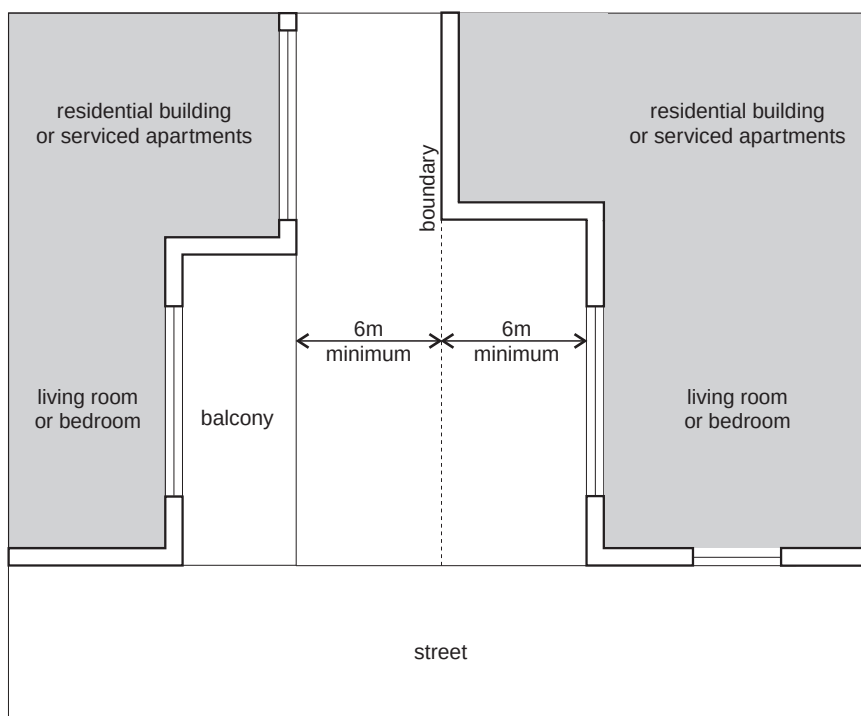
Setbacks for buildings on the same site

- 2.3.16 For buildings on the same site, minimum separation distances are to be as shown on Figure 2.16.



Plan of setbacks of commercial buildings and residential buildings or serviced apartments above 45 metres.

Figure 2.12



Plan of minimum setbacks between principal windows or balconies of residential buildings and serviced apartments on side and rear boundaries where windows are provided.

Figure 2.13

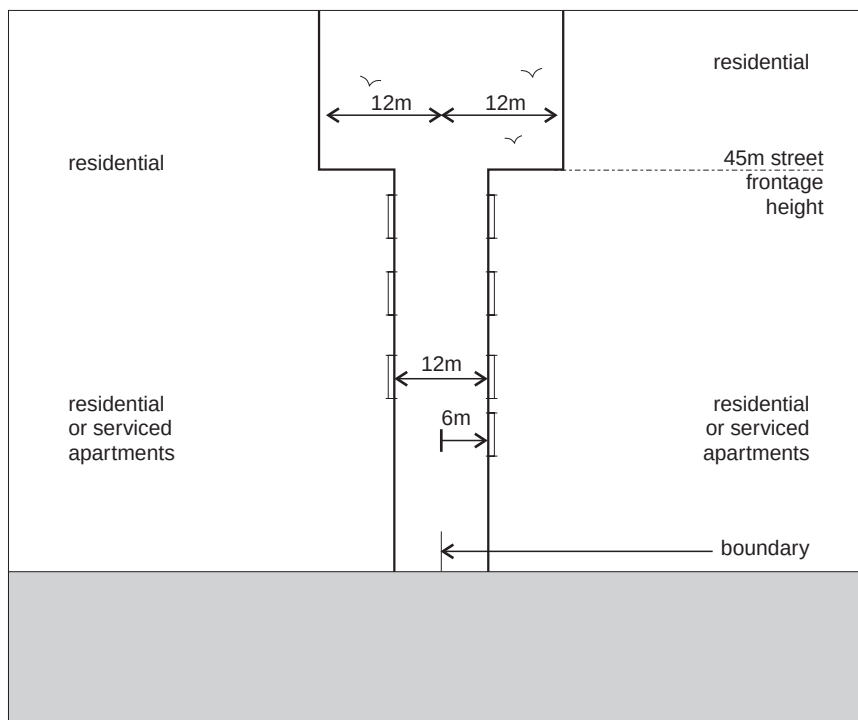


Figure 2.14

Section of desirable setbacks of principal windows or balconies of residential buildings and serviced apartments above 45 metres high where windows are provided.

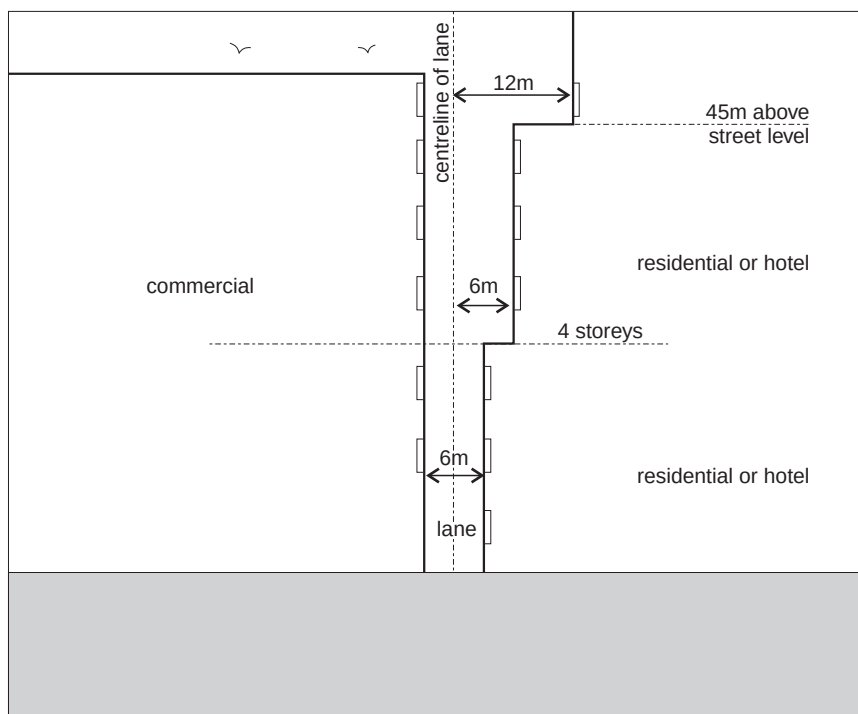
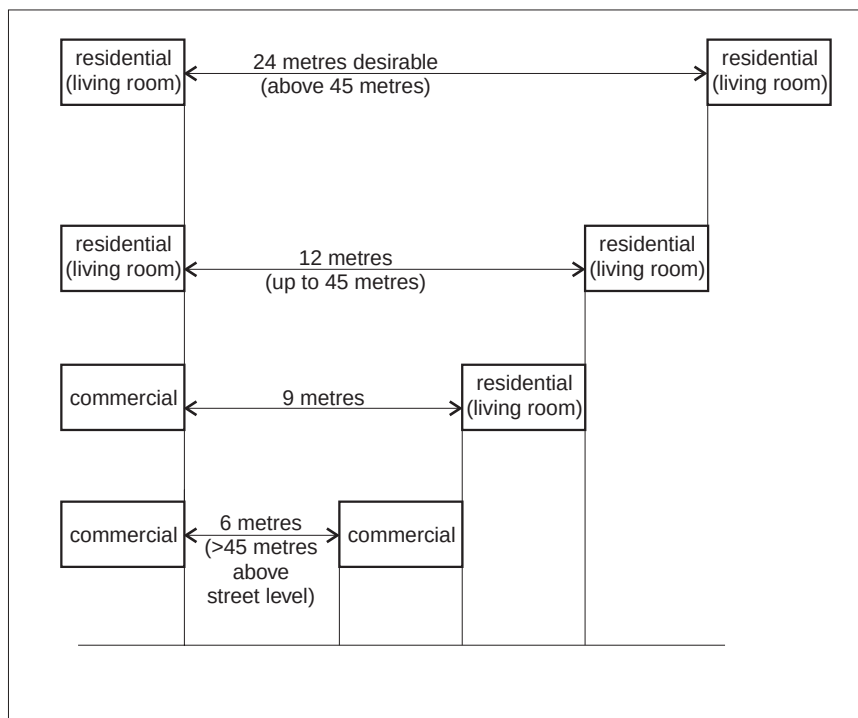


Figure 2.15

Section of setbacks for principal windows or balconies of residential buildings and serviced apartments adjoining lanes.



Window-to-window separation principles for buildings on the same site.

Figure 2.16

2.4 Street frontage heights and setbacks for special areas

Strategy

The *Central Sydney LEP 1996* identifies a number of Special Areas that contribute significantly to the character and quality of the public domain and to the distinctiveness of Central Sydney (see Figure 2.17).

Development in and adjacent to Special Areas should reinforce and enhance their character by complying with the nominated street frontage heights and setbacks. For setbacks of upper extensions to heritage buildings see Section 2.9 and the *Central Sydney LEP 1992 - Conservation of Heritage Items*.

Relevant LEP clauses: 12(c), 12(g), 12(g), 12(i), 12(o), 18(h), 29(1)(g), 49-51.

Objective

- To enhance the distinctive character of Special Areas with compatible development.

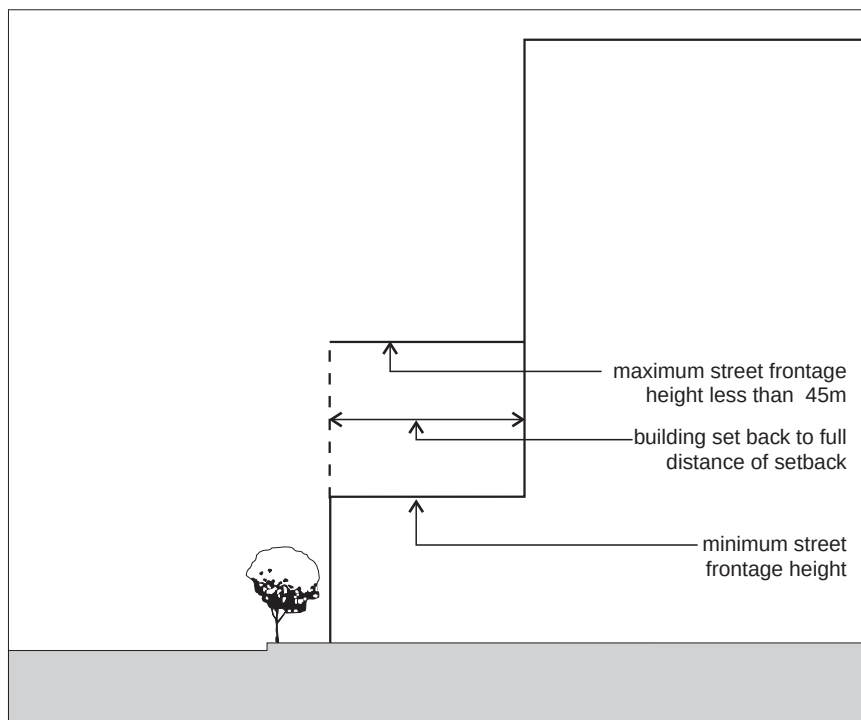
Provisions

- 2.4.1 The maximum and minimum street frontage heights and front setbacks for buildings in or adjacent to Special Areas are to be as set out in Table 2.1 to this clause and illustrated on Figures 2.20 to 2.25.
- 2.4.2 Where a street frontage height in or adjacent to Special Areas is less than 45 metres, any higher part of the building is to be set back the full distance of the setback. No stepped protrusions are permissible within the front setback area (see Figure 2.18).
- 2.4.3 For sites with a maximum building height of 55 metres which are adjacent to Special Areas, the street frontage height is to be 45 metres with a setback to the maximum building height (see Figure 2.19).



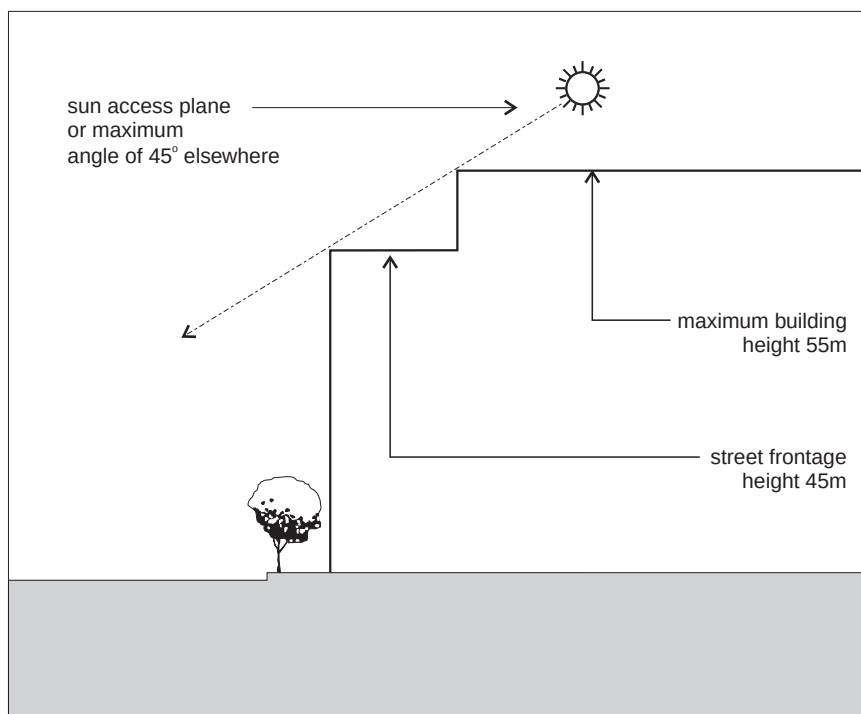
Special Areas such as Macquarie Place contribute significantly to the quality of the public domain.

Figure 2.17



Special Area setbacks.

Figure 2.18



A maximum street frontage height of 45 metres applies to sites with a maximum building height of 55 metres which are adjacent to Special Areas.

Figure 2.19

Table 2.1 Special Areas

Street Frontage Heights and Front Setbacks

Special Area	Maximum street frontage height	Minimum street frontage height	Setback above street frontage height
York Street	45m, or the street frontage height of the nearest heritage building (equal to or less than 45 metres) on the same side of the street block in which the site is located.	The street frontage height of the nearest heritage building on the same side of the street block in which the site is located, or 20 metres.	as per Sections 2.3 or 2.9
Institutional/ College Street East	Existing height	Height of the nearest heritage building on the same side of the street block in which the site is located.	as per Sections 2.3 or 2.9
Haymarket	20m, or the street frontage height of the nearest heritage building on the same side of the street block in which the site is located whichever is lesser, except for Harbour Street where the street frontage height may be 45m.	20m, or the street frontage height of the nearest heritage building on the same side of the street block in which the site is located, whichever is the lesser.	as per Sections 2.3 or 2.9
Wentworth Avenue East	15m	15m	as per Sections 2.3 or 2.9
Wynyard Park/ Lang Park	45m to south, east and west 30m to north	45m to south, east and west 30m to north	as per Figure 2.20
Pitt Street Mall	20m to east and west	20m to east and west	as per Figure 2.21
Martin Place	45m	35m	as per Figure 2.22
Macquarie Street Nth	45m	35m	as per Figure 2.23
Macquarie Street Sth	45m	35m	as per Figure 2.22
Bridge Street	45m	28m	as per Figure 2.24
Macquarie Place	35m	35m	as per Figure 2.24
Sydney Square	45m	20m	as per Figure 2.25



Figure 2.20

Special Area Setbacks
Wynyard Park/Lang Park



Extent of setback above street frontage height



Minimum setback in metres



Figure 2.21

Special Area Setbacks

Pitt Street Mall

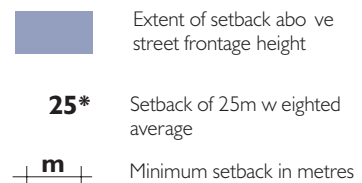


Figure 2.22

Special Area Setbacks
Martin Place and
Macquarie Street South

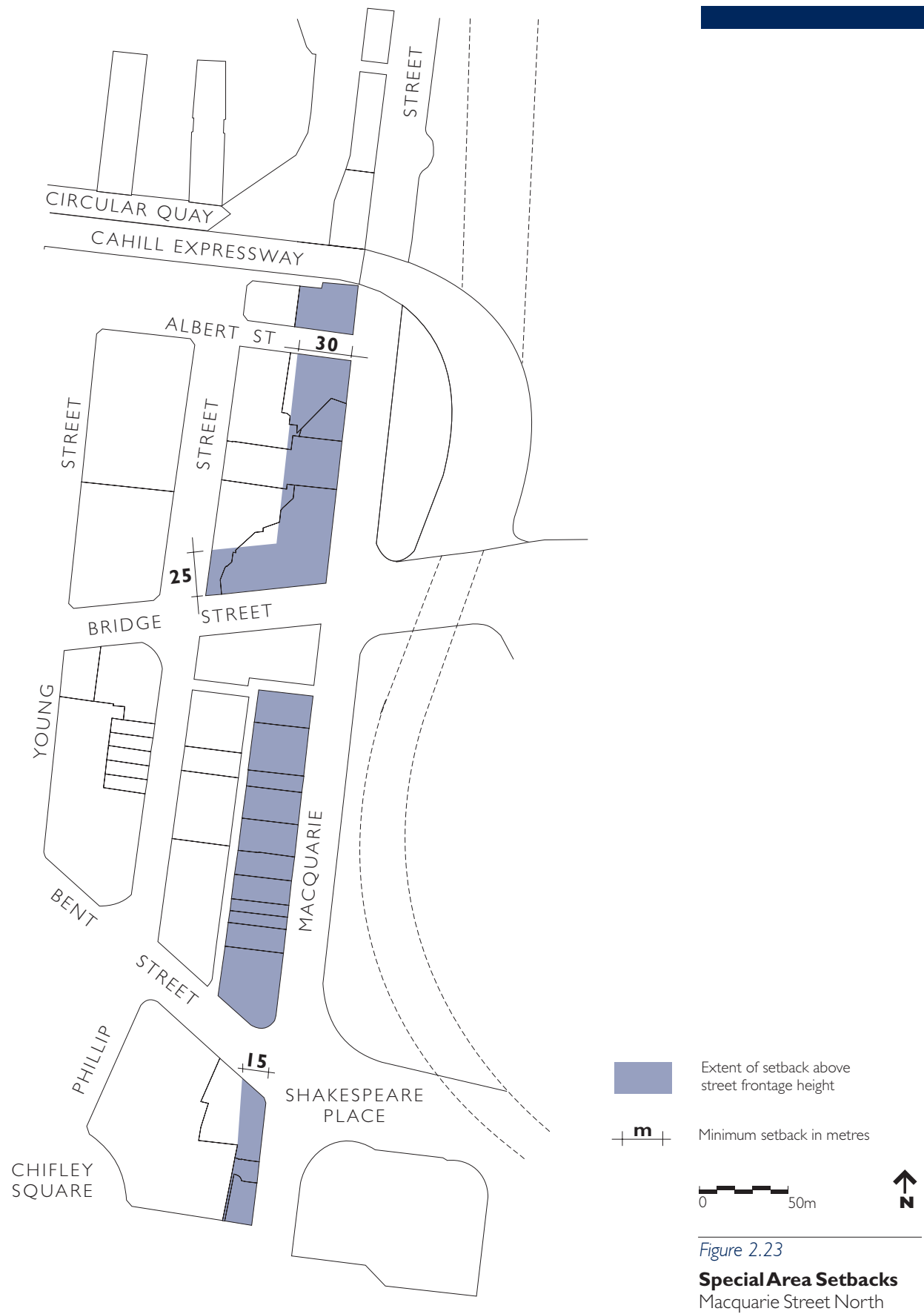
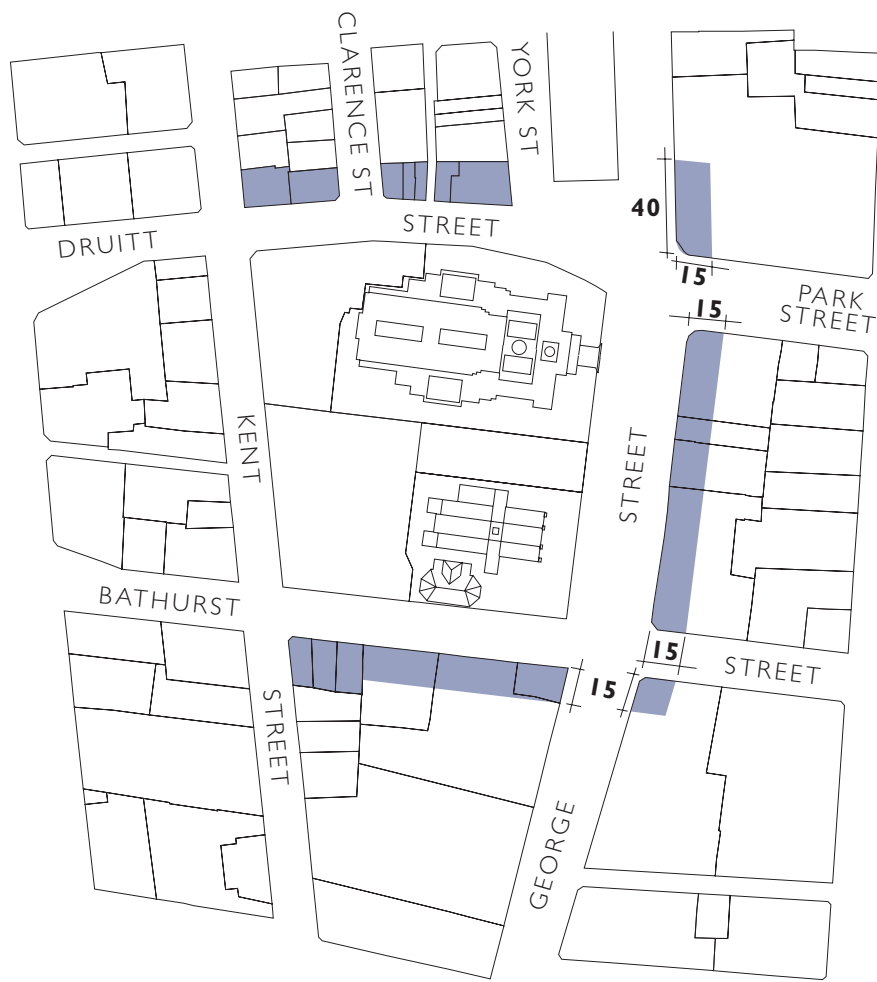




Figure 2.24

Special Area Setbacks

Bridge Street and
Macquarie Place



Extent of setback above street frontage height



Minimum setback in metres



Figure 2.25

Special Area Setbacks Sydney Square

2.5 Street frontage activities

Strategy

The diversity of activities at street level has declined in Central Sydney over the last three decades. The enclosed nature of the ground level of many office buildings and the internalisation of much retailing has contributed to this decline. It is important that the diversity of activities at street level is reinforced so that the attractiveness and liveliness of the public domain of Central Sydney is increased.

The retail area of Central Sydney should present itself and be reinforced as the primary retail centre in Australia.

Active street frontages are encouraged along all retail and/or pedestrian priority streets (see Figure 2.27), to maintain contact between the street and the interiors of buildings. This requires uses with direct access to the street such as retailing, customer counter services, cafes and restaurants, and other uses that interact with the public. Outdoor cafe and dining areas also contribute to active street frontages and are encouraged.

Active street frontages such as offices, residential accommodation, educational facilities, restaurants, and similar uses that allow interaction and provide transparency and visual contact with the street should extend above the ground floor level (see Figure 2.26).

In all streets other than retail streets or pedestrian priority streets (see Figure 2.27), a visually interesting street frontage is important, with attractive building entries, window displays, display cases, artworks, well detailed architecture, facade modulation, clear glazed windows, and transparent security screens. These are used to give the streetscape variety and diversity at the pedestrian level.

Objective

- To provide active frontages and pedestrian-oriented activities that add life to Central Sydney, particularly at ground level in the retail streets and major pedestrian streets.

Provisions

2.5.1 **Buildings with frontages to retail streets** (see Figure 2.27) are to contribute to the liveliness and vitality of those streets by:

- providing product retailing and/or food/drink outlets within all enclosed shopfronts,
- allowing for visual interest such as display cases on the external face of fire escapes, service doors and equipment hatches,
- minimising the extent and visual impact of building entrances, office lobbies, foyers, vehicle entrances and other entries not associated with retail and fire escapes, service doors and equipment hatches,
- providing three floors of retailing in the blocks bounded by George, Market, King and Castlereagh Streets. Where this is not practicable, the design of new buildings should provide connecting walk-throughs to adjacent sites at lower ground, ground and first floor levels, and should enable their conversion to retail at a later date.

Relevant LEP Clauses: 12(a), 12(e), 12(f), 12(h), 12(m), 18(k), 18(l), 19(2), 42, 47(c)

- (v) locating activities that may involve queuing (including automatic banking machines) behind building frontages so that footpaths remain free for pedestrian movement. Queuing space is to be within the building. Recesses in the street alignment for these activities are inappropriate,
- (vi) providing a high standard of finish for shopfronts.

2.5.2 **Buildings with frontages to major pedestrian streets** (see Figure 2.27) are to contribute to the liveliness and vitality of those streets by providing one or more of the following at ground level:

- (i) retailing, food/drink outlets, customer counter services or other activities which provide pedestrian interest,
- (ii) enclosed shopfronts with window displays of goods and services within, and/or artworks (see Figure 2.28),
- (iii) open shopfronts to food outlets and/or interiors with tables and chairs for diners,



Active street frontages should extend above ground floor level, as at the Catholic Club in Castlereagh Street.

Figure 2.26

- (iv) indoor queuing space for activities that may involve queuing (including automatic teller machines) so that footpaths remain free for pedestrian movement. Recesses in the street alignment for these activities are inappropriate.
- (v) a high standard of finish for shopfronts.

Non-retail uses at street level may not be approved in major pedestrian streets if the consent authority considers that there would be an over concentration of such uses or a fragmentation of the retail frontage.

2.5.3 **Buildings with frontages to all other streets and lanes** are to contribute to the liveliness and vitality of these streets by:

- (i) providing visual interest,
- (ii) providing well designed and attractive entrances, lobbies and commercial uses at ground level,
- (iii) incorporating, where practicable, either open or enclosed shopfronts with window displays of merchandise or services within, and/or artworks,
- (iv) providing enclosure on corner sites to define the corner.

2.5.4 Ground floor uses are to be at the same level as the footpath. Split level arcades or open retail forecourts at a different level to the footpath are inappropriate because they separate the activities within them from the street.

2.5.5 The ground floor of all development is to be flush with the street footpath for the predominant level of the street frontage and at the main entry to the building.

2.5.6 All street frontage windows at ground floor level are to have clear glazing.

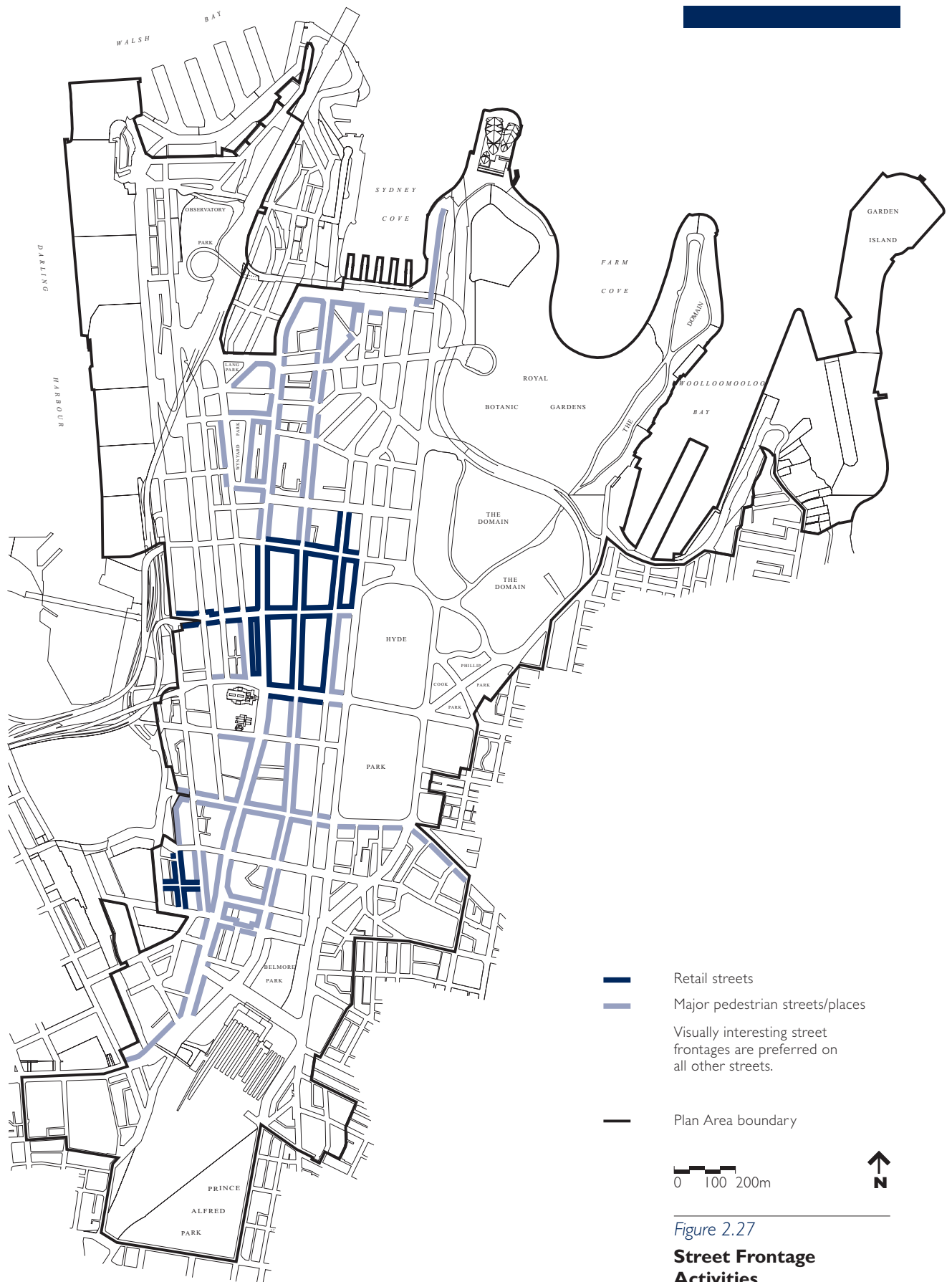
2.5.7 Enclosed shopfronts are preferred to open shopfronts, except for restaurants and where the latter is permissible.

2.5.8 Dining tables and chairs are generally permissible on the footpath along the street frontage of a site subject to compliance with the Council's Outdoor Cafe Policy available at Council's One Stop Shop.

2.5.9 Security grilles are to be fitted only within the shopfront. Such grilles are to be transparent.

2.5.10 Recesses for roller doors and fire escapes are to be wide and shallow to provide for personal security. Narrow, deep recesses are to be avoided.

2.5.11 Dining tables and chairs may be permitted on suitably designed spaces at awning level.





Attractive display cases at the Capitol Theatre add liveliness to the streets.

Figure 2.28

2.6 Building bulk

Strategy

Sydney is known internationally for its temperate climate and pleasant outdoor conditions for much of the year. A proliferation of very tall, bulky buildings would create additional overshadowing to the streets and adversely affect the quality and amenity of the streets for pedestrians. Controlling the size of upper level floorplates in new buildings will reduce some of the adverse effects that very tall buildings have on the public domain at ground level.

Relevant LEP clauses: 12(f), 12(i), 12(m), 12(o), 18(c), 18(g), 29 (1)(c)

Objective

- To reduce adverse impacts on the public domain at ground level by controlling the size of upper level floorplates of buildings

Provisions

Commercial buildings

- 2.6.1 Above a height of 120 metres, the size of the floorplate of commercial buildings is not to exceed 1,400 square metres FSA, or 25% of the site area, whichever is greater (see Figure 2.29).

Residential buildings and serviced apartments

- 2.6.2 For residential buildings or serviced apartments higher than 45 metres (see Figure 2.30):
- (i) the size of the floorplate above street frontage height is not to exceed 1,200 square metres FSA;
 - (ii) the maximum horizontal dimension of the building parallel to the street frontage is to be 40 metres. (Where the proposed residential building is part of a heritage building or is to be located in a heritage streetscapes, refer also to Section 2.9.)

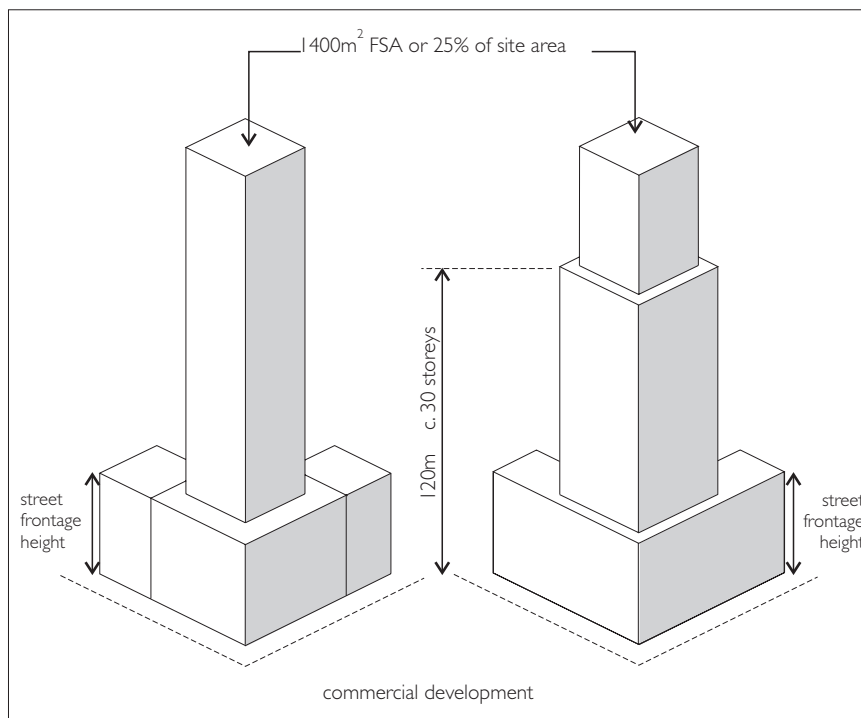


Figure 2.29

Design options for tower buildings to reduce building bulk.

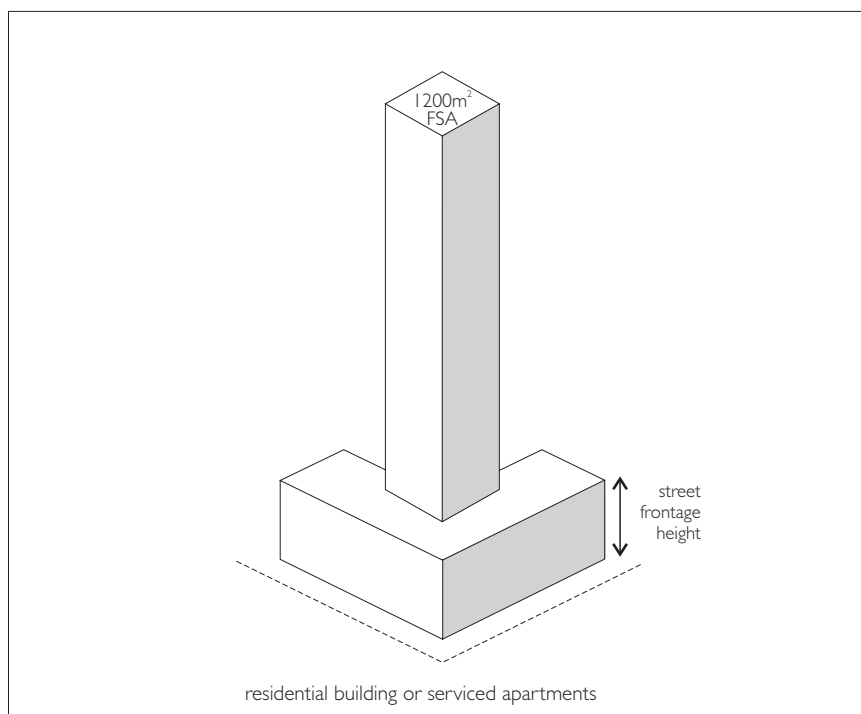


Figure 2.30

New tall residential buildings are to have floorplates of not more than 1,200 square metres FSA to provide residential and pedestrian amenity,

2.7 Building exteriors

Strategy

Central Sydney's cityscape and public domain is defined by its buildings, streets and public places. The quality of these places both reflects and is influenced by substantial private and public investment in Central Sydney. The maintenance and improvement of the public domain is dependent on a consistent approach to the design of new development including the articulation and finish of building exteriors.

Relevant LEP clauses 12(f), 12(h), 12(i), 12(m), 12(o), 18(c), 18(g), 42, 46(3)(g).

Objectives

To ensure that new buildings in Central Sydney:

- contribute positively to the streetscape by means of high quality architecture,
- provide richness of detail and architectural interest especially at visually prominent parts of buildings such as lower levels and roof tops.
- present appropriate design responses to nearby development that complement the streetscape (see Figure 2.31),
- clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security,
- maintain a pedestrian scale in the articulation and detailing of the lower levels of the building,
- contribute to a visually interesting skyline.

Provisions

- 2.7.1 Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of:
- (i) building to the street alignment,
 - (ii) street frontage heights (see Figure 2.5),
 - (iii) setbacks above street frontage heights,
 - (iv) facade proportions including horizontal or vertical emphasis and
 - (v) the provision of enclosed corners at street intersections.
- 2.7.2 Building exteriors are to be designed with regard to the following criteria:
- (i) the predominant masonry character and articulation of Central Sydney is to be reinforced, particularly at lower levels of buildings,
 - (ii) materials used (including glass) are to be predominantly light in colour to gain better quality reflected light into the streets and to reflect the characteristic light colours of Central Sydney,
 - (iii) extensive expanses of blank glass or solid wall are to be avoided. Where development exposes the blank side of an adjoining building, a visually interesting treatment should be applied to that wall.
- 2.7.3 Minor projections from building walls (beyond those permitted by the Building Code of Australia) that extend into the public space are permitted providing there is a public benefit and that the projections do not detract from significant views and vistas. Examples of such projections are (see Figures 2.33 and 2.34):

- expressed cornice lines that assist in enhancing the streetscape,
 - other projections such as entry canopies and bay windows that give visual interest.
- 2.7.4 Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.
- 2.7.5 The siting and configuration of buildings should take into account the impact on surrounding development and public spaces in terms of amenity, shadowing, visual privacy and view sharing for residential buildings (see Figure 2.35).



Figure 2.31

The design of building exteriors should contribute positively to the streetscape.



Figure 2.32

Street frontage heights of buildings are to have regard to adjacent heritage buildings.

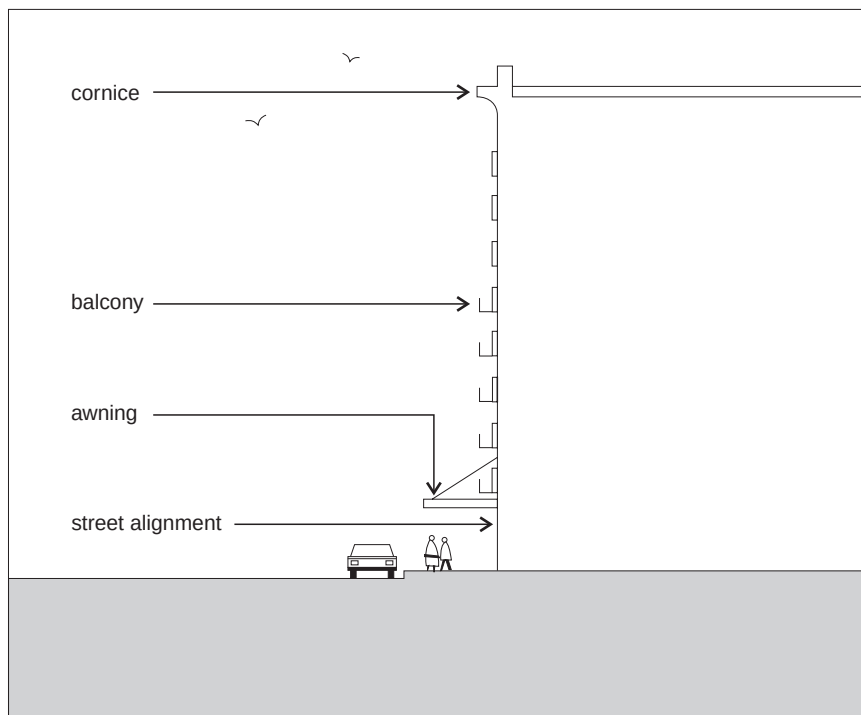


Figure 2.33

Minor projections of a building may intrude into the street space.

- 2.7.6 The tops of buildings are to be designed so that they:
- (i) integrate with the design of the building and conceal plant and equipment (see Figure 2.36),
 - (ii) provide a minimum step height of two storeys (see Figure 2.37),
 - (iii) promote a visually distinctive and interesting Central Sydney skyline.
- 2.7.7 Any alteration, extension or replacement of an existing building that penetrates above a sun access plane is to comply with the relevant height and sun access provisions of the LEP.



Figure 2.34

This minor projection from the wall of the Museum of Sydney contributes to the design quality and interior use.

