

ATTACHMENT B

**DRAFT SYDNEY DEVELOPMENT
CONTROL PLAN – MINOR POLICY AND
HOUSEKEEPING AMENDMENTS 2014**

Draft Sydney Development Control Plan

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Minor Policy and Housekeeping Amendments 2014



Draft Sydney Development Control Plan – Minor Policy and Housekeeping Amendments 2014

The purpose of Sydney Development Control Plan – Minor Policy and Housekeeping Amendments 2014

- 1) The purpose of this plan is to amend the *Sydney Development Control Plan 2012* to:
 - a) provide planning and design requirements for the enclosure of wind affected balconies and apartments with setback bedrooms,
 - b) provide revised floor to floor and floor to ceiling height controls for non-residential buildings,
 - c) clarify car share provisions, and
 - d) clarify requirements for the provision of community infrastructure in Green Square.

Citation

- 2) This plan may be referred to as the *Sydney Development Control Plan – Minor Policy and Housekeeping Amendments 2014*.

Land covered by this plan

- 3) This plan applies to land shown at Figure 1.1 of the *Sydney Development Control Plan 2012*, marked 'Land covered by this DCP'.

Relationship of this plan to Sydney Development Control Plan 2012

- 4) This plan amends the Sydney Development Control Plan 2012 in the manner set out below.

Amendment to Sydney Development Control Plan 2012

Amend *Sydney Development Control Plan 2012* by inserting text shown as underlined and deleting text shown as ~~strikethrough~~:

Car share scheme parking spaces

- 5) Amend provision 3.11.2 *Car share scheme parking spaces* by inserting new text shown as underlined and ~~strikethrough~~:

3.11.2 Car share scheme parking spaces

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

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

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

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

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

(1) Car share parking spaces may be provided in addition to the maximum number of car parking spaces permitted in the development.

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- (2) ~~The minimum number of on-site parking spaces to be made available for car share scheme vehicles is to be provided according to the following rates. The appropriate rates for the provision of car share parking spaces are considered to be as follows:~~
- (a) residential development, other than dwelling houses and dual occupancies, on land shown on the Land Use and Transport Integration (LUTI) Map in the Sydney LEP 2012 as:
 - (i) Category A - 1 per 50 car spaces provided;
 - (ii) Category B - 1 per 60 car spaces provided; or
 - (iii) Category C - 1 per 90 car spaces provided.
 - (b) office premises, business premises or retail premises on land shown on the PTAL Map in the Sydney LEP 2012 as:
 - (i) Category D - 1 per 30 car spaces provided;
 - (ii) Category E - 1 per 40 car spaces provided; or
 - (iii) Category F - 1 per 50 car spaces provided.
- (3) Clearly marked plans identifying the location of all car share parking spaces must be submitted with the development application.
- ~~(3)~~ (4) All car share parking spaces ~~parking spaces for car share schemes~~ are to be:
- (a) publicly accessible 24 hours a day seven days a week;
 - (b) located together ~~in the most convenient locations~~;
 - (c) located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external; and
 - (d) clearly designated by signs as being for car share scheme use only ~~designated for use only by car share vehicles by signs.~~
- (4) ~~(5) Parking spaces for car share schemes located on private land~~ Car share parking spaces located on private land are to be retained as common property by the Owners Corporation of the site and not to be sold or leased to an individual owner or occupier at any time.

Wind affected balconies

- 6) Insert the following provisions shown as underlined and figure into section 4.2 Residential flat, commercial and mixed use developments, sub-section 4.2.3 Amenity:

4.2.3.13 Wind affected balconies

- (1) A wind affected balcony enclosure proposed in accordance with clause XX of the Sydney LEP 2012 is to be designed and constructed as an external balcony with drainage, natural ventilation and finishes acceptable for an outdoor space.
- (2) Where a building elevation has a podium the wind affected balcony enclosures will only be permitted above the podium.
- (3) Enclosures are to be well designed and contribute to the high quality of the building façade.