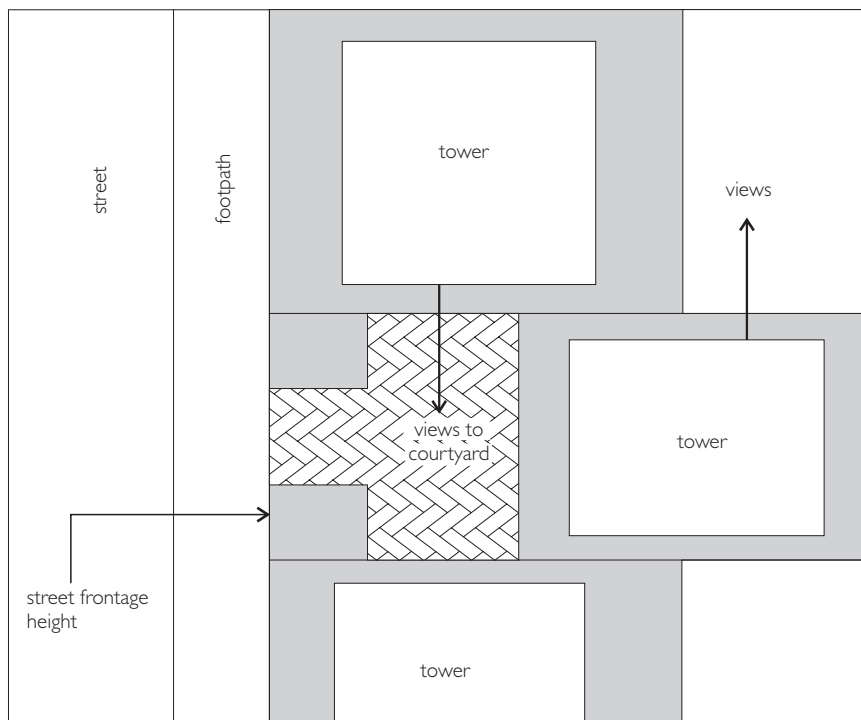


Figure 2.35

Siting buildings to share views and provide outlook and privacy where site configuration and provisions of this DCP permit.

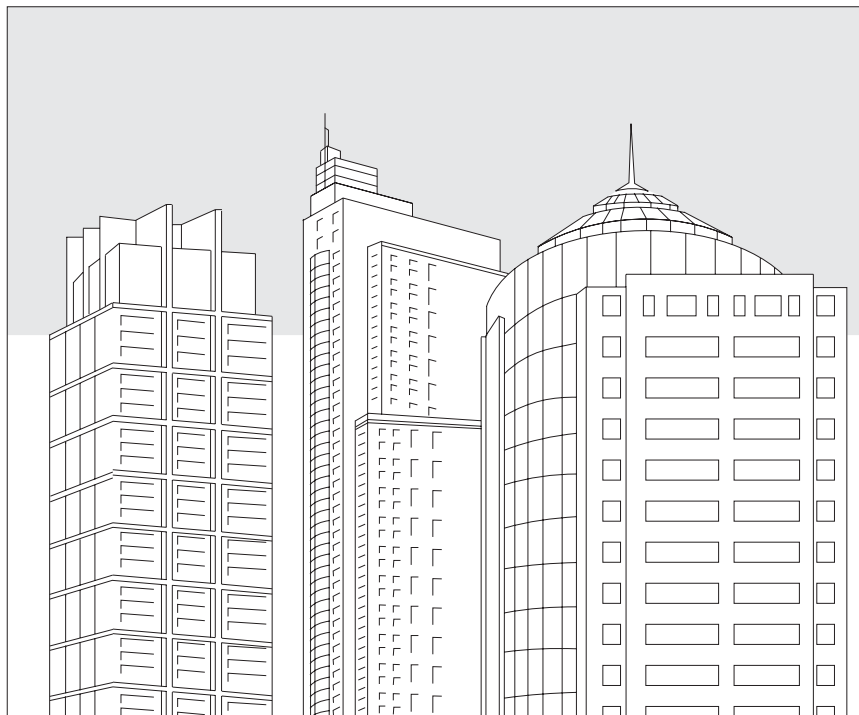


Figure 2.36

The tops of buildings should be integrated with the overall design of the building.

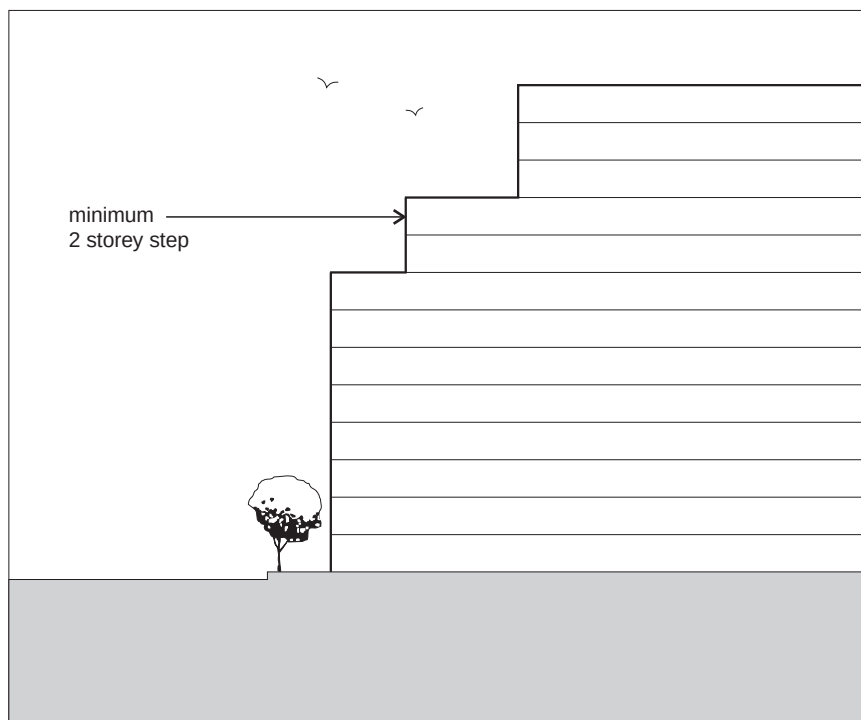


Figure 2.37

Where habitable floors at the tops of buildings are proposed to be stepped, then the minimum height of the step is to be 2 storeys.

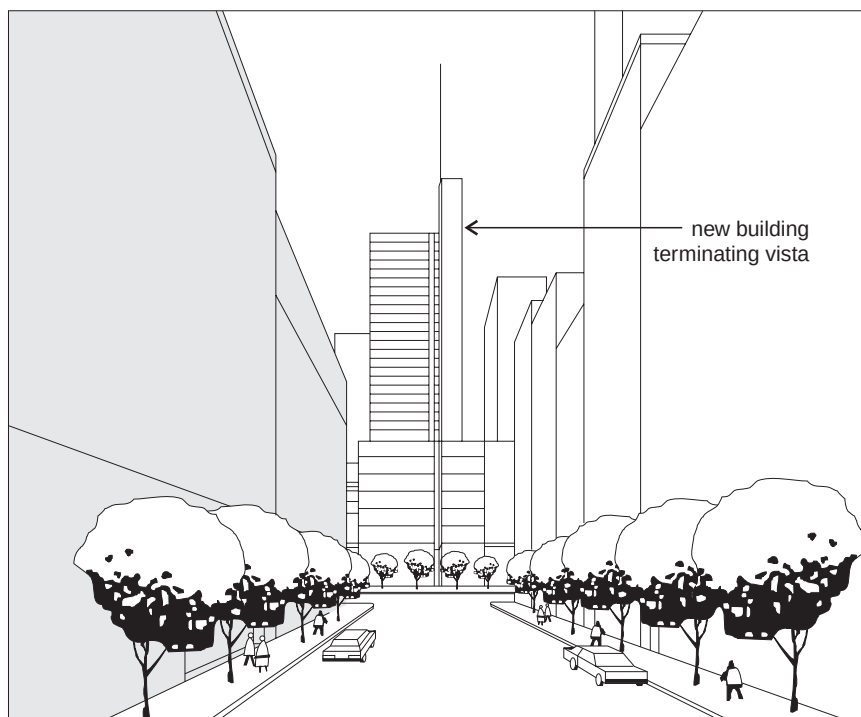


Figure 2.38

New buildings terminating vistas should be designed to enhance that vista.

2.8 Views

Strategy

Central Sydney is known for its magnificent harbour and parkland setting. It is important that views to Sydney Harbour and parks be maintained from as many points as possible at street level. In the redevelopment of some sites consideration should be given to opening up new significant views. Views are regarded as significant when they terminate at Sydney Harbour, parklands, low level sky or a publicly significant object such as the Harbour Bridge.

Vistas are views along streets that are terminated by buildings. Vistas can be enhanced with sensitive design of the visually prominent buildings that terminate them. The siting and design of new buildings should maintain existing vistas along streets to places of architectural, landscape, or cultural significance.

A silhouette is the outline of a building against the sky. The silhouettes of the tops of many heritage buildings are significant and contribute to the unique character of Central Sydney. Significant silhouettes should be carefully considered where a development could potentially encroach upon them (for example, when a development is behind a silhouette). In circumstances where it is not possible to avoid encroaching on a significant silhouette, the proposed development should be carefully designed so that its appearance does not compete with the silhouette.

Objectives

- To maintain and enhance views from Central Sydney to the harbour and surrounding parklands and significant objects.
- To enhance vistas along city streets by sensitive building design.
- To protect silhouettes of the tops of major heritage buildings as seen against the sky.

Provisions

- 2.8.1 No development is to encroach on significant views or silhouettes (see Figure 2.39).
- 2.8.2 Taking into account other provisions of this DCP, the siting and design of new buildings that open up significant views from the public domain will be encouraged (particularly views to Sydney Harbour).
- 2.8.3 Special care is required in the design of buildings that terminate vistas or encroach on significant silhouettes (see Figures 2.38, 2.39, 2.40 and 2.41).

Relevant LEP clauses: 11(a), 12(f), 12(g), 12(h), 12(i), 12(m), 12(o), 18(h), (29)(1)(i).

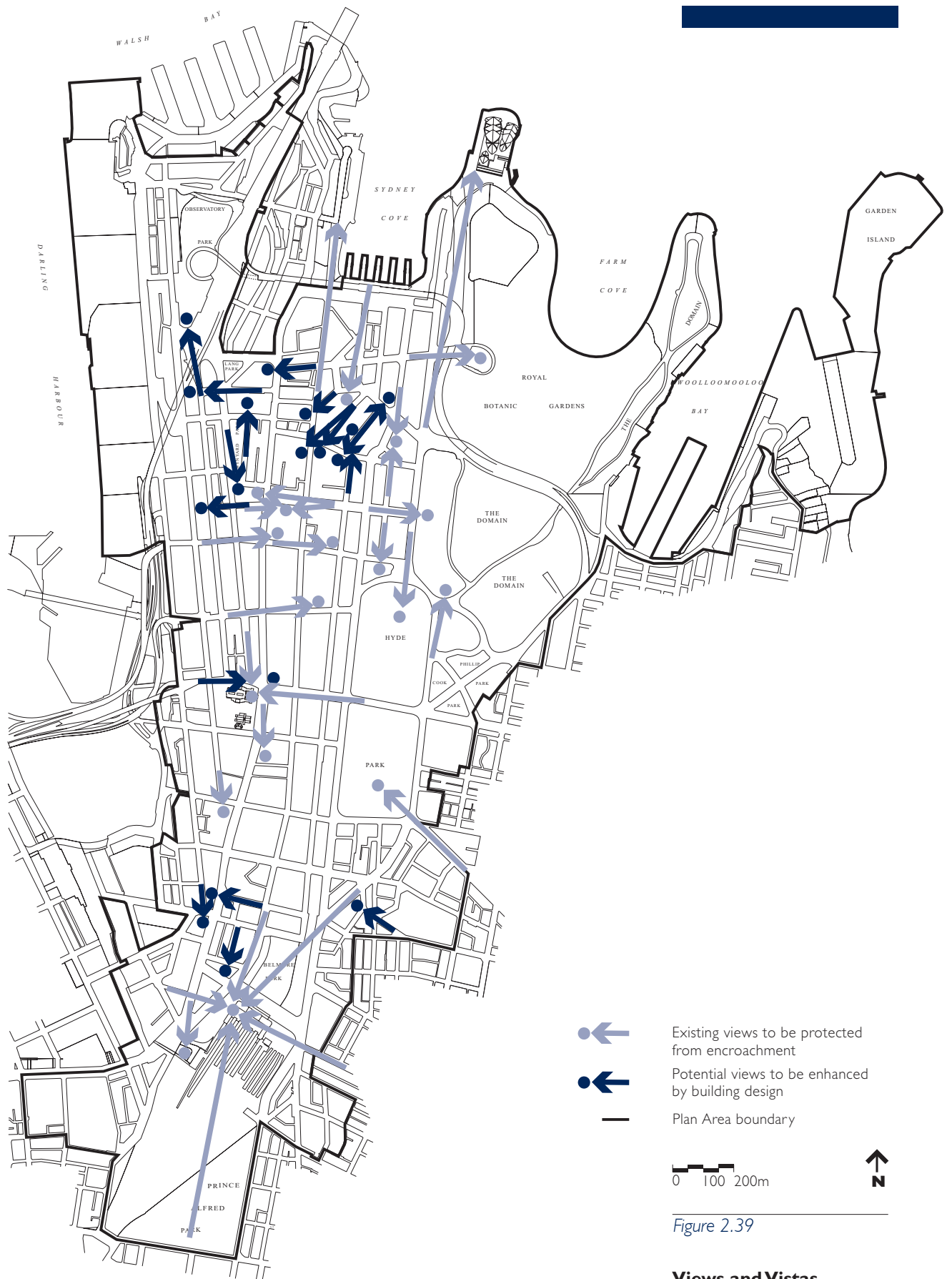


Figure 2.39

Views and Vistas

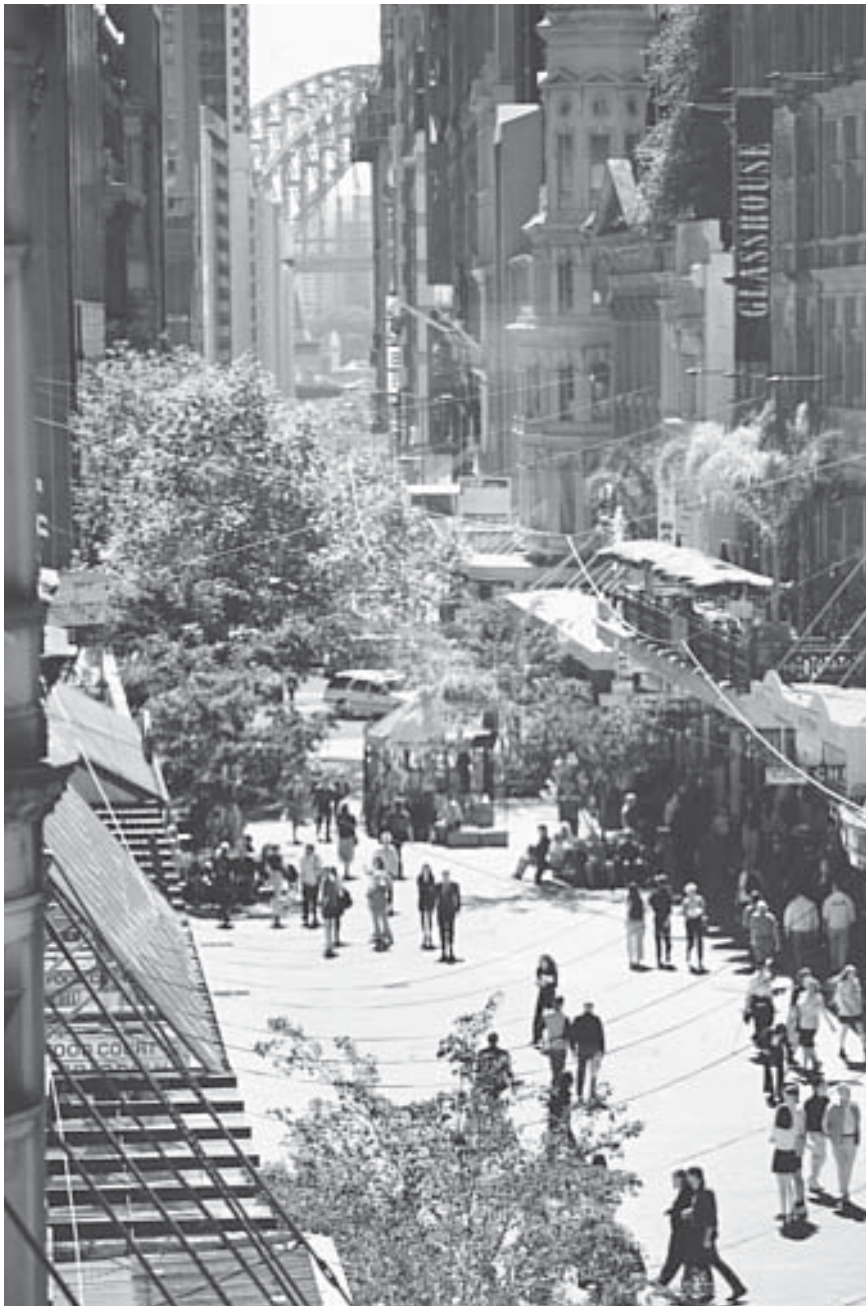


Figure 2.40

Views from within the city centre such as along Pitt Street to the harbour setting are to be maintained.



Figure 2.41

Silhouettes of the towers of major heritage buildings such as the clocktower of Central Railway Station should continue to be seen from public places.

2.9 Extensions to heritage items

Strategy

Heritage items are usually best conserved in their entirety (see Figure 2.42). Refurbishment, extensions and new development adjoining a heritage item should be designed to respect and complement its style, form, proportions, materials and colours. In a few cases and subject to a Conservation Plan, new development may incorporate a heritage item. In this situation, a substantial setback to the new development will be required. This setback should be sufficient to enable the heritage item to appear complete as a separate building, not a facade, when viewed from the street.

An incentive for conserving heritage buildings which are not incorporated into a development site is provided through the Award and Allocation of Heritage Floor Space (see Section 7). This award is available to heritage buildings on Schedule I of *Central Sydney LEP 1992 - Conservation of Heritage Items*, only if the heritage building is conserved in its entirety or with minor extensions consistent with a Conservation Plan.

Objective

- To conserve heritage items in their entirety and use them in a manner appropriate to their heritage significance.
- To ensure that any extensions to or new development adjoining a heritage item complement its style, form, proportions, materials and colours.

Provisions

Heritage Impact Statement or Conservation Plan

- 2.9.1 Any development involving a heritage item listed in the *Central Sydney LEP 1992 - Conservation of Heritage Items* requires preparation of a Heritage Impact Statement or Conservation Plan.

Style and height of extensions

- 2.9.2 Where, in the opinion of the consent authority, and where a Conservation Plan indicates that the building is of such heritage significance as to warrant its retention in its current form, **no extensions will be permitted.**
- 2.9.3 Where, in the opinion of the consent authority, upper extensions are possible to a heritage item, such extensions are to be designed with sensitivity to the heritage qualities of the heritage item.
- 2.9.4 Where a Conservation Plan indicates that an upper extension to a heritage item should only be undertaken without a setback, the upper extension is to be designed and detailed in the traditional manner by replicating the design and detailing of the heritage building so that the addition appears as a 'seamless' extension to the original building. The height of upper extensions is to be determined by the consent authority having regard to a Conservation Plan.
- 2.9.5 Where a Conservation Plan indicates that upper extensions to a heritage item should only be undertaken with a setback, the setback is to be a minimum of 10 metres. A greater setback may be required in accordance with the Conservation Plan (see also Sections 2.2 and 2.3).

Awnings and shopfronts

- 2.9.6 New awnings and shopfronts to heritage buildings are to be sympathetic in style to the building of which they are a part.

Relevant LEP clauses 12(g), 12(i), 12(n), 18(i), 18(j), 20(h), 22(d), 24(c), 26(c), 29 (1)(f), 49-51.



Heritage buildings are best conserved in their entirety. The former Mark Foy's department store has been conserved and reused as the Downing Centre court complex.

Figure 2.42

2.10 Temporary use and appearance of vacant sites and buildings

Strategy

In recent years, many building sites in Central Sydney have been left vacant after demolition or where construction has stopped. This has had a negative effect on the quality of the public domain, and on businesses and residents surrounding these sites. Street frontages that are vacant for extended periods have similar negative effects. There is a need to improve the appearance of such sites and, where practicable, ensure on-going temporary active uses and/or landscaping at the street frontage is provided.

Buildings should not have vacant street frontages for extended periods. Temporary uses to the street frontage should be introduced until permanent uses are implemented (see Figure 2.43). It is important that construction sites and vacant sites present an attractive appearance to the streets and public areas in order to enhance the amenity of Central Sydney.

Objective

- To enhance the streetscape and amenity of an area by requiring vacant sites or vacant buildings to provide temporary uses along any street frontages at ground level.

Provisions

- 2.10.1 The consent authority may require temporary works to be undertaken as a specified condition of development consent if:
- (i) a building or site remains vacant for 6 months after development consent,
 - (ii) there is suspension in activity for 6 months (or an aggregate of 6 months) after commencement of construction.
- 2.10.2 Temporary works on vacant sites or sites where construction activity has been suspended are to enhance the streetscape. These works may include the construction of temporary buildings for short term retail or commercial use, landscaping of vacant sites or the provision of hoardings designed by a professional artist (see Figure 2.44).
- 2.10.3 Where temporary uses of vacant buildings or sites are proposed, these are required to be at least along the street frontage at ground level.
- 2.10.4 Car parking will not be permitted as a temporary use for a vacant site.

Relevant LEP clauses 11(a), 12(f), 12(i), 12(m), 12(o), 52(1), 52(2)



Figure 2.43

Temporary retail or other uses on vacant sites such as this golf driving range on a vacant site in Pitt Street can enhance the streetscape and provide an active street frontage.

2.11 Opportunity sites

Strategy

A number of buildings in Central Sydney are identified as *Opportunity Sites* (see Schedule 7 of the LEP). Opportunity sites are sites with freestanding buildings where the infilling of setback spaces or the undertaking of other improvements would enhance the streetscape and improve pedestrian amenity (see Figures 2.44 and 2.45).

Relevant LEP clauses 12(f), 12(g), 12(i), 12(m), 42(1-3)

To encourage infilling and better design, the consent authority may allow such sites to achieve an FSR higher than the relevant specified maximum FSR.

Objective

- To encourage certain buildings to improve their contribution to the streetscape and amenity of the adjacent public domain.

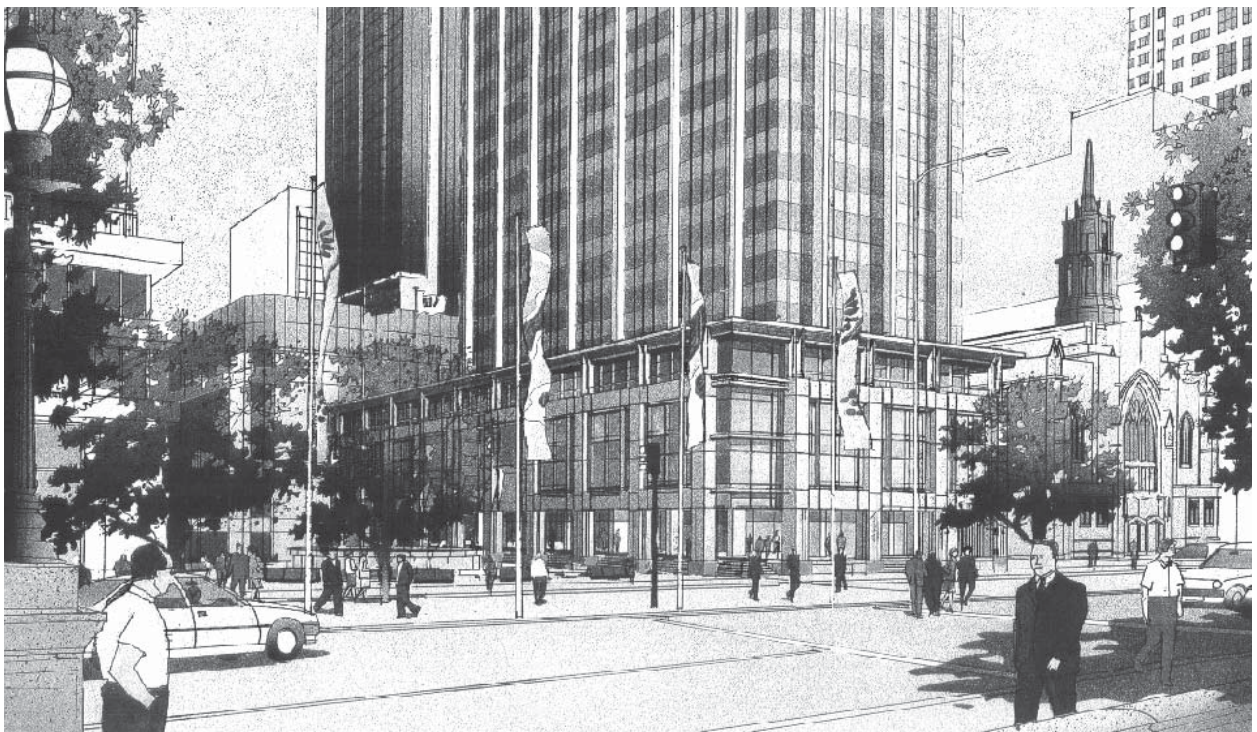
Provision

2.11.1 Infilling of a colonnade or additions to the lower levels of existing buildings identified in the LEP as Opportunity Sites are to conform to the requirements of this DCP and any Council policy on the development of Opportunity Sites.



The Westpac site at 2 Martin Place is identified as an Opportunity Site.

Figure 2.44



Proposed infilling of the setback area of the Westpac site at 2 Martin Place is an example of the application of the Opportunity Sites provision.

Figure 2.45

2.12 Design guidelines for significant sites

Strategy

There are a small number of sites in Central Sydney where development will have particular implications for the quality of the public domain. They include:

- 2.12.A the GPO site,
- 2.12.B East Circular Quay,
- 2.12.C the former Sydney Eye Hospital.
- 2.12.D 252 George Street (former George Patterson House) and adjoining development at 248 George Street,
- 2.12.E Kens site - bounded by Kent, Sussex, Napoleon Street and Sussex Lane,
- 2.12.F 108-120 Pitt Street (Commonwealth Bank "Money Box" Site).
- 2.12.G APDG site – bounded by Alfred, Pitt, Dalley and George Streets.

The consent authority has developed specific design guidelines for these sites. It may also develop specific design guidelines for other sites, including sites of substantially damaged heritage buildings. Development of significant sites is to comply with the specific guidelines set out below and all other relevant provisions of this DCP.

The **GPO** is one of Sydney's most significant public buildings. It occupies a prominent position on the south side of the ceremonial block of Martin Place, between Pitt and George Streets (see Figure 2.46). The consent authority wishes to ensure that the significant character of the GPO and its setting are maintained and enhanced in any redevelopment of the building and adjacent sites. The design guidelines also take into account the need to maintain sun access into the Pitt Street Mall at nominated times.

East Circular Quay is one of the most prominent sites in Central Sydney and its redevelopment has attracted much public interest over many years. After an Ideas Quest in 1992, planning and design principles were determined to guide the future development of all privately-owned land at East Circular Quay. The principles are intended to be broad enough to facilitate creative design solutions but at the same time to preserve the view and height objectives for the area.

The **former Sydney Eye Hospital** is a publicly-owned building that has the potential to be redeveloped in the lead up to the 2000 Olympic Games. The northern part of the site contains a Schedule 1 heritage building while the southern part is adjacent to another Schedule 1 heritage building known as Cathedral Terrace. On the western side lies The Domain and the Art Gallery of New South Wales. The eastern side is flanked by the low-rise mixed use areas of Woolloomooloo. The site is highly exposed to the large volumes of traffic on both Sir John Young Crescent and Crown Street.

Objective

- To provide detailed design guidelines for certain sites that are particularly important for the quality of the public domain and surrounding area.

DCP Amendment No.7
 Relevant LEP clauses 12(f),
 12(g), 12(i), 12(m), 12(n),
 18(c), 18(g), 18(i), 20(b),
 20(h), 29(1)(c), 29(1)(g),
 29(1)(h), 32(1), 32(2), 48
 DCP Amendment No.19
 DCP Amendment No.20



Figure 2.46

Site specific design guidelines will help to protect the character of the GPO, one of Sydney's most significant public buildings

Provisions

2.12.A The GPO site

- AI.1 The development of the GPO site is to be in accord with the development control envelope illustrated in Figure 2.47.

2.12.B East Circular Quay

Form

- BI.1 A tower building is not acceptable on any part of the precinct.

Height

- B2.1 The height of any proposed development should be consistent with all other design guidelines for East Circular Quay.
- B2.2 The height limit north of the Moore Stairs is RL 45 maximum with an average height of RL 36.
- B2.3 The maximum height limit south of the Moore Stairs is RL 46.7.

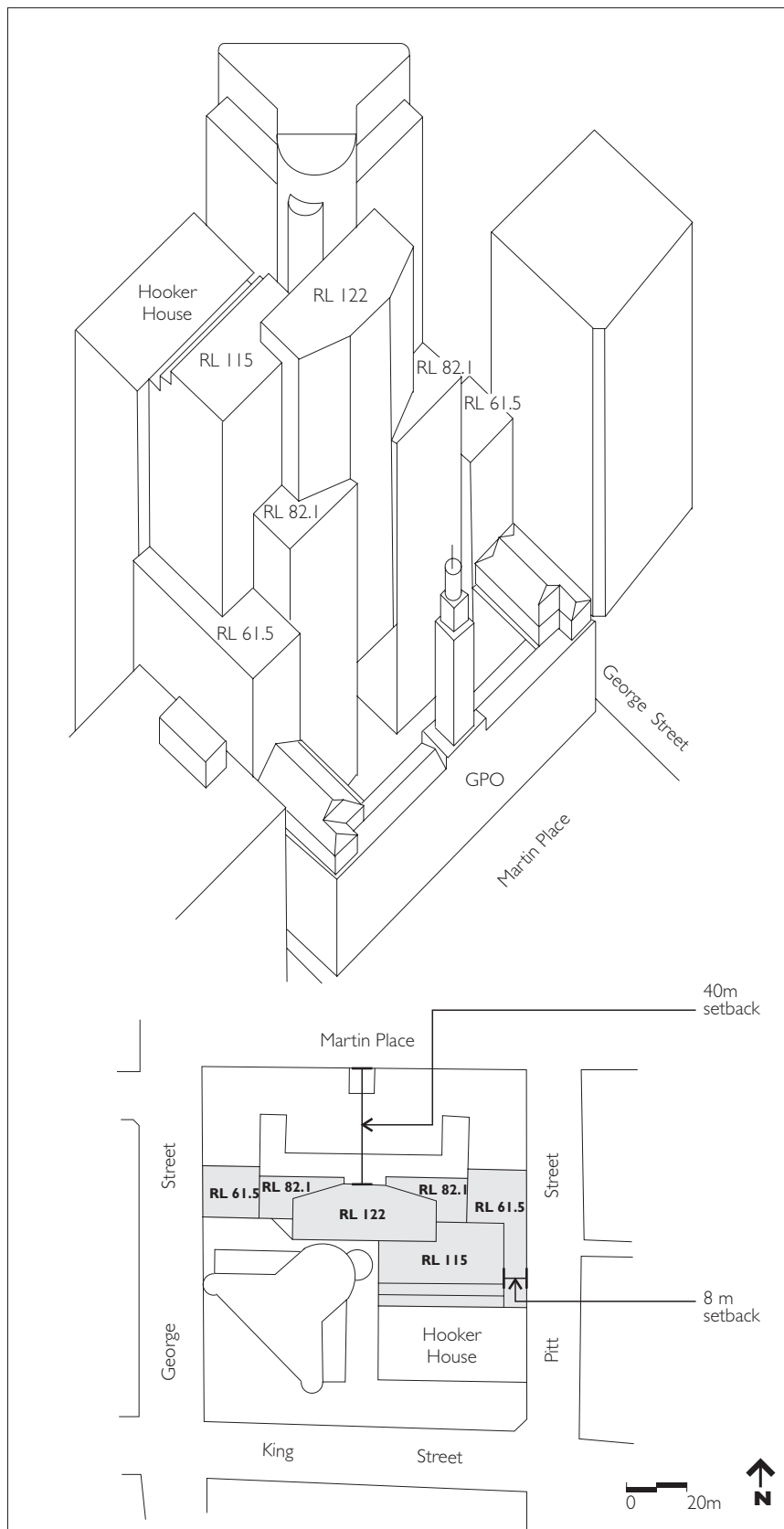


Figure 2.47

GPO site development control envelope

Views

- B3.1 Significant views are to be provided from West Circular Quay and The Rocks area to the former Government House and the Royal Botanic Gardens through or between buildings.
- B3.2 In any proposed streetscape works along Macquarie Street, existing views of Sydney Harbour and the Opera House should be preserved.
- B3.3 Views from and to the Opera House over the Circular Quay area and southwards to the city are significant and should be taken into account in any design for East Circular Quay.

Use of the Roadway

- B4.1 Some of the roadway and footway of East Circular Quay may be used for development (subject to Council's concurrence), in order to achieve the new reduced height limits and to provide substantial public and cultural facilities. Uses for this purpose will be dependent upon the achievement of a coordinated development.
- B4.2 The extent of the roadway which may be available for use is subject to Council concurrence and will depend on the final design and the extent and nature of public and cultural facilities provided.
- B4.3 The maximum width of the site available for any development is subject to detail design considerations, and is 27m wide, extending on the east side from the building alignment of Macquarie Street.
- B4.5 A colonnade is required along the full frontage of East Circular Quay, two storeys in height and not less than 6m wide.

Design

- B5.1 The new buildings should make a positive contribution to the urban design of the precinct and respond to the outstanding attributes of the site. The design of the buildings should take the following into account:
- (i) materials used should be light in colour.
 - (ii) the form, scale and the architectural treatment of the elevations should enhance the appearance of Circular Quay and add to its unique and distinctive character.
 - (iii) along the Circular Quay frontage, the building form should be modulated to provide comfortable pedestrian environment and scale.
 - (iv) as the buildings' roof tops will be highly visible, particular care should be given to their design.

Ground and Lower Floor Uses

- B6.1 Ground and lower floor uses along East Circular Quay are to contain a variety of active uses such as restaurants, retail, entertainment and cultural and tourist facilities. These are to be publicly accessible, facilitate pedestrian use and should contribute to the day-time and night-time vitality of the Quay precinct.

Public Spaces

- B7.1 The design of the public spaces around any building is to ensure that such spaces are integrated with the overall design of the building.

Moore Stairs

- B8.1 The setting and heritage significance of Moore Stairs is to be enhanced and protected in any development and should continue to provide a primary pedestrian connection between East Circular Quay, Macquarie Street and the Royal Botanic Gardens.

Land under Macquarie Street

- B9.1 Use of available land under Macquarie Street for development may be considered for the possible incorporation of cultural and other public use (subject to concurrence of the Consent Authority and the State Government). Public access to cultural uses may be required on the site.

Shadows

- B10.1 Shadow patterns which affect the former Government House, its grounds, The Domain and the Royal Botanic Gardens should be reduced where possible.

Vehicular Access and Car Parking

- B11.1 All vehicular access to the development north of Moore Stairs is to be from Macquarie Street. Access to development south of Moore Stairs is to be from Macquarie Street or from the southern end of East Circular Quay.

2.12.C Former Sydney Eye Hospital Site

Area

The former Sydney Eye Hospital site is bounded by Sir John Young Crescent, Crown Street, and the property boundary with Cathedral Terrace which fronts Cathedral Street (see Figure 2.49).

Objectives

The objectives of these guidelines are to ensure that new development:

- (i) integrates with the existing heritage building on the northern part of the site,
- (ii) minimises additional overshadowing on nearby residential areas, especially Cathedral Terrace,
- (iii) provides appropriate setbacks for development above the street frontage,
- (iv) integrates with the scale of nearby development.

Heritage Buildings

- C1.1 The Sydney Eye Hospital Building, which is listed in the *Central Sydney Local Environmental Plan - Conservation of Heritage Items 1992*, is to be conserved in accordance with the findings of a Conservation Plan.

Maximum Height

- C2.1 The height of development on the site is to be no higher than 22m.

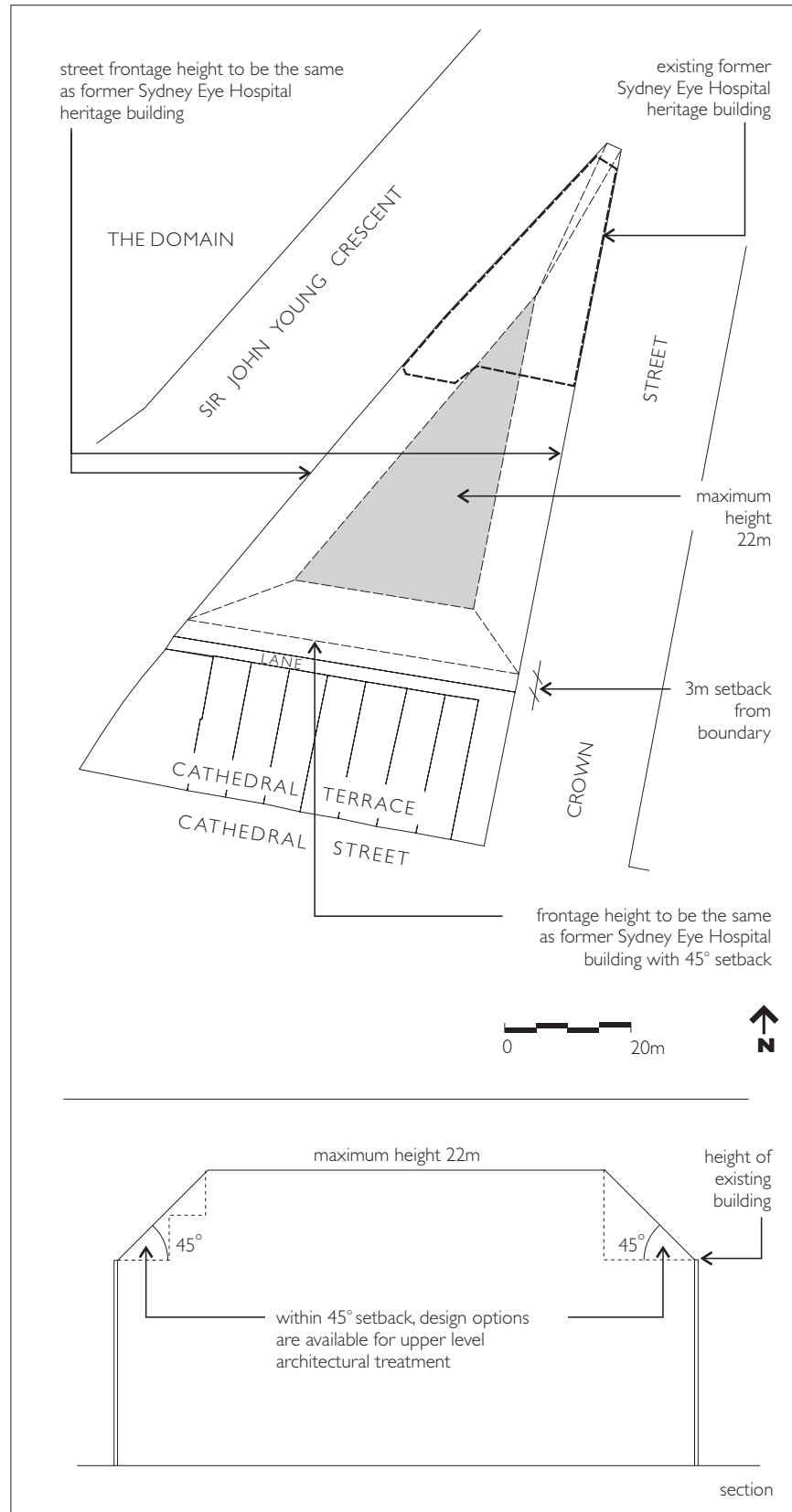
Street Frontage Height

- C3.1 The street frontage height of any new development on Sir John Young Crescent and Crown Street is to match the parapet height of the heritage listed former Sydney Eye Hospital building to the extent shown on the Figure 2.48.

The street frontage height adjacent to the southern property boundary is to be no higher than the heritage listed former Sydney Eye Hospital building.

Setback above Street Frontage Height

C4.1 Setbacks from the street frontage height are to be provided within a 45° angle (see Figure 2.48).



Former Sydney Eye Hospital Site Development Guidelines

Figure 2.48

Street frontage activities and address

- C5.1 Sir John Young Crescent is to be the primary 'address' of the development by incorporating its main entrance and pedestrian and vehicular access to the building along this frontage.
- C5.2 Active uses should be included along both street frontages, with particular emphasis on Sir John Young Crescent.

2.12.D 252 George Street (former George Patterson House) and adjoining development at 248 George Street

DCP Amendment No 2

Objectives

The following clauses provide detailed design guidelines for the former George Patterson House, 252 George St and the adjoining vacant site, 248-250 George St (Figure 2.50) that will:

- (i) facilitate redevelopment of the site(s) to enable either the form of George Patterson House that existed prior to the fire to be rebuilt or an alternate urban design solution;
- (ii) ensure that the remaining parts of the building which are significant are retained in a meaningful way;
- (iii) limit the gross floor area of 252 George St to that of the former George Patterson House prior to the fire;
- (iv) provide incentives for the conservation of the remaining building.

The former George Patterson House may be rebuilt to a form similar to that which existed prior to the fire and which retains the remaining significant elements of the building as outlined in Clauses 2.12.30, 2.12.55 below. Or alternatively the site may be redeveloped in accordance with the following clauses.

D1 252 George Street (former George Patterson House)

Conservation Requirements

- D1.1 The entire remaining George Street facade of George Patterson House is to be conserved and all elements of the remaining facade are to be restored. The facade may be incorporated into a new development which for the purposes of these controls is called the George Street building.
- D1.2 The remaining cast-iron columns on the ground and first floor levels of the George Street building (including ties, brackets and the like) are to be conserved, in situ if feasible, or integrated into any new development in accordance with details to be submitted for approval of Council.
- D1.3 Any new floors behind the conserved facade are to be at the same level as the original levels of George Patterson House.
- D1.4 The remaining eastern end of the building facing the Tank Stream is to be conserved to the fire wall as shown in Figure 2.49. For the purposes of these development controls this building is called the Tank Stream building.
- D1.5 The remaining Water Tower structure is to be conserved and may be incorporated functionally into any new development.
- D1.6 The Bridge Lane walls are to be conserved or sympathetically adapted to accommodate new uses and access, particularly at ground level or levels associated with the public space. Any openings shall only occur between the structural piers and shall ensure that the masonry character

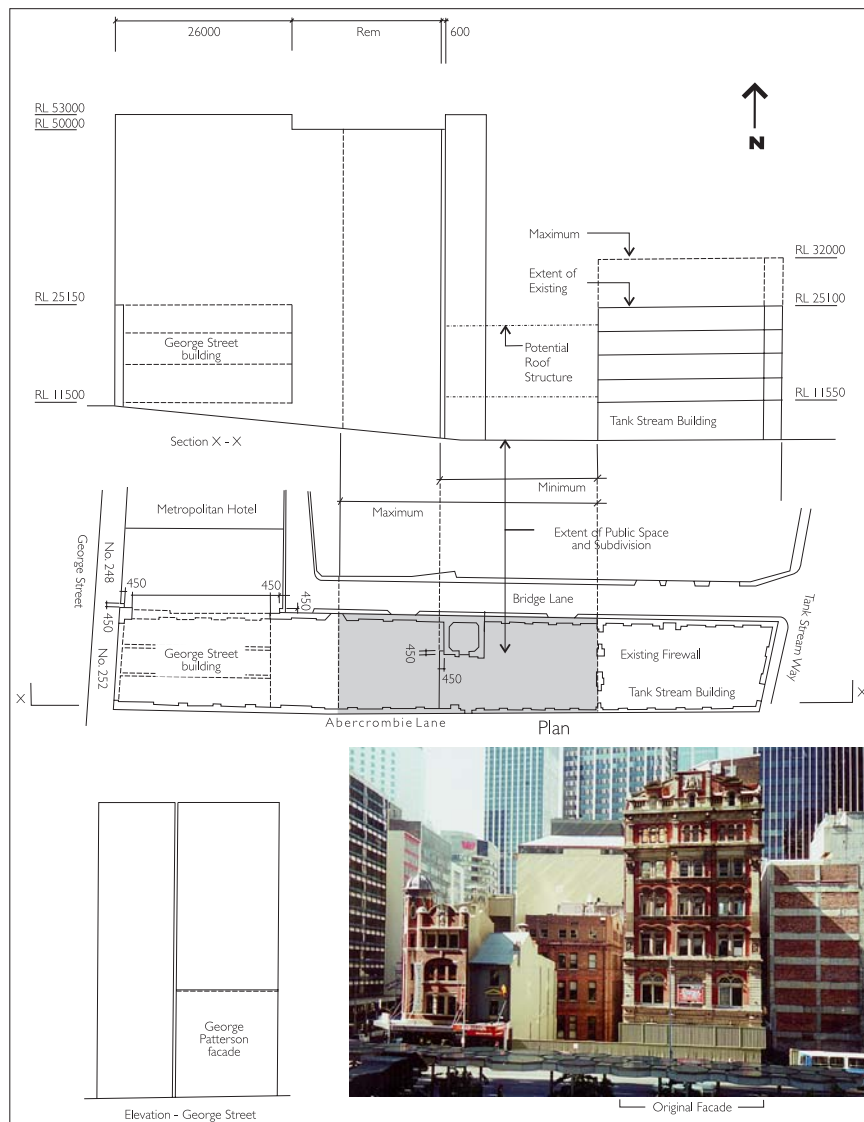


Figure 2.49

George Patterson Building Development Controls

of the walls and the significance of the laneway are maintained. Any new

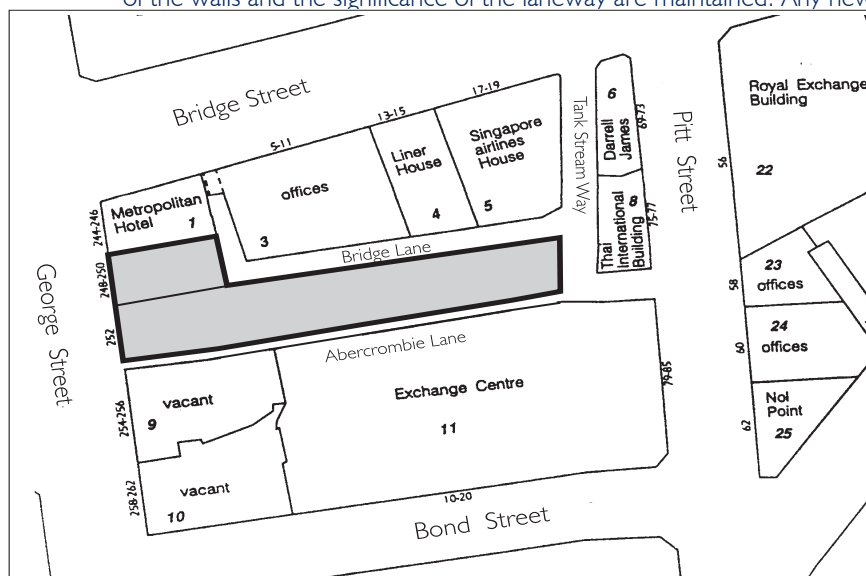


Figure 2.50

Locality Map

openings must be justified with consideration of viable design as well as management options.

- DI.7 Archaeological investigations are to be undertaken prior to the excavation of any part of the site in accordance with the requirements of Council.

Adaptive Re-use Requirements

Tank Stream Building

- DI.8 The Tank Stream building can be altered to permit new openings at ground level associated with use or access requirements. The masonry character of the walls and the significance of the laneways shall be maintained. Any alteration must be justified with consideration of viable design as well as management options.
- DI.9 The fire wall of the Tank Stream building can be altered to permit new openings associated with use requirements. Replacement of the firewall with a new facade may be considered.
- DI.10 The Tank Stream building is to be roofed and can be reconstructed to the height of the building prior to the fire (approx RL 32m to the parapet). Additional floors may not be added.

Abercrombie Lane Walls

- DI.11 The walls onto Abercrombie Lane are to be retained and may be adapted to provide direct access at ground levels to the public space and to accommodate new uses, particularly at ground level. The masonry character of the walls and the significance of the laneway shall be maintained. Any alteration must be justified with consideration of viable design as well as management options.

Masonry Water Tower

- DI.12 The water tower may be retained as a free standing element or integrated with new work in accordance with Figure 2.49. The height of new development adjacent to the water tower should be less than the tower.

Public Space

- DI.13 A new public space is to be provided. The public space is to be no less than the minimum size and is not to exceed the maximum size shown on Figure 2.49.
- DI.14 The public space should be enclosed by the existing walls along the laneways and may be designed as open space or roofed with a glazed structure.
- DI.15 The public space is to be accessible at or near the ground level of the adjacent lanes and at or near the interior levels of adjoining buildings.
- DI.16 The public space is to be designed in consultation with an artist approved by Council and is to integrate it as a significant work of art which is particular to the site and its history.

Gross Floor Area

- DI.17 The gross floor area of the site of the former George Patterson Building at 252 George Street is to not exceed 9400 square metres. If the site is subdivided in accordance with Clause 2.12.54 the gross floor area of all allotments shall not exceed a total of 9400 square metres.

New Building Work

- D1.18 New building work shall be distinguished from historic fabric. This may be achieved by having a minimum vertical rebate of 450 x 450mm as indicated on Figure 2.49.

Alternative approaches will be considered.

- D1.19 New building work is to conform to the envelope shown on Figure 2.49.
- D1.20 New building work is to ensure that no additional shadow is cast onto Australia Square in accordance with the Central Sydney LEP 1996.
- D1.21 The new building facade to George Street over the conserved and restored George Patterson House facade is to be designed and detailed to ensure that the integrity of the facade is retained. This may be achieved by extending the building directly as if the historic fabric is the base of an integrated new building above.

Alternative approaches will be considered.

- D1.22 If the George St building is developed for residential use, the development envelope must comply with the residential setback provisions contained in the Central Sydney DCP 1996.
- D1.23 If the George St building is developed for commercial uses any window or openings which face Abercrombie Lane shall be opaque or otherwise obscure to maintain the privacy of the adjoining development.

Heritage Floor Space

- D1.24 On completion of the conservation works and the construction of the public space to the satisfaction of Council, the site area occupied by the conserved Tank Stream Building and the public space shown shaded on Figure 2.49 shall be awarded Heritage Floor Space in accordance with Central Sydney LEP and DCP 1996.
- D1.25 The site known as 252 George Street may be subdivided into two allotments as shown on Figure 1 but only if Council is satisfied that all development controls are met. One allotment shall include the Tank Stream Building and the public space, the other allotment is to include the George Street building. The Tank Stream allotment is to be no less than the minimum size and is not to exceed the maximum size shown on Figure 2.49.
- D1.26 When assessing a development application for this site, the consent authority will consider the heritage status of the remaining elements of George Patterson House and the nature of conservation works proposed and whether they warrant, in the light of the floor space ratio to be achieved, relief from the requirement to acquire heritage floor space.

D2 248 George Street

- D2.1 The following development controls proposed for 248 George Street only apply in conjunction with the development controls for 252 George Street.

Amalgamation with 248 George Street

- D2.2 In the event that 252 George Street is amalgamated with 248 George Street on one title then the parts of the masonry walls which become interior walls may be demolished as shown on Figure 2.49.

- D2.3 The subdivision of 248 and 252 George Street shall be reflected in the design and detail of the new facade to George, Street of the amalgamated site. This may be achieved by having a minimum vertical rebate of 450 x 450 mm for the full height of the building as indicated on Figure 2.49.

Alternative approaches may be considered.

- D2.4 The George St elevation of 248 George St, to the height of the adjoining Metropolitan Hotel parapet and the remaining facade of George Patterson House, shall be of masonry materials to reflect the scale, depth and form of the adjoining buildings. The northern elevation of 248 George St shall be designed with the same significance as the George St elevation.

Envelope Controls

- D2.5 No additional shadow is to be cast onto Australia Square in accordance with Central Sydney LEP, 1996.
- D2.6 The new building is to conform to the envelope shown on Figure 2.49.
- D2.7 When assessing a development application for this site, the consent authority will consider the heritage status of the remaining elements of George Patterson House and the nature of conservation works proposed and whether they warrant, in the light of the floor space ratio to be achieved, relief from the requirement to acquire heritage floor space.

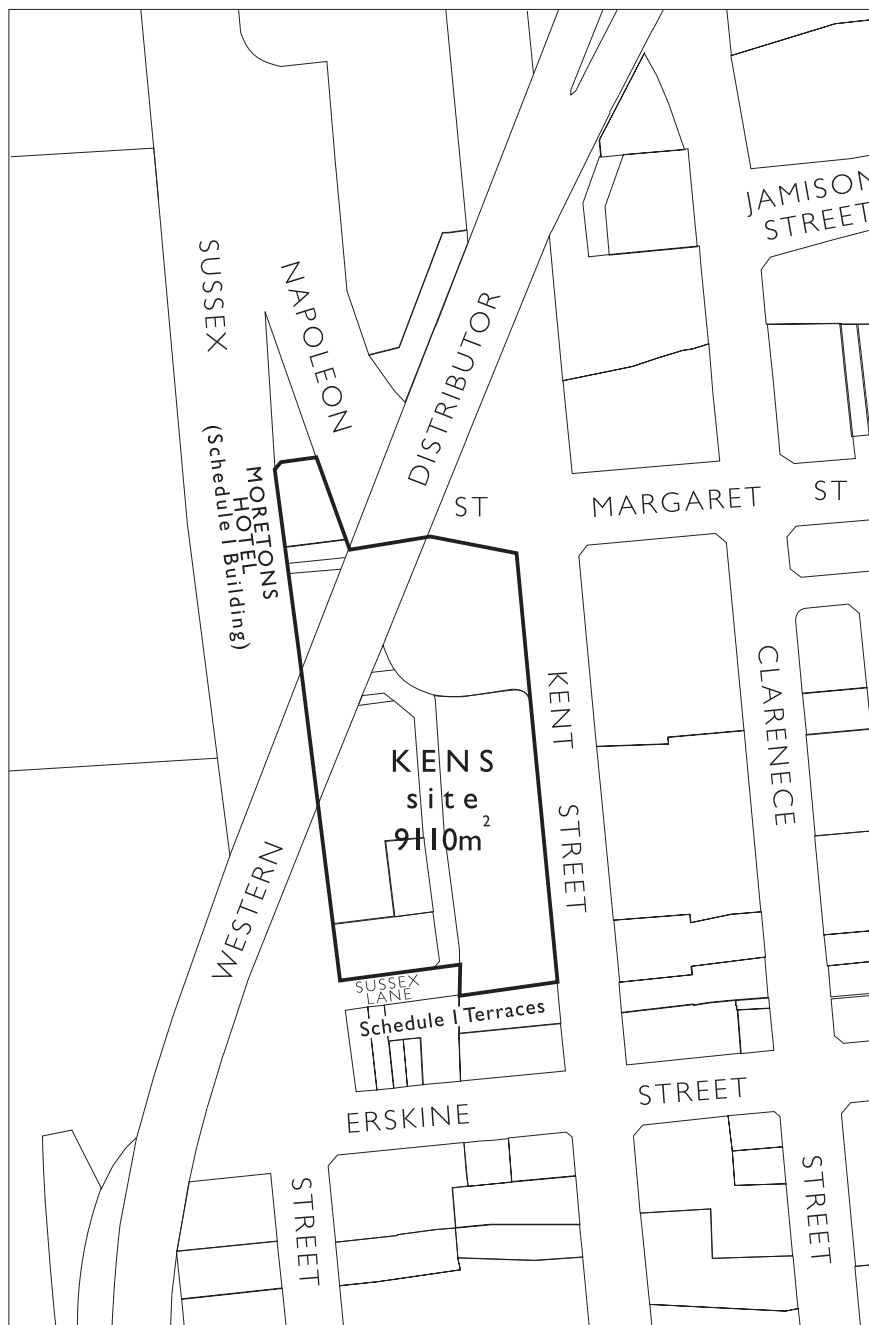
2.12.E Kens site - bounded by Kent, Sussex, Napoleon Street and Sussex Lane.

DCP Amendment No 7

Objectives

The following clauses provide detailed design guidelines for the Kens site, bounded by Kent, Sussex, Napoleon Streets and Sussex Lane that will:

- (i) Facilitate the redevelopment of the site to achieve a high quality urban form;
- (ii) restrict residential uses towards the south of the site and at higher level to the north of the site;
- (iii) Limit any high rise portion of a redevelopment to two high rise towers of suitable massing with distinct podium buildings and direct access to adjoining streets;
- (iv) Provide a publicly accessible area, to the centre of the site;
- (v) Ensure that uses abutting the publicly accessible area are active uses that develop a positive interface with the publicly accessible area;
- (vi) Respect the existing context by providing lower scale, fine grain buildings and elevations which relate to the existing heritage context;
- (vii) Extend the existing east west alignment of Sussex Lane up to Kent Street for pedestrian use;
- (viii) Recognise the existing alignment of Sussex Lane in a north south direction within the new building form;
- (ix) Provide and maintain pedestrian access and view corridors from the city to Wharves 8, 9 and 10 and the waterfront as well as views from the west into the site; and
- (x) propose no development either under or over the Western Distributor,



Boundary



Figure 2.51

KENS Site

stub and option land as this is an inappropriate location. This will facilitate:

- (i) appropriate standards of amenity; and
- (ii) the possible reconfiguration of the expressway in the future, providing a separation between the new development and the expressway to also enable any future works required to the expressway.

Site Definition

- E1.1 Kens site comprises all the land contained within the boundaries formed by Kent, Sussex, Napoleon Street and southern edge Sussex Lane other than the land to the north of the Moreton Hotel and the western portion of Sussex Lane (see Figure 2.51).

Height

- E2.1 The maximum height of any development is to be consistent with the height controls within Part 4 of LEP 1996.

Floor Space Ratio and the density of development

The subject site has a significant character and context, on the City Edge and adjoining heritage items and major roads, with a significant slope and outlook from within. Given this significance, these provisions seek to set an indicative floor space ratio that is tailored to the site conditions and context.

- E3.1 The area of the development site is 9110 square metres (excluding the land and buildings south of Sussex Lane and the western section of Sussex Lane)(see Figure 2.51).
- E3.2 To achieve an appropriate urban form for the site that meets the objectives of LEP 1996 and DCP 1996, the likely achievable maximum Floor Space Ratio of the site is 8.2:1.

Areas of the site which are not appropriate for development

- E4.1 To achieve acceptable standards of amenity and to facilitate future adjustments to the Western Distributor the following land within the Kens site is not appropriate for development (other than for the uses set out under subclause E8.4):
- (i) the land providing access and connection to Napoleon Street for the Western Distributor Stub which is the subject of an option to purchase by the City of Sydney and the RTA;
 - (ii) under the existing decks of the Western Distributor (Sussex Street frontages);
 - (iii) a strip of land 5 metres wide from the external edge of the Western Distributor decks to the east of the decks.

Parking and Vehicular Access

Central Sydney Local Environmental Plan 1996 and Central Sydney Development Control Plan 1996 are each committed to the encouragement of public transport as the primary means of travel within the City. Draft Amendments to the LEP are currently proposing to encourage short - stay parking only, in the redevelopment of existing car park sites. The following provisions are proposed in support of the Council's approach.

- E5.1 It is not appropriate for public car parking to be provided or retained on the site. All parking should be tenant parking.
- E5.2 All parking should be appropriately provided underground.
- E5.3 The number of carparking spaces and service bays provided is to be in accordance with Clause 5 of the DCP 1996.
- E5.4 Vehicle and service entry points are to be kept to a minimum to reduce their adverse impact on pedestrian amenity.
- E5.5 Carparking and service access for the northern tower is to be via one access ramp from either Kent or Sussex Street. If Kent Street is selected then the access is to be provided well away from the intersection with Napoleon Street.
- E5.6 Carparking and service access for the southern tower is to be from Sussex Street via one access only. This access should be located well away from both Sussex Lane and any public open space.
- E5.7 Sussex Lane is not to be used for any vehicle access.

Retention and use of Sussex Lane

- E6.1 Clauses 7 - 15 express design guidelines for the development site. Any variation must be fully justified in accordance with the objectives of this DCP.
- E6.2 Sussex Lane is to be adjusted to remove the north south portion of the lane and extend the east west leg.
- E6.3 Any new development should respect and acknowledge the position of the north-south leg of Sussex Lane by providing an inset entrance into the development (see Figure 2.52).
- E6.4 The western end of Sussex Lane is to be extended along the existing alignment to connect to Kent Street (see Figure 2.52).
- E6.5 The extended lane is to be pedestrianised and regraded to provide a gradual transition from Kent to Sussex Street, with retail uses and building entries providing activity to the lane.
- E6.6 The lane is to be a progression of useable spaces such as for outdoor dining or landscaped spaces linked by stairs. All areas should be provided with suitable paving, landscaping and lighting to provide a secure and active environment for pedestrians suitable for 24-hour access.

Heritage conservation

- E7.1 All Schedule 1 items contained within and adjacent to the site are to be conserved and considered as significant elements within the existing site context (see Figure 2.51).
- E7.2 Moretons Hotel to the north of the site is affected by a PCO and is required to be retained. This building has been recently subject to conservation works.
- E7.3 Both the Moretons Hotel and the existing Schedule 1 buildings along Erskine Street provide the heritage context for this site. The new development must respect the scale and fine grain of these buildings at each interface ie along Sussex Street and the Sussex Lane.
- E7.4 The Sussex Lane buildings, which will create the lane edge, should reflect a similar fine grain and architectural proportions to the opposite terraces.

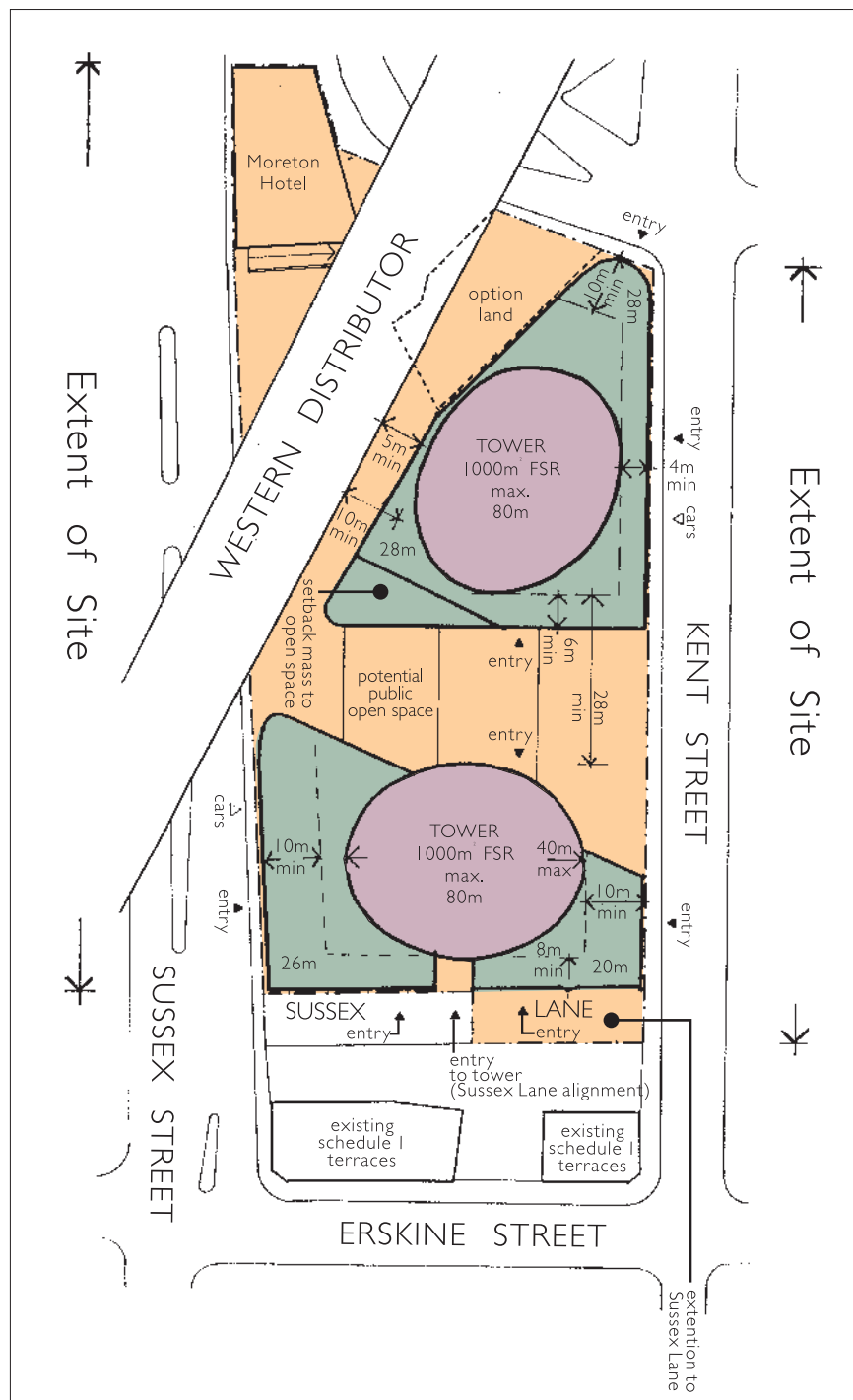


Figure 2.52

Massing and form of buildings

- E7.5 The materials for the Sussex Lane facade should be predominantly masonry with detailing that reflects the depth and care typical of historic facades.
- E7.6 The alignment (north south) of the existing laneway should be acknowledged in the design of the podium buildings and tower. The building form onto Sussex Lane should break to provide a minimum of two separate buildings. The break in the built form should be used to provide an entry point into the tower (see Figure 2.52).
- E7.7 The levels of the lane should link into the rear levels of the terraces to Erskine Street wherever possible. Any stairs provided should be carefully positioned to allow external on grade areas related to the new buildings and terraces, which can be utilised for external retail, related activities, etc.

Views

- E8.1 The design and location of the towers should maximise the view- sharing from neighbouring towers and buildings, including those on the western side of Kent Street.
- E8.2 Views to and from Darling Harbour and Pymont to the western edge of the city are significant and should be taken into account in any design for the Kens Site. Tower positions and separations should enhance the city edge to provide a transition in spacing from the density of the centre of the city (see Figure 2.51).
- E8.3 Any new tower bulk and separation should provide views between the new towers to the west for the existing towers on Kent Street. These views can be oblique or direct. Two tower forms on the site to the south adjacent to Sussex Lane and to the north adjacent to Napoleon Street will provide sufficient opportunity for views.
- E8.4 The site also provides a significant vista and frame element for traffic approaching Darling Harbour over the Western Distributor from the Harbour Bridge. This view will be accented and framed by the tower located to the north of the site. The design of this building should enhance this view (see Figure 2.51).
- E8.5 The location of the site on the western edge of the city provides exceptional views for two tower buildings. The design of towers should maximise the number of occupants who can enjoy direct views.

Uses

- E9.1 The constraints caused by the proximity to the Western Distributor limit the uses that are appropriate for the northern section of the site, particularly at the lower levels. All uses provided in this location will require air conditioning due to the affects of noise and pollution from the roadway.
- E9.2 Uses that are not appropriate for podium buildings and lower levels of any tower form to the north of the site are:
- (i) Residential uses; and
 - (ii) Serviced apartment uses.
- E9.3 Ground floor uses along all street frontages and Sussex Lane are to contain a variety of active uses such as building entries, retail, entertainment and cultural facilities. These are to be publicly accessible, facilitate pedestrian use and contribute to the daytime and nighttime vitality of this area.
- E9.4 The site location relative to other existing facilities in the vicinity offers the opportunity to provide convenience and other significant retail facilities to service both the development and the public generally. Such uses are encouraged particularly where related to ground floor or lower ground floor areas of the site.
- E9.5 Areas of the site which are not appropriate for development are to be provided with activity and interest such as;
- (i) a landscaped urban park;
 - (ii) display areas for artwork or sculpture;
 - (iii) children's play areas where they can be adequately overlooked and secured;

- (iv) outdoor and indoor sporting facilities in lightweight removable structures; and
- (v) outdoor seating areas associated with a retail kiosk or use.

Form

The site has a significant context, that involves proximity to heritage items, a significant slope of the land from east to west and extensive opportunities for views to and from the site in a westerly direction. The site also adjoins, on the western side of Sussex Street, the lower scale maritime precinct, part of which will be redeveloped as a part of the Wharves 9 and 10 development proposals. Thus the context is varied and strong, requiring a specific design response to address appropriate form on - site.

- E10.1 Tower forms are acceptable on the site. The maximum number of towers is two (2 no.). The towers should be located to the north and south of the site to maximise tower separation.
- E10.2 The positioning of towers should allow good separation between the towers, and should not be less than 28 metres.
- E10.3 The massing and form of buildings should respond to the surrounding site context including the scale and character of the Schedule 1 heritage items along Erskine Street and Sussex Lane. Sufficient setback must be provided to ensure that the southern tower is a secondary element onto Sussex Lane and does not provide an excessively bulky or dominant form (see Figure 2.52 and subclause 10.5).
- E10.4 Excessively bulky buildings, which span the site from East to West, with minimal setbacks from Sussex to Kent Street, are not acceptable.
- E10.5 The massing of the towers must provide an acceptable slenderness ratio to all elevations. No elevation is to exceed 40 metres in length.
- E10.6 To provide an appropriate form the floor plan of each tower should not exceed a Floor Space Area of 1000 square metres per floor.

Street frontage alignment, heights and setbacks

- E11.1 The podiums to the towers should generally be built to street alignment. Locations within the podium form where the insets are considered appropriate are to provide a publicly accessible area and building entries where appropriate, at the previous alignment of Sussex Lane or where the option land to the north requires the building to be setback.
- E11.2 The heights of the streetwall should relate to the existing context and the scale set by the heritage buildings. The maximum street wall heights are not to exceed (see Figures 2.52 and 2.53):
 - (i) 20 metres for podium buildings on the corner of Kent Street and Sussex lane up to 28 metres for podium buildings on the corner of Napoleon and Kent Street; and
 - (ii) 26 metres for podium buildings on the corner of Sussex Street and Sussex Lane up to 28 metres for podium buildings fronting the Western Distributor.
- E11.3 Setbacks to tower forms are to be provided to all streetwalls.

E11.4 The following minimum setbacks are to be provided to tower forms:

- | | | | |
|------|----------------------|----------------------------|-----------|
| (i) | The northern tower | to Kent Street | 4 metres |
| | | to Napoleon Street | 10 metres |
| | | to the Western Distributor | 10 metres |
| | | to any public open space | 6 metres |
| (ii) | The southern tower - | to Kent Street | 10 metres |
| | | to Sussex Lane | 8 metres |
| | | to Sussex Street | 10 metres |

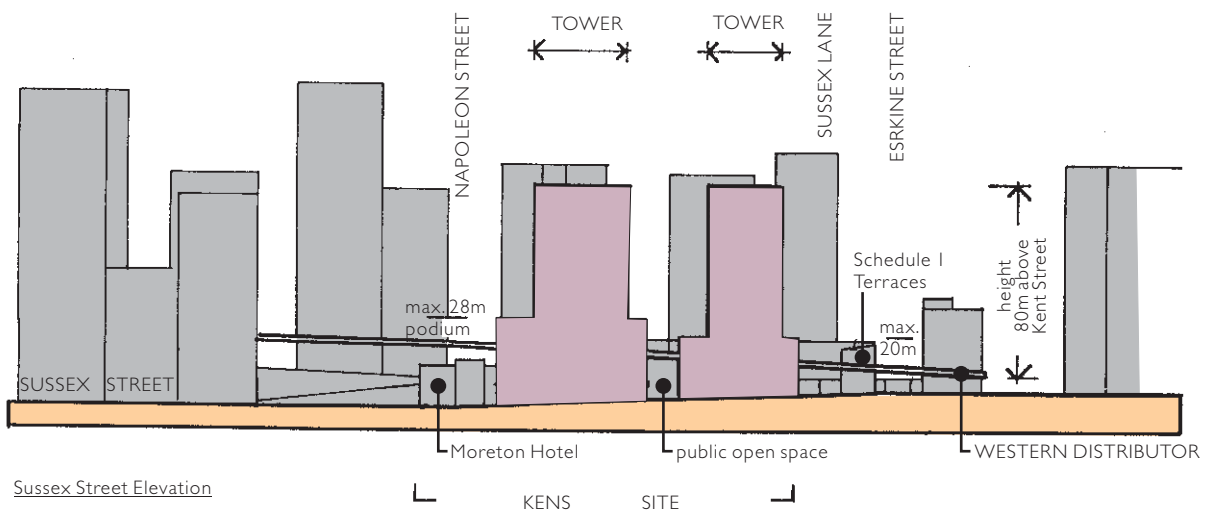
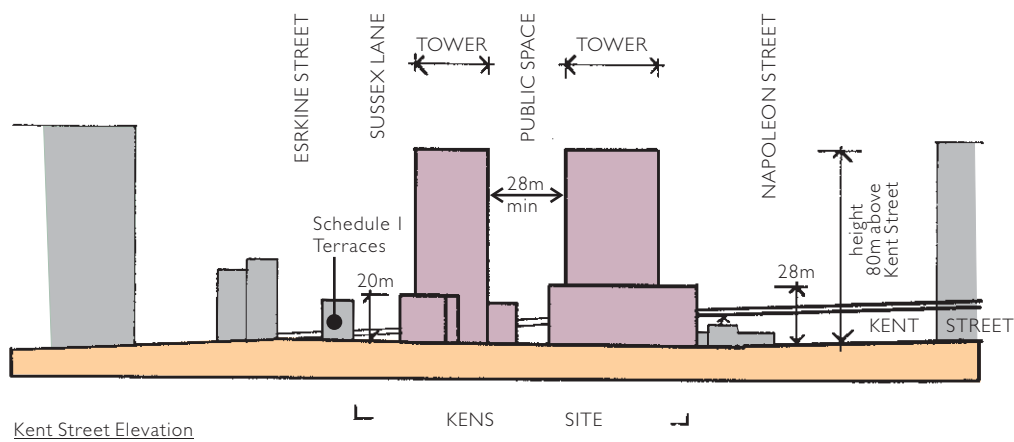
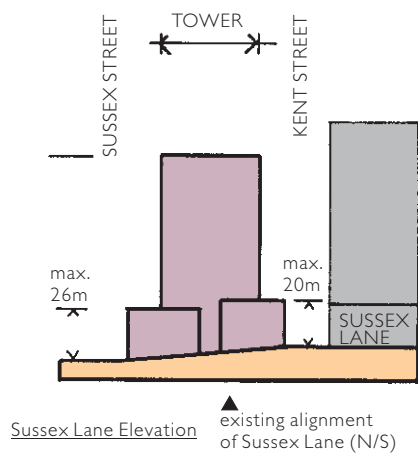


Figure 2.53

KENS Site

Pedestrian Access and amenity

- E12.1 Each street and Sussex Lane is to be enlivened by access points into the new development. A single access point serving the towers and podium buildings is not acceptable.
- E12.2 Each tower is to have access from Kent Street, any public open space and either Napoleon Street or Sussex Lane.
- E12.3 The two podium buildings to the southern tower should have separate access points from Kent or Sussex Street and Sussex Lane.
- E12.4 Awnings should be provided to each entry point and some weather protection should be provided to any outdoor seating areas.
- E12.5 All entries should be expressed in the design of the building to provide a sense of address to the street.
- E12.6 Artworks should be integrated into the design of any public open space as well as to the foyer of each tower form.

Design

- E13.1 The new buildings should make a positive contribution to the urban design of the precinct and respond to the attributes of the site. The buildings should use materials that are of high quality and light in colour. Extensive use of rendered finishes should be avoided.
- E13.2 The form, scale and architectural treatment of the elevations should enhance the appearance of the western edge of the city, reflect the buildings use and achieve design excellence that adds to the City's distinctive character.
- E13.3 The architectural treatment, particularly to the north and west should respond both to the solar gain likely due to the orientation, the extensive views available and the cold westerly winds (that any outdoor areas will be subjected to) during the colder months.
- E13.4 Along Sussex, Kent and Napoleon Street, the building form should be modulated to provide a comfortable pedestrian environment and scale.
- E13.5 Along Sussex Lane, the building form should reflect the grain, scale and proportions provided by the existing Schedule 1 terraces along Erskine Street and be predominantly masonry in appearance.
- E13.6 To improve the slenderness ratio of the towers, the architectural modelling should provide distinct forms in the architecture, eg. clear expression of circulation zones as a separate geometric form, habitable areas with different proportions, materials and expression, expression of party wall externally on the building.

Publicly Accessible Area (CSPC 10.6.99)

- E14.1 Due to the width and length of the site, opportunities exist for the creation of a publicly accessible area within the main body of the development. This space is to be publicly accessible and should link to both Sussex and Kent Street as a midblock link.
- E14.2 The design of publicly accessible areas around the buildings is to ensure that such areas are integrated into the overall design of the buildings.
- E14.3 This area is to be a minimum of either 600 square metres (figure 2.544b) or 1600 square metres (figure 2.5 4a,c) and should be positioned to provide outlook and light to the podium buildings. The design of such an area should integrate with the ground floor uses of the adjoining buildings

and provide opportunities for external leisure activities. Active uses should be encouraged to abut the publicly accessible space, to develop a varied and pleasant environment. A water feature should also be considered.

- E14.4 Preferably the publicly accessible space should open onto both Sussex and Kent Street creating a pleasant and useable area. Alternatively a more enclosed space that serves a number of the podium buildings could also be considered (see Figure 2.54).

Internal Amenity

- E15.1 Any residential or serviced apartment buildings are to conform with the requirements of DCP 1996 and the exhibited draft DCP Amendment No 5. Internal Residential Amenity.

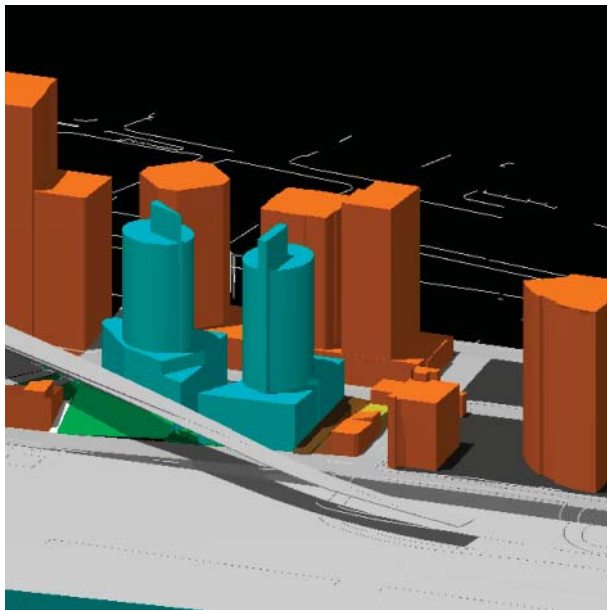


Figure 2.54a
Indicative axonometric of two tower
proposal with public open space -
cylindrical towers

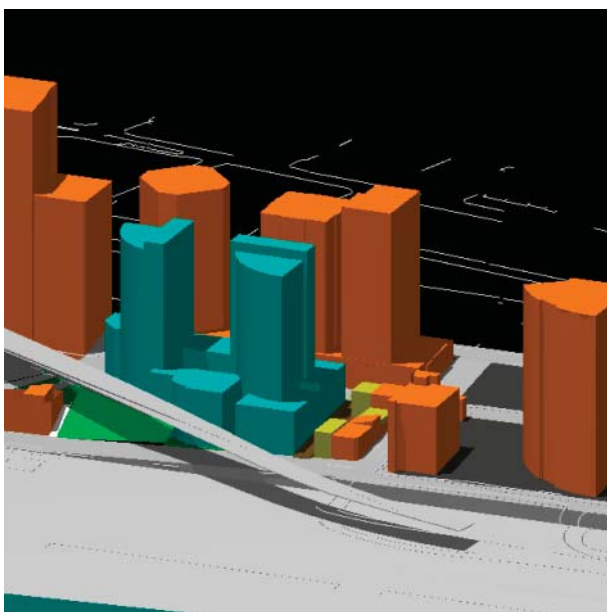


Figure 2.54b
Indicative axonometric of two tower
proposal with internal courtyard

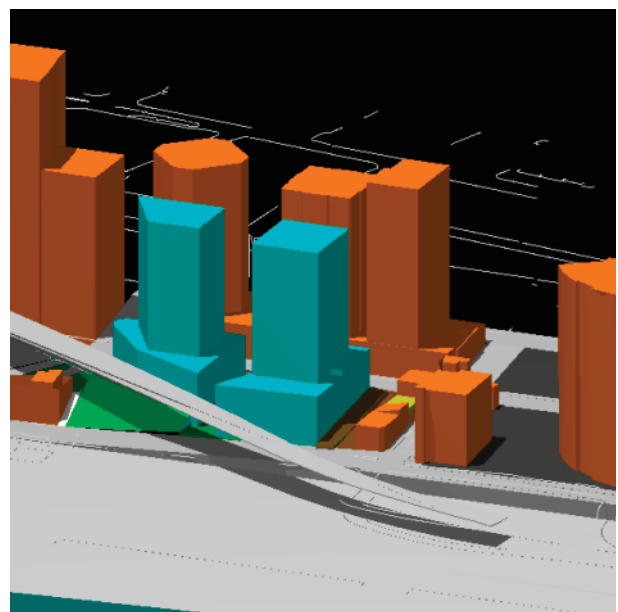


Figure 2.54c
Indicative axonometric of two tower
proposal with a publicly accessible area -
rectangular tower

2.12.F The Commonwealth Bank "Money Box" Site

- F.I.1 The development of the Commonwealth Bank "Money Box" site is to be in accordance with the development control envelope illustrated in Figure 2.55.
- F.I.2 To ensure suitable light clearances above lightwells, development must be in accordance with the Section diagrams in Figure 2.56.
- F.I.3 To ensure that the development control envelope illustrated in Figure 2.55 can be achieved, Clause 2.3.6 of this DCP does not apply.