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- (4) The enclosure is to have openings that are at least 25 per cent of the external face of the balcony including an opening at the top of the enclosure which:
 - (a) is permanently open;
 - (b) is the length of the balcony; and
 - (c) has a minimum height that is the greater of 300mm or 10 per cent of the distance between the balcony floor and the finished balcony ceiling.
- (5) Any non-transparent materials must not exceed a height of 1.4m above the floor level of the balcony.
- (6) The average depth of the balcony must be less than the width.
- (7) The balcony floor is not to be at the same level as the internal areas.
- (8) Balcony enclosures to existing buildings are to be implemented consistently across the whole building with a single system agreed to by the Owners Corporation and that complements the design quality of the façade.
- (9) Enclosures will not be allowed on original balconies of heritage items or contributory buildings in heritage conservation areas.

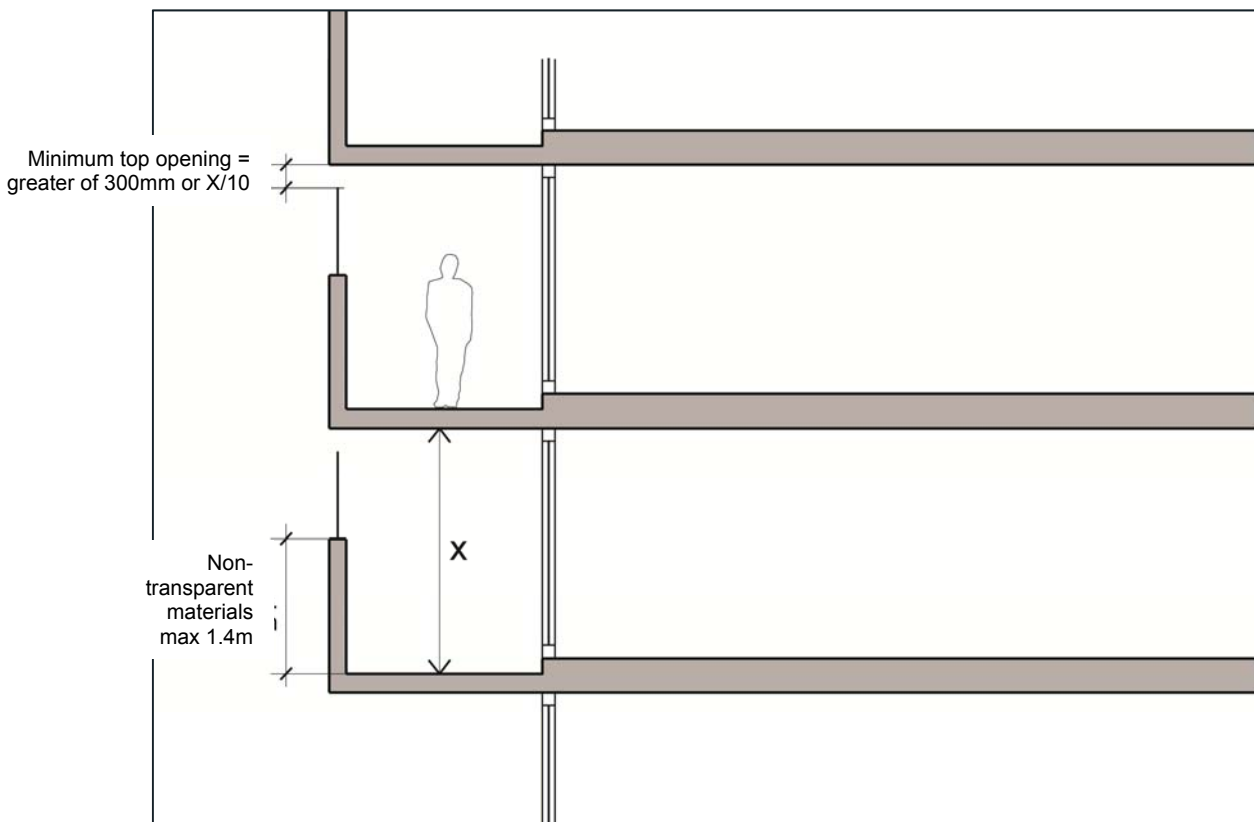


Figure X: Wind affected balconies

Apartments with setback bedrooms

- 7) Insert the following provisions shown as underlined and figure into section 4.2 Residential flat, commercial and mixed use developments, sub-section 4.2.3 Amenity:

4.2.3.14 Apartments with setback bedrooms

- (1) The total number of apartments with setback bedrooms cannot exceed 10 per cent of the units in a building.
- (2) The apartments with setback bedrooms are only permitted where the orientation of the window to the setback bedroom is a maximum of 90 degrees either side of true north.
- (3) The window to the recessed bedroom is to be at least 1.5m wide (X), full height (spandrel to ceiling) and operable.
- (4) The façade adjacent to the window to the setback bedroom is not to have any horizontal or vertical projections beyond the window.
- (5) The maximum depth from the outermost face of the building (including balconies, fins and other projections) to the recessed window (Y) is 0.65 times the width of the window to the recessed bedroom (X) to a maximum of 1.5 metres.
- (6) The maximum depth of the space from the window to the recessed bedroom area (Z) is 1.35 times the width of the setback bedroom window (X).
- (7) No internal structures are to be built in the space from the window to the setback bedroom area (Z by X).
- (8) The maximum depth of the setback bedroom is 8m from the window to the back wall of the bedroom.
- (9) An operable fan light is to be included above the recessed bedroom door to increase air flow.
- (10) Apartments with setback bedrooms should be provided in symmetrical pairs with adjacent setback bedrooms forming a wider uninterrupted window recess to allow more daylight and natural ventilation.
- (11) The design excellence bonus will not be awarded where a building includes apartments with setback bedrooms.

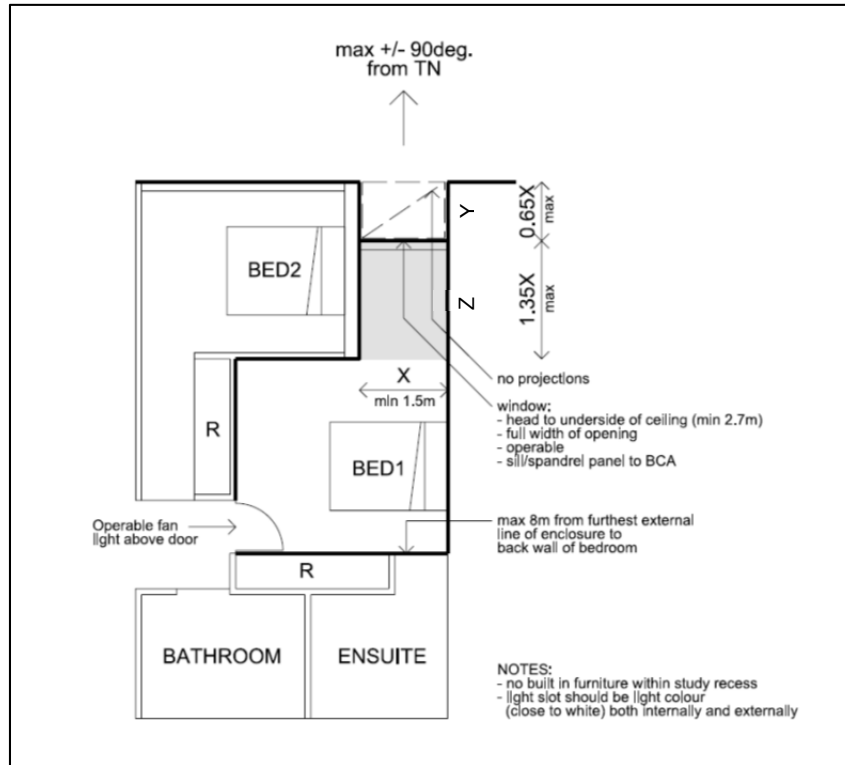


Figure X: Layout for an apartment with a setback bedroom

Floor to ceiling heights

- 8) Amend provision 4.2.1.2 *Floor to ceiling heights and floor to floor heights* by inserting text shown as underlined and deleting text shown as ~~strike through~~:

4.2.1.2 Floor to ceiling heights and floor to floor heights

Objective

- (a) Promote daylight access into building interiors and contribute to the flexible use of buildings.