DCP Amendment No 19

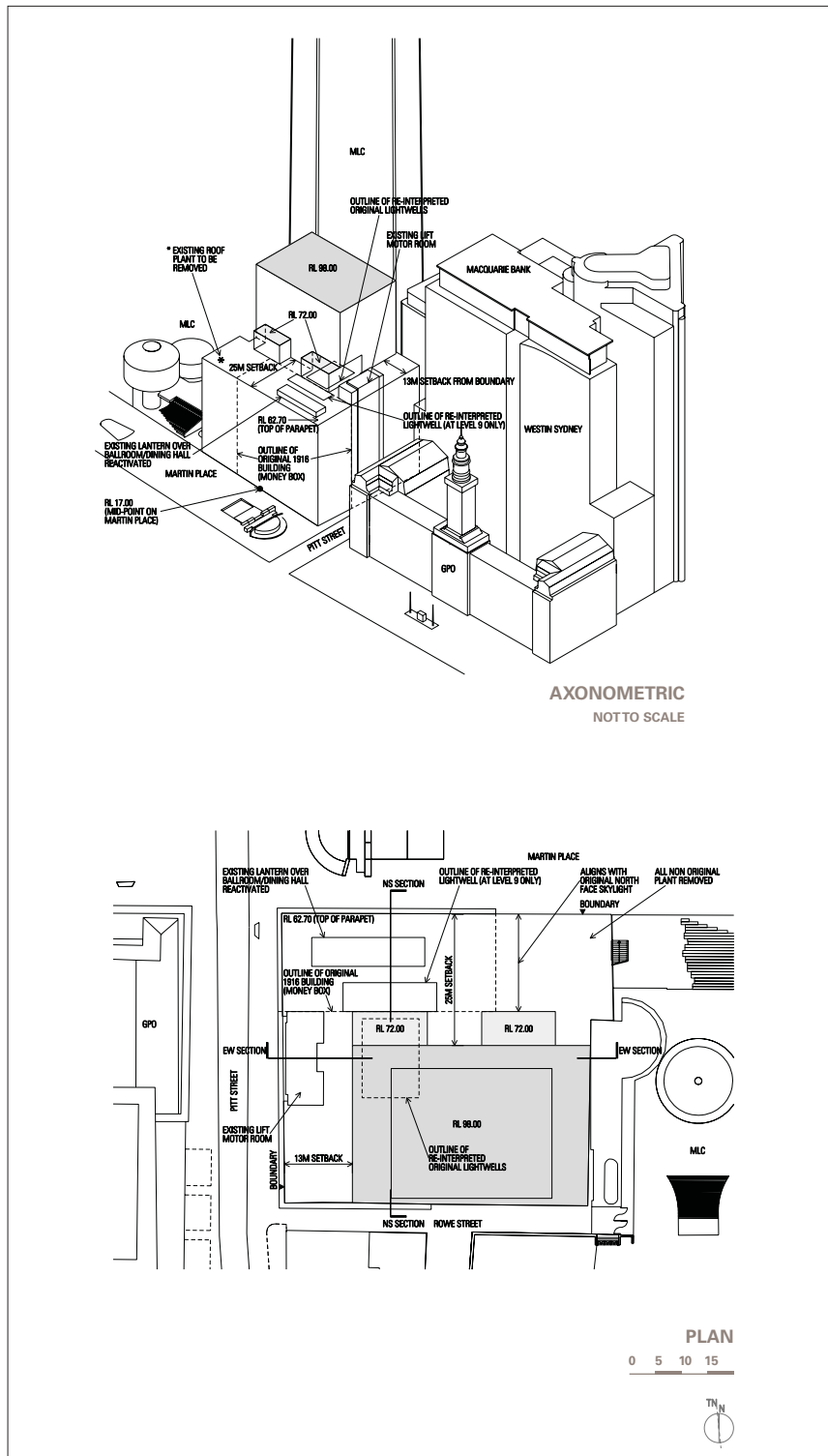


Figure 2.55

Commonwealth Bank "Money Box" site development control envelope

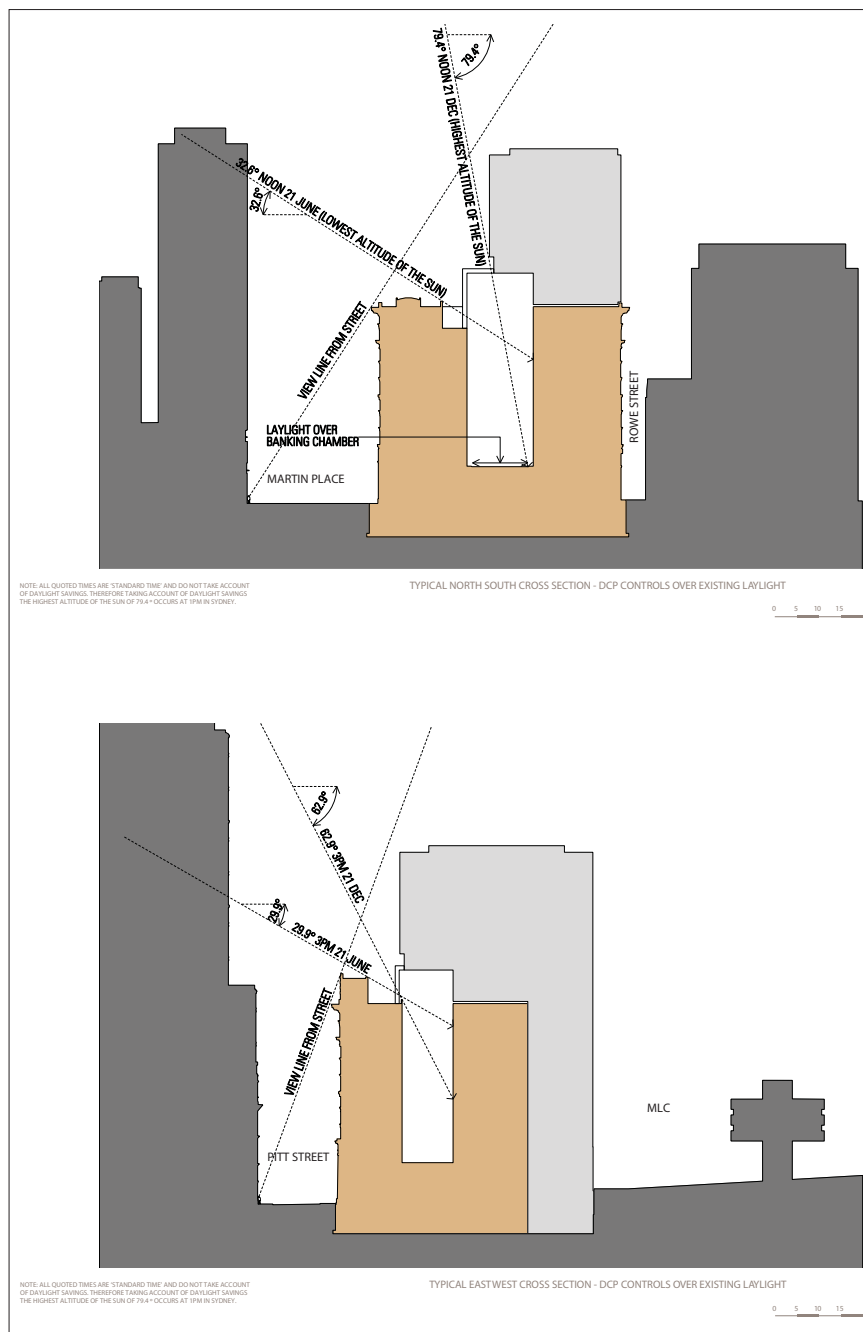


Figure 2.56

Commonwealth Bank "Money Box" - Lightwell clearance section diagrams

2.12.G APDG Site – bounded by Alfred, Pitt, Dalley and George Streets

DCP Amendment No.20

G1 Application of this Section

- G1.1 If a development proposal within the APDG site is subject to the provisions of Clause 52A of *Sydney Local Environmental Plan 2005*, then the provisions within this section of the DCP override similar provisions in other parts of this DCP in the case of any inconsistency.
- G1.2 If development proposed for the site at 1 Alfred Street retains the design integrity, and is generally in accordance with the winning entry of the architectural competition held in November 2009 under Part 12 of this DCP (i.e. the Kerry Hill Architects scheme), then the building envelope controls shown in Figure 2.69 override other similar provisions within this section and other parts of the DCP in the case of any inconsistency.

- G1.3 This section applies to development proposals that apply wholly to land identified as Development Block 1, 2 or 3, as shown on Figure 2.58: APDG Site - Development Blocks. The site area of each development block may increase with the addition of one or more Optional Additions as also shown on Figure 2.58: APDG Site - Development Blocks.

G2 Area

- G2.1 See Figure 2.57 – Site Plan

This section applies to the APDG site which is bounded by Alfred, Pitt, Dalley and George Streets, Sydney.

G3 Objectives

- G3.1 The following clauses provide detailed guidelines for the ADPG site that will:

- i. Result in development that has a major public benefit;
- ii. Provides opportunity for global six star rated commercial office towers;
- iii. Contributes to the urban context of Circular Quay and its environs;
- iv. Facilitate the redevelopment of the site to achieve a high quality urban form;
- v. Restrict residential uses at the southern end of the site and allow residential uses at the northern end of the site;
- vi. Limit the high-rise portion of redevelopment to three high-rise towers (i.e. >75m) of suitable massing with direct access to adjoining streets;
- vii. Provide a publicly accessible open space in the centre of the block linked to surrounding streets by a network of lanes and through site links;
- viii. Ensure that uses abutting the publicly accessible open space are active uses that develop a positive interface with the open space; and
- ix. Extend the existing north – south alignment of Underwood Street up to Alfred Street for pedestrian movement.

G4 Principles

- G4.1 **Public Domain Principles**

See Figure 2.60 - Public Domain Principles Plan

- G4.2 **Streets Principles**

- i. Maximise active uses fronting streets in preference to building foyers and building servicing (including loading, fire escapes, access doors, etc);
- ii. Build to the street alignment at ground level;
- iii. Minimise changes in level at building entries and at the public domain interface;
- iv. Provide continuous awnings along street frontages;
- v. Relate lower levels of building design to pedestrian scale;

- vi. Attenuate the effects of downward winds from tall buildings on the street;
- vii. Minimise vehicular crossings of footpaths;
- viii. Design laneway thresholds to indicate pedestrian crossing priority; and
- ix. Infill colonnades with active uses.

G4.3 Laneway Principles

- i. Provision should be allowed on identified lanes for outdoor seating;
- ii. Minimise vehicular movements on lanes through shared basement access between developments;
- iii. Design lane alignments to provide good sight-lines from end to end;
- iv. Provide pedestrian lighting that creates a safe night time environment;
- v. Design laneways to be accessible by the majority of people (gradients, kerb ramps etc);
- vi. Provide high quality materials and consistent design and detailing (including street furniture);
- vii. Minimise built elements overhanging lanes (except retractable awnings and temporary umbrellas); and
- viii. Minimise obstructing elements within the public domain like bollards and planters except loose tables, chairs and umbrellas associated with outdoor food and beverage premises.

G4.4 New Square within the Block Principles

- i. Design the new square to be publicly accessible;
- ii. Design the new square to minimise level changes while meeting the existing level conditions at Underwood Street, Rugby Place and Crane Place;
- iii. Integrate an interpretive element relating to the historical alignment of the tank stream on the eastern boundary of the square;
- iv. Minimise the use of bollards; and
- v. Maximise opportunities for outdoor dining adjacent to active uses.

G4.5 Built Form Principles

See Figure 2.61 - Built Form Principles Plan

The following built form principles apply to the site:

- i. Maintain street walls in accordance with Figure 2.67 – Building Frontage Height Plan;
- ii. Create a slender tower form at 1 Alfred Street facing Circular Quay;
- iii. Ensure adequate separation between towers;

- iv. Ensure that tower forms have sufficient capacity to provide space for public domain at ground level without reducing floor space yield;
- v. Create a large commercial tower building form in the south-east of the site where greater height will not cause additional overshadowing of Australia Square;
- vi. Maximise active building frontages to the public domain at grade;
- vii. Minimise the impact of basement access and loading docks on the public domain;
- viii. Ensure that development does not result in blank, exposed party walls;
- ix. Provide awnings to George, Alfred and Pitt Streets (see Figure 2.62 – Awnings Plan);
- x. Create minimum 5 Green Star Developments; and
- xi. Create an active frontage on the western side of the new square.

G5 Public Domain Future Character

G5.1 New Square within the Block

The new square will be an intimate space within the block defined by the surrounding tall buildings and the intersection of new and existing lanes and through site links creating a dynamic space of pedestrian movement.

The square will:

- i. be activated by the frontages of the surrounding development including opportunities for areas of outdoor dining;
- ii. be visually activated by doors and windows defining the square that include views into circulation spaces and elevated gathering spaces;
- iii. be designed to be predominantly level;
- iv. be designed of high quality materials and utilise the city's standard elements and details;
- v. have the minimum number of signage and lighting structures required to avoid visual clutter;
- vi. be animated by colourful and dynamic night lighting;
- vii. be planted with a small number of deciduous trees (to provide summer shade and winter sun) and shade tolerant planting in planters (which can be renewed as required);
- viii. provide opportunities for casual seating (for both individuals and small groups); and
- ix. Allow for infill development on the north - south arm of Crane Place to create active frontages to the new square.

G5.2 Bounding Streets

G5.2.1 Alfred Street

Alfred Street will:

- i. be activated by the frontage of the development including opportunities for outdoor dining;

- ii. have predominantly street aligned and street level ground floor activity;
- iii. be designed of high quality materials and utilise the City's standard street furniture;
- iv. bridge the level change between George and Pitt streets through terracing, while maintaining equal access; and
- v. have the minimum number of signage and lighting structures to avoid visual clutter.

G5.2.2 **Pitt Street**

Pitt Street will:

- i. be activated by the frontages of the adjacent developments including major building foyers, service related commercial development (e.g. banks) and some localised opportunities for outdoor dining;
- ii. provide a safe crossing point between Bulletin Place and Rugby Place and between Bulletin Place and Underwood Street;
- iii. have predominantly street aligned ground floor activity created by the infilling of existing colonnades;
- iv. be provided with continuous awnings over the footpath; and
- v. be planted with regular street trees.

G5.2.3 **Dalley Street**

Dalley Street will become a more significant service street with the closure of Rugby Place to vehicles. It will have the character of a wide lane predominantly fronted by the service entries of the Stock Exchange building (fronting Bridge Street).

Dalley Street will:

- i. have active frontages where possible by minimising basement and service access widths;
- ii. be open to the sky (with no awnings); and
- iii. have widened footpaths on the northern side to enhance pedestrian amenity linking to the crossing of George Street at Grosvenor Street.

G5.2.4 **George Street**

George Street will:

- i. be activated by the frontages of the adjacent developments including opportunities for outdoor dining;
- ii. have predominantly street aligned ground floor activity created by the infilling of existing colonnades;
- iii. be provided with continuous awnings over the footpath;
- iv. be designed of high quality materials and utilise the city's standard street furniture; and
- v. be planted with regular street trees.

G5.3 **Internal streets and Lanes**

G5.3.1 **Underwood Street (ID)**

See Figure 2.60 – Public Domain Principles Plan

Underwood Street will:

- i. have active frontages where possible by minimising basement and service access widths;
- ii. be open to the sky (with no awnings);
- iii. have widened footpaths on the southern side to create pedestrian amenity opposite the square;
- iv. have no colonnades or bollards.

G5.3.2 **Rugby Place (IB)**

See Figure 2.60 – Public Domain Principles Plan

Rugby Place will become an active laneway with increased opportunities for outdoor dining and other night-time activities associated with its connection to Bulletin Place on the eastern side of Pitt Street. It will have the character of a narrow pedestrian priority lane that broadens opposite the Rugby Club to create a seating area. There is potential for new active uses on the southern frontages near Pitt Street.

Rugby Place will:

- i. have active frontages;
- ii. be open to the sky (with no fixed awnings);
- iii. have widened footpaths on the northern side to enhance pedestrian amenity opposite the square;
- iv. have no colonnades or bollards;
- v. be designed to indicate pedestrian priority for its entire length; and
- vi. minimise gradients to maximise accessibility.

G5.3.3 **Crane Place (IC)**

See Figure 2.60 – Public Domain Principles Plan

Crane Place will become an active laneway with increased opportunities for outdoor dining and other night-time activities associated with its connection to the new square within the block. It will have the character of a narrow pedestrian priority lane that creates a window for afternoon sunlight to enter the centre of the block.

Crane Place will:

- i. have predominantly active frontages;
- ii. be open to the sky (with no fixed awnings);
- iii. have widened footpaths on the southern side to enhance pedestrian amenity adjacent to the redevelopment of 188-194A George Street;
- iv. have no colonnades or bollards; and
- v. minimise gradients to maximise accessibility.

G5.3.4 **New north-south lane/through site link (IA)**

See Figure 2.60 – Public Domain Principles Plan

The new north-south lane and through site link will provide a new connection between Herald Square and Dalley Street. It will have extensive opportunities for outdoor dining north of the new square. It will have the character of a narrow pedestrian through site link (north) and a shared use lane (south).

The new lane will:

- i. have predominantly active frontages;
- ii. be predominantly open to the sky (with no fixed awnings);
- iii. have widened footpaths on the western side to enhance pedestrian amenity opposite the square;
- iv. have no colonnades or bollards; and
- v. provide an alternative accessible route from Circular Quay to the intersection of George and Dalley Streets.

G5.4 Through Site Links

G5.4.1 **Underwood Street to George Street (IE)**

See Figure 2.60 – Public Domain Principles Plan

The through site link will provide an accessible 24 hours, 7 days a week connection between George Street and Underwood Street. It will have some opportunities for outdoor dining in the areas near George Street. It will have the character of a pedestrian only link (west near George Street) and a narrow pedestrian priority lane (east near the new square).

The link will:

- i. have predominantly active frontages;
- ii. have direct end-to-end sight lines;
- iii. be lofty and not have a ceiling that steps down at the change in level;
- iv. provide lift access;
- v. have widened footpaths on the northern side to enhance pedestrian amenity linking to the new square;
- vi. have no colonnades or bollards; and
- vii. indicate pedestrian priority through its detailing where it is a shared zone.

G5.4.2 **Underwood Street to Dalley Street (IF)**

See Figure 2.60 – Public Domain Principles Plan

The through site link will provide an accessible connection between Underwood Street and Dalley Street. It will have the character of a narrow pedestrian only link.

The link will:

- i. have predominantly active frontages in the form of an enclosed arcade;
- ii. create direct end to end sight lines; and
- iii. be lofty.

G6 Provisions

G6.1 **Parking and Vehicular Access**

The City of Sydney is committed to the encouragement of public transport as the primary means of travel within the City.

G6.1.1 To reduce adverse impacts on pedestrian amenity:

- i. Vehicle and service entry points are to be kept to a minimum;

- ii. Shared basement access should be provided for adjacent sites;
 - iii. The location of vehicle and service entry points should be consistent with the Vehicular Access Plan (see Figure 2.64);
 - iv. No vehicular access is allowable from George or Alfred Streets.
- G6.1.2 Street parking should not be integrated within footpaths but in the street (carriageway parking lanes) only.
- G6.1.3 Loading docks are not permissible on George, Pitt or Alfred Streets or new public square frontages;
- G6.1.4 One way vehicular access from the new north-south lane to George Street (on the through site link marked A, and the lane marked B on Figure 2.64 - Vehicular Access Plan) should be short term only.
- G6.1.5 Above ground parking is not permissible.

G6.2 Public Domain

- G6.2.1 For the purposes of clause 52A(3)(b)(i) in *Sydney Local Environmental Plan 2005*, the dimensions, configuration and location of recreation areas, lanes and streets will be in accordance with the areas shown in grey in Figure 2.59: APDG Site - Alternative Heights and Publicly Accessible Space Map.
- G6.2.2 A new publicly accessible square is to be created in the centre of the block as noted in the Public Domain Map (see Figure 2.63).
- G6.2.3 The new square is to be a minimum area of 1,300 square metres as shown on the Public Domain Map (see Figure 2.63).
- G6.2.4 The existing pattern of laneways and through site links through the block are to be retained and extended as noted in the Public Domain Map (see Figure 2.63) and in accordance with the typical sections as noted on Figure 2.65 - Streets, Lanes and Through Site Links.
- G6.2.5 The through site links should extend in height to the level shown on the Public Domain Map (see Figure 2.63).
- G6.2.6 All publicly accessible areas, including through site links should be noted on land titles.
- G6.2.7 The final levels of the new square, laneways and through site links within the site will be determined by Council. All internal floors within buildings facing these spaces will meet these levels at their entrances.
- G6.2.8 The design of the laneway network and square should integrate with the ground floor uses of the adjoining buildings and provide opportunities for external leisure activities. All areas should be provided high quality finishes with suitable paving, landscaping and lighting to provide a secure and active environment for pedestrians and suitable for 24-hour access.
- G6.2.9 The square should be linked at minimal grades to Pitt Street creating a pleasant and useable area.

G6.3 Heritage

- G6.3.1 The new public square within the block should include interpretation of the historical alignment of the Tank Stream.
- G6.3.2 Redevelopment of the site should maintain the legibility of the historical alignment of laneways within the site through the design of the public domain and alignment of buildings.

G6.4 Massing and Form of Buildings

The site has a significant context, that involves proximity to heritage items and streetscapes, a significant slope of the land from south-west to north-east and extensive opportunities for views to and from the site in a northerly direction. The site also adjoins, on the northern side, the Circular Quay precinct.

- G6.4.1 For the purposes of clause 52A(3)(b)(iii) in *Sydney Local Environmental Plan 2005*, the distribution of built form and floor space must satisfy the dimensions, configuration and location of land shaded in colour (excluding land shaded in grey which is to be publicly accessible space) in Figure 2.59: APDG Site - Alternative Heights and Publicly Accessible Space Map. Notwithstanding Figure 2.59, a reduced building envelope may be permitted on the lot marked 'X' in Figure 2.67 to allow for a larger central square.
- G6.4.2 For the purposes of clauses 52A(2) and 52A(3)(b)(iv) in *Sydney Local Environmental Plan 2005*, the height of a building is not to exceed the height shown in Figure 2.59: APDG Site - Alternative Heights and Publicly Accessible Space Map.
- G6.4.3 Tower forms are acceptable on the site. The maximum number of towers is three. The towers should be located in the north-west, west and south-east parts of the site to maximise tower separation as shown in Figure 2.59: APDG Site - Alternative Heights and Publicly Accessible Space Map.
- G6.4.4 The positioning of towers should allow good separation between the towers. New towers above 75m high should have a minimum separation of 28m above the street frontage height.
- G6.4.5 Sufficient setback above the street-wall must be provided to ensure that the south-eastern tower is a secondary element on Pitt Street consistent with the Setbacks above the Street Frontage Height Plan (See Figure 2.66).
- G6.4.6 The towers must appear slender in elevation. Above the building frontage height (see Figure 2.67 – Building frontage Height Plan), the maximum width of an elevation is 35% of the total height of the building (e.g. a tower of 200m height may have a maximum elevation width above the street wall of 70m (200m x 35%), excluding curved facades where the change in tangent across the facade is greater than 60 degrees).
- G6.4.7 The new tower at the corner of George and Alfred Streets does not require street setbacks but must demonstrate compliance with Sydney DCP 1996 Part 4.2 Wind.
- G6.4.8 The tower form that fronts Alfred Street is not required to express a podium but the lower levels of the building should be designed to address the pedestrian scale environment at George Street and Herald Square.
- G6.4.9 Building forms should be compact and not include large void spaces that will increase their bulk and scale.
- G6.4.10 The minimum setback from a shared boundary for a wall with openings shall be 3m for all uses.

G6.5 Fine grain active uses

- G6.5.1 For the purposes of Clause 52A(3)(b)(ii) in *Sydney Local Environmental Plan 2005*, business premises and retail premises that have active street frontages at ground level (finished) to recreation areas, lanes and streets will be in accordance with Figure 2.68.
- G6.5.2 Buildings with ground level frontages must contribute to the safety, visual interest and vitality of the public domain by minimising the extent and visual impact of blank walls, vehicle entrances and utilities such as air conditioning vents and fire escapes, particularly to street frontages and significant public spaces.
- G6.5.3 Ground level building frontages should:
- i. Incorporate predominantly entry or display windows to shops and or food and drink premises;
 - ii. Be designed to meet the adjacent ground level at the entry;
 - iii. Incorporate other uses that involve customer service areas and activities, which provide pedestrian interest and interaction;
 - iv. Incorporate window and door openings, displays, artwork or architectural detailing;
 - v. Incorporate clear glazing; and
 - vi. Incorporate architectural elements appropriately scaled to the street, lane or square and proximity to pedestrians.
- G6.5.4 The minimum proportion of a building's ground floor perimeter to be retail and commercial tenancies supporting Active Uses (consistent with Part 2.5.2 of this DCP) is shown on the Street Frontage Activities Plan (see Figure 2.68). This proportion includes building foyers. Notwithstanding Figure 2.68, the minimum active building frontage facing the central square is to be 80%.
- G6.5.5 To encourage fine grained diversity of activity:
- i. tenancies facing a street should have an average frontage of between 6-8m; and
 - ii. tenancies facing a lane or other public space should have an average frontage of between 4-6m.
- G6.5.6 To ensure that tenancies are viable, active uses should have a minimum average depth of 4m from the building perimeter.
- G6.5.7 Foyer spaces should not occupy more than 9m of a building's street frontage or 20% of that frontage, whichever is greater.

G6.6 Building to the street alignment, heights and setbacks

- G6.6.1 Buildings should be built to the street, lane and public domain alignments. Insets are considered appropriate only to provide a publicly accessible area as shown on the Public Domain Map (see Figure 2.63) or to provide building entries.
- G6.6.2 A minimum of 95% of each of the building frontage(s) should be built to the alignment of the public domain (including streets and lanes) to the height shown on the Building Frontage Height Plan (see Figure 2.67).
- G6.6.3 Building forms above the Building Frontage Height (as shown on Figure 2.67) are to be set back from the building frontages as shown on the Setbacks above the Street Frontage Height Plan (see Figure 2.66).

G6.6.4 The following minimum setbacks are to be provided to tower forms:

- i. The north-western tower - 0 metres to Alfred and George Streets and the new lane, 3m to southern boundary;
- ii. The western tower - to George Street 4 metres at 188-194A George Street increasing to 8m at the southern boundary of 196-208 George Street, 3m to the southern boundary, 4m to the eastern side (the new square); and
- iii. The south-eastern tower - 8m to all streets and lanes.

G6.7 **Pedestrian Access and Amenity**

G6.7.1 Awnings should be provided to each entry point and as shown on the Awnings Plan (See Figure 2.62)

G6.7.2 All entries should be expressed in the design of the building to provide a sense of address to the street

G6.7.3 Artworks should be integrated into the design of any public open space as well as to the foyer of each tower.

G6.8 **Design**

G6.8.1 The new buildings should make a positive contribution to the urban design of the precinct and respond to the attributes of the site. The buildings should use materials that are of high quality.

G6.8.2 The form, scale and architectural treatment of the elevations should enhance the appearance of the city, reflect the building's use and achieve design excellence that adds to the city's distinctive character.

G6.8.3 The architectural treatment should respond both to the solar gain likely due to the orientation, and the extensive views available.

G6.8.4 Along George, Pitt and Alfred Streets the lower levels of the building expression should be modulated to provide a comfortable pedestrian environment and scale.

G6.8.5 Along the lanes, the building expression should reflect the grain, scale and proportions of the public domain.

G6.8.6 The new towers should achieve 5 Green Star ratings or higher.

G6.8.7 100% of the communal open space for each tower may be located on elevated gardens or roof tops provided that the area is of a size, shape and overall design that is useful in terms of the recreation and amenity needs of residents and workers.

G6.9 **Internal Amenity**

G6.9.1 Balconies may not be required in residential or serviced apartments located above RL 50.0 due to high wind speeds.

G6.10 **Skyline Design**

G6.10.1 Roof profiles should contribute to the architectural quality of the city skyline.

G6.10.2 Roof profiles should be considered as part of the overall building form.

G6.10.3 The design of roof profiles should be assessed against the following design standards, as appropriate:

- i. Plant, exhaust, and intake vents and other technical equipment should be integrated into the building design; and
- ii. Buildings should be designed to integrate attachments (including antennae) without disrupting the appearance of the building.

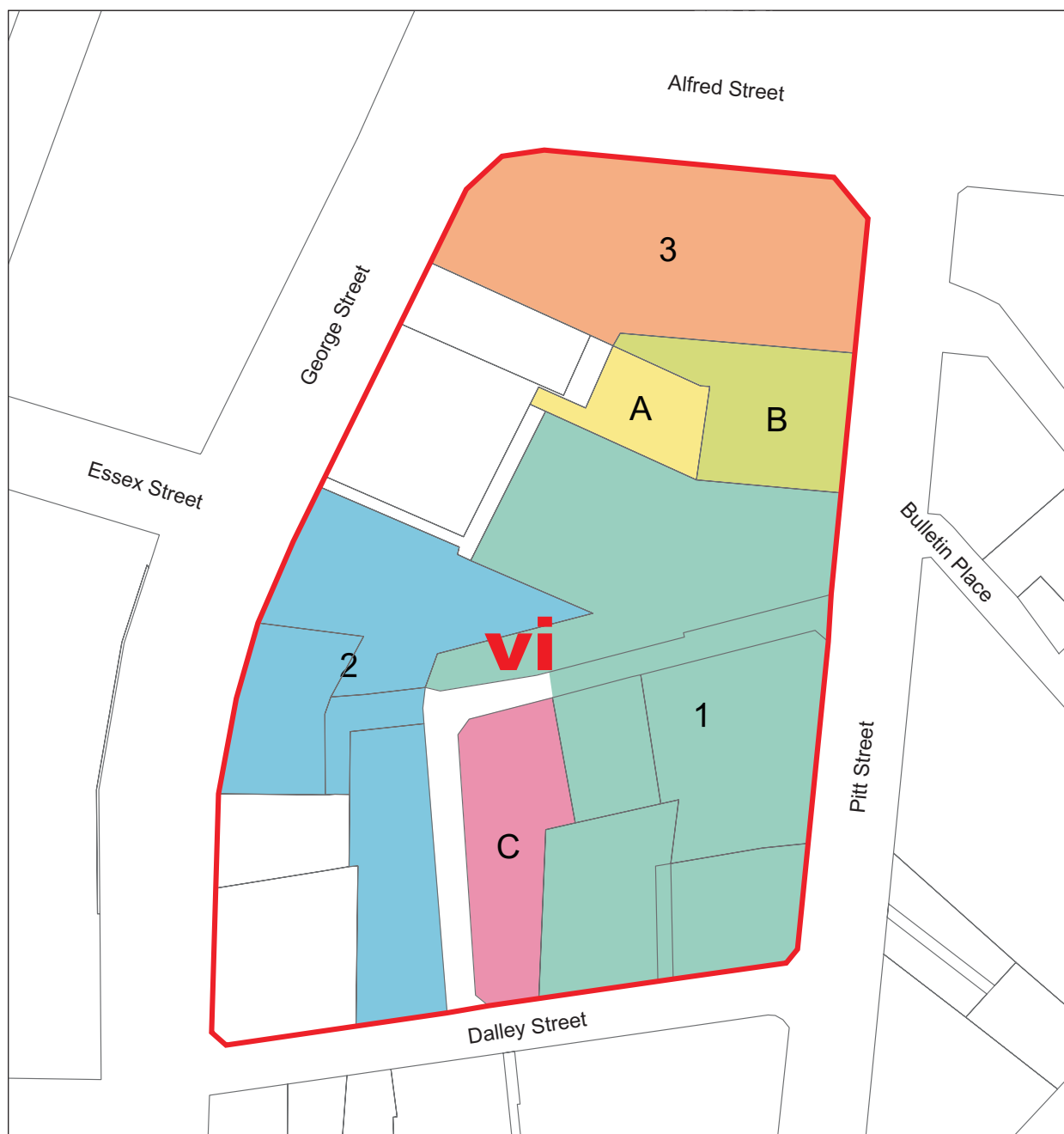


FIGURE 2.58: APDG Site - Development Blocks

0 25 North

vi Alfred, Pitt, Dalley & George Streets Site (Refer to provisions of Clause 52A of Sydney LEP 2005)

Development Blocks

- 1 Development Block 1
- 2 Development Block 2
- 3 Development Block 3

Optional Additions to Development Block 1

- A B C

Optional Additions to Development Block 3

- A B

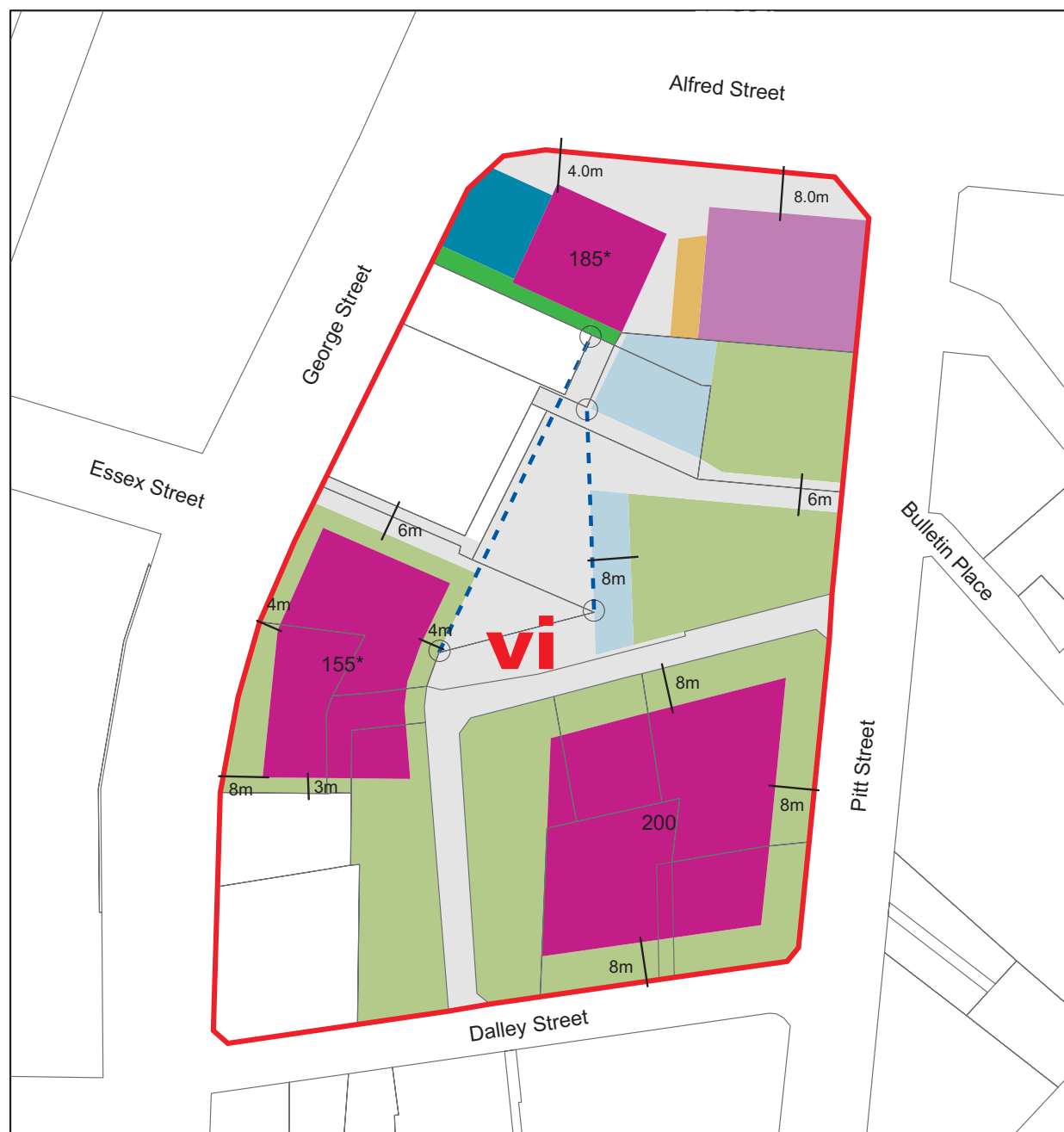


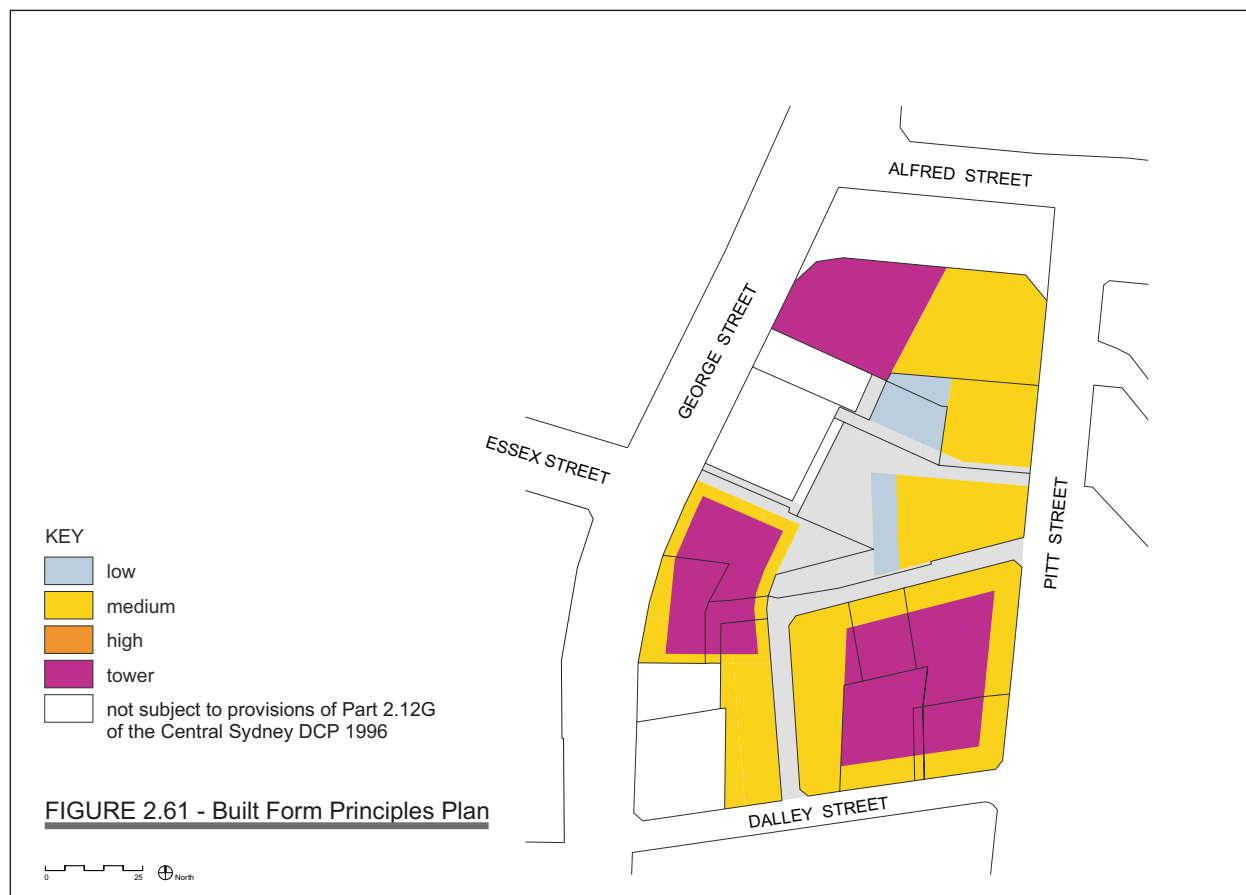
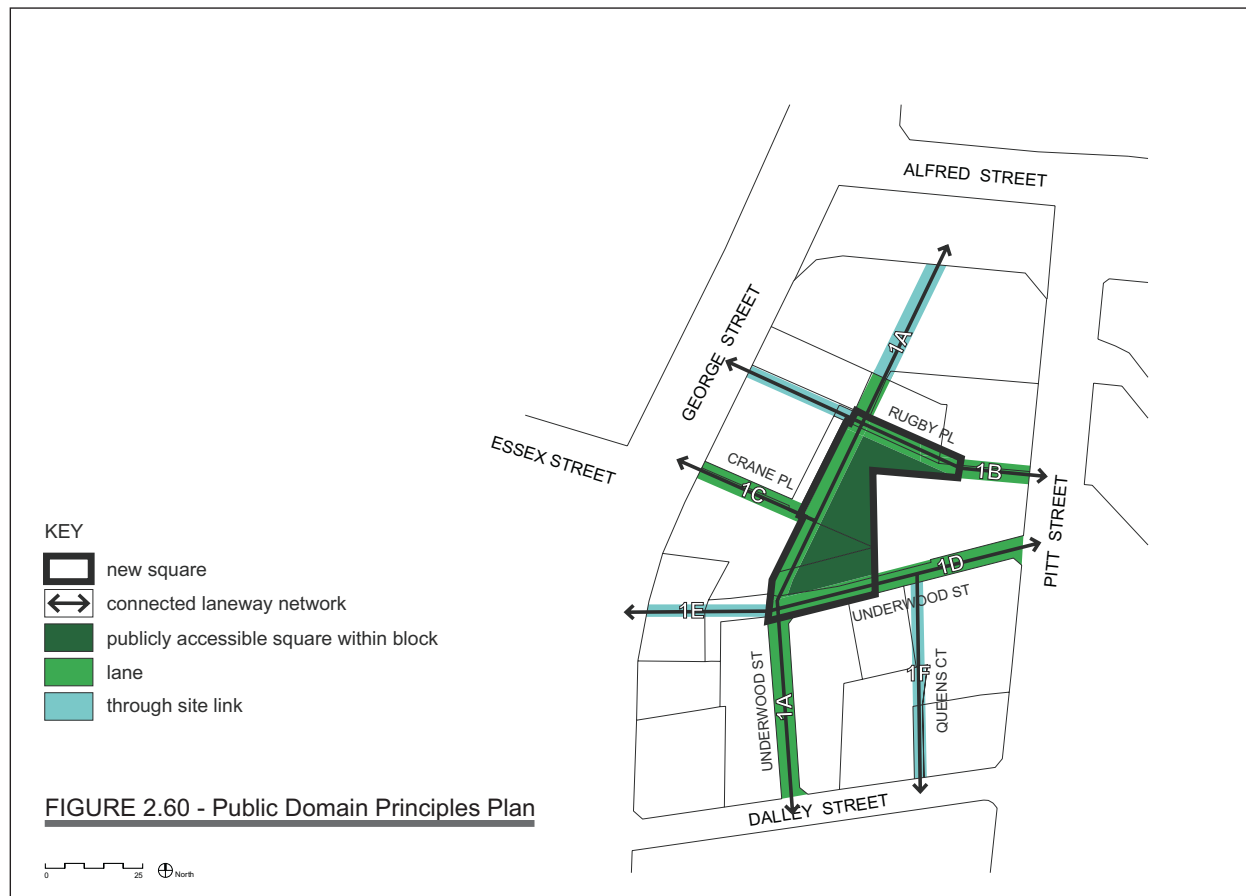
FIGURE 2.59: APDG Site - Alternative Heights and Publicly Accessible Space Map

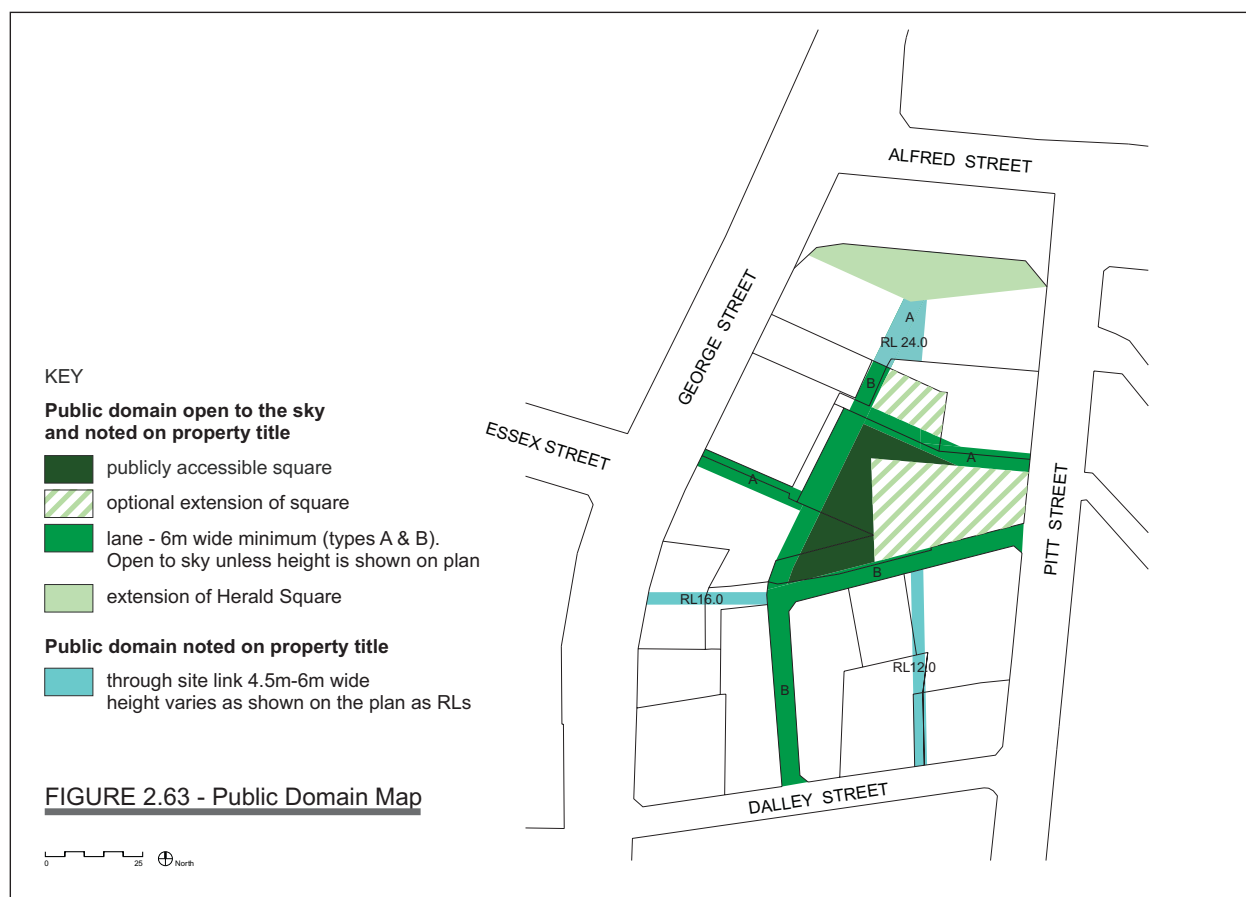
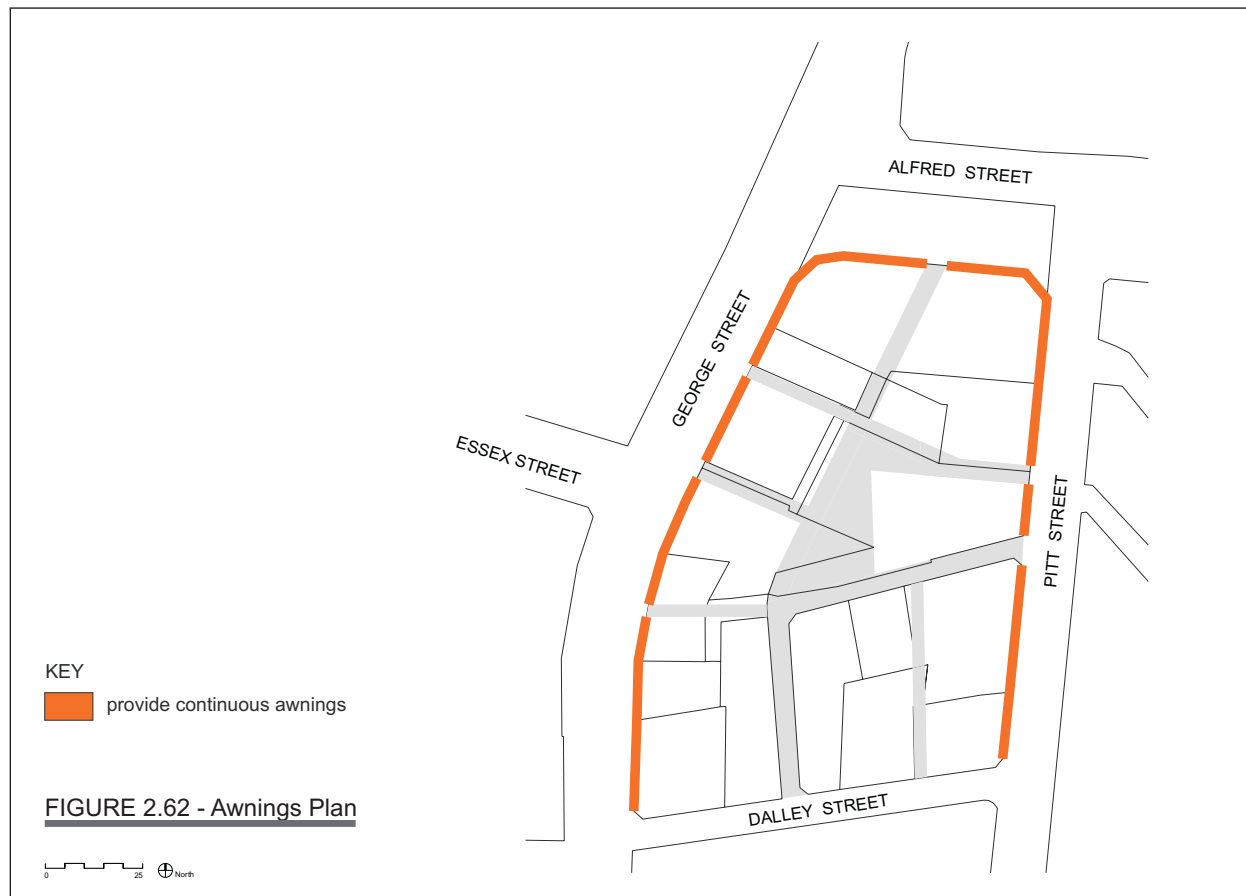
0 25 North

vi Alfred , Pitt, Dalley & George Streets Site (Refer to provisions of Clause 52A of Sydney LEP 2005)

Height (in metres above ground)

- 15
- 25
- 45
- 55
- 75
- 126
- Tower - height noted on plan
- * Max height determined by Clause 49 of Sydney Local Environmental Plan 2005
- Publicly accessible recreation areas, streets and lanes
- Align with property corners





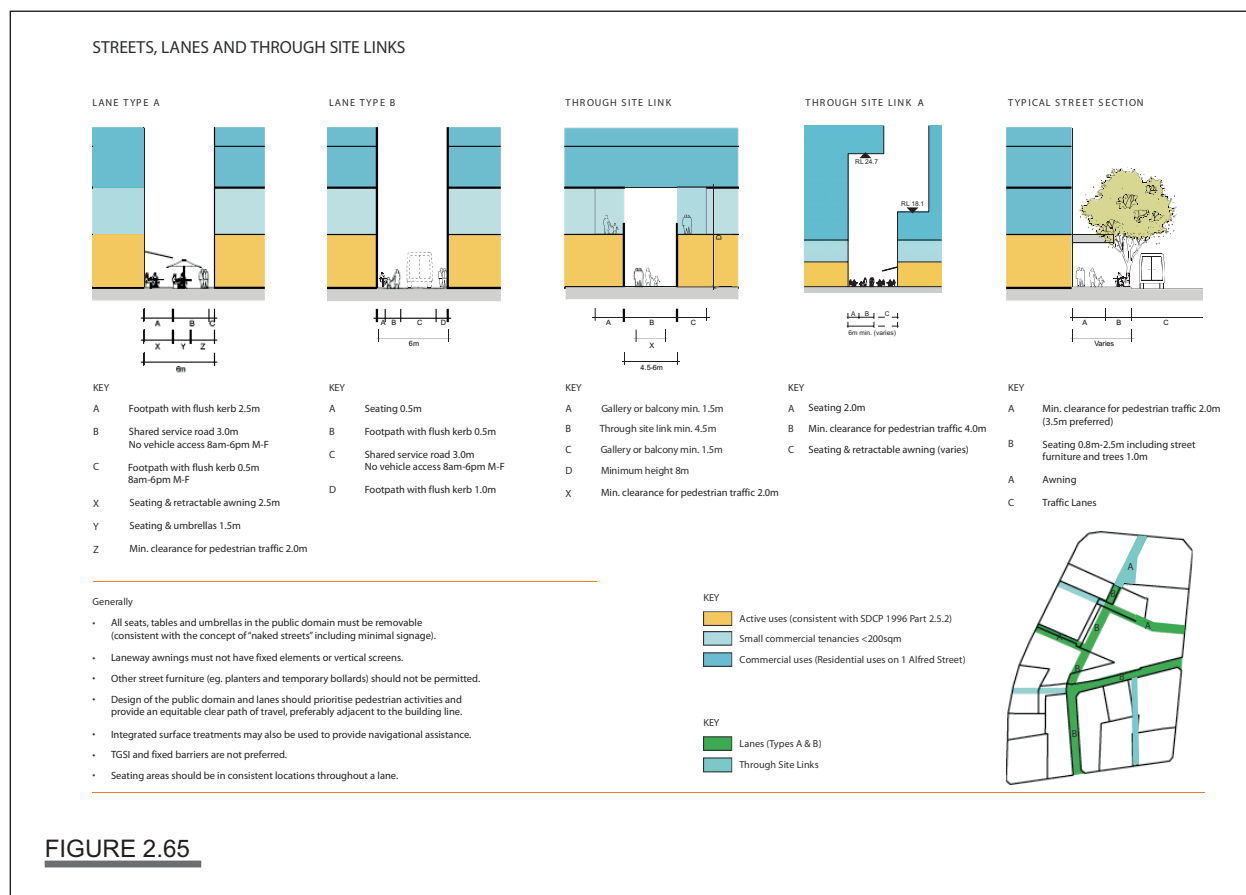
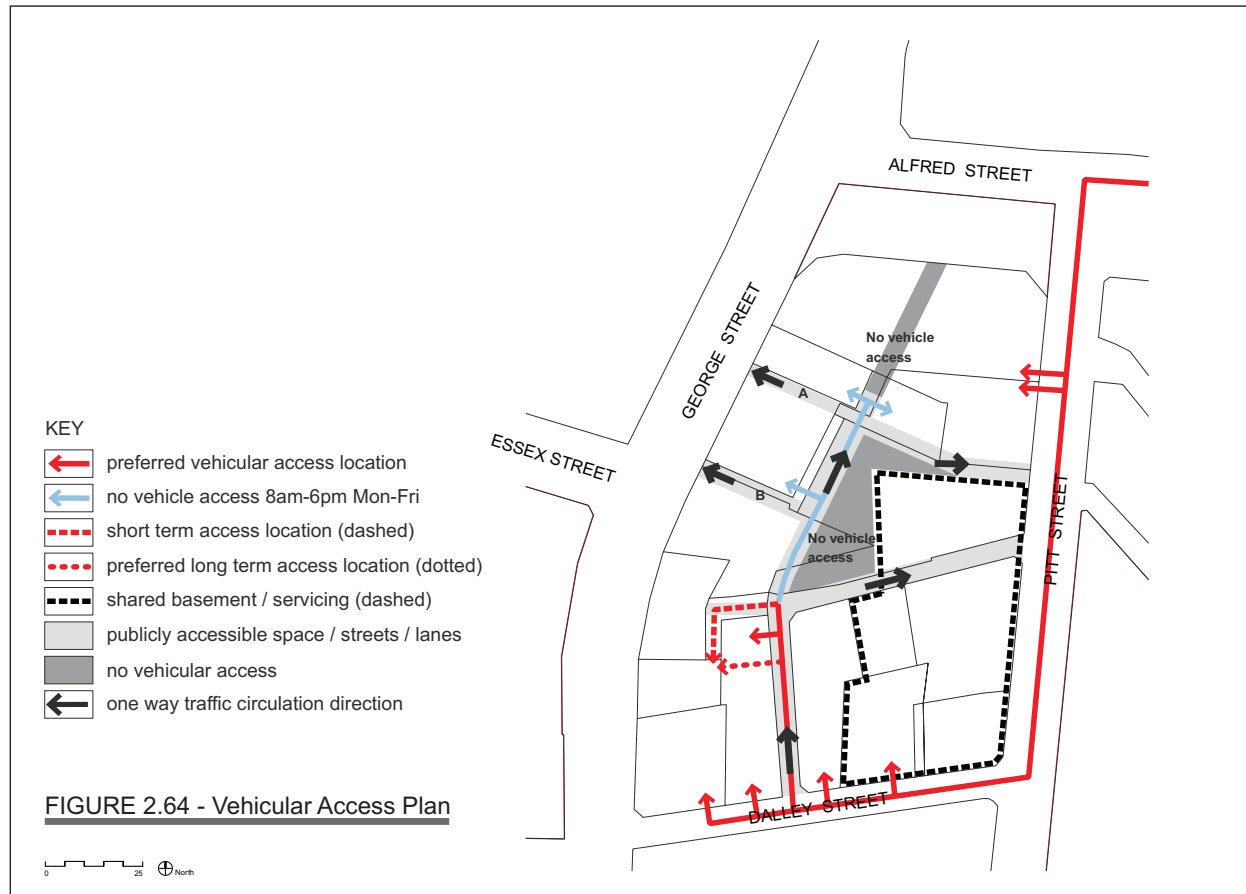
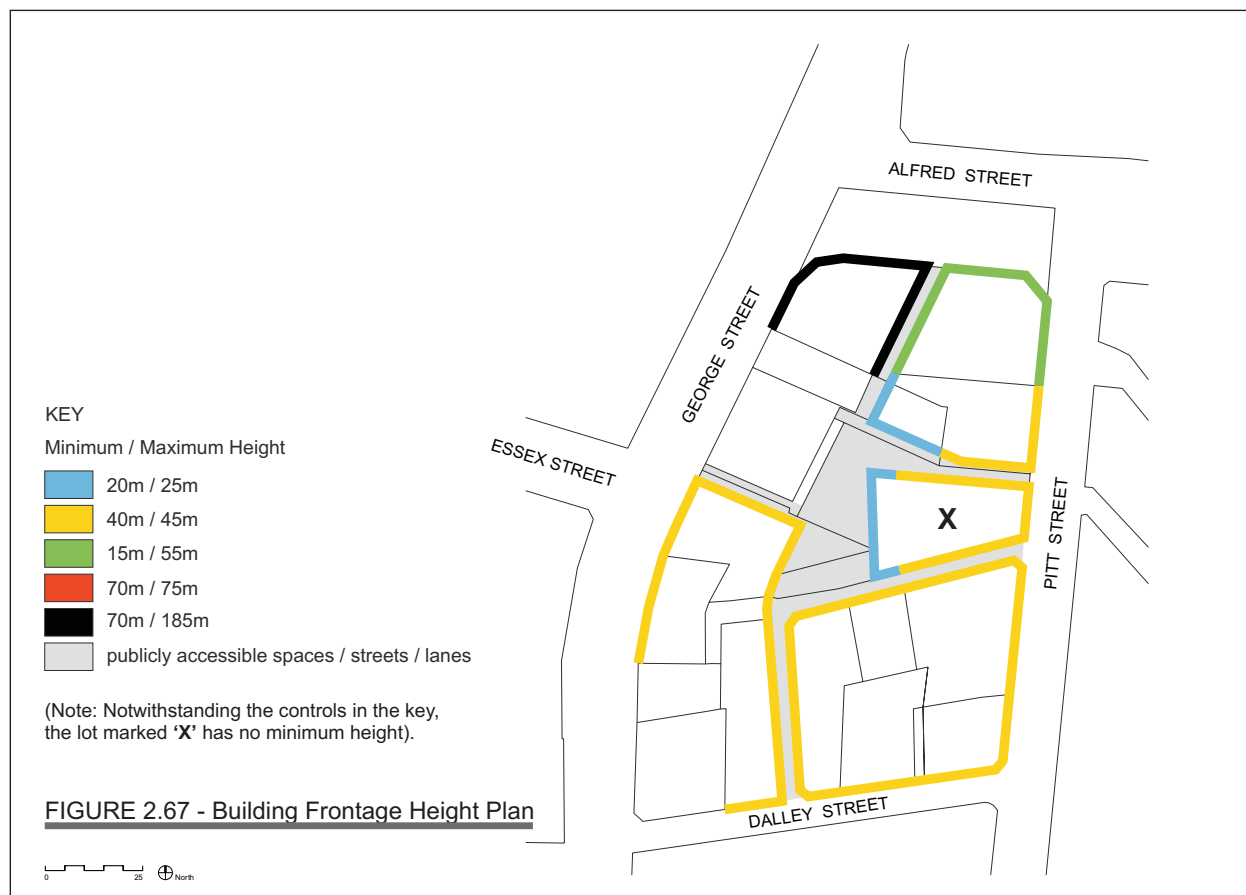


FIGURE 2.65





2.13 Access to mixed use developments

- 2.13.1 The consent authority should not consent to a mixed use development which includes two or more dwellings unless it is satisfied that separate lift access and a separate entrance will be provided for use exclusively for the dwellings

DCP Amendment No 4
Relevant LEP clause: 12(1)

3 Pedestrian Amenity

Pedestrian Amenity incorporates all those elements of individual developments that directly affect the quality and character of the public domain. The Pedestrian Amenity provisions are intended to achieve a high quality of urban design and pedestrian comfort in the public spaces of Central Sydney. The pedestrian environment provides people with their primary experience of and interface with the city. This environment should be safe, functional and accessible to all. It should provide a wide variety of opportunities for social and cultural activities. The pedestrian environment should be characterised by excellence of design, high quality materials and a standard of finish appropriate to a world class city centre. The city's lanes and midblock connections should form an integrated pedestrian network providing choice of routes at ground level for pedestrians.

3.1 Lanes

Strategy

Relevant LEP clauses: 12(f), 12(h), 12(m), 12(n), 18(j)

Lanes are an integral part of the public space network in Central Sydney (see Figure 3.1). Lanes are uncovered external spaces that provide permanent pedestrian and/or vehicle connections through the city fabric at all hours. Lanes separate buildings, maintain Central Sydney's characteristic urban grain and permeability, provide vistas and views through city blocks, and add visual interest to the built environment.

Lanes contribute significantly to the variety of pedestrian experience in Central Sydney (see Figure 3.2). They can enrich the urban quality of the city as well as being interesting places for a variety of uses, such as restaurants, cafes and other activities that attract people and provide opportunities for social interaction.

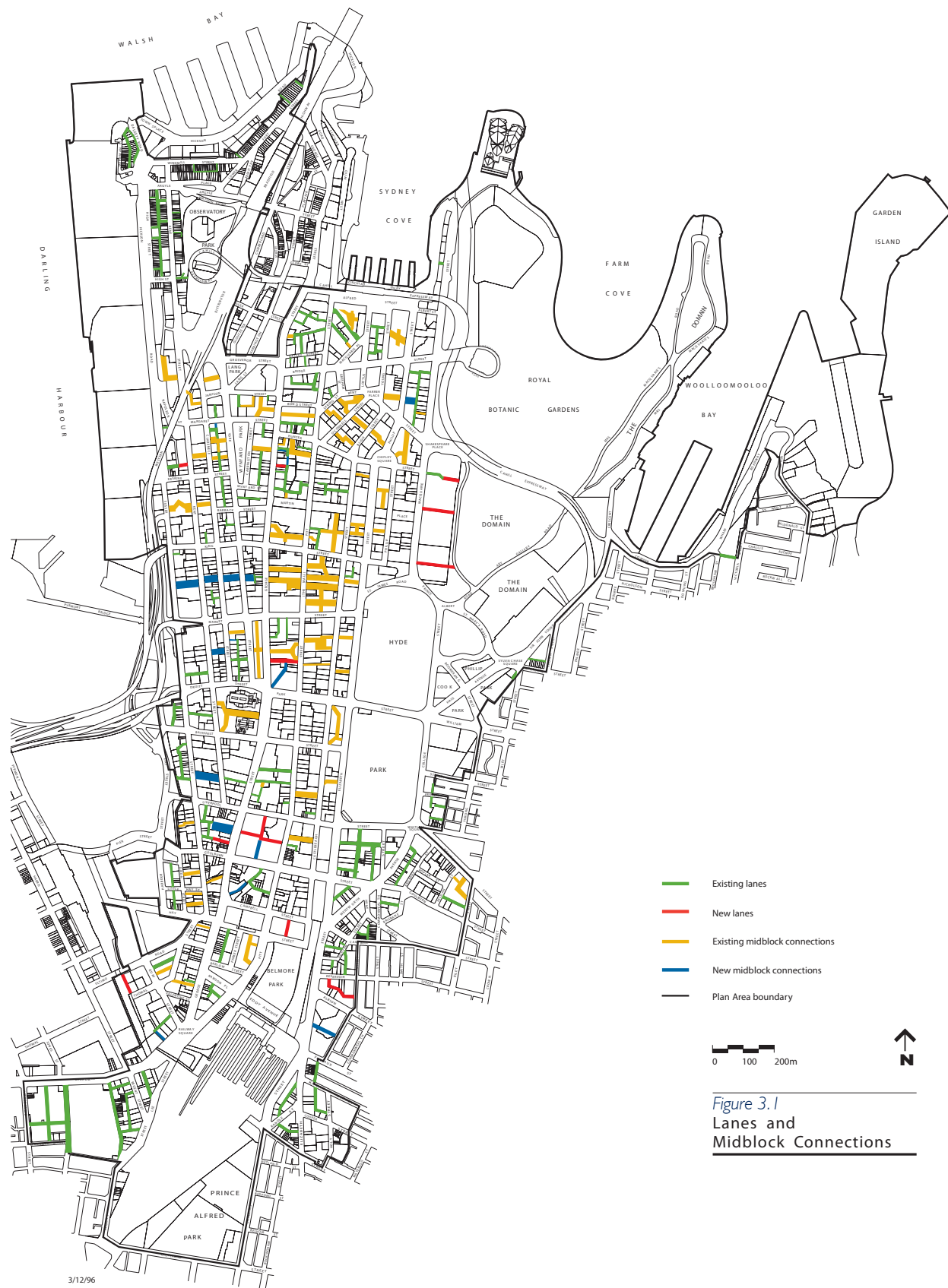
Refer to Section 3.2 for midblock connections.

Objectives

- To retain and develop lanes as useful and interesting pedestrian connections as well as for service access.
- To maintain Central Sydney's fine urban grain.

Provisions

- 3.1.1 Existing publicly and privately owned lanes in Central Sydney are to be retained (see Figure 3.1).
- 3.1.2 In locations shown on Figure 3.1, new lanes with a minimum width of 6 metres are to be provided in future developments.
- 3.1.3 Where developments have frontages to a lane that is also a pedestrian route, the environment of the lane is to be improved by providing an active frontage or design details that create visual interest (see Section 2.5, Figure 3.2 and Figure 3.3).
- 3.1.4 Lanes are not to be covered, but awnings may be permitted on buildings facing lanes up to a maximum of 30% of each frontage.
- 3.1.5 Any change to a heritage lane or any building fronting such a lane requires a Heritage Impact Statement or a Conservation Plan (see *Central Sydney LEP 1992 - Conservation of Heritage Items*).





Central Sydney's lanes are an important part of the pedestrian network.

Figure 3.2



Figure 3.3

The pedestrian amenity of lanes can be enhanced by an active frontage.

3.2 Midblock connections

Strategy

Midblock connections are enclosed or partly enclosed pedestrian routes within developments that have a public character, provide public right of way and are open and accessible at each end.

Long street blocks, which are characteristic of much of Central Sydney, often increase walking distances. Consequently, it is beneficial to have midblock pedestrian connections, and to make Central Sydney more lively and safer by lining those connections with activities.

Midblock connections should be provided:

- in the middle of the long sides of long street blocks to improve east-west links, especially where the distance between links is greater than 100 metres,
- to complete lane connections where they improve pedestrian safety and amenity,
- to link with existing and planned street level midblock pedestrian crossings and opposite other midblock connections.

Objective

- To provide midblock connections lined with activities in nominated locations to enhance the pedestrian network of Central Sydney.

Provisions

- 3.2.1 Existing midblock connections in Central Sydney are to be retained (see Figure 3.1).
- 3.2.2 Midblock connections are to be provided by future developments in nominated locations (see Figure 3.1).
- 3.2.3 Midblock connections are to:
 - (i) have active uses,
 - (ii) be obvious and direct through-ways for pedestrians (see Figure 3.4),
 - (iii) provide public access from at least 6am to 10pm daily,
 - (iv) have a minimum width of 4.5 metres and where possible a width of at least 6 metres that is clear of all obstructions,
 - (v) where practicable, have access to natural light for part of their length and at openings at each end,
 - (vi) where air conditioned, have clear glazed entry doors comprising at least 50% of the entrance,
 - (vii) have signage at the street entries indicating public accessibility and the street to which the midblock connection links.

Relevant LEP clauses: 12(f), 12(h), 12(m), 12(n), 18(k)



Skygarden is one of Sydney's best known mid-block connections.

Figure 3.4

3.3 Vehicle Access and Footpath Crossings

Strategy

There are vehicle crossings over footpaths on many streets in Central Sydney. This disrupts pedestrian movement and threatens safety. The design of vehicle access to buildings also influences the quality of the public domain. Overly wide and high vehicle access points detract from the streetscape and the active use of street frontages.

The design and location of vehicle access to developments should minimise:

- conflicts between pedestrians and vehicles on footpaths, particularly along pedestrian priority places (see Figure 3.5),
- visual intrusion and disruption of streetscape continuity.

Council has a separate code *Waste Handling in Buildings* which includes provisions for service vehicle access. This code is available from the One Stop Shop.

Relevant LEP clauses: 12(i), 12(m).

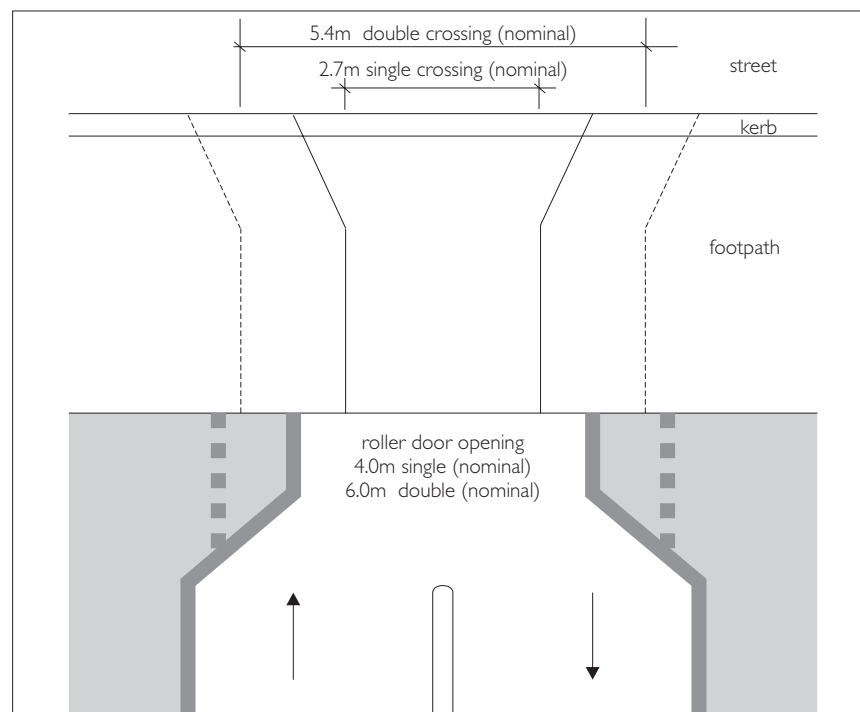
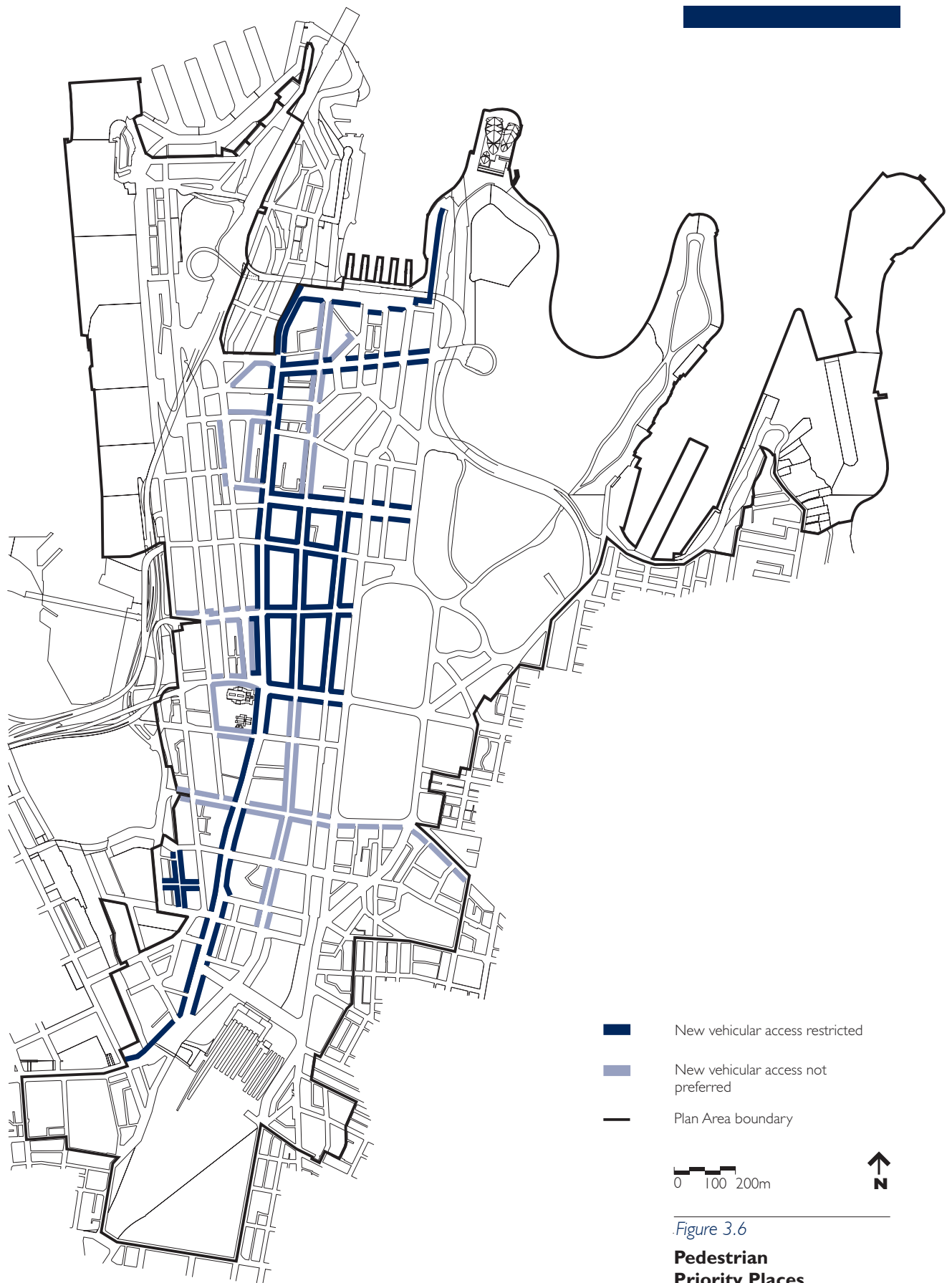


Figure 3.5

Vehicle access points are to be minimised in width and perpendicular to the street.



Objective

- To make vehicle access to buildings more compatible with pedestrian movements and the public domain.

Provisions

Location of Vehicle Access

- 3.3.1 New vehicle access points are restricted in retail streets and are not favoured in pedestrian priority places (see Figure 3.5). Where practicable, vehicle access is to be from lanes and minor streets rather than major pedestrian streets.
- 3.3.2 Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.
- 3.3.3 Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.
- 3.3.4 Vehicle access may not be required or may be denied to some heritage buildings, subject to a Conservation Plan.

Design of Vehicle Access

- 3.3.5 Wherever practicable, vehicle access is to be a single crossing with a nominal width of 2.7 metres over the footpath, and perpendicular to the kerb alignment. In exceptional circumstances, a double crossing with a nominal width of 5.4 metres may be permitted for safety reasons (see Figure 3.6).
- 3.3.6 Vehicle access ramps parallel to the street frontage will not be permitted.
- 3.3.7 Doors to vehicle access points are to be roller shutters or tilting doors fitted as close as possible to the street alignment.
- 3.3.8 Active uses or items of visual interest above vehicle access points are required in the horizontal line of sight of pedestrians (see Figure 3.7).
- 3.3.9 Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.

Porte Cocheres

- 3.3.10 Porte cocheres are not favoured and may only be permitted for hotels subject to urban design, streetscape, heritage and pedestrian amenity considerations.
- 3.3.11 Where practicable, porte cocheres are to be internal to the building with one combined vehicle entry and exit point, or one entry and one exit point on two different frontages of the development.
- 3.3.12 In exceptional circumstances for buildings with one street frontage only, an indented porte cochere with separate entry and exit points across the footpath may be permitted, as long as it is constructed entirely at the footpath level and provides an active frontage at its perimeter.



Active uses or items of visual interest are appropriate above vehicle access points (ie, in the horizontal line of sight of a pedestrian).

Figure 3.7

3.4 Pedestrian overpasses and underpasses

Strategy

Central Sydney's streets present the best potential amenity for pedestrians. They offer sky exposure, sunlight and air, a sense of orientation and direct access to the main frontages of buildings. Generally, pedestrians should be encouraged to use the street level to enhance and contribute to street life, to promote activity and interest, and to maximise safety and security of the public domain. Sydney's climate does not warrant pedestrian isolation from the street, and any conflicts between pedestrians and vehicles should be resolved at the street level.

Pedestrian overpasses are discouraged because they generally have a negative impact on the streetscape quality and on views and vistas along streets. New pedestrian underpasses will only be considered where they would directly connect to railway stations and substantially improve pedestrian safety.

Objective

- To limit the number of overpasses and underpasses in order to encourage people to circulate at street level.

Provisions

- 3.4.1 New overpasses over streets are discouraged. In exceptional circumstances, new overpasses over service lanes may be considered by the consent authority.
- 3.4.2 Underpasses may be considered by the consent authority for direct connection under adjacent streets to railway stations and where they would substantially improve pedestrian safety and accessibility.
- 3.4.3 Access to underpasses should be provided directly from a public footpath at the street alignment (rather than reducing the space of the footpath). This will ensure public access at all times and enhance the use and activities of the public domain.
- 3.4.4 All underpasses are to have a minimum width of 4.5 metres clear of all fixed obstructions.

Relevant LEP clauses: 12(m),
18(j)

3.5 Awnings and colonnades

Strategy

Relevant LEP clause: 12(m)

Sydney is subject to downpours of rain throughout the year, particularly in summer. It is important to provide continuous weather protection on street footpaths (see Figure 3.5), particularly in pedestrian priority places.

Awnings are the preferred form of weather protection in Central Sydney. Appropriately designed awnings create attractive pedestrian environments with continuous weather protection (see Figure 3.8). Awnings ensure clear visibility on the footpath and therefore contribute to personal security.

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

This section provides locational requirements for awnings and colonnades. Council has a separate policy titled *Policy and Guidelines for Awnings*, containing guidelines for the design of awnings in Central Sydney.

Objective

- To increase pedestrian amenity by the provision of weather protection.

Provisions

Awnings

- 3.5.1 Awnings are to be provided to the full extent of the street frontage of buildings in the locations nominated in Figure 3.9, except in cases where:
- (i) there is no existing continuity of awnings on buildings within the same block on the same side of the street,
 - (ii) there would be a major adverse impact on a heritage streetscape.
- 3.5.2 Awnings may be considered on other streets subject to urban design and heritage considerations.
- 3.5.3 The provision of awnings on heritage buildings and in heritage streetscapes is to be examined in the context of a Conservation Plan or a Heritage Impact Statement, and may be restricted.
- 3.5.4 All awnings are to be designed and provided in accordance with the Council's *Policy and Guidelines for Awnings*.

Colonnades

- 3.5.5 Colonnades are to be retained and completed to the full extent of the street frontage in the locations nominated on Figure 3.9.
- 3.5.6 Colonnades are to be level with the adjoining footpath, fully interconnected to adjoining colonnades and be a constant depth of 4.8 metres.
- 3.5.7 Colonnades may be considered for retention in other streets where they face north and north west, form part of a continuous system, provide an opportunity for active use, or are integral parts of a heritage building, subject to pedestrian amenity and heritage considerations.

- 3.5.8 Existing colonnades which are not nominated for retention or completion are encouraged to be used for active uses, enclosed or built out to the street alignment.
- 3.5.9 Weather protection for pedestrians is to be provided on corner buildings at street intersections in the form of awnings, corner canopies, or corner colonnades.



Figure 3.8

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

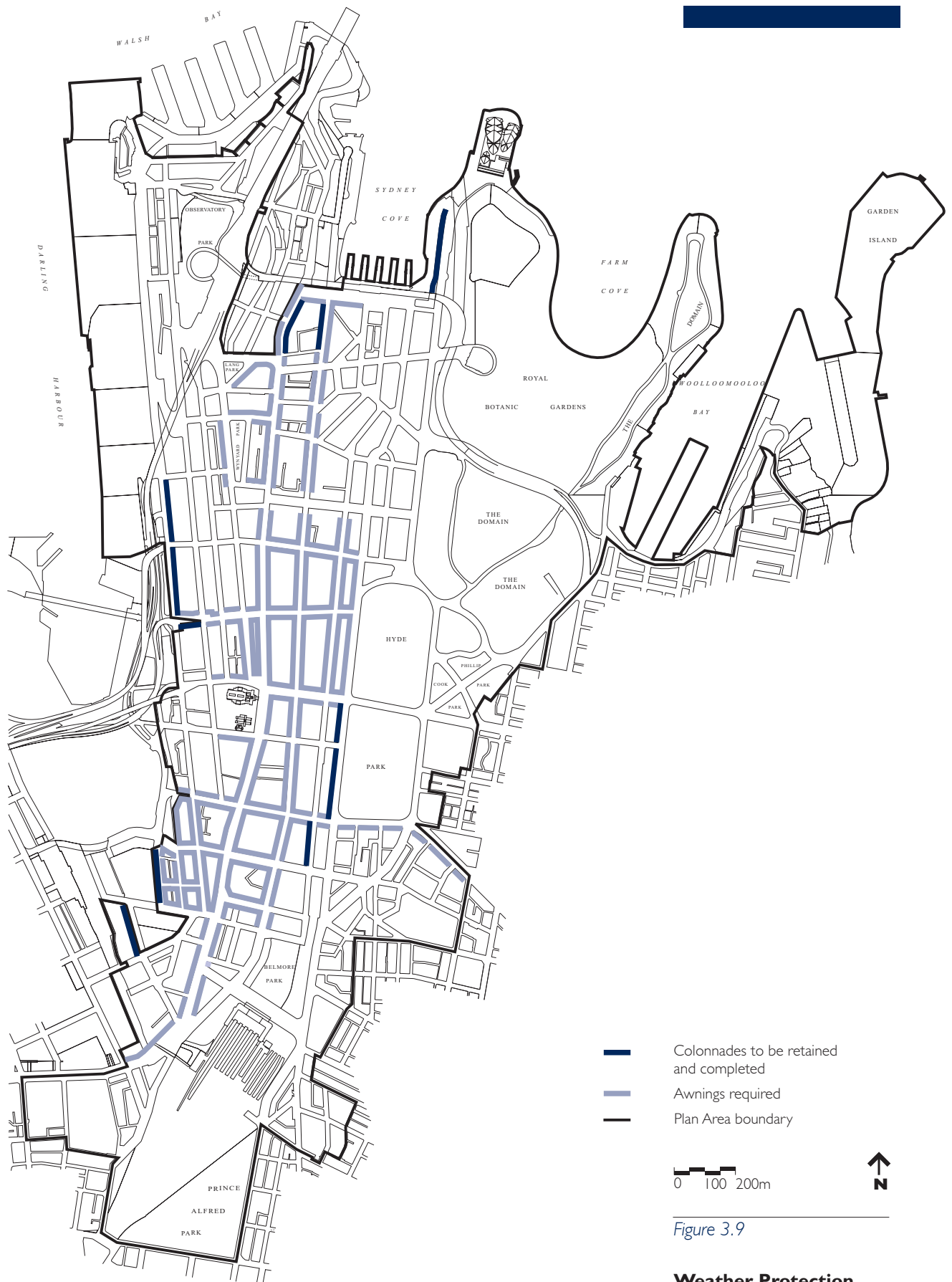


Figure 3.9

Weather Protection

3.6 Artworks

Strategy

Central Sydney has a tradition of public art in both the public domain and privately owned buildings that enriches the city's cultural life and visual quality.