Provisions

- (1) Buildings with a commercial or retail use are to have a minimum floor to floor ~~floor to ceiling~~ height of:
- ~~3.6m~~ 4.5m on the first basement floor to enable conversion to retail uses for all development in Central Sydney;
 - ~~3.6m~~ 4.5m on the ground floor; and
 - ~~3.3m~~ 3.6m on the first commercial floor and any commercial floor above.
- (2) The minimum floor to floor ~~floor to ceiling~~ height, ~~clear of obstruction~~, of each an above ground ~~above ground~~ parking level above ground must be ~~3.6m~~ 4.5m on the ground floor and 3.6m on any parking level above to facilitate the conversion of above ground car parking to other uses.
- (3) The design of ground and first floor residential units in a mixed use area or mixed use building are to be flexible with multiple configurations and finished floor to finished ceiling heights of at least 3.3m to enable both residential and commercial uses.
- (4) Habitable rooms in multi-unit residential development and mixed use development are to have a minimum floor to ceiling height of 2.7m.

Note: A floor to ceiling height of 2.7m requires a minimum floor to floor height of 3.1m- and a floor to ceiling height of 3.3m require a minimum floor to floor height of 3.6m.

Community infrastructure floor space at Green Square

- 9) Amend section 5.2.3 Community infrastructure by inserting text shown as underlined and deleting text shown as ~~striketrough~~:

5.2.3 Community infrastructure floor space at Green Square

This Section identifies ~~where~~ how the community infrastructure floor space may be achieved to deliver local infrastructure in Green Square ~~local infrastructure, including public streets, pedestrian and bike networks and public open spaces can be provided so as~~ to benefit the immediate and wider community. This Section is to be read in conjunction with clause ~~6.12~~ 6.14 *Community Infrastructure at Green Square* under *Sydney LEP 2012* and Schedule 9 of this DCP.

The vision for Green Square is to transform the area ~~it~~ from its industrial and manufacturing past, to an attractive, vibrant and sustainable urban place. To accommodate the levels of growth expected ~~in Green Square~~, substantial infrastructure is required including streets, pedestrian and bike networks, parks, recreation facilities and stormwater management infrastructure.

Section 5.2 Green Square of this DCP identifies the type and location of local infrastructure works that may be included with development towards achieving the community infrastructure floor space.

Developments proposing acceptable above ground car parking do not qualify for additional building height and may not be able to achieve the maximum floor space ratio permitted under *Sydney LEP 2012*.

Objectives

- (a) Ensure a high level of amenity and an appropriate level of supporting community infrastructure is achieved in Green Square.
- (b) Establish the circumstances under which development to the maximum gross floor area can be achieved, as determined by the maximum floor space ratio applicable to a development site.
- (c) Identify the public works and community infrastructure to be provided before the land can be developed to the maximum gross floor area.

Provisions

- (1) Where infrastructure works are proposed to the satisfaction of the consent authority, consent may be granted for development up to the maximum gross floor area achievable under clause ~~6.12~~ 6.14 of Sydney LEP 2012, but only if the development contributes to the desired character of the locality in which it is located and has little or no impacts on the amenity of that locality.
- (2) The maximum gross floor area permitted under clause ~~6.12~~ 6.14 of Sydney LEP 2012 can only be achieved where a development provides public works and community infrastructure including:
 - (a) works within the existing or proposed road reservations including:

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- (i) streetscape, bike and pedestrian improvements such as widened footpaths and landscaped setbacks, local parks, pedestrian and bike paths, overpasses and underpasses, landscape works and lighting;
 - (ii) traffic management works such as street entry thresholds, nodal treatments, pedestrian crossings, road realignment and intersection upgrades; and
 - (ii) bus and traffic turning lanes.
- (b) ~~P~~public open space including embellishment works to new or existing open space which are over and above those required for public open space under the provisions of the City of Sydney Section 94 Contributions Plan, including upgrades to existing open space such as new play equipment, lighting, sports facilities, furniture, public art and landscape works;
 - (c) ~~D~~rainage and stormwater management works including drainage amplification, integrated water treatment facilities, large scale detention systems, overland flow path works and stormwater channel improvements;
 - (d) ~~P~~ublic transport works that facilitate and enhance existing public transport facilities such as bus layovers and turning lanes, bus and light rail stops;
 - (e) ~~P~~ublic community facilities including recreation facilities (indoor and outdoor) such as sporting, recreational, cultural and social facilities such as basketball courts, community buildings and meeting rooms, exhibition and performance spaces, child care centres;
 - (f) ~~L~~and dedicated for any of the above works;
 - (g) ~~O~~ther works or improvements within the broad categories listed above, at the discretion of the consent authority.
- (3) In granting consent to development that includes community infrastructure, the consent authority is to be satisfied that:
- (a) the community infrastructure is necessary and benefits the immediate and wider Green Square community; and
 - (b) is of an appropriate value as calculated in accordance with the formula at Schedule 9 of this DCP.
- (4) Where proposed community infrastructure is not to the satisfaction of the consent authority:
- (a) development to the maximum gross floor area, as determined by the maximum floor space ratio under clause ~~6.12~~ 6.14 of *Sydney LEP 2012* will not be possible; and
 - (b) development is to be consistent with the maximum gross floor area as determined by the maximum floor space ratio under clause 4.4 of *Sydney LEP 2012*.

Schedules

10) Insert new schedule including all text and diagrams shown below:

Schedule 9

Providing community infrastructure in Green Square

9.1 Introduction

This schedule details how key community infrastructure is to be delivered in the Green Square Urban Renewal Area (Green Square) under clause 6.14 *Community infrastructure floor space at Green Square* of *Sydney LEP 2012* and section 5.2.3 *Community Infrastructure* of this DCP.

This schedule excludes reference to the Green Square Town Centre as the Town Centre is excluded from *Sydney LEP 2012* and this DCP.

The purpose of this schedule is to:

- explain why community infrastructure is important for the regeneration of Green Square and why it is needed to support redevelopment;
- describe how the community infrastructure can be delivered through the development process and planning agreements; and
- outline how the value of the community infrastructure works is calculated.

9.2 Why is community infrastructure needed in Green Square

Green Square is strategically located between the City, Sydney Airport and Port Botany, and continues to offer the opportunity for large scale regeneration of former industrial lands. This regeneration will significantly contribute to the City of Sydney meeting its dwelling and job targets set by the NSW Government.

Green Square is to become an attractive, vibrant and sustainable urban place that is well served by the appropriate level of infrastructure. The Green Square population is expected to grow substantially – by 2030 it will be home to over 50,000 residents and about 22,000 people are expected to work there.

To accommodate this growth and to ensure the successful transformation of Green Square, substantial new infrastructure is needed. In particular, the provision of new public streets, pedestrian and bike links, parks, community facilities and stormwater management, will ensure successful sustainable regeneration and a high level of amenity.

Some of the community infrastructure can be funded and delivered through developer levies under the *City of Sydney Section 94 Contributions Plan 2006* (the Section 94 Plan), as updated or replaced from time to time. The Section 94 Plan identifies some key works to be delivered within Green Square such as the major new transit corridors and public open spaces. However, the scope of the Section 94 Plan is not sufficient to fund all the infrastructure necessary to support the scale of redevelopment planned in Green Square. The City has additionally committed significant funds to deliver these works and other facilities.

The community infrastructure needed in Green Square cannot be provided by the City alone, despite its access to Section 94 contributions. A partnership approach with the developer for the delivery of this infrastructure is therefore necessary, and allowing development additional floor space where appropriate in return for the provision of additional infrastructure is key to the successful growth of Green Square.

9.3 Defining community infrastructure

Community infrastructure is defined in *Sydney LEP 2012*. The provisions under section 5.2.3 of this DCP lists in more detail the works that make up community infrastructure. Other provisions under section 5.2.4 Green Square of this DCP further identify the location where some of these works may be provided with development to match community infrastructure floor space.