Council has a *Public Art Policy* available at the One Stop Shop.

Objective

- To encourage high quality artworks in new development.

Provision

- 3.6.1 High quality artworks in new development are to be provided in publicly accessible locations such as near main entrances, lobbies and street frontages (see Council's *Public Art Policy* and Figure 3.10).

Relevant LEP clauses: 12(a), 12(f), 12(i), 12(m)

3.7 Paving for footpaths and public spaces

Strategy

Footpaths are a significant part of the public domain and their quality has a direct effect on the pedestrian experience of the city. They should be a unifying element in the streetscape where buildings, signs, objects, people and movement provide variation and change. They should give a clear expression of pedestrian priority and provide ease of movement for everyone, including people with different degrees of disability.

Footpath paving is to be provided in accordance with an overall paving system that takes into account pedestrian movement and the civic hierarchy of Central Sydney's streets. The highest degree of permanence and durability on the most significant street footpaths is required.

Relevant LEP clauses: 12(f), 12(g), 12(m), 18(i)

Objective

- To provide paving in accordance with the nominated overall paving system.

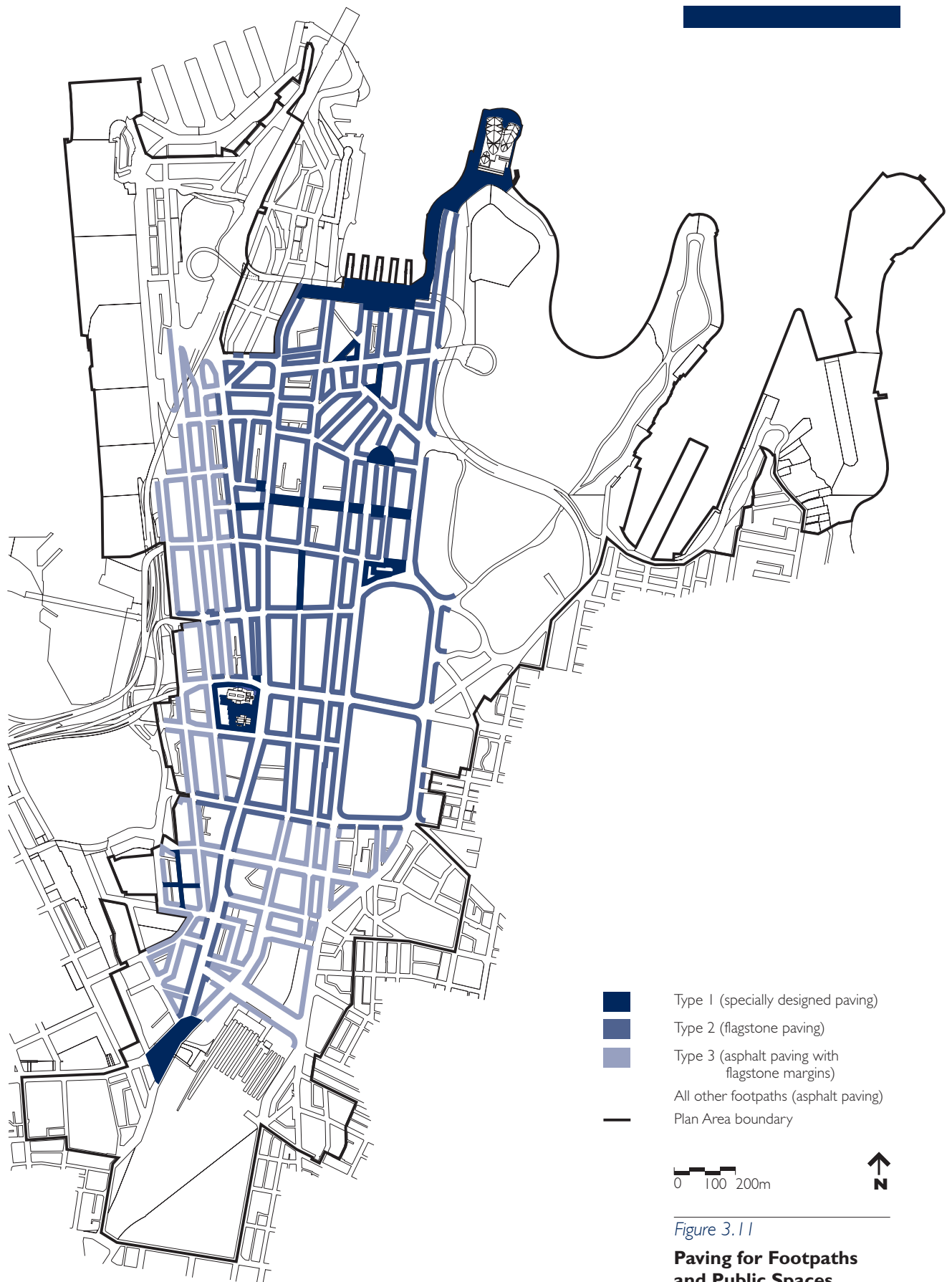
Provisions

- 3.7.1 Footpath paving is to be provided in accordance with Council's *Footpath Paving Design Policy* in the following paving types (see Figure 3.11):
- (i) *Type 1* A special design by Council for each nominated street or public space,
 - (ii) *Type 2* Flagstone paving for Central Sydney's main streets and major pedestrian routes,
 - (iii) *Type 3* Asphalt paving with flagstone margins for the secondary streets surrounding the main streets and major pedestrian routes,
 - (iv) *Type 4* Asphalt paving for lanes, residential areas and peripheral streets surrounding the city centre.
- 3.7.2 All footpath paving is to be provided in accordance with Council's specifications and the *Footpath Paving Design Policy*.



Figure 3.10

Artworks should be integrated into the design of new buildings and be publicly accessible. This example is *Edge of the Trees* (by Janet Laurence and Fiona Foley) in the forecourt of the Museum of Sydney in Bridge Street.



3.8 Easy Access

Strategy

Access to the facilities of Central Sydney should be made available for everyone. Most people experience some form of mobility impairment during their lives. Mobility impairments can vary in severity and may be caused by a variety of factors including ageing, injury or disease, childcare, pregnancy, or even just carrying parcels.

New development should offer all people, including those with mobility impairments, safe and comfortable access to employment, recreation and other opportunities offered by Central Sydney.

Council has an *Access Policy* available from the One Stop Shop.

Objective

- To ensure easy access to publicly accessible areas for the whole community.

Provisions

- 3.8.1 All buildings are to be designed in accordance with Council's *Access Policy*.
- 3.8.2 The main entry to new buildings for the general public is also to be the entry designed and identified for use by people with mobility impairments. For this reason main entries consisting only of revolving doors will be discouraged.
- 3.8.3 The main entry is to be level with the street footpath where practicable, and should be located in a continuous level path of travel to the lift core (see Figure 3.12).

Relevant LEP clauses: 11 (c), 11(d), 12(f), 12(i), 12(m).



Figure 3.12

The main entry to new buildings for the general public is to be designed for use by people with mobility impairments.

4 Environmental management

Environmental Management includes those aspects of developments that have a measurable effect on the physical quality of Central Sydney's environment. The environmental management provisions are intended to ensure that principles of ecologically sustainable development (ESD) are integrated into the design and construction of development, particularly in relation to reduced energy usage. They are also intended to lead to improved sun access to publicly accessible spaces and to lower overall levels of wind, noise, and reflectivity that will contribute to people's enjoyment of the public domain.

4.1 Sunlight to public spaces

Strategy

The LEP provides specific sun access protection for certain hours of the day for the major parks and community places. This section is concerned with sun access to other public spaces in Central Sydney including those that are privately owned.

Relevant LEP clauses 11(a), 12(i), 12(m), 18(g), 20(f), 29(1)(c)

Sun access during lunchtime hours is desirable in all public spaces. Some public spaces, particularly those with sun access, are heavily used throughout the day. Use of some other public spaces is substantially increased by sun access, so overshadowing effects of development beyond lunchtime hours should be considered.

Objective

- To ensure that there is adequate sun access to publicly accessible spaces.

Provisions

- 4.1.1 Shadowing effects of new buildings on publicly accessible space are to be considered for the hours of 12 noon to 2 pm between 14 April and 21 June.
- 4.1.2 Depending on the nature and use of a particular space, periods outside 12 noon to 2 pm may also be required to be considered under Section 90 of the *Environmental Planning and Assessment Act 1979*. This consideration may result in the need for modification of shadow impact outside the 12 noon to 2 pm period.

4.2 Wind standards

Strategy

Windy conditions can cause discomfort and danger to pedestrians, and downdrafts from buildings can inhibit the growth of street trees. Conversely, moderate breezes that penetrate the streets of Central Sydney can enhance pedestrian comfort and disperse vehicle emissions and air-conditioning plant exhausts.

Analysis of wind conditions in Central Sydney indicates that:

- setting tower buildings back from lower structures built at the street frontage protects pedestrians from strong wind downdrafts at the base of the tower buildings (see Figure 4.1),
- ensuring that tower buildings are well spaced from each other is the most effective way of allowing breezes to penetrate Central Sydney.

Relevant LEP clauses: 12(f), 12(i), 12(m), 18(f), 20(e)

The shape, location and height of buildings are to be designed to satisfy wind criteria for public safety and comfort at ground level. The useability of open terraces on buildings also depends on comfortable conditions being achieved.

Objectives

- To ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.
- To ensure that the moderate breezes are able to penetrate the streets of Central Sydney.

Provisions

- 4.2.1 To ensure public safety and comfort (see Figure 4.2) the following maximum wind criteria are to be met by new buildings:
- 10 metres/second in retail streets (see Figure 2.27),
 - 13 metres/second along major pedestrian streets, parks and public places (see Figure 2.27),
 - 16 metres/second in all other streets.
- 4.2.2 Building design should minimise adverse wind effects on recreation facilities on open terraces within developments.
- 4.2.3 A Wind Effects Report is to be submitted with the DA for all buildings taller than 45 metres above street level.

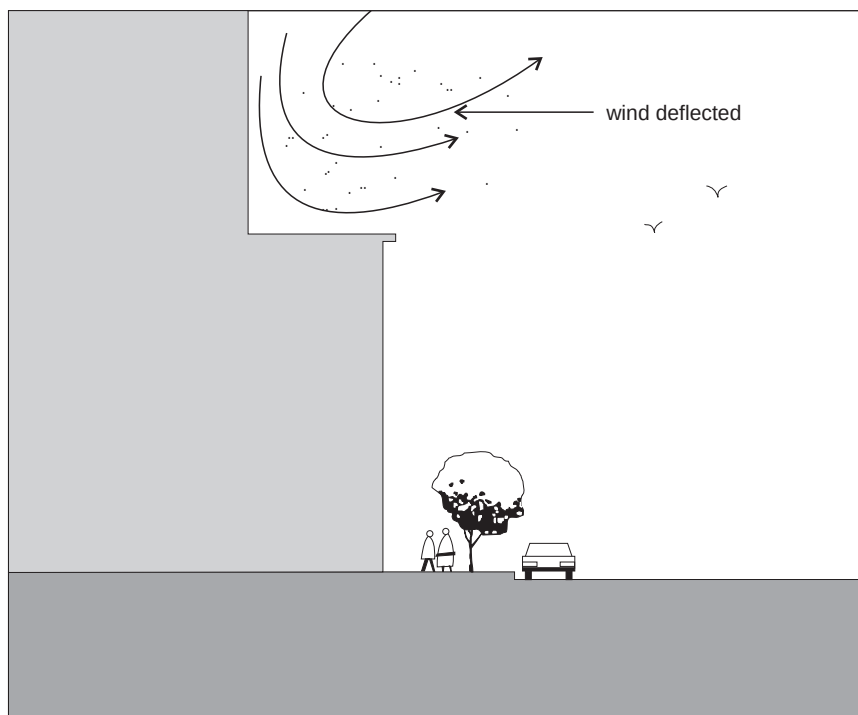


Figure 4.1

Wind and setbacks: A tower set back from the street frontage height generally deflects downdrafts and wind away from street level.



The comfort and useability of public places such as Pitt Street Mall is enhanced if nearby buildings are designed to satisfy wind and sun access criteria.

Figure 4.2

4.3 Energy efficiency of buildings

Strategy

The State Government's *Cities for the 21st Century* and Council's *Total Environmental Policy* call for ecologically sustainable development (ESD) principles to be taken into account in urban development. Buildings should optimise their passive and operational energy efficiencies, reduce pollution, include waste minimisation systems and use construction materials from renewable resources.

Relevant LEP clauses: 12(j), 13(a).

Council has a separate *Code for Waste Handling in Buildings* available from the One Stop Shop.

Objective

- To have regard to the principles of Ecologically Sustainable Development by providing energy efficient buildings.

Provision

- 4.3.1 An Energy Efficiency Report is required to accompany the DA for any new building with a construction cost of \$1 million or more.
- 4.3.2 Building designers should have regard to the Building Energy Manual (NSW Public Works 1993) and the Environment Design Guide (Royal Australian Institute of Architects) when designing buildings.

4.4 Noise reduction

Strategy

Loud noise affects the amenity of places. New buildings can mitigate the effects of noise by using insulation. In particular, residential buildings and serviced apartments should be insulated from noise. Loud noise emanating from shops can also detract from otherwise pleasant street environments.

Construction also creates noise that needs to be controlled. Council has a separate *Code of Practice for Construction Hours/Noise within the Central Business District* available from the One Stop Shop.

Objectives

- To insulate dwellings and serviced apartments against noise.
- To ensure that pedestrians are not subject to unreasonable and avoidable noise nuisances.

Provisions

- 4.4.1 All residential buildings and serviced apartments are to be constructed so that the repeatable maximum $L_{Aeq}(1 \text{ hour})$ level does not exceed the maximum noise levels specified in Clauses 6.1.14, 6.1.15 and 6.1.16
- 4.4.2 The consent authority may require a Noise Impact Assessment Report to accompany a DA.
- 4.4.3 Spruiking and the playing of amplified music or messages within shop premises so that it can be heard in a public place is not permitted.

Relevant LEP clauses: 12(c), 12(i), 18(d), 20(b), 22(b), 22(c).

DCP Amendment 5

4.5 Reflectivity

Strategy

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

The excessive use of highly reflective glass should be discouraged. Buildings with a glazed roof, facade or awning should be designed to minimise hazardous or uncomfortable glare arising from reflected sunlight.

Objective

- To restrict the reflection of sunlight from buildings to surrounding areas and buildings.

Provisions

- 4.5.1 New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.
- 4.5.2 Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.
- 4.5.3 A Reflectivity Report that analyses the potential solar glare from the proposed new development on pedestrians or motorists may be required.

Relevant LEP clauses: 12(f), 12(i), 12(m).

4.6 Urban run-Off

Strategy

The water quality of urban run-off from Central Sydney directly affects Sydney Harbour. Consequently it is important to control sediment and gross pollutants, particularly during construction.

Objective

- To control the quality of urban run-off from sites in Central Sydney.

Provision

- 4.6.1 A water and sediment control statement for the construction phase is to be included with a BA. The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's *Erosion and Sediment Control Manual*.

Relevant LEP clauses: 11(a), 11(d), 12(j), 12(k), 12(o).

4.7 External lighting of buildings

Strategy

The external lighting of buildings can add to the character of buildings at night and enliven the city as well as views of the city skyline. However, external lighting has an impact on total energy efficiency and can affect residential amenity. In some cases it is more appropriate to highlight certain architectural features of a building rather than floodlighting whole facades (see Figure 4.3).

Relevant LEP clauses: 11(a), 11(d), 12(i), 12(j).

Objectives

- To encourage external lighting of buildings that adds to the architectural character of the building whilst having regard to efficient use of energy and the amenity of nearby residents.
- To keep light spill to a level that enables Sydney Observatory to continue to operate.

Provision

- 4.7.1 Any external lighting of buildings is to be considered with regard to :
- (i) the integration of external light fixtures with the architecture of the building (for example, highlighting external features of the building),
 - (ii) the contribution of the visual effects of external lighting to the character of the building, surrounds and skyline,
 - (iii) the energy efficiency of the external lighting system,
 - (iv) the amenity of residents in the locality,
 - (v) the impact on the night sky, having particular regard to observed effects from Sydney Observatory.



Any external lighting of buildings is to have regard to the impact on the night sky, energy usage and amenity considerations.

Figure 4.3

5 On-site Parking

Central Sydney is Australia's principal destination for overseas and local visitors alike. Appropriately located parking for cars and tourist coaches is important in the development of visitor accommodation and enhancement of pedestrian amenity in Central Sydney.

Parking rates and other key provisions in relation to on-site parking are contained in the LEP. The DCP parking provisions in this section relate to the detailed location and design of on-site parking and should be read in conjunction with Section 3.3 Vehicle Access and Footpath Crossings.

The provisions for on-site parking are intended to ensure that the design and location of such parking is consistent with other elements of the DCP aimed at ensuring the quality of the public domain. The operation of public car parking favours short term parking rather than commuter parking. The provisions also guide the location and amount of parking for particular vehicle types.

5.1 Design and location of on-site parking

Strategy

Relevant LEP clauses: 12(j), 12(l), 47, 48.

On-site parking in Central Sydney should generally be located below ground so that active uses are maximised at the street level. Car parking for commercial development and hotels is to be located below ground and is not to be visible from the street. While above ground parking for residential buildings and serviced apartments is discouraged, it is permissible subject to certain conditions in certain locations. Any such parking is to be designed so that in the future the space can be readily converted to other uses.

Council has a separate *Code for Waste Handling in Buildings* which includes provisions for service vehicles. Consideration should also be given to any Council policies relating to Off Street Parking or On Street Parking.

Objectives

- To integrate parking appropriately with the design of buildings.
- To ensure that pedestrian amenity is enhanced.
- To ensure that the design of parking and vehicle access relates appropriately to heritage items.
- To enable the conversion of above ground parking in residential development and serviced apartments to other uses.
- To minimise conflict between coach parking and pedestrian movements.

Provisions

Traffic and Parking Report

- 5.1.1 Where any proposed development includes on-site parking, a Traffic and Parking Report is required.
- 5.1.2 A Traffic and Parking Report for hotel development is to address tourist coach set-down and parking provisions. Provision for tourist coach

parking should take into account available off-site coach parking. Where practicable and subject to urban design and heritage considerations, loading and unloading of passengers and baggage is to be accommodated within the development site.

Above ground parking

- 5.1.3 Above ground parking is only permissible for residential buildings and serviced apartments, which may have a maximum of three levels of above ground parking.
- 5.1.4 Above ground parking is not to occur on sites fronting pedestrian priority places (see Figure 3.5), and is discouraged elsewhere.
- 5.1.5 The minimum floor to ceiling height (clear of obstruction) for any above ground parking is to be 2.8 metres.
- 5.1.6 All above ground car parking is to be screened in a manner that is an integral part of the external design.
- 5.1.7 The principal street frontage of the ground and first floor of above ground car parking is to contain retail, commercial or other active uses. This requirement may be waived at higher levels where physical constraints preclude the provision of active uses to the building's principal frontage.
- 5.1.8 Uncovered on-site parking areas, including the top of building setback areas, are prohibited.

On-site parking and heritage items

- 5.1.9 On-site parking that affects a heritage item is to be examined in the context of a Conservation Plan for the relevant heritage item.

Other design and location provisions

- 5.1.10 The design of driveways (subject to Section 3.3 Vehicle Access and Footpath Crossings) and parking areas, and the location of driveways are to generally be in accordance with the requirements set out in the *Guide to Traffic Generating Developments* (NSW Roads and Traffic Authority and Australian Standard 2890.1).
- 5.1.11 Tandem or stack parking (maximum two spaces) is permitted in residential buildings and serviced apartments where parking spaces are attached to the same strata title comprising a single dwelling unit, subject to the maximum parking limit applying.

5.2 Short stay public car parking

Strategy

In order to discourage commuter car parking and to 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 are to be implemented to ensure that the turnover of cars and discouragement of commuter parking are achieved. The implementation of the fee structure alone is not acceptable.

Relevant LEP clause: 12(j), 12(l), 47, 48.

Objective

- To discourage commuter car parking by providing that prior to granting consent for a public car park, the consent authority must be satisfied that the public car

park will be used for short stay parking only in accordance with the provisions of this plan.

Provisions

5.2.1 The consent authority shall not grant consent to a public car park unless the public car park is for short stay parking where the following restrictions apply:

- (a) the public car park is not accessible to vehicles between 5.30 am and 9.30 am Monday to Friday. These restrictions do not apply on weekends and public holidays; and
- (b) between 9.30am and 6.00pm Monday to Friday, except on public holidays, the public car park is to have in place at least the following fee structure to discourage long stay parking:

n* 1st hour of parking

n 2nd hour

n 3rd hour

n 4th hour

> = 1.5n 5th hour

> = 1.5n 6th hour

> = 1.5n 7th hour

> = 1.5n each hour thereafter

*n equals the hourly rate determined by the public car park operator.

5.3 Parking for people with mobility impairment

Strategy

Access facilities for people with mobility impairment are progressively being improved in Central Sydney. Appropriately located car parking will facilitate easy access for people with mobility impairment.

Council has a separate *Access Policy* available from the One Stop Shop.

Relevant LEP clauses: 11(c), 11(d), 12(i), 12(m).

Objective

- To ensure the appropriate on-site provision and design of parking for people with mobility impairment.

Provision

5.3.1 Car parking for people with mobility impairment is to be provided in accordance with Australian Standard 2890.1 This requires a minimum of 1-2% of parking spaces to be provided and appropriately designated for use by people with mobility impairments.

5.4 Delivery and service vehicles

Strategy

Relevant LEP clauses: 47(c)

Adequate on-site provision for delivery and service vehicle access should be made to facilitate the efficiency of the commercial, retail and other functions of Central Sydney.

Objectives

- To ensure the appropriate on-site provision for parking of service vehicles.
- To reduce the use of on-street parking for service and delivery vehicles.

Provisions

- 5.4.1 The following requirements apply to new development for the provision of parking spaces for delivery and service vehicles:
- | | | |
|-------|-----------------------|---|
| (i) | Commercial premises | 1 space/3,300 sqm FSA or part |
| (ii) | Retail | 1 space/350 sqm FSA or part |
| (iii) | Residential buildings | 1 space for first 50 dwellings/and Serviced Apartments serviced apartments 0.5 spaces for every 50 dwellings/apartments thereafter. |
| (v) | Hotels | 1 space/50 hotel bedrooms |
| (vi) | Wholesale, industrial | 1 space/700 sqm FSA or part |
| (vi) | Other uses | 1 space for 1,750 sqm FSA or part |
- 5.4.2 The requirements for commercial premises apply to the first 50,000 square metres FSA of any development. Between 50,000 and 100,000 square metres FSA the requirements for the balance above 50,000 square metres FSA may be reduced by 50%. For areas exceeding 100,000 square metres FSA, the requirements may be reduced by 75%.
- 5.4.3 Where a mixed use development is proposed, the total number of service vehicle spaces is to be calculated on a pro rata basis of spaces required for the relative proportions of different uses within the building. As indicated above, this total requirement may be reduced for mixed use developments with large FSAs as indicated above for commercial premises.
- 5.4.4 Provision is to be made for courier parking spaces (including bicycle parking facilities) near vehicle entry points and near lifts.
- 5.4.5 Well positioned signs to parking facilities are to be provided for all couriers, including bicycle couriers.
- 5.4.6 Loading areas are to be screened from the street.

5.5 Bicycle parking

Strategy

The use of bicycles for commuting should be facilitated in development in Central Sydney.

Objective

- To encourage the use of bicycles for commuting by the provision of on-site parking.

Provisions

- 5.5.1 Facilities for cyclists are to be provided in all buildings that provide on-site car parking. Facilities include parking for bicycles and at least one readily accessible shower change room.
- 5.5.2 Bicycle parking space should equal at least one car parking space for every 100 car parking spaces or part thereof.

Relevant LEP clauses: 11(d), 12(j), 12(l).

5.6 Motorcycle parking

Strategy

The use of motorcycles for commuting should be facilitated in development in Central Sydney. Appropriate parking should be provided within new development to encourage their use in preference to cars, and to reduce on street parking demands and illegal parking of motorcycles on footpaths.

Objective

- To encourage the use of motorcycles for commuting by the provision of on-site parking.

Provision

- 5.6.1 Motorcycle parking is to be provided in all buildings that provide on-site car parking, and is to be equal to at least one car parking space for every 100 car parking spaces or part thereof.

Relevant LEP clauses: 11(d), 12(j), 12(l).

6 Residential Buildings (including Serviced Apartments) and Tourist and Visitor Accommodation

DCP Amendment No 17

Additional residential buildings and serviced apartments in Central Sydney are encouraged through the provision of a higher maximum FSR than for non-residential buildings (see clause 35 of the LEP).

The following provisions are required to ensure that reasonable levels of amenity, consistent with a Central Sydney location, are achieved in residential buildings including serviced apartments, and other forms of tourist and visitor accommodation. Provisions are also included to prevent the later conversion of residential buildings to non-residential uses when they have benefited from a higher floor space ratio.

6.1 Amenity for residential buildings and serviced apartments

DCP Amendment No 5
Relevant LEP clauses: 11(c),
12(c), 12(d), 12(i), 18(d),
20(a), 20(b), 22, 28, 34(d),
36, 39, 40.

Strategy

The consent authority is seeking to ensure that residential buildings within Central Sydney will be of high amenity, encouraging an increase in the residential population of the city (see Figure 6.1). Serviced apartments, which often cater for longer stay visitors, should have a comparable level of amenity to residential buildings so that any subsequent conversion of serviced apartments to permanent residential stock is not constrained by poor amenity.

For the purposes of this section, the term 'dwelling unit' refers to units in both residential buildings and serviced apartments. The amenity of dwelling units is influenced by factors including daylight access to the principal living room, siting, and orientation of the development to provide privacy.

The following provisions are intended to ensure a reasonable level of amenity for dwelling units, recognising that achievable residential amenity in Central Sydney may differ from that achievable in lower density situations. The provisions concentrate on the design of dwelling units, their relationship to their surroundings and key issues of internal amenity. Relevant aspects of *AMCORD - A National Resource Document for Residential Development* (Department of Housing and Urban Development 1995) should also be considered during the design phase.

The provisions in this section do not apply to 'dwelling houses'.

Objective

- To enhance the amenity of residential buildings and serviced apartments in terms of daylight, sun access, ventilation, privacy, outlook, noise, safety, recreation facilities and storage.

Provisions

Note: 'Principal windows and balconies' mean the main window or balcony of a living room or bedroom of a dwelling unit.

Daylight

- 6.1.1 The amenity of residential buildings and serviced apartments is closely related to the extent and quality of daylight access to dwelling units. Building design should ensure that dwelling units achieve adequate levels of daylight.
- 6.1.2 Where the consent authority considers that the level of daylight access to living rooms of proposed dwelling units or affected existing residential buildings or serviced apartments may be inadequate, the applicant may be required to provide a Daylight Report.

Side and Rear Setbacks

See Section 2.4.

Lightwells and Internal Courtyards

- 6.1.3 Lightwells may be used as a source of daylight, ventilation, outlook and sunlight for dwelling units provided that:
- (i) living rooms are not to have lightwells as the only sources of outlook,
 - (ii) for lightwells with a height up to 18m, the minimum plan dimension is to be 3m, or 6m if overlooked by bedrooms,
 - (iii) for lightwells with a height between 18 metres and 45 metres, the minimum plan dimension is to be 6m, or 9m if overlooked by bedrooms,
 - (iv) lightwells are to be directly connected at ground level to streets or lanes to allow air movement in the lightwell,
 - (v) for buildings with a height more than 45m, the minimum plan dimension of an internal courtyard is desirably 24m where overlooked by principal windows.
 - (vi) lightwell spaces may be shared with other uses such as indoor atria, voids over entry lobbies or indoor planted areas which are visible to dwelling units, subject to consideration of noise and other privacy effects,
 - (vii) building services installations are not to be exposed in lightwells **overlooked by principal living rooms or bedrooms.** Consideration is to be given to finishes and embellishment of walls abutting lightwell spaces which are visible from dwelling units.

Sun Access

- 6.1.4 Living rooms and private open space should be the main recipients of sunlight in dwelling units. Where possible, sun access should be for a minimum of two hours per day on the equinox (March 21) measured on the main window of the rooms or at the front edge of the open space. Buildings should be designed to maximise the number of dwelling units with sun access to the principal windows.
- 6.1.5 On west facing facades subject to direct sunlight, external shading or other energy saving measures should be integrated into the design of residential buildings and serviced apartments. Alternatively, the area of glazing should be restricted to about 2% of the floor area served, in accordance with solar design principles,
- 6.1.6 The maximum depth of a habitable room from a window providing light and air to that room is to be 10 metres.

Ventilation

- 6.1.7 Adequate ventilation is an important contributor to the amenity of dwelling units. Where possible, natural through ventilation in dwelling units should be achieved by having window openings facing different directions (see Figure 6.2).
- 6.1.8 Dwelling units are to have access to outside air, other than solely by means of lightwells or building setbacks enclosed on three sides by other buildings.
- 6.1.9 In a temperate climate such as Central Sydney's, ventilation for dwelling units provided solely by air conditioning is considered to be an unacceptable alternative to natural ventilation.



The north facing balconies and windows of Observatory Tower will provide residents with a high level of amenity.

Visual Privacy (see also Section 2.4)

- 6.1.10 The orientation, internal configuration and screening devices of dwelling units should be designed to promote visual privacy between residential buildings, serviced apartments and other development, particularly within the same development.

Outlook

- 6.1.11 The design of residential buildings and serviced apartments should ensure the provision of outlook, as distinct from views, from all dwelling units. Outlook is considered to be a short range prospect, such as building to building, while views are more extensive or long range to particular objects or geographic features.
- 6.1.12 There is no guarantee that views or outlooks from existing development will be maintained.

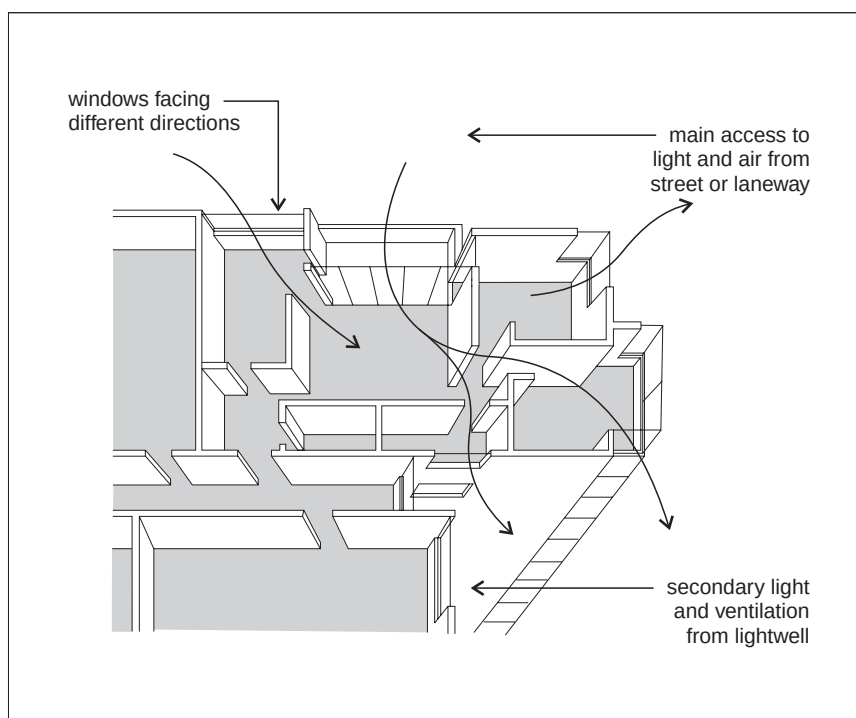


Figure 6.2

Natural ventilation in residential units

Acoustic Privacy

DCP Amendment No 5

- 6.1.13 Soundproofing of all dwelling units by such means as acoustic glazing is required to reduce noise impacts on residents.
- 6.1.14 In order to assist acoustic control of airborne noise between units:
- (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates;
 - a) sole occupancy units,
 - b) a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit, shall have an FSTC of not less than 55.

- (iii) A floor separating sole occupancy units must not have an FSTC less than 50.
- 6.1.15 In order to assist acoustic control of impact noise between units:
- (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates;
 - (a) habitable rooms of sole occupancy units
 - (b) a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit, shall have an FSTC of not less than 55.
 - (iii) Walls between sole occupancy units shall comply with the impact sound resistance standards specified in the BCA.
- 6.1.16 All residential buildings and serviced apartments are to be constructed so that the repeatable maximum $L_{Aeq}(1 \text{ hour})$ level not does exceed the following levels:
- (i) In a naturally ventilated - windows closed condition:

Sleeping areas (night time only: 2200-0700)	35dB
Living areas (24 hours)	45dB
 - (ii) In a naturally ventilated - windows open condition, (ie, windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):

Sleeping areas (night time only: 2200-0700)	45dB
Living areas (24 hours)	55dB
 - (iii) Where a naturally ventilated - windows open condition cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.
 - (iv) The following repeatable maximum $L_{Aeq}(1 \text{ hour})$ levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating:

Sleeping areas (night time only: 2200-0700)	38dB
Living areas (24 hours)	46dB

[These levels correspond to the combined measured level of external sources and the ventilation system operating normally].

Design of Roof Top Areas

- 6.1.17 Roof top areas are to be designed for use as recreation facilities where practicable, and should be of high standard of finish and design. A detailed description and plan of roof top design is to be submitted with the DA.
- 6.1.18 The design of exterior private open spaces such as roof top gardens is to address visual and acoustic privacy, safety, security, and wind effects (see Section 4.2).

Use of Building Setback Areas

- 6.1.19 The use of building setback areas by residents for recreation purposes is encouraged. Landscaping of building setback areas is to be designed having regard to its location with appropriate soil depths for planting. A detailed landscaping plan is to be submitted with the DA.

Floor to Ceiling Height

- 6.1.20 A minimum floor to ceiling height of 2.7 metres is required in living rooms and bedrooms of residential buildings and serviced apartments.
- 6.1.21 The consent authority may consider a lower floor to ceiling height for part of an apartment to accommodate multi-level or split level apartments, mezzanines and the like. In such cases, at least 50% of the apartment must comply with clause 6.1.20.

Storage

- 6.1.22 Accessible and adequate storage facilities are to be provided for the occupants of residential buildings and serviced apartments at the following rates:
- | | |
|-------------------|---------|
| Studio apartments | 6 sqm. |
| 1 bed apartments | 8 sqm. |
| 2 bed apartments | 10 sqm. |
| 3+bed apartments | 12 sqm. |
- 6.1.23 At least 50% of this storage area is to be provided within the apartment (as part of the required unit area) and accessible from either the hall or living areas. Where the remaining 50% of the storage is located in the basement of the building it will be excluded from the calculation of FSR and linked to each dwelling unit through the provisions of the relevant Strata Plan.

Safety and Design

- 6.1.24 The routes between building entrances and dwelling units should be designed to maximise personal safety. The route from car parking areas to the lift lobby is particularly important in this regard. Clear lines of sight and well-lit routes are required. Circuitous narrow routes and other places that allow concealment should be avoided.
- 6.1.25 Regard should be given to relevant design considerations from AMCORD Element 5.9 Security, including the creation of surveillance opportunities via active uses at lower levels.
- 6.1.26 Common area corridors should be a minimum of 2 metres in width to facilitate ease of movement and may be required to be increased to reduce the confining effect of long and/or double-loaded corridors.

Mix of units within a residential development

- 6.1.27 All residential developments in excess of 20 dwellings shall provide the following mix of units:
- | | |
|-------------------|----------------|
| Studio apartments | Maximum of 15% |
| 1 bed apartments | Maximum of 30% |
| 2 bed apartments | Minimum of 40% |
| 3+ bed apartments | Minimum of 15% |
- 6.1.28 The mix of units may be varied at the discretion of the consent authority

where the applicant can demonstrate to the consent authority, that the required mix of units is inappropriate in the circumstances of the development.

- 6.1.29 The maximum percentage of 1 bedroom units may be increased above 30%, provided the numbers of studio apartments and 1 bedroom units does not exceed 45% of the total units proposed.

Mix of Units within a Serviced Apartment development

- 6.1.30 All serviced apartment developments in excess of 20 dwellings shall provide the following mix of units:

Studio/1 bed apartments	Maximum of 60%
2+ bed apartments	Minimum of 40%

- 6.1.31 The mix of units may be varied at the discretion of the consent authority where the applicant can demonstrate to the consent authority that the required mix of units is inappropriate in the circumstances of the development.
- 6.1.32 For serviced apartments, a 2 bedroom apartment may be deemed to comply if it comprises a one bedroom apartment adjacent to either another 1 bedroom apartment or studio apartment. In such a situation, both apartments are to be accessible from a shared private lobby. Such an arrangement must be defined as a single strata unit.
- 6.1.33 Where serviced apartments are proposed to be converted to residential dwellings, they must comply with the residential dwelling mix criteria and must convert any of the above deemed to comply 2 bedroom units to a conventional 2 bedroom unit arrangement.

Size of Units within a Residential and Serviced Apartment developments

- 6.1.34 All units within residential and serviced apartment developments are to provide the following minimum unit sizes

Studio apartments	40sqm
1 bed apartments	55sqm
2 bed apartments	80sqm
3+ bed apartments	100sqm

- 6.1.35 Calculation of the unit size is a net area and is to be exclusive of balconies and excessive internal circulation within the units. The 50% storage area required under clause 6.1.23 can be included as part of this calculation.

Maximum number of units accessible from a common lobby

- 6.1.36 In all residential and serviced apartment developments, the number of dwelling units per floor accessible from a common lobby is limited to a maximum of ten (10).
- 6.1.37 The consent authority may consider a variation in the maximum number of units per floor, where the applicant can demonstrate that a high level of amenity of the common lobby, corridors and units is achieved. This may recognise where alternate floor access corridors enable cross-ventilation apartment designs.

Internal Unit Design

- 6.1.38 In all new residential buildings and serviced apartment developments, bedrooms are required to have direct ventilation and natural light.

6.1.39 The consent authority may consider a bedroom/sleeping area with borrowed light and ventilation where:

- (i) the distance from the primary window to the front of the bedroom/sleeping area is not more than 6 metres; or
- (ii) the floor to ceiling height is greater than or equal to 3.5 metres and the distance from the primary window to the front of the bedroom/sleeping area is not more than 10 metres.

Where light to the primary window is borrowed across a balcony, the maximum distance from the primary window to the front of the bedroom/sleeping area may be reduced to ensure adequate light and ventilation is achieved in the bedroom/sleeping area. In any circumstances, the development must also satisfy the requirements of the Building Code of Australia for natural light and ventilation borrowed from an adjoining room.

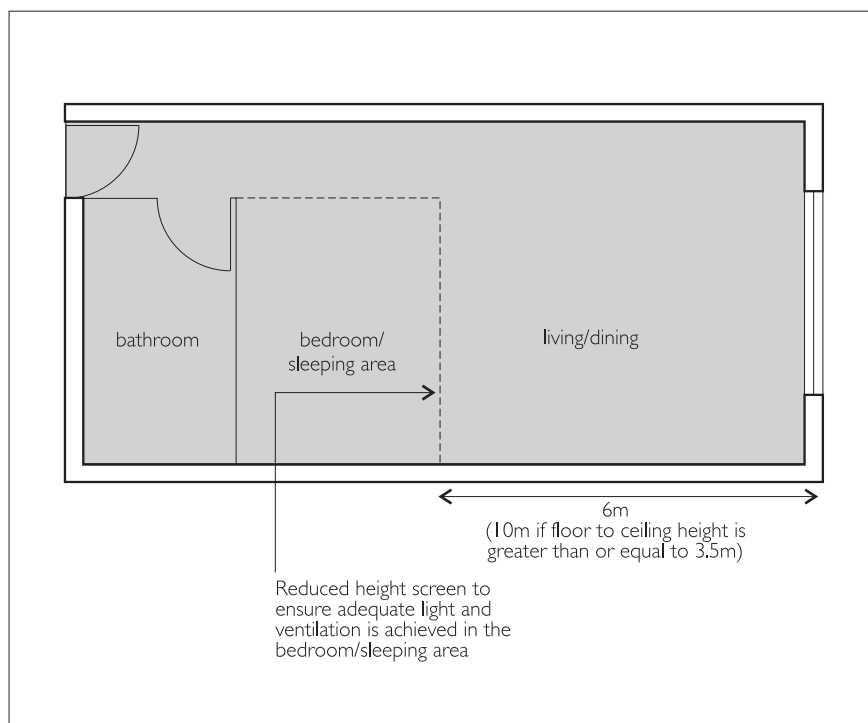


Figure 6.3

Borrowed light and ventilation - Maximum distance from primary window to the front of the bedroom/sleeping area.