In general, community infrastructure refers to civil infrastructure, public domain and physical facilities that support the built environment and benefit the population within the immediate vicinity of a site as well as the wider Green Square population. For example, by providing new roads the accessibility and permeability of an area increases for pedestrians, cyclists, cars and public transport. Landscape setbacks as an extension to the road reservation can offer a green buffer to development fronting the road, whilst they can provide a pleasant walking and cycling experience for the wider community, and a habitat corridor for plants, insects and birds.

Critically, *Sydney LEP 2012* requires that the infrastructure is to be “reasonably necessary” for Green Square and of a certain value. Refer to section 9.4 of this Schedule.

It should be noted that the community infrastructure is that which is over and above the requirements of the Section 94 Plan, and is in addition to any requirements for improvements that may arise from consideration of a development application by the consent authority under Section 79C of the *Environmental Planning and Assessment Act 1979*.

9.4 How is the appropriate community infrastructure identified

The Floor Space Ratio (FSR) Map under *Sydney LEP 2012* identifies the maximum FSR permissible for a site. Clause 6.14 of the LEP specifies the maximum additional FSR (above that shown in the FSR Map) that a site may potentially achieve if “equivalent” community infrastructure is included with the development. Clause 6.14 further defines “equivalent” community infrastructure.

The development must be acceptable in terms of environmental capacity and compliance with development controls, must contribute to the desired character of its locality, and must have little or no impact on the amenity of the locality. Therefore, the development must be acceptable on a merit assessment before the City can agree to a package of community infrastructure associated with the development.

The proposed community infrastructure is to be acceptable to the City and should meet the social, physical and environmental vision for Green Square. It is to be of an appropriate value that is to be calculated as set out in section 9.5 of this schedule.

If an applicant seeks to access additional FSR under clause 6.14 of *Sydney LEP 2012* and provide community infrastructure, the following is required:

- ensure the site is eligible and establish the additional FSR potentially achievable by checking clause 4.4 *Floor Space Ratio* and the relevant FSR Map, and clause 6.14 *Community infrastructure floor space at Green Square* of *Sydney LEP 2012*;
- ascertain the community infrastructure that may be required to achieve the additional FSR by checking section 5.2 *Green Square* of this DCP; and
- if appropriate, identify other community infrastructure that may be offered as part of the total package of public benefits.

If there is no physical community infrastructure that may be provided within a site, the additional FSR may still be potentially achieved if the applicant proposes to contribute towards the delivery of other community infrastructure off the site but within Green Square.

The City may collect monetary contributions for identifiable works. However, with the exception of contributions for the Green Square Town Centre, the City will seek as far as practicable that community infrastructure works (rather than monetary contributions) are undertaken.

If an applicant seeks to access the additional FSR it is strongly advised that a pre-lodgement meeting be arranged with the City’s planning officers.

9.5 How is the value of the “equivalent” community infrastructure assessed

Clause 6.14 of *Sydney LEP 2012* establishes that development, to be eligible for additional FSR must include “equivalent” community infrastructure. Amongst other things, to be “equivalent”, the community infrastructure is to be of a certain cost.

The City uses a dollar rate to establish the minimum cost so that it is equivalent to the additional floor space being achieved under clause 6.14. The intent is to ensure an equitable and transparent assessment of the public benefits that may be derived from the provision of community infrastructure by an applicant.

The total dollar value of the community infrastructure package is calculated based on the type of use and amount of additional floor space proposed under clause 6.14 of *Sydney LEP 2012*. The dollar rates per square metre of additional floor space are as follows:

Residential floor space	\$475 per square metres (excl. GST)
Retail floor space	\$275 per square metres (excl. GST)
Other non-residential floor space	\$200 per square metres (excl. GST)

Note: The City of Sydney adjusts the above rates from time to time.

As part of the community infrastructure package a rate of \$100 per square metres (excl. GST) is included as a monetary contribution towards the Green Square Town Centre. As the Town Centre will have flow on benefits for the wider Green Square, including improved land values, this monetary contribution is allocated towards the delivery of the Town Centre essential infrastructure. This monetary contribution applies to all land uses and is included within the total value calculated.