6.2 Residential use covenant

Strategy

The FSR incentive for residential buildings in the LEP is included to increase the permanent residential population in Central Sydney. To ensure that residential buildings which have benefited from this incentive are not converted to non-residential uses at a later date, all residential buildings taking advantage of this incentive will be required to have a residential covenant on their title.

Objective

- To prevent the later conversion of residential buildings which have benefited from a higher floor space ratio to non-residential uses.

Provisions

- 6.2.1 In cases where a residential building takes advantage of the floor space incentive provisions for residential buildings, a covenant is to be placed on the site's title in accordance with Section 88E of the Conveyancing Act 1919, prohibiting a change to any non-residential use.

Relevant LEP Clauses: 10(1), 10(2), 12(c), 40

6.3 Standards for Tourist and Visitor Accommodation

DCP Amendment No. 17

Strategy

The provision of tourist and visitor accommodation for all price ranges and a variety of lifestyles are encouraged in the City Centre and City Edge zones.

The following provisions aim to establish minimum standards for the design, development and management of tourist and visitor accommodation.

For the purpose of these provisions:

Tourist and Visitor Accommodation means premises that provide temporary accommodation without a residential tenancy agreement within the meaning of the Residential Tenancies Act 1987 for travellers and tourists who have their principal place of residence elsewhere.

Tourist and visitor accommodation includes backpacker accommodation, hotels, guesthouses, bed and breakfast establishments, motels and the like.

Backpacker Accommodation means a building, or part of a building, used for the purposes of providing temporary, low cost accommodation for tourists or travellers, which is not the principal place of residence for such patrons, and that:

- (a) May have shared facilities, such as communal bathroom, kitchen or laundry, and
- (b) will generally provide shared sleeping accommodation in which there are two or more persons in a room.

Note: Boarding houses, serviced apartments, residential flat buildings and hostels are not considered as tourist and visitor accommodation for the purpose of these provisions.

Council has a separate policy titled *Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney* which supports the provisions of the *Central Sydney Local Environmental Plan 1996* and the *Central Sydney Development Control Plan 1996*. This Policy contains more detailed provisions for tourist and visitor accommodation.

Objectives

- To provide a satisfactory level of health, comfort, amenity and facilities in premises providing tourist and visitor accommodation.
- To provide sufficient space for guests to carry out a variety of recreational pursuits within the premises.
- To ensure that the design, operation and impact of tourist and visitor accommodation does not unreasonably affect the amenity of the surrounding area.
- To provide an adequate level of fire safety for the occupants of the premises.
- To provide proper management to maintain acceptable standards of operation, administration, cleanliness and fire safety and amenity of the surrounding area.

Note: premises approved for residential development (such as serviced apartments and / or residential units and the like) are not to be used for backpacker accommodation.

Provisions

Sleeping Rooms

- 6.3.1 The maximum number of persons that may be accommodated in a sleeping room is determined on the basis of 3.25 square metres per person per sleeping room.

Note: where accommodation is provided for more than 28 consecutive days, the *Public Health Regulation 1991* requires that the minimum occupancy rate is 5.5 square metres per person.

- 6.3.2 Each sleeping room in a Class 3 building must be considered as a sole occupancy unit for the purposes of Parts C, D1, D2 and F5 of the *Building Code of Australia* so as to ensure that there is adequate fire safety in the building, and adequate sound insulation to provide reasonable amenity between sleeping rooms.
- 6.3.3 Ceiling heights must conform with Part F of the *Building Code of Australia*. Ceiling heights must be increased in sleeping rooms providing shared or dormitory-style accommodation to 2700 mm for rooms with double bunks, and 3500 mm for triple bunks.
- 6.3.4 Secure storage facilities of a minimum capacity of 0.6 cubic metres per person must be provided to allow guests to individually store baggage and travel items within the sleeping room.
- 6.3.5 Sleeping rooms providing shared or dormitory-style accommodation must be designed to accommodate no more than 8 guests.

Kitchen Facilities, Dining Areas and Communal Recreation Areas

- 6.3.6 Communal recreational areas must be provided within the premises at the rate of 0.75 square metres per person. Communal recreation areas should be internal to the building, and any single room used for internal recreation purposes must have a minimum total floor area of 30 square metres and a minimum width of 3 metres.

Note: the floor area of bedrooms, bathrooms, laundries, reception area, storage, kitchens, carparking, loading docks, driveways, clothes

drying areas, corridors and the like is not counted when determining the area of internal communal areas. Dining areas may be included as a communal recreation area.

- 6.3.7 An internal self-catering kitchen with associated dining room, and / or restaurant / café must be available on site. The café / restaurant and / or self-catering kitchen with ancillary dining room must allow for 15% of the maximum number of guests to prepare and consume meals at any one time.

For premises providing backpacker accommodation, the minimum requirement is the provision of a self-catering kitchen with ancillary dining room.

Toilets and Showers

- 6.3.8 Toilet and shower facilities must be provided and constructed in accordance with the requirements of the *Building Code of Australia*.

Laundry and Drying Facilities

- 6.3.9 Laundry facilities or a laundry service must be provided on / or to the premises.

Fire Safety

- 6.3.10 A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area.
- 6.3.11 A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.
- 6.3.12 Prior to occupation of the building, an Emergency Management and Evacuation Plan must be prepared for the building and approved by the Principal Certifying Authority. The staff shall be trained in relation to the operation of the approved Emergency Management and Evacuation Plan.

Additional Standards

- 6.3.13 The name and 24 hour contact phone number of the accommodation manager or resident caretaker must be prominently displayed in the reception area of the premises.
- 6.3.14 A sign must be displayed adjacent to the entry to the premises indicating the maximum length of stay of guests on the premises.
- 6.3.15 A register must be kept that details the length of stay of each person accommodated on the premises. The register must be kept up to date and be available to Council on request.

Management of Tourist and Visitor Accommodation

- 6.3.16 A Plan of Management must be submitted with each development application for tourist and visitor accommodation. Applicants should consult the City's *Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney* for guidance in preparing such Plans of Management.
- 6.3.17 On-site management with responsibility for the operation, administration, cleanliness and fire safety of the premises, including compliance with the Plan of Management and Emergency Management and Evacuation Plan,

must be provided to the premises. Applicants should consult the City's *Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney* for further information.

- 6.3.18 Annual certification of tourist and visitor accommodation must occur as detailed in the City's *Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney*.

7 Award and allocation of Heritage Floor Space

The built heritage of Central Sydney contributes significantly to the unique character and diversity of the public domain. The award and allocation of heritage floor space will assist in maintaining the buildings which contribute to this character.

Strategy

The *Central Sydney LEP 1992 - Conservation of Heritage Items* (Heritage LEP) identifies heritage items within Central Sydney.

An incentive for the conservation of heritage buildings is provided by the consent authority through the award and allocation of Heritage Floor Space (HFS).

Within the City Centre zone, HFS may be both awarded and allocated. In the City Edge zone, HFS may be awarded but it can only be allocated to sites in the City Centre zone (refer to the Zoning Map in the LEP).

HFS may be awarded to a building in conjunction with the approval of a development application for conservation of such a building (see Figure 7.1).

Relevant LEP clauses: 12(n), 18(i), 20(h), 34(c), 35, 36, 37, 38, 39, 42, 44, 45.
DCP Amendment No.12

Objective

To provide a system to assist the conservation of heritage buildings by:

- reducing the pressure for development on sites occupied by heritage buildings;
- providing an incentive for the conservation and ongoing maintenance of the heritage building.

Provisions

For the purposes of these provisions:

Award means the entry of an amount of HFS onto Council's HFS Register in accordance with the consent authority's resolution and the completion of all relevant requirements.

Allocate means that HFS, on Council's HFS Register, can be sold or assigned for use within a development site. Allocation of HFS to a development site will automatically delete that HFS from Council's HFS Register.

FSR_H is used to calculate the amount of HFS that can be awarded to a heritage building. It means the maximum FSR for the site of a heritage building for commercial and other development (not being hotels, serviced apartments or residential buildings) without the allocation of HFS as shown on the *Central Sydney Local Environmental Plan 1996* Floor Space Ratio Map

FSR_D is used to calculate the amount of HFS to be allocated to a development site. It means the maximum FSR for the development site without the allocation of HFS (for any use except residential buildings) as shown on the *Central Sydney Local Environment Plan 1996*, Floor Space Ratio Map.

Heritage building means a building with floor space area that is listed on Schedule 1 of the *Central Sydney Local Environmental Plan 1992 - Conservation of Heritage Items*.

Owner means a person awarded HFS or another person who has acquired the HFS.

7.1 Eligibility of heritage buildings to be awarded HFS

7.1.1 To be eligible to be awarded HFS, a heritage building is:

- (i) (a) to be listed on Schedule I of the *Central Sydney Sydney Heritage Local Environmental Plan 2000 - Conservation of Heritage Items*, be located within the City Centre or City Edge zones of the *Local Environmental Plan*;

or

(b) to be a heritage building not listed on Schedule I of the *Central Sydney LEP 1992 - Conservation of Heritage Items* but be located within the City Centre or City Edge zones of the LEP and be subject to a Permanent Conservation Order or an Interim Conservation Order made under the *Heritage Act 1977*, and/or be a building which the consent authority has resolved is of heritage significance and should be added to Schedule I of the Heritage LEP.
- (ii) to involve conservation of a heritage building in (i) in accordance with a Conservation Plan approved by the consent authority. The Conservation Plan would generally involve:
 - (a) works to conserve the existing significant fabric of the building;
 - (b) removal of elements that detract from the significance of the building;
 - (c) where appropriate, reinstatement of original fabric based on documentary evidence;
 - (d) other works which may be compatible with the significance of the building.
- (iii) to involve works which would not increase or result in only a minor increase in the external envelope and FSA of the heritage building as provided for by clause 7.3.2.
- (iv) in the case of heritage buildings owned by the Federal, State or Local Government, buildings which are sold or leased by the Government for a minimum of 50 years to the private sector after commencement of the *Central Sydney Local Environmental Plan 1996* and which meet the eligibility provisions of (i), (ii) and (iii).
- (v) In the case of heritage buildings and sites owned by the Federal, State or Local Government, those that provide emergency and safety services considered essential to the public welfare of the City of Sydney, where the continuation of this essential service is dependent upon such an award, being the Metropolitan Fire Brigade Headquarters at 211 - 217 Castlereagh Street, and meet the eligibility provisions of (i), (ii) and (iii).

DCP Amendment No 6
DCP Amendment No. 12
DCP Amendment No. 18



Figure 7.1

The conservation of the Trust Building on the corner of King and Castlereagh Streets has been assisted by the award of Heritage Floor Space.

7.2 Award of Heritage Floor Space

7.2.1 Prior to registration of HFS, the applicant must complete conservation works required in accordance with an approved Conservation Plan and enter into legal agreements and grant covenants on the land which:

- (i) limit any future redevelopment of the site to the total FSA and height of the conserved heritage item;
- (ii) ensure the ongoing conservation of the building by regular maintenance, including the provision of adequate insurance and a maintenance fund.

Relevant LEP clause: 45

7.3 Calculating the amount of HFS

DCP Amendment No. 12

7.3.1 The maximum amount of HFS (measured in square metres) that may be awarded to a heritage building is to be calculated using either formula (i) or (ii) as appropriate:

Formula (i): Government buildings (as provided for under Clauses 7.1.1 (iv) and 7.1.1 (v)) and rateable buildings in private ownership:

$$\text{HFS}_H = 0.5A_S \times \text{FSR}_H$$

where: **HFS_H** is the maximum amount of heritage floor space which may be awarded (in square metres)

AS is the site area (in square metres) occupied by the heritage building.

FSR_H is the FSR for the site of the heritage building as defined at the beginning of this section.

Formula (ii) Non-rateable buildings in private ownership:

$$\text{HFS}_H = 0.5 \times \text{FSA}_H$$

where: **FSA_H** is the floor space area (in square metres) of the heritage building(s).

7.3.2 The consent authority may reduce the maximum amount of HFSH by an amount up to a floorspace area equivalent to:

- (i) any existing additions or alterations to the building which the consent authority does not consider feasible to be demolished or altered; and
 - are of little or no significance to the heritage significance of the building; or
 - are intrusive to the building; and
- (ii) any proposed addition which increases the floor space area of the existing heritage building; and
- (iii) any areas where elements of heritage significance are proposed to be demolished, in order to facilitate the adaptive re-use of the heritage building.

7.3.3 The consent authority may approve a staged award of HFS to facilitate the carrying out of the full extent of work necessary for the conservation of the heritage building.

7.4 Requirement to allocate heritage floor space

- 7.4.1 The allocation of HFS is required if a proposed development:
- (i) is within the City Centre zone of *Central Sydney Local Environmental Plan 1996*, and
 - (ii) has a proposed FSR that exceeds the FSR_D for development in the City Centre zone.

7.5 Calculating the amount of HFS to be allocated

- 7.5.1 The amount of HFS which the consent authority may require to be allocated as a condition of development consent in the City Centre zone is the difference between the FSR of the proposed development (the subject of the consent) and the relevant FSRD for the area, as calculated in accordance with the following formula:

$$HFS_D = (FSR - FSR_D) \times A_S$$

where: **HFS_D** is the amount of heritage floor space to be allocated (in square metres) by the proposed development.

FSR is the floor space ratio of the proposed development.

FSR_D is the FSR for the development site as defined at the beginning of this section.

A_S is the site area of the proposed development.

Note - For mixed use developments, the amount of HFS required to be allocated is to be calculated using the formula set out in Schedule 6 of the LEP.

- 7.5.2 Where an increase in floor space area is proposed for existing development in the City Centre zone, the applicant must allocate HFS (calculated in accordance with the above formula) for all additional floor space area in excess of the FSR for development (FSR_D).
- 7.5.3 If the consent authority approves a change in the use or function of an element of a building for which a bonus was given under the *1971 Floor Space Ratio Code* (or any other policy), the applicant is required to allocate HFS for all floor space area in excess of the FSR for development (FSR_D), or the amount of floor space area granted as a bonus, whichever is the lesser.

7.6 Allocation or change of ownership of HFS

- 7.6.1 HFS can only be allocated or the ownership of it change if it is registered on Council's HFS register.
- 7.6.2 Any HFS which is registered on the Council register may be allocated to a development in the City Centre zone whether part of or separate from a heritage site, providing the development has received consent.
- 7.6.3 HFS may not be allocated to a site where the erection of a proposed building would involve demolition or destruction of a heritage item.
- 7.6.4 Council is to be notified of each allocation and/or change of ownership and the HFS Register will be updated accordingly.

7.7 Damage or destruction to a heritage building that has been awarded HFS

- 7.7.1 In the event that a heritage building for which HFS has been awarded is destroyed or substantially damaged, the total FSA of any subsequent development on the subject site shall be equivalent to that of the conserved building or the permissible FSR, whichever is the lesser.

7.8 Procedures and administration

- 7.8.1 An application for the award of HFS is to be made concurrently with a development application for works to conserve a heritage building. In addition to the information required in a development application (see Plan Note 1), any application for HFS is to include a Conservation Plan for conservation works and ongoing maintenance of the building.
- 7.8.2 Council is to keep a register of all relevant information relating to HFS awarded for the works to conserve a heritage building. The HFS register is to be available for public inspection. Council is to register each award of HFS only after conservation works included in the development consent have been completed and the relevant legal agreements have been executed.
- 7.8.3 HFS may be allocated to a development site, as required by a condition of development consent, from any HFS award listed in Council's HFS Register.
- 7.8.4 Any purchase price of HFS is to be determined between the respective owner of the HFS and the prospective purchaser.
- 7.8.5 Legal documentation must be provided that the HFS required by the development consent has been allocated from Council's register prior to the building application for the development requiring the allocation of HFS being approved.
- 7.8.7 HFS may only be allocated and used once in a development. If a proposed development which has received an allocation of HFS does not proceed, the HFS may be re-entered onto the register and be available for re-allocation.
- 7.8.8 The cost of any legal agreements, transactions, and other documentation required in connection with the award and allocation or change of ownership of HFS is to be met by the respective owner of the HFS and the proposed purchaser.
- 7.8.9 Council is to charge a fee for an award of HFS and for the administration of the register in accordance with Sections 608 to 610 of the *Local Government Act 1993*.

8 Signs

Repealed 3rd October 2003

**See instead "City of Sydney Signage and Advertising Structures
Development Control Plan 2005"**



9 Special controls for certain uses

Development of amusement arcades, restricted premises and late opening pubs is only permissible in the City Centre and City Edge zone and development of brothels is only permissible in the City Centre zone (see Part 3 of the LEP). The following provisions are required to ensure that these uses are located, designed and operated such that the use does not impact detrimentally on the general amenity and safety of the city.

DCP Amendment No 4

9.1 Provisions for amusement arcades, brothels, restricted premises, late opening pubs and the like

Strategy

Amusement centres, brothels, restricted premises, late opening pubs and the like can be located in areas where there is a mix of uses. The impact of these uses on surrounding businesses, residences, and the public domain needs to be considered in assessing any application for these uses. The concentration of these uses is discouraged.

Relevant LEP clauses: 12(a), 12(i), 12(m), 60, 61

Objectives

- To discourage the concentration of amusement centres, brothels, restricted premises, late opening pubs and the like.
- To ensure the design, operation, location and cumulative impacts of such uses on the surrounding area are considered.

Provisions

9.1.1 No amusement arcade, brothel, restricted premise, late opening pubs or the like, should be located where a use of the same kind already is accessed (directly or indirectly) from the same street in which the particular development is proposed, unless there are exceptional circumstances. For the purposes of this clause, the street means the frontage of a street between two cross streets, including the opposite side of the street. Where premises are located on the street corner, they are considered to address both streets.

For the purpose of this clause,

- in the City Centre and City Edge zones, a 'late opening pub' is considered to be premises that propose to operate after 12.00 midnight, Monday to Saturday and 11.00pm Sunday.
- in the Miller's Point Residential zone, a 'late opening pub' is considered to be premises that propose to operate after 11.00 midnight, Monday to Saturday and 10.00pm Sunday.

9.1.2 Where a proposed development includes an amusement arcade, brothel, restricted premise, late opening pubs or the like, sufficient information and details will need to be provided to the consent authority on the following matters:

- (i) The nature and operation of the proposed use, in terms of:
 - (a) the internal amenity of the proposed use,
 - (b) the public safety aspects of the proposal,
 - (c) the proposed hours of operation,
 - (d) the size and intensity of the proposed development, having regard to the number of people who will work on the premises,
 - (e) appropriate access for all uses, and provision of waiting areas for brothels,
 - (f) the proposed management of the use, and the appropriateness of a trial period of operation.
- (ii) The proximity, location and impact of the proposed use on schools, places of worship, aged persons' hostels, community facilities, major transport interchanges, residential buildings and places frequented by children, located in the street frontage in which the development is proposed.
- (iii) The proximity, concentration, and cumulative impact of the proposed use and other amusement arcades, brothels, restricted premises or late opening pubs located within the vicinity (within a radius of 250m of the proposed use) and the street frontage in which the development is proposed.
- (iv) The likely impact on the amenity and desired future character of the street, and on any Special Areas.

9.2 Special provisions for brothels and restricted premises

Strategy

These provisions are required to ensure that the design, operation and location of brothels and restricted premises minimise detrimental impacts on the amenity, visual quality and safety of the public domain.

Objectives

- To minimise the impact of developments for brothels and restricted premises on the general amenity and safety of the city.

Provisions

- 9.2.1 No part of the restricted premises or brothel (other than an access corridor to the premises) is to be located:
- (i) at the ground floor or street level of a building or within 1.5 metres, measured vertically, above or below the ground floor or street level of the building, or
 - (ii) in arcades, or
 - (iii) in other thoroughfares open to the public or used by the public.
- 9.2.2 No internal rooms or spaces of the restricted premises or brothel, other than an access corridor to the restricted premises or brothel, are to be visible from a public place or shopping arcade.

- 9.2.3 No part of the restricted premises or brothel, or of the building in which the restricted premises or brothel is situated, is to be used as a dwelling unless separate access is available to the dwelling.
- 9.2.4 No merchandising display relating to the restricted premises or brothel, or the business carried out there, is to be erected, displayed or exhibited in an access corridor (including any stairwell to the restricted premises or brothel) so as to be open to the public or used by the public.

9.3 Signs for brothels and restricted premises

Strategy

Signs for brothels and restricted premises are necessary to promote the businesses and communicate messages. Well-designed signs will achieve this without causing any offence to pedestrians and users of the public domain.

These provisions are in addition to the provisions in Section 8 - Advertising and Building Identification Signs. Additional provisions are required to ensure that the design and location of signs for brothels and restricted premises take into consideration the specific characteristics of the use.

Objectives

- To encourage appropriately designed and suitably located signs for brothels and restricted premises.
- To consider the amenity of surrounding development and the visual quality of the public domain.

Provisions

- 9.3.1 A sign relating to restricted premises or a brothel should:
- (i) not interfere with the amenity of the locality,
 - (ii) not exceed 600 millimetres in height or width,
 - (iii) not contain neon illumination and not flash,
 - (iv) set out only:
 - (a) the name of the person who conducts the business at the restricted premises or brothel or the registered name of the business carried on at the restricted premises or brothel; and
 - (b) in the case of development for the purpose of restricted premises, the words, 'RESTRICTED PREMISES' in capital letters not more than 50 millimetres in height.
- 9.3.2 No more than one sign should be erected, displayed or exhibited to public view in the window or on a building (including the restricted premises or brothel), or in, outside or directly above an access way to the premises or brothel.

10 Development standards

DCP Amendment No 13

Council has previously applied the development standards under the Local Government (Approvals) Regulation 1993. With the repeal of these standards, those that are relevant are included in these provisions.

Objectives

- To identify and retain in the following provisions, relevant development standards from the Local Government (Approvals) Regulation 1993.

Note:

- References to classes of buildings are taken from the Building Code of Australia.

Provisions

10.1 Site occupancy for dwellings

These provisions apply to Class 1 buildings and to any ancillary Class 10 buildings. The reference to a Class 1 building also includes Class 2 buildings where they have only two dwellings within them.

- 10.1.1 A class 1 building and any Class 10 buildings appurtenant to it must not occupy more than two thirds of an allotment. A Class 1 building which occupies more than two thirds of the site may be approved, if it is replacing an existing Class 1 dwelling which similarly exceeds this standard.
- 10.1.2 The minimum unoccupied area for each dwelling on an allotment is to be a minimum of 20m² for each dwelling contained on the allotment. This unoccupied area may be provided above ground one site (for example: a balcony). A Class 1 dwelling that does not provide this minimum amount of open space per dwelling on site may be approved, if it is replacing an existing Class 1 dwelling that similarly exceeds this standard.

10.2 Class 1 dwellings - walls

For the purposes of these provisions:

- The reference to a Class 1 building also includes Class 2 buildings where they have only two dwellings within them;
- The external wall of any garage, laundry, workshop or similar outbuilding that is attached to a Class 1 dwelling is taken to be an external wall of that building; and
- Any gable that has a surface area greater than 10m² is taken to be a wall.

- 10.2.1 A wall of a Class 1 building is to be not less than 900mm from the boundary line.

This standard may be reduced if:

- (i) the proposal can justify satisfaction of the Performance Requirements of the Building Code of Australia, in terms of protecting the occupants of habitable rooms from injury, illness, or loss of amenity; and/or

- (ii) Council is satisfied that it is impractical, due to the levels or width of the allotment or any other exceptional conditions on site.

This standard may be increased if:

- (i) the wall is a replacement for an existing wall; and/or;
- (ii) Council considers that a greater setback is necessary to satisfy heritage, urban design and amenity issues.

This standard will not apply if:

- (i) the wall is a common wall or party wall that separates two dwellings; and/or;
- (ii) the boundary line is also the boundary of any public place.

- 10.2.2 Unless the Class 1 building receives a reduced setback outlined in 2.2.1 above, guttering, eaves, hoods and similar structures/attachments which are located between the external plane of the face of an external wall and any boundary line must be not less than 675mm distance from the boundary line.

This standard may be reduced to enable an open car port, open porch, awning, pergola or similar structure to extend to the boundary if it is considered not to affect the amenity of the subject site and any adjoining site.

10.3 Projections upon a public road

- 10.3.1 Projections for decoration or protection from the sun

Projections of a decorative nature (such as cornices, eaves, sills, mullions and architraves) and projections that are designed and/or intended as sun protection devices may project beyond the alignment of the road, if the projections:

- (i) extend not more than 450mm beyond the road alignment;
- (ii) are not less than 3 metres above the footpath;
- (iii) are at any time, not less than 800 mm from the face of the kerb; and
- (iv) are constructed of masonry, reinforced concrete or other approved non combustible material.

10.4 Bay windows and balconies

Bay windows and balconies may project beyond the alignment of a road if the projections:

- (i) extend to not more than 450mm beyond the road alignment;
- (ii) are limited in extent to not more than 50% of any road frontage of the building, at any level;
- (iii) are not to result in adverse impacts upon the amenity of an adjoining property;
- (iv) are not less than 3.2 metres above the footpath; and
- (v) are not less than 800mm from the face of the kerb.

10.5 Awnings

Awnings may project beyond the alignment of the road if they:

- (i) are cantilevered;
- (ii) are not less than 3.2 metres and a maximum of 4.2 metres above the footpath and shall have regard to the height and location of adjoining awnings;
- (iii) are not less than 2 metres in width, with a maximum width of 3.66 metres; and
- (iv) are not less than 800mm from the face of the kerb; and
- (v) have a maximum depth of awning fascia of not more than 700mm.

10.6 Flagpoles

Flagpoles may project beyond the alignment of a road if:

- (i) any poles and flags or banners suspended from flagpoles are not less than 3.2 metres above the footpath;
- (ii) they are not less than 800mm from the face of the kerb; and
- (iii) no interference is caused to public services.

10.7 Pipes and services

Pipes and services for new buildings must not project beyond the road alignment.

Pipes and services for existing buildings may project beyond the road alignment where:

- (i) rainwater heads project not more than 450mm and rainwater downpipes project a maximum of 150mm, both over a height of 2.7 metres above the footpath; and
- (ii) the pipes and services are essential and cannot be located within the building.

10.8 Traps on sewerage service pipes

Traps on sewerage service pipes and reflux valves for new buildings must not be installed in the road, but may be installed in the road for existing buildings.

10.9 Footings

Footings may project beyond the road alignment under the footpath, but not under the carriageway and to not more than:

- (i) 450mm if the projection is not less than 1.35 metres below footpath level; and
- (ii) 750mm if the projection is not less than 3 metres below footpath level.

11 Advertising and notification of Development Applications



Repealed 3rd September 2003

**See instead "City of Sydney Notification of Planning and Development
Application Development Control Plan 2005"**



12 Design excellence and competitive processes

DCP Amendment No. 15

12.1 Competitive process

Strategy

Good building design should positively contribute to the overall architectural quality of the city and provide buildings appropriate to their context. In some circumstances, this contribution may be as an iconic or landmark building, but more typically it is as a well-mannered building that fits sensitively into the streetscape.

To improve the design quality of city buildings, for development applications where a development plan or stage 1 development application is in force, the provisions of clause 28D of LEP 1996 require the consent authority to consider whether a proposed development has been designed as a result of a 'competitive process'. The competitive process can be undertaken at either the development plan stage or the development application stage.

This DCP provides details of two options available to the applicant to satisfy the requirements of the competitive process. The options are:

- a) undertake a design competition, in accordance with the provisions LEP 1996 and this section of the DCP; or
- b) prepare design alternatives on a competitive basis, where architects from different architectural firms generate feasible alternative designs.

In exceptional circumstances, the applicant may propose a different process, provided that it achieves the aims and objectives of the LEP and facilitates design excellence. The commission or proposed commission of an eminent or "high quality" architect or designer is not sufficient reason to invoke the "special circumstance" provision outlined in Clause 12.1.6 of this DCP.

Objective

To improve the design quality of city buildings through competitive processes.

Provisions

- 12.1.1 In determining a development application, Clause 28D(1) of LEP 1996 requires the consent authority to consider whether the proposed development exhibits design excellence.
- 12.1.2 For a development application where a development plan is in force, Clause 28D(2)(c) of LEP 1996 requires the consent authority to consider whether the design of the building is the result of a 'competitive process' that facilitates design excellence.
- 12.1.3 An applicant can demonstrate a competitive process in accordance with these DCP guidelines, by:
 - a) undertaking a design competition; or
 - b) preparing alternative designs on a competitive basis.
- 12.1.4 A competitive process can be undertaken at either the development plan stage or the development application stage.

- 12.1.5 If the proponent of a development is an architect or designer, they shall be ineligible to take part in the 'competitive design alternatives' process. In these circumstances, a 'design competition' is the preferred process, but the composition of the competition jury is varied from the normal arrangements set out in section 12.2 of this DCP.
- 12.1.6 In its consideration of a development, the consent authority may, in exceptional circumstances, accept an alternative process if it is satisfied that:
- a) the aims and objectives of the LEP have been achieved, and
 - b) a feasible design option has been prepared for the development of the site; and
 - c) the development will exhibit design excellence.

12.2 Design competitions

Strategy

In preparing a development plan or development application for a site, and in order to satisfy competitive process requirements, an applicant may use a formal design competition to generate design alternatives for a development site.

The purpose of a design competition is to generate high quality solutions which address the constraints and opportunities of a site and achieve design excellence.

In recognition of the rigour involved in undertaking a successful design competition that achieves design excellence, the applicant may be eligible for a 50% reduction in the allocation of Heritage Floor Space.

Objective

To encourage high quality design solutions through the use of design competitions.

Provisions

- 12.2.1 An applicant may choose to demonstrate design excellence by undertaking a design competition. Where a design competition is undertaken, it must be in accordance with the provisions of clause 28D of LEP 1996 and this section of the DCP.

Competition initiation and requirements

- 12.2.2 For the purposes of this DCP, a design competition is a 'competitive process' undertaken in accordance with the planning provisions and requirements of Cl.28D of LEP 1996 and subject to these competition guidelines.
- 12.2.3 The decision to undertake a design competition is one taken by the owner or the owner's agent, who for the purpose of these guidelines, is referred to as the 'promoter'.
- 12.2.4 The promoter must accept sole responsibility for the organisation of the design competition process, from initiation of the competition and preparation of the brief, through to jury decision and the award of prizes.
- 12.2.5 To ensure probity, the design competition promoter should ensure that the documentation of the competition process and procedures is

sufficient to enable an audit to be carried out by an independent person or body such as the Royal Australian Institute of Architects, if required by the consent authority.

Competition type

- 12.2.6 A promoter can undertake either an 'open' or 'invited' design competition:
- a) In an 'open' competition, the promoter is required to publicly notify the design competition and call for expressions of interest. Respondents are then supplied with the endorsed competition brief and invited to participate.
 - b) In a 'invited' competition, the promoter invites a minimum shortlist of five (5) entrants to participate in a design competition and supplies them with the endorsed competition brief.
- 12.2.7 The call for expressions of interest for an 'open' competition shall describe the form and purpose of the design competition, state any prizes to be awarded and the minimum submission requirements.

The competition brief

- 12.2.8 The consent authority requires the promoter of any design competition to prepare the competition brief fully in accordance with the design competition guidelines set out in this DCP and generally in accordance with a model brief prepared after consultation with the RAIA. The content and procedural requirements of the design competition brief may only be varied with the agreement of the consent authority.
- 12.2.9 The competition brief establishes the parameters of a design competition and is required to:
- a) describe the type of competition (open or invited) and the role of the promoter;
 - b) describe the competition objectives and process;
 - c) state that a 'statement of compliance' with Central Sydney Planning Controls (LEP 1996, HLEP 2000 and DCP 1996) and any adopted development plan or Stage 1 development application, prepared by a suitably qualified person, is required as part of the competition submission;
 - d) unless determined otherwise by Council, the CSPEC, the Lord Mayor or the Director of City Development, provide competitors with a Council approved Conservation Plan for competition sites that include a heritage item within the site, and state that competitors are to have due regard to the conservation guidelines set out in the plan;
 - e) describe the proposed uses, floor area, construction methodology, estimated project budget and construction costs, and any special building requirements, state the judging criteria and clearly emphasise the importance of excellence in building design;
 - f) articulate minimum submission requirements for the competition;
 - g) provide a site history and contextual/site information;
 - h) state any prizes to be awarded to the winner and runners up;
 - i) describe the options available to the promoter following the

jury's decision;

- j) state the composition of the competition jury;
- k) state that the competition process is not to be anonymous and that competitors names can be clearly visible on entries;
- l) state that the copyright of any entry to a design competition remains with the originator of the work;
- m) include a disclaimer stating that the jury's decision will not fetter the discretion of the consent authority as they will not form part of the judging process
- n) allow a minimum period of 28 days for the preparation of entries by competitors;
- o) state that competition entries are required to:
 - be of a quality suitable for public exhibition;
 - include perspectives and photo-montages;
 - provide a materials/finishes board; and
 - provide a 1:500 scale model, suitable for insertion into Council's City Model.

12.2.10 The consent authority, must assess, and if necessary, amend the competitor's brief prior to its endorsement and release. If the brief is not endorsed, the consent authority must give its reasons within 14 days of the lodgement of the brief.

The competition jury

12.2.11 The competition jury is to equally represent the promoter and the consent authority.

12.2.12 The jury of six representatives, is to comprise:

- a) 3 (three) representatives nominated by the promoter; and
- b) 3 (three) representatives nominated by the consent authority, who have no pecuniary interests in the development proposal or involvement in approval processes.

12.2.13 The composition of the jury should represent the public interest, be appropriate to the type of development proposed and include persons who have expertise and experience in the design and construction professions and industry, including a number of architects.

12.2.14 If the proposed development includes a building listed on Schedule 1 and a committee is likely to be required under Clause 12(2) of Central Sydney Heritage LEP 2000, then at least two members of the competition jury shall be selected by the consent authority for that committee, unless the consent authority resolves otherwise.

Architect or designer as competition promoter

- 12.2.15 If the proponent of a development is an architect or designer, a 'design competition' is the preferred competitive process. In these circumstances the composition of the competition jury is varied to comprise:
- a) 2 (two) representatives nominated by the promoter;
 - b) 1 (one) representative from an independent third party such as the Royal Australian Institute of Architects; and
 - c) 3 (three) representatives nominated by the consent authority, who have no pecuniary interests in the development proposal or involvement in approval processes.

The Jury's Decision

- 12.2.16 The consent authority will not form part of the judging process.
- 12.2.17 The decision of the jury will not fetter the discretion of the consent authority in its determination of any subsequent development application associated with the development site the subject of the competition.
- 12.2.18 Competitor's submissions are to be graded (ie 1st, 2nd, 3rd) by the jury.
- 12.2.19 Following the jury's decision, the consent authority may require the promoter to hold a public exhibition of the design competition entries.

Design Competition Report

- 12.2.20 Following its determination, the jury is required to prepare a Design Competition Report. The Design Competition Report shall:
- a) describe the competition process incorporating a copy of the competition brief;
 - b) include an assessment of the design merits of each of the entries; and
 - c) set out the rationale for the choice of preferred design, and how this exhibits design excellence.
- 12.2.21 The Design competition Report must be lodged with the consent authority within 10 days of the Jury's decision and prior to the lodgement of the relevant development plan application or development application.
- 12.2.22 The Consent Authority may advise the promoter whether it endorses the competition process and outcome in the form of pre development plan or pre development application advice.

Appointment of the architect

- 12.2.23 In order to achieve design excellence, the consent authority expects the promoter of a design competition to appoint the architect who submitted the preferred design as selected by the competition jury ('the architect'). The architect may work in association with other architectural practices.

- 12.2.24 The architect is expected to:
- a) prepare a DA for the preferred design;
 - b) undertake full project design and documentation; and
 - c) maintain continuity during the construction phases, through to the completion of the project.
- 12.2.25 The promoter will be required to consult with the consent authority in order to determine a process which will achieve design excellence, if,
- a) the jury does not reach a decision; or
 - b) the promoter does not proceed with the preferred design; or
 - c) the consent authority objects to the preferred design that is the subject of a development application.

Design integrity and design development

- 12.2.26 For development applications that are the consequence of a design competition undertaken in accordance with the requirements of LEP 1996 and DCP 1996, the consent authority shall require an Design Integrity Assessment to be undertaken. An independent panel may undertake the assessment, if considered necessary by the consent authority.
- 12.2.27 A Design Integrity Assessment would typically be undertaken:
- a) as part of the Stage 2 development application assessment;
 - b) when a S.96 development application is submitted for design changes to an approved development.
- 12.2.28 The purpose of the Design Integrity Assessment is to inform the consent authority on the integrity of design development, and whether the proposal is equivalent to, or an improvement upon the design excellence qualities of the preferred competition scheme and/or the approved development.

Design Competition incentive

- 12.2.29 In determining whether a development application achieves design excellence and can be awarded a reduction in the allocation of Heritage Floor Space, the consent authority must consider:
- a) whether the design competition has been undertaken in accordance with the competition guidelines set out in this DCP; and
 - b) whether the subject development application exhibits design excellence; and
 - c) the recommendations of a Design Integrity Assessment.
- 12.2.30 The consent authority will only award a reduction in the allocation of HFS, if the quality of building design is considered to be equivalent or an improvement upon the preferred competition scheme and exhibits design excellence.

- 12.2.31 Where the consent authority determines that the design excellence considerations have been met as part of an approved development application, it may award an incentive equivalent to a 50% reduction in the allocation of HFS.

Refer to LEP 1996 cl.28D and cl.45

12.3 Competitive design alternatives

Strategy

In satisfying competitive process requirements, an applicant may choose to commission a minimum of three alternative design approaches to the development of the site. This competitive process will enable the applicant and the consent authority to better understand the possible design alternatives for a site and to determine which provides the best overall design solution.

The submission accompanying the development application or development plan application is to fully document the alternative designs, set out the rationale for the choice of preferred design and clearly demonstrate how this better exhibits design excellence.

Objective

To encourage high quality design through the generation of alternative design solutions, which best address the constraints and opportunities for a site.

Provisions

- 12.3.1 Where an applicant chooses to commission design alternatives, the consent authority requires the applicant to provide a minimum of 3 (three) competitive design alternatives for a development proposal.
- 12.3.2 The design alternatives are to be prepared by different architectural firms, which can demonstrate experience in the design of high quality buildings. Each alternative should provide at a minimum, an indicative design solution for the site, with sufficient detail to demonstrate that it is a feasible development option and can achieve design excellence.
- 12.3.3 The consent authority will require the opportunity to review the brief issued to the architects and nominate at least one independent person as observer of the selection process. Such observer must be provided with reasonable notice to attend all meetings involved with the architectural selection process.

Competitive Design Alternatives Report

- 12.3.4 When competitive design alternatives have been prepared, the consent authority requires the applicant to submit a Competitive Design Alternatives Report prior to the submission of the relevant development plan application or development application.
- 12.3.5 The Competitive Design Alternatives Report shall:
- Include each of the design alternatives considered;
 - Include an assessment of the design merits of each alternative; and
 - set out the rationale for the choice of preferred design and clearly demonstrate how this better exhibits design excellence and functionality in accordance with the clause 28C of LEP 1996.

- d) Include a copy of the brief issued to the architectural firms.

- 12.3.6 The consent authority may advise the applicant whether it endorses the process and outcome in the form of pre development plan or pre development application advice.

13 Exempt and Complying Development

DCP Amendment No. 10
DCP Amendment No. 11

The Integrated Development Assessment Reforms introduced many amendments to Part IV of the *Environmental Planning and Assessment Act 1979*. One amendment is the requirement for councils and consent authorities to develop specific local provisions that introduce and plan for Exempt Development and Complying Development. These forms of development were introduced through the Integrated Development Assessment Reforms and represent minor forms of development that may be carried out in accordance with defined, non-discretionary standards that are developed to suit local conditions. The following provisions address Exempt Development and Complying Development for the City of Sydney.

Objective

- To address Exempt Development and Complying Development for the City of Sydney.

13.1 Exempt Development

Exempt development is a new class of development introduced by the amendments to Part IV of the *Environmental Planning and Assessment Act 1979*. "It is development having minimal environmental impact that does not require consent (or assessment under Part V) so long as pre determined requirements (such as size and location) are satisfied by the proponent" (UTS, 1999, 1).

Exempt Development Exclusions

13.1.1 Exclusions are types of development, or identified places within the Sydney Local Government Area where Exempt Development will not be permissible. The Exempt Development provisions will not apply to the following areas, sites or categories of land use:

- Development that conflicts with an instrument made under Section 88B of the *Conveyancing Act*;
- Land that is known to be or found to be contaminated;
- Any development or use that is defined as a "brothel" or "restricted premises" and the like by *Central Sydney Local Environmental Plan 1996*; and
- If development approval is required under Council's Heritage Local Environmental Plan.