The following steps summarise the process to establish the community infrastructure package:

- **Step 1** – the applicant calculates the total dollar value of the additional floor space using the above rates (excluding any design excellence floor space)
- **Step 2** – the City and the applicant identify the community infrastructure works to be provided and their priority, including the monetary contribution towards the Green Square Town Centre essential infrastructure
- **Step 3** – the City and the applicant establish the total cost of the identified community infrastructure works to be delivered by the applicant within the site and/or within the Green Square locality (the cost is established by a quantity surveyor)

- **Step 4** – the total cost of the works to be delivered by the applicant and the Town Centre monetary contribution are deducted from the total dollar value of the additional floor space calculated in Step 1 above, to work out the difference, if any, between the cost of works and the total value of the additional floor space
- **Step 5** – the City and the applicant review and adjust the scope of works to prioritise the delivery of works
- **Step 6** – where applicable, and if the City considers appropriate, where the total cost of works identified in Step 3 above, is less than the value of the additional floor space, the City may agree to a monetary contribution towards capital works projects being delivered by the City within Green Square

Where the additional floor space proposed is less than 100 square metres, the provision of community infrastructure may not be applied.

9.6 How is the commitment to provide community infrastructure secured

The legal instrument that sets out the applicant's offer to deliver community infrastructure in association with development is the planning agreement. The offer is made voluntarily by the applicant so as to access additional floor space potentially achievable under clause 6.14 of *Sydney LEP 2012*. The *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* define a planning agreement and set out how it is to be prepared and finalised.

Both the City and the applicant must come to a mutual agreement on the appropriateness of the community infrastructure package. The details of this package are incorporated into a planning agreement

The chart overleaf outlines the process for the preparation of a planning agreement. The process shown is only indicative, and may vary depending on the nature of the planning agreement being prepared.