Exempt Development Prerequisites

13.1.2 Prerequisites are matters that must be satisfied or complied with, before an Exempt Development can be carried out. The following matters must be satisfied prior to the carrying out of any exempt development type included in the following table:

- Owner's consent must be secured for the use of land, including the consent of Council, if land owned, or under the care, control and management of Council is proposed for use;

- Must comply with the Deemed - to - Satisfy provisions of the Building Code of Australia;
- Must comply with any relevant requirements from any relevant SEPPs, REPs, LEPs and DCPs;
- Does not contravene any development consent conditions;
- Does not obstruct drainage on site;
- Does not obstruct any vehicular or pedestrian access to or from the site;
- Must not disturb a relic (either Aboriginal or historic);
- Is at least one metre from an easement of public sewer main and complies with any building over sewer requirements; and
- Does not require a tree to be removed.

Exempt Development Types and Attached Non-Discretionary Standards

13.1.3 This table lists the types of Exempt Development that have been identified as being able to be carried out without development consent, provided that the exclusions, prerequisites and attached non-discretionary standards have been/ can be met. Non-discretionary standards are standards that cannot be varied. They must be met as stated, or a development application will be required.

Exempt Development	
Development type	Standards
Ancillary development (paving, landscaping and gardening).	• Any ancillary surface or paving is not to cover more than 25m². • Development must not involve excavation that is more than 600mm below natural ground level. • Must not involve the construction of any structure more than 600mm above ground level.
Barbecues	• Maximum of 1 barbecue structure per dwelling. • Maximum height of 1.8metres. • Maximum area of 2 m². • Not be located within 3 metres of a window or other ventilation opening on adjoining premises. • For domestic use only. • Located at ground level only.
Domestic apparatus (including TV aerials, retractable clothes lines, solar panels and flues).	General standards • Must be structurally stable, with adequate footings where required. • All apparatus must be installed in accordance with manufacturer's specifications. Standards for retractable clothes lines • Located to the rear of class 1 dwelling, and at ground level for all developments. Standards for solar panels • Solar panels must be flush with roof.

Fences being side or rear fences located behind the front wall of the building.	• Fence has a maximum height of 1.8 metres. • Constructed of timber, metal or lightweight materials (not masonry). • Does not include a hoarding on a construction site. • Must be structurally adequate.
Home occupation	• Must comply with the definition of Home Occupation that is included in <i>Central Sydney Local Environmental Plan 1996</i>.
Minor internal alterations	• Applies only to the replacement of doors, wall, ceiling or floor linings; renovation of bathrooms and kitchens; inclusion of built in fixtures such as vanity cupboards and wardrobes. • Work shall not change room configurations. • Work must comply with the Internal Residential Amenity provisions in Part 6 of <i>Central Sydney Development Control Plan 1996</i>.
Playground equipment	• To be located at ground level. • Maximum height of 2.4m. • Must be setback a minimum of 450mm from side boundaries. • Maximum ground coverage of 10m². • Adequate safety arrangements, including soft landing surfaces must be provided. • Must be installed in accordance with manufacturer's instructions and comply with relevant Australian Standards, including AS 1924 - Play Equipment in Parks, Schools and for Domestic Use (Parts 1 and 2) and AS 2155 - Playgrounds - A Guide to Siting, Installation and Maintenance of Equipment. • Structure must be at least 1.2 metres from any pool safety fence measured in accordance with Australian Standards.
Façade repairs (such as painting, plastering, cement rendering, cladding, attaching fittings and decorative work). Note: Any hoarding required to undertake the repairs must be in accordance with the relevant Council and Work Cover Policies. A separate application under Section 68 of the <i>Local Government Act</i> will be required for any hoarding.	• The repairs are non-structural. • There is no change to the external appearance of the building, including building colours, materials, finishes or glazing (except for class 1 dwellings). • There are no new fittings or attachments to the building.
Minor Council Works on Public Land including footpath improvements, tree planting, re-paving, street re-surfacing, kerb re-construction, footpaths, gutters and street furniture (benches, bollards, signs, public artwork, installations and street lighting).	• Constructed for, or by the Council.
Temporary uses within any zone of, and as defined by, <i>Central Sydney Local Environmental Plan 1996</i>.	• Only on land owned by, or under the care, control and management of Council.

Development in accordance with a plan of management adopted under the Local Government Act 1993 in the Parks and Community Places Zone as defined by <i>Central Sydney Local Environmental Plan 1996</i> .	No standards attached.
Cultural and educational activities associated with cultural institutions in the Parks and Community Places Zone as defined by <i>Central Sydney Local Environmental Plan 1996</i> .	- No permanent physical changes to the fabric of the place at which they are conducted. - For each event, such uses must be carried out for less than 90 days, whether consecutive or non-consecutive, in any continuous 365 day period.
Development within the building known as Sydney Town Hall and forming part of Lot 1, DP 600413, any development (including development for the purpose of advertisements, advertising structures and temporary uses).	No standards attached.

13.2 Complying Development

Complying development is a new class of development introduced by the amendments to Part IV of the *Environmental Planning and Assessment Act 1979*. *Complying development is small scale, low impact, routine development that is clearly defined in Council's LEP/DCP (or a State Government SEPP) and capable of prompt certification by Accredited Certifiers as well as by Councils (UTS, 1999, 1).* An application for a complying development certificate is to be made in accordance with Form 9 of the *Environmental Planning and Assessment Regulation 1994* and these forms may be obtained at the One Stop Shop on Level 2 of Town Hall House, 456 Kent Street, Sydney.

Complying development is defined by a set of fixed standards that are non-discretionary and do not allow merit assessment. If a proposal complies with these standards and the development standards under Clause 77 of the *Environmental Planning and Assessment Regulation 1994*, then the application cannot be refused. If a proposal does not comply with the set standards, then it is not complying development and a formal development application would be required.

The type of consent granted is a "complying development certificate" that may be issued by the Council or an accredited certifier. The conditions of approval that would be listed in a complying development certificate must also be pre-determined and cannot entail merit assessment.

Complying Development Exclusions

13.2.1 Exclusions are types of development, or identified places within the Sydney Local Government Area where Complying Development will not be permissible. The Complying Development provisions will not apply to the following areas, sites or categories of land use:

- If development approval is required under Council's Heritage Local Environmental Plan and/or the *Heritage Act*;
- Development that conflicts with an instrument made under Section 88B of the *Conveyancing Act*;
- Any development or use that is defined as a "brothel" or "restricted premises" and the like, by *Central Sydney Local Environmental Plan 1996*; and
- Land that is known to be or found to be contaminated.

Complying Development Prerequisites

13.2.2 Prerequisites are matters that must be satisfied or complied with, before a Complying Development can be carried out. The following matters must be satisfied prior to the carrying out of any Complying Development type included in the following table:

- Owner's consent must be secured for the use of land, including the consent of Council, if land owned, or under the care, control and management of Council is proposed for use;
- Must be permissible with development consent under any environmental planning instrument that applies to the land;
- Is not an existing use as defined in section 109 of the *Environmental Planning and Assessment Act 1979*;
- Complies with the Deemed - to - Satisfy provisions of the Building Code of Australia;
- Must comply with requirements from any relevant SEPPs, REPs and the LEP/DCP;
- Complies with the development standards under Clause 77 of the *Environmental Planning and Assessment Regulation 1994*;
- Complies with relevant Council codes and policies;
- Complies with any relevant conditions of development consents that have been issued on the land and are still valid;
- Has the relevant approval for water and sewerage;
- Does not require a tree above 4 metres in height to be removed;
- Development to, or associated with, Class 1 dwellings must not reduce the unbuilt upon area of the site to below 25 square metres;
- Development will be required to pay a contribution under section 61 of the *City of Sydney Act 1988*, if the proposed finished cost of the development is \$200,000 or greater. When applicable, this contribution must be paid upon lodgement of the Complying Development application; and
- Development will be required to pay a contribution towards Long Service Levy if the proposed cost of works is greater than \$25,000. This payment, if applicable, must be made on lodgement of the Complying Development application.

Complying Development Types and Attached Non-Discretionary Standards

13.2.3 This table lists the types of Complying Development that have been identified as being able to be carried out without development consent, provided that the exclusions, prerequisites and attached non-discretionary standards have been/can be met. Non-discretionary standards are standards that cannot be varied. They must be met as stated, or a development application will be required.

Complying development	
Development type	Standards
Advertising - illuminated and non illuminated under awning signs	• One sign per shop/premises with a street frontage, and a minimum 3 metres separation between each sign. • Not larger than 0.3 metres high by 2.5 metres long. • Minimum vertical clearance height of 2.7 metres above the footpath level. • Not closer than 1m to the kerb alignment. • Not extend beyond the awning. • Be supported from the awning and not from the elevation of the building. • Relate to the approved use for the shop/premises. • Not display offensive material. • Not contain additional advertising promoting products or services other than the approved use of the premises (such as the logos or brands of products eg soft drinks, brewers, photographic film, etc) irrespective of whether that product or service is sold on the premises. • Display the English translation of any wording of another language. • self illuminated, constructed so that all conduit or cabling supplying power to the sign is completely concealed from view within the awning or sign structures.
Advertising - real estate sign	• Only displayed on premises that are for sale or lease. • The sign is not to exceed a maximum area of 2.5 m² for residential premises and 4.5 m² for commercial premises. • Not to cover openings and/or architectural features of the building. • Sign must be flush to wall, "A" frame structures are not permissible. • Sign must not be located on an awning and must not project from the wall. • Approval is granted for a period of four months only. • The applicant is to advise Council in writing of the dates at which the sign will be installed and removed, prior to the installation of the sign. • A maximum of one sign/street frontage.

Advertisement - awning fascia signs

- One sign per shop/premises with a street frontage and an approved awning, and a minimum 3 metres separation between each sign.
- Not extend above or below the awning fascia.
- Project not more than 25mm from the face of the awning.
- Not be illuminated.
- Not be longer than 3m or 25% of the length of the awning fascia, whichever is greater.
- Relate to the approved use for the shop/premises.
- Not display offensive material.
- Not contain additional advertising promoting products or services other than the approved use of the premises (such as the logos or brands of products eg soft drinks, brewers, photographic film, etc) irrespective of whether that product or service is sold on the premises.
- Display the English translation of any wording of another language.

Advertisement - Projecting ground level wall signs

- Not permitted on street frontages where there is an awning.
- One sign per shop/premises with a street frontage, and a minimum 3 metres separation between each sign.
- Relate to the approved use for the shop/premises.
- Be not less than 0.3m thick with each face no more than 0.75 square metres in size.
- Not project more than one metre from the building when oriented vertically or 2.5 metres when oriented horizontally.
- Allow a minimum clearance of 2.7m above footpath level.
- Allow a minimum clearance of 4.1m above footpath level if projecting within 0.75m of the kerb.
- Not be illuminated.
- Not display offensive material.
- Not contain additional advertising promoting products or services other than the approved use of the premises irrespective of whether that product or service is sold on the premises.
- Display the English translation of any wording of another language.
- any supporting structure is to:
 - be constructed from durable materials that will not stain or damage the supporting wall,
 - be identical to the supporting structure of any other approved projecting ground level sign on the building.

Advertising - temporary sign

Note: Excludes real estate signs that are separately discussed under the heading of "Advertising - real estate sign".

- Advertisement sign is to be temporary to promote non commercial, non profit social, cultural or recreational events only.
- Approval is granted for one temporary sign in a calendar year for a max. period of 40 days only.
- Banners must not exceed 3 metres by 6 metres in size.
- The applicant is to advise Council in writing of the dates at which the sign will be installed and removed, prior to the installation of the sign.
- Complies with Section 8 of *Central Sydney Development Control Plan 1996* in relation to the design and location of the sign.
- Advertising signs must not display offensive material.
- Advertising signs must display the English translation of any wording of another language.
- Sign must be flush to wall, "A" frame structures are not permissible.
- Sign must not be located on an awning and must not project from the wall.

Change of use from commercial premises to commercial premises, or retail premises to retail premises, or commercial premises to retail premises, or retail premises to commercial premises (except food shops)

Note: No change to BCA classification is approved by these provisions.

Note: change of use from retail premises to commercial premises is not permissible under these provisions within the City retail core, which is bounded by King, Elizabeth, Market and George Streets.

Note: Commercial premises and retail premises are as defined in *Central Sydney Local Environmental Plan 1996*.

- Current use of the premises must demonstrate Council approval.
- Any use that is changed shall continue to comply with the conditions of the applicable development consent relating to the use of the building or land.
- The proposed use is either a commercial premises or a shop and does not include:
 - Any shop exceeding 200 m²;
 - Premises used for the preparation or sale of food; and/or
 - Funeral parlour.
- Changes of use to non-commercial premises and commercial premises **will not be permitted** where the use involves a use as defined in *Central Sydney Local Environment Plan 1996* as restricted premises, methadone clinics, skin penetration premises, medical/health premises, brothels, and the like;
- No extension of hours outside existing approved hours is permitted.
- No additional floorspace is permitted.
- No display or sale of publications within the meaning of the *Indecent Articles and Classified Publications Act 1975*, or display of objects primarily concerned with sexual behaviour.
- Parking, existing landscaping, loading and waste facilities must remain.
- The curtilage of any shop/office must not be used for storage/display purposes.
- The work must not adversely impact on fire safety and existing fire safety measures installed in the building, including alternative solutions and fire engineered designs previously accepted for the building.
- Does not allow building work unless that work is described in this DCP as exempt or complying development.
- Adequate facilities are to be provided for waste storage and recycling either on - site or within the building.

Christmas decorations, located outdoors.	• Approval is limited to an 8-week period, which may commence from 15 November in the calendar year. Should 15 November fall on a weekend, then the period is deemed to commence from the following Monday. • Does not involve decorations that have an adverse impact on the structural adequacy of the building or provisions for fire safety in the building.
Demolition Note: Any hoarding required to undertake the demolition must be in accordance with the relevant Council and Work Cover Policies and requires separate approval under section 68 of the <i>Local Government Act 1993</i>.	• Applies only to the demolition of: - temporary structures or advertisements; - sheds, garages and the like, associated with class 1 dwellings; - plant and equipment structures on rooves; and - internal walls or ceilings, partitions or non - required stairs.
Internal alterations (such as fitout works, and partitions to residential premises, commercial premises & shops).	General standards • Does not involve a change of use, unless that change of use is permissible as exempt or complying development. • Applies only to alterations or renovations to previously completed buildings. • Does not apply where the alterations are abutting or obscuring windows and openings. • Does not result in additional floor area. • Works are non-structural. • Work does not adversely impact on fire safety and existing fire safety measures installed in the building, including alternative solutions and fire engineered designs previously accepted for the building. • No alterations are proposed to the building services for the base building. • Access for persons with disabilities is provided in accordance with Clause D3 of the Building Code of Australia and Council's Access Policy adopted on 10 December 1992. • Excludes external changes including alterations to balconies/ terrace areas. • Adequate facilities are provided for waste storage and recycling either on site or within the building. Standards for commercial premises and shops • The fitout does not relate to premises used for the sale or preparation of food, licensed premises, premises used for medical/health purposes, premises used for skin penetration activities as defined under the <i>Public Health Act</i>, or premises used as a Place of Public Entertainment. • Development must not involve changes to the shopfront of the premises. • Adequate facilities are provided for waste storage and recycling either on site or within the building.

Air conditioning units to class I buildings	• Located a minimum of 1.5 metres from any property boundary. • Must be to the rear elevation of the class I building. • Not visible from a public place. • Noise level from the air conditioning unit must not exceed 5dBA above ambient background noise level when measured at the property boundary.
Bed and Breakfast accommodation in an approved class I dwelling involving the use of an existing lawful dwelling by its permanent residents for the temporary accommodation of visitors for commercial purposes.	• Contains a maximum of 3 guest bedrooms for visitor accommodation. • Accommodates no more than 2 persons per guest bedroom, with a maximum of 6 guests at any one time. • The dwelling must be permanently occupied by a resident/s. • Contains separate bathrooms for guests and permanent residents. • No additional carparking provided on site. • Does not allow building work. • A screened accessible waste bin storage area capable of housing standard waste and recycling containers is to be provided on site.
Pergola to a class I dwelling Note: decks shall require a development application.	• Pergolas at first floor level excluded. • Not to exceed the existing roofline. • Located behind the rear wall of the dwelling. • Not to exceed an area of 10m². • Side boundary setbacks for existing dwellings to be maintained or a minimum setback of 900mm is to be achieved and may be whichever is the lesser. • Not to be enclosed or roofed. • Not to exceed 2.7 metres in height from finished ground level.
Subdivision involving a minor Boundary Adjustment	• The whole of each allotment is to drain to the existing street or an existing inter-allotment drainage system. • No additional lots are to be created. • No additional development entitlements are to be created (for example, an easement, covenant and the like). • Any existing building on the allotment is to remain compliant with the provisions of the Building Code of Australia and the provisions of relevant environmental planning instruments (for example, as relates to floor space ratio). • Any external walls of a Class I dwelling must be setback a minimum of 900mm from side and rear boundaries. • Any part of any roof guttering eaves or other projection to a Class I dwelling must be setback a minimum of 675mm from side or rear boundaries. • A subdivision certificate will be required.

Subdivision to:

- rectify an encroachment upon an allotment;
- create a public reserve;
- consolidation of allotments;
- widening a public road; and
- excising from an allotment which is, or is intended to be used for public purposes, including drainage purposes, or other rescue service purposes, or public conveniences.

- A subdivision certificate will be required.

Complying Development Conditions

13.2.4 A complying development certificate for the above stated Complying Development types will attract conditions from the following list. The general conditions will apply to all complying development certificates. The specific conditions will only apply for the stated development types. Complying Development involves the satisfaction of all relevant conditions specified on the Complying Development Certificate, when issued.

General

1. Notice in writing must be given to Council or to an accredited certifier at least 2 days prior to commencement of any building, construction or subdivision work of the proposed date of commencement of work and the name of the appointed principal certifying authority.
2. The hours of operation must not be altered from the approved hours stated in the original development consent for the land. If there are no hours stated in the original development consent, then the following hours will apply: 7.00am to 7.00 pm weekdays and 9.00am to 5.00pm weekends.

Any proposal to alter approved hours of operation to be in excess of those approved will require the submission of a development application.
3. The use of the premises must not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055, *Acoustics - Description and Measurement of Environmental Noise*.
 - (d) An "offensive noise" as defined in the *Noise Control Act 1975*.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

- (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.
4. Stormwater drainage and erosion control must be in accordance with Council's standard requirements.
 5. Methods of storage and handling of waste and recyclable materials must comply with the *Code for Waste Handling in Buildings* adopted by Council 17 October 1994.
 6. Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the *Local Government Act 1993* for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are to be submitted to the satisfaction of Council.
 7. Demolition and building work for development in the Central Business District, as defined in the "*Code of Practice for Construction Hours/ Noise 1992*" must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays. Demolition, excavation and building work for development in areas outside the Central Business District must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays.
 8. All work, including demolition, excavation and building work must comply with *The City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
 9. Demolition and building work must not involve the use of appliances which emit noise of a highly intrusive nature (such as pile-drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule I of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
 10. Demolition and building work must not take place during the period 1 September 2000 to 1 October 2000.
 11. All street trees shall be protected at all times during construction. Any tree on the footpath that is damaged or removed during construction must be replaced in accordance with the requirements of Council.
 12. Prior to the commencement of any excavation adjacent to the road alignment, the applicant shall contact *Sydney One Call Services* to ascertain the presence and type of underground utility services in the vicinity of the development.
 13. The public way must not be obstructed by any materials, vehicles refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop **all** work on site.
 14. All construction works must be completed within six (6) months of the date of the Complying Development Certificate.
 15. If the development is at or near the road alignment, footpath levels must be obtained from Council prior to the commencement of work.

16. Permits required for use of mobile cranes:-
- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes that warrant the on street use of mobile cranes, permits must be obtained from Council or an accredited certifier for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council or an accredited certifier, will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, or an accredited certifier will create significant traffic disruptions.
 - (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
 - (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.
17. To comply with the *Clean Waters Act 1970* whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.
18. Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Advertising/ Signs

19. At no time is the intensity, period of intermittency and hours of illumination of the sign to cause injury to the amenity of the neighbourhood. If in the opinion of Council or an accredited certifier, injury is likely to be caused the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.
20. Advertising signs must not flash.
21. Advertising signs must be erected/supported in a secure manner for safety purposes and its installation is not to involve measures that would cause irreversible damage to the building.
22. A temporary sign may remain in place for a maximum of 40 days.
23. A real estate sign may remain in place for a maximum of 4 months.
24. A Complying Development Certificate for other signage will lapse after 3 years.

Partitions, Fitouts

25. Where internal partitions meet external walls they shall abut window mullions, columns or other such building elements and not glazing.

26. Certification of Mechanical Ventilation.

Change of Use

27. For alterations and additions to an existing building a Compliance Certificate (Form 10 of the *Environmental Planning and Assessment Act Regulation 1994*) shall be submitted to Council or an accredited certifier. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).
28. No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premises.
29. Portable signs or goods for sale or display must not be placed on the footway or other public areas.
30. Any intruder alarm must be fitted with a timing device in accordance with the requirements of Regulation 12A of the *Noise Control Act, 1975*, and Australian Standard 2201, Parts 1 and 2 - 1978, *Intruder Alarm Systems*.
31. Prior to occupation the street number must be clearly displayed in accordance with the *Policy on Numbering of Premises within the City of Sydney*.

Demolition

32. Work is carried out in accordance with Australian Standard AS2601 - 1991 Demolition Code. A Work Plan must be prepared by a competent person prior to commencement of work including certification that the proposals comply with the safety requirements of the standard.
33. A Structural Engineer must certify that the demolition procedures will maintain the existing building in a stable condition during demolition.
34. Demolition must be carried out by appropriately qualified persons whom are licensed by the WorkCover Authority.
35. Footway pedestrian traffic must be protected by a hoarding in accordance with WorkCover requirements. Where an A or B Class Hoarding is required to be erected to comply with WorkCover requirements, an application for a Hoarding approval under section 68 of the *Local Government Act, 1993* must be submitted to Council prior to commencement of demolition work.
36. Waste materials must be removed in accordance with the requirements of the *Waste Minimisation and Management Act 1955*.
37. Works involving removal of asbestos or asbestos cement must comply with the requirements of the WorkCover Authority of NSW, the Waste Management Authority and the Environmental Protection Authority and AS 1319. The demolisher must obtain an Asbestos Removal Licence from the WorkCover Authority to remove any material containing asbestos.
38. The demolition process must be executed in such a manner as to minimise dust emission from the site. At no time should compressed air be used to blow dust from the site into the atmosphere.
39. Trucks removing debris from the site must be covered to minimise dust emission. Wheel and tyres of trucks are to be washed prior to leaving the site, where necessary, in order to minimise the movement of dust and slurry from the site.

40. Work must not cause lead contamination of air or ground.

Christmas decorations located outdoors

41. The intensity, period of intermittency/flash and hours of illumination must not cause injury to the amenity of the neighbourhood.

Bed and Breakfast accommodation in an approved class I dwelling

42. A smoke detector system that complies with AS3786-1993, Smoke alarms and AS 3000-1991, Electrical Installation for Buildings, Structures and Premises (the SAA wiring rules) must be installed in the dwelling.
43. Portable fire extinguishers must be installed in the building to comply with AS 2444.
44. A fire blanket located must be provided in the kitchen.
45. Only one external sign, being a non-illuminated nameplate with a maximum area of 0.25m².
46. No key release dead locks on guest bedroom and exit doors.

Air conditioning units to class I buildings

47. Noise level from the air conditioning unit must not exceed 5dBA above ambient background noise level when measured at the property boundary.
48. Any opening to install the air conditioning unit must be adequately weatherproofed.



Appendix A

Glossary

Above awning sign. A projecting sign on top of an awning.

Active street frontage. A street frontage which provides direct contact or access between the street and the interior of the building.

Animated sign. A sign that gives the effect of a moving display through any mechanical or electrical source of power.

Awning. An awning is a predominantly horizontal structure that projects over a footpath from the host building to provide weather protection for pedestrians

Awning fascia sign. A sign on the fascia of an awning or verandah.

DCP Amendment No. 11

Banner sign. A sign that consist of banner, bunting streamers, flags, windvanes or the like.

Bracket style sign. A sign suspended from a wall mounted bracket or pole at/ or under awning level (can also be described as a vertical or horizontal projecting sign).

Building name sign. An Identification Sign that is used to name a building.

DCP Amendment No. 11

Commercial Advertising Sign. A sign that advertises goods, services, activities or events other than the approved use of the land on which the sign is located.

DCP Amendment No. 11

Dwelling unit. A residential unit or a serviced apartment.

Fascia sign. A sign on the fascia of an existing awning or verandah.

Free standing sign. A sign which is not fixed to a building but is fixed to a forecourt or plaza of the building.

DCP Amendment No. 11

Hoarding sign. An ephemeral sign on building hoardings around construction sites.

Identification sign. A sign used to identify a site, building, building use or tenant.

DCP Amendment No. 11

Illuminated sign. A sign which is internally or externally lit by artificial lighting whether that lighting is integral to or separate from the sign, include signs that have flashing or sequenced lighting, spotlighting, directional, projected or laser lighting.

DCP Amendment No. 11

Internally - illuminated sign. A sign illuminated by internal lighting or containing lights, illuminated tubes or skeletal lettering, arranged as an advertisement.

Lane. An external space which is uncovered and open to the sky and which provides permanent pedestrian and/or vehicle connections through the city fabric at all hours.

Midblock connection. An enclosed or partly enclosed arcade within development that has a public character, provide right of way and are open and accessible at each end.

Opportunity site. A site identified in the LEP as one to which pedestrian amenity and/or urban design improvements can be made.

Outlook. A short range view or prospect, such as from one building to another building.

Porte cochere. A porch, often used in hotel development, large enough for vehicles such as tourist coaches to pass through.

Projecting wall sign. A sign projecting in either a horizontal or vertical direction from the wall of a building.

DCP Amendment No. 11

Promotional sign. A sign on land or a building that advertises either:

- goods or services not provided by an occupier of a significant portion of the premises on which the sign is attached, or
- an event or activity not conducted on the land or in the building.

Roof sign. A sign above parapet level of a building on the uppermost structural elements and attached to lift motor and plant rooms.

Sky sign. A free standing sign on/or above the roof of a building, or fixed to the wall and projecting above the parapet.

Silhouette. A building outline viewed against the sky.

Street alignment. The boundary between land allotments and a street or lane.

Street frontage height. The vertical distance measured in metres at the centre of the street frontage from the average of the street levels at each end of the frontage to the parapet level of the frontage. The parapet level is the horizontal plane in which at least two thirds of the length of the top of the facade is situated. No part of the facade is to be less than 80 per cent of the height.

Temporary sign. A sign that is erected for a term not exceeding 40 days, whether consecutive or non-consecutive, in any 365 day period.

DCP Amendment No. 11

Wall sign. A sign which is on any exterior wall of a building .

DCP Amendment No. 11

Under awning sign. A sign hung or suspended below or otherwise supported from the underside of an awning.

DCP Amendment No. 11

View. An extensive or long range prospect of particular objects or geographic features.

Vista. A view along a street terminated by a building or structure such as an obelisk.

Explanatory Note 1

Requirements for Development Applications

Introduction

This Explanatory Note contains the following sections:

1. When is a Development Application (DA) required?
2. What to do before preparing or lodging a DA.
3. Information required in a DA.
4. What is required in a *Statement of Environmental Effects*?
5. How is a DA processed?

1. When is a Development Application (DA) required?

There are many instances where a Development Application needs to be submitted to Council. For example, to carry out a development, open a new business, make additions or alterations to existing premises.

Development is defined in the Act as:

- the erection of a building on that land;
- the carrying out of a work in, on, over or under that land;
- the use of land or of a building or work on that land; and
- the subdivision of that land,
- but does not include development prescribed in the regulations to the Act and State Environmental Planning Policy No. 4.

The provisions of the *Central Sydney Local Environmental Plan 1996* and the *Central Sydney Local Environmental Plan 1992 - Conservation of Heritage Items* set out which development requires consent.

2. What to do before preparing or lodging a DA.

2.1 Before preparing a DA

Before preparing a DA, applicants should contact Council's One Stop Shop to:

- Check whether the proposed activity is permitted.
- Check whether a Development Application is necessary.
- Ask how Council's plans, codes and policies affect the proposal (note that it is the applicant's responsibility to ensure that the relevant controls have been identified and satisfied).
- Obtain copies of documents and information necessary to submit a development application. These include:
- The Development Application form,
- LEP, DCP and amendments (ie, the *Central Sydney Local Environment Plan 1996* and the *Central Sydney Development Control Plan 1996*),

- Council codes and policies (see Explanatory Note 2 for relevant Council Policies or check at the One Stop Shop),
- Other relevant documents (check with the One Stop Shop).

The One Stop Shop is located on:

Level 2
Town Hall House (behind Sydney Town Hall - access from Sydney Square)
456 Kent Street
Sydney
Disabled access via Level 1, 456 Kent Street.
Telephone: 9265 9255

2.2 Before lodging a DA

Before lodging a DA, applicants should arrange an appointment to discuss the development proposal with an officer from the Urban Development and Conservation Unit. Please contact:

The Development Unit is located on:

Level 7
Town Hall House
456 Kent Street (behind Town Hall)
Sydney
Disabled access via level 1, 456 Kent Street
Telephone: 9265 9363

3. Information Required in a DA

A DA comprises the following items unless otherwise required by the consent authority:

3.1 Completed Development Application Form

Number of sets to be submitted: 1

- **DA Form:** A completed development application form
- **DA Fees:** Correct DA fees (this is scaled according to the cost of the development - refer to the DA form). Please note that all registered owners must sign applications and where applicable the stamp/seal of the company or firm is also required.
- **Certificate of Cost:** For developments over \$5 million, the application is to be accompanied by a certificate of cost prepared by a quantity surveyor. Council's officers will advise applicants on the items that should be included in the cost estimate.
- **Advertising Fee:** An advertising fee is also necessary for many types of development.

3.2 DA Report

Number of sets to be submitted:

12:	For development over three storeys or a major refurbishment), OR
3:	For Minor development

A DA report is comprised of the following items:

1 Statement of Environmental Effects

Statement of Environmental Effects with accompanying reports (see section 4 below for further detail).

2 Drawings (see also 3.4 below)

Drawings are to include the following:

- **Plans:** Plans are to show the outline of adjoining buildings and streets.
- **Elevations:** Elevations are to show at least the adjoining two buildings on each side of the site.
- **Sections:** Sections are to show the outline of adjoining buildings and buildings across the street.
- **New work:** One of these sets of drawings is to show all new work coloured. (Refer also to section 3.4 below).
- **Scale:** 1:100
- **Detail:** Drawings are to show a clear distinction between alterations, additions, new work and amendments, and any existing part not affected.
- **Numbering:** All drawing are to be suitably numbered.
- **Date:** All drawing are to be dated.
- **Folding:** Drawing are to be folded to A4 size with the title block at the front.

3.3 Photos and Photomontages

Number of Sets to be submitted: 2

- **Photographs:** showing all elevations facing streets set in the context of existing buildings in the vicinity of the subject site.
Size: Minimum A3.
- **Photomontages:** from at least two different directions showing views of the proposed building superimposed into the streetscape from each street frontage.
- **Size:** Photomontages are to be presented at the same size and same angles as the photographs. Minimum A3.

3.4 Other items

Number of sets to be submitted: 1

- **Drawings** (as per 3.2)
 - One set of all drawings reduced to A3 size.
 - One set of all drawings reduced to A4 size.
 - One set of the above drawings indicating floor space area in square metres for each land use, (eg., residential, commercial, open space) plant and/or public area. Where an existing building is to be retained, the floor space area and dimensions are to be shown. Each area is to be colour coded and is to relate in area to the listing of FSA and non-FSA calculations.

- **Floor plans**
 - The proposed structure is to be shown together with setbacks from all boundaries.. Ground floor plans showing the subject site, the adjacent sites and buildings, building alignment relative to the public area, the pedestrian circulation network and vehicular access points are required.
- **Site Plan/ Sections/ Elevations**
 - Development over three storeys or a major refurbishment: The site plan should show the length of all boundaries. Sections and elevations of the proposed development should be drawn at a scale of 1:100.
 - Other development: The site plan is to be drawn to a nominated scale clearly indicating which shop or unit is to be used.
- **Survey plan**
 - A survey plan, prepared by a Registered Surveyor, is to show existing ground levels including indicative spot levels at 10 metre intervals across the site and along the street frontage. All measurements are to be expressed relative to Australian Height Datum. Where a property is affected by an easement, right of way or encroachment, the exact location of any encumbrance in relation to the boundaries of the property, width, length and type (eg water, sewer, vehicular access) is to be shown.
- **Preliminary landscaping plan**
 - Plans of existing and proposed trees and landscaping are required. The information should include botanic names of the existing and proposed species to be used.
- **Sample board**
 - A sample board clearly indicating (with the use of drawings) materials, colours and finishes of facade and public areas.
 - An A4 photograph of the sample board.
- **Model**
 - A model at a scale of 1:500 is required for presentation to the consent authority and for inclusion in Council's city model which is located on Level 2 of Town Hall House. The applicant should contact Council's Model Makers through Council's One Stop Shop regarding specifications of the model.
 - A model will not be required where the application will not result in external changes to the appearance of the building.

4. What is required in a Statement of Environmental Effects?

4.1 Statement of Environmental Effects

As noted above, a Statement of Environmental Effects (SEE) is required as part of a DA submission. The purpose of an SEE is to:

- demonstrate that the environmental effects of the development have been considered. (Note: An SEE is not an environmental impact statement under the

Act unless the application is for a Designated Development pursuant to section 29 or 158 of the Act).

- set out measures to be taken to mitigate any likely adverse impact.
- demonstrate how the proposal complies with the Central Sydney Local Environmental Plan 1996 (LEP) Central Sydney Development Control Plan (DCP) and any other relevant Council policies.

Detailed requirements are set out in Section 90 of the Act. Applicants may find it preferable to use the services of a qualified town planner to prepare the SEE.

The SEE is to include a summary of the:

- Existing situation
- Proposed development
- Response to urban context
- Heritage implications
- Traffic
- Traffic and pedestrian conflicts
- Reflectivity
- Privacy impact
- Car parking
- Floor space area and floor space ratio calculations considerations
- Wind effects
- Shadow assessment
- Noise effects
- Waste management
- Stormwater management
- Energy efficiency
- Construction effects
- Daylight to residential units
- Public art provision
- Response to other relevant Section 90
- Copy of the land title highlighting encumbrances.

Detailed reports on these issues, where relevant, may be required by the consent authority (see below) and are to be appended to the SEE.

4.2 Reports accompanying an SEE

The following reports, where relevant and appropriate, are required to be included in the Statement of Environmental Effects for the DA:

- **Urban Context Report**

The design of the proposal is to address the urban context of the subject site by assessing and responding to the physical relationship to neighbouring buildings, the streetscape, the local pedestrian network and the other urban design provisions in the DCP.

- **Shadow/Sun Access Report**

Shadow diagrams that indicate existing and proposed/likely shadows at half hourly intervals between 12pm and 2pm for 21 June and 14 August as well as at half hourly intervals for the times nominated for the Special Areas are to be supplied. For residential development applications, the achievement of solar access to internal and external residential spaces should be demonstrated.

For DAs that relate to a site covered by a sun access plane (as shown on the 'Central Sydney Local Environmental Plan 1996 - Height Map'), the sun access plane is to be calculated only by the application of the formula contained in Schedule 4 to Central Sydney Local Environmental Plan 1996. The resulting sun access plane and shadow diagrams are to be certified by a Registered Surveyor.

- **Energy Efficiency Report**

An Energy Efficiency Report that provides the following information is required:

- Tabulation of the estimated annual fuel and energy supplied to the site to satisfy development needs. The amount of energy for each major building function is to be identified, and the form in which it is to be delivered.
- Annual energy consumption to be estimated per square metre of total FSA and FSA per major function. The percentage of the building being air conditioned is also to be provided.
- The benefits of the preferred energy option such as annual savings and environmental benefits.
- Details of proposed measures in the design to reduce energy demand are to be described including orientation, shading, thermal mass, insulation and other passive design measures.
- Two standard forms, plus working papers where applicable, are to be used to summarise the Energy Efficiency Report. The forms, which are found in the Building Energy Manual produced by State Projects for the Office of Energy, are as follows:

Form 2/1 Annual Fuel and Energy Requirements: an estimate of fuel needs, fuel supplies and their consumption rates, and

Form 2/2 Energy Use Factors: a record of energy information in simple terms.

- **Traffic and Parking Report**

For development that provides on-site parking and/or generates traffic, a Traffic and Parking Report is to be submitted indicating the proposed traffic and parking arrangements and likely impacts. The report is to be prepared by a qualified transport planner and is required to assess the impact of the proposed access design on the traffic efficiency, safety of the adjacent road network and pedestrian movement, safety and amenity. Traffic generating development will be referred to Council's Traffic Committee or the Regional Development Committee as required under State Environmental Planning Policy No.11 - *Traffic Generating Development*. The traffic and parking report is to address compliance with the provisions of the LEP and the DCP.

- **Heritage Impact Statement and Conservation Plan**

Development of sites identified as heritage items in the *Central Sydney Local Environment Plan 1992 - Conservation of Heritage Items*, or within a Conservation Area will require the submission of a Heritage Impact Statement. A comprehensive Conservation Plan will be required unless the Consent Authority advises otherwise.

A Conservation Plan will be required for development that includes the demolition of a heritage item and for the demolition of a building within a Conservation Area or heritage streetscape.

Applicants should obtain a copy of the brochures *Heritage LEP Notes* and *Conservation Plan Handbook* from the One Stop Shop.

- **Wind Effects Report**

A Wind Effects Report, based on wind tunnel testing, is to be submitted when the height of proposed building exceeds 45 metres. The report is to identify and analyse the effects of wind conditions on pedestrians within the development site, on the street at footpath level and in other areas in the vicinity. The report is to compare and analyse the current situation with the likely impacts created by the new development and is to address compliance with all wind speed provisions in the DCP. Wind tunnel tests may be required in other circumstances when considered necessary by the Consent Authority.

- **Reflectivity Report**

A Reflectivity Report that analyses the reflectivity impacts from the facade of new development and demonstrates compliance with the provisions in the DCP as part of a DA submission is required unless advised otherwise by Council. Particular attention is to be paid to the effects of solar glare on occupants of nearby buildings, public areas and roadways in the vicinity of the site as well as solar radiation on other buildings. The report is to include the criteria for assessment, the method, the results and conclusions of the analysis.

- **Archaeological Baseline Report**

A Archaeological Baseline Report is required for sites identified in the draft *Archaeological Zoning Plan for Central Sydney 1992*. Intending applicants should obtain a copy of the brochure *Archaeology in the City* from the One Stop Shop.

- **Noise Impact Assessment Report**

A Noise Impact Assessment Report that analyses the noise potentially generated by the development as well as any mitigation measures that are needed in order to comply with the DCP is required (unless the consent authority advises otherwise). For residential development, existing noise levels within the vicinity of the subject site are to be documented.

The report is to provide results of an investigation into the control of environmental noise, including:

- Environmental noise monitoring at the site of the proposed development for a period of not less than 3 week days or not less than 2 weeks where the site is affected by noise from part time operations. The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified.
- For residential development and serviced apartments, a calculation of likely LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed.
- Recommendations on noise control measures to be applied to development to ensure compliance with the limit provisions in the DCP.

- **Daylight Report**

A Daylight Report analysing daylight levels to the principal living room window of residential units and serviced apartments with respect to compliance with the DCP is required unless advised otherwise by Council.

5. What happens to a Development Application?

All DAs received by the consent authority go through a number of steps:

- Preliminary check
- Public notification
- Referrals
- Assessment
- Determination

Preliminary Check

A preliminary check is made to ensure that the DA form is correctly completed and that all required information is provided. If there is insufficient or inaccurate information, the applicant is asked to supply additional information within two weeks of lodgement. A request for additional information could delay processing the DA so applicants should ensure that all necessary information is submitted with the DA.

Public notification

The majority of DAs are notified in writing to surrounding and potentially affected property owners and residents. Some DAs are also advertised in the local press to allow the views of the public to be ascertained. All DAs that are advertised are publicly exhibited at Council for at least 14 days.

Referrals

All DAs are referred for comment to other Council departments (for example, Building and Engineering). DAs for developments over three storeys or major refurbishments are referred to the State Government departments as well (for example, RTA and DUAP). Where referrals to such external organisations are required, the DA may take longer to process.

Assessment

While views of referral bodies are being sought, Council officers prepare a detailed assessment of the DA with respect to the LEP, DCP, matters for consideration under the Act, and previous decisions of the consent authority. Submissions received in response to the notification of the DA are also be considered. A planning report is then prepared recommending either approval, usually with conditions, or refusal of the DA.

Determination

The DA is determined at a public meeting of the consent authority. The applicant has the opportunity to speak at the meeting. Once the decision is made, the applicant is advised formally by mail.

Explanatory Note 2

List of Relevant Council Policies, Codes and Practices

The following documents are available from the One Stop Shop on level 2 at Town Hall House, 456 Kent Street, Sydney - Phone 9265 9627

- Access Policy for people with mobility impairment
- Awnings Policy
- Code of Practice for Construction Hours/ Noise within the CBD
- Cycle racks and Facilities in New Buildings
- Footpath Paving Design Policy
- Hoardings Policy and Guidelines
- Laneways in Central Sydney - Management
- Opportunity Sites Policy
- Outdoor Cafe Policy
- Public Art Policy
- Total Environment Policy
- Waste Minimisation and Management Policy and Strategy Statement

Council and the Central Sydney Planning Committee have a number of other adopted policies and codes. Applicants are advised to check with the One Stop Shop to establish the applicability of other policies and codes to particular development applications.