Planning agreement process for community infrastructure

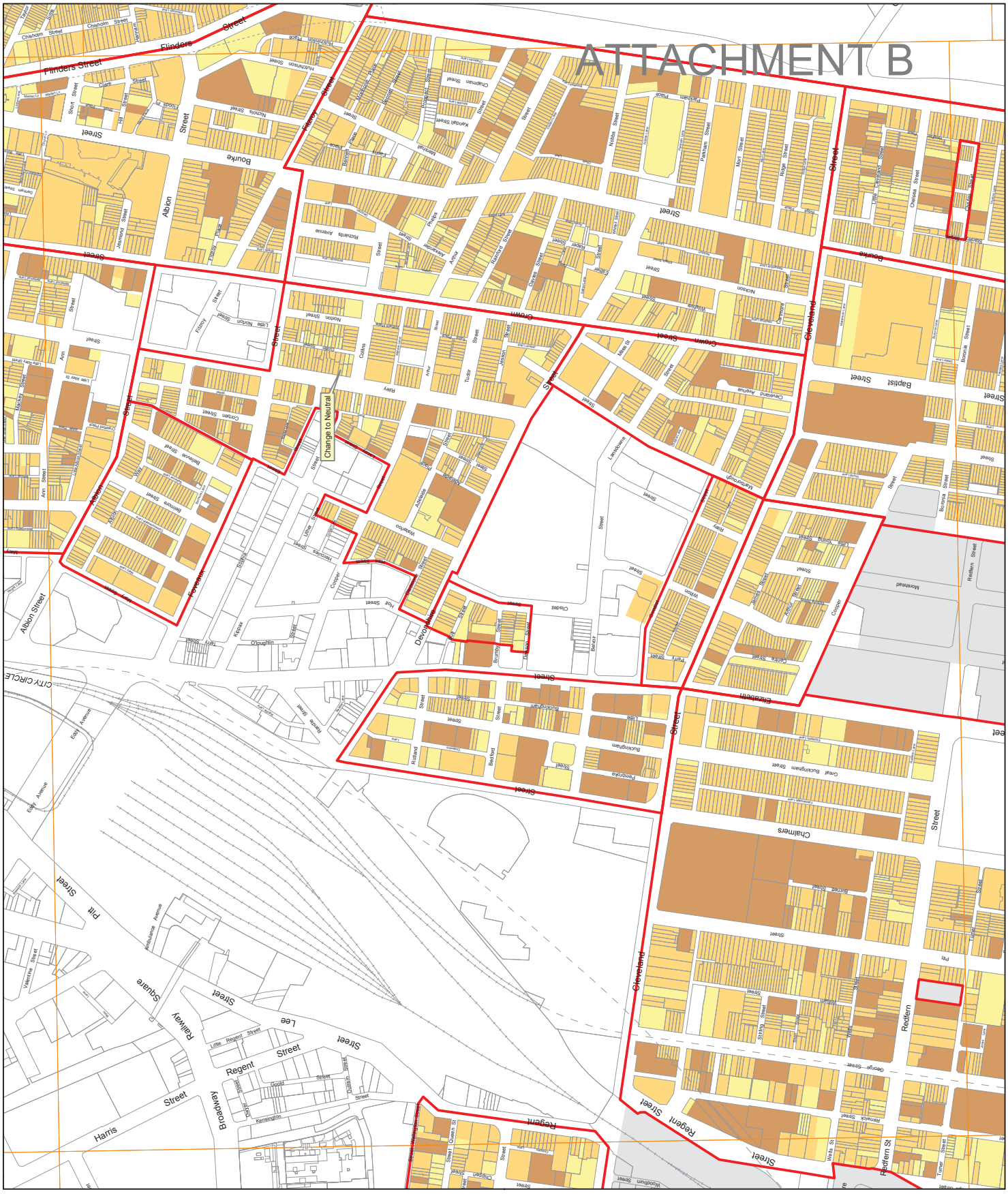
1	<p>Pre-Development application lodgement</p> <p>Before lodging a Development Application (DA), initial discussions are held between the City and the applicant/landowner on the additional floor space available and potential community infrastructure, guided by the provisions of Sydney LEP 2012 and Sydney DCP 2012.</p>
↓	
2	<p>Applicant/Landowner offer</p> <p>The applicant/landowner makes an offer to the City outlining their willingness to enter into a planning agreement to provide community infrastructure.</p>
↓	
3	<p>Negotiation of planning agreement</p> <p>Both parties negotiate the terms of the planning agreement.</p>
↓	
4	<p>Preparation of draft planning agreement</p> <p>The City and the applicant finalise the draft planning agreement. The parties also agree on the details of the explanatory note to accompany the public exhibition of the draft planning agreement.</p>
↓	
5	<p>Development application and draft planning agreement lodged</p> <p>The DA is lodged with the City with a copy of the draft planning agreement (including the explanatory note).</p>
↓	
6	<p>Public Exhibition</p> <p>The DA and draft planning agreement are exhibited concurrently. The draft planning agreement is exhibited for at least 28 days.</p>
↓	
7	<p>Assessment period</p> <p>The City assesses the DA and any submissions received during the exhibition period. Modifications to the draft planning agreement may be made at this time.</p>
↓	
8	<p>Consent authority determines development application</p> <p>The DA and any relevant modifications is determined by the consent authority as a "deferred commencement" consent until the planning agreement is executed.</p>
↓	
9	<p>Planning agreement registered</p> <p>Once the planning agreement is executed by the City and the applicant, the applicant registers the planning agreement on title and the consent becomes operative. The planning agreement is placed on Council's Public Register.</p>

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Map Book

- 11) Amend the Building Contributions Map sheet 016 to reclassify 372 Riley Street, Surry Hills as a 'neutral' building.

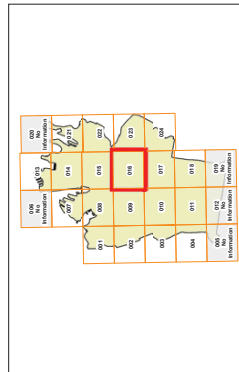
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Sydney Development Control Plan 2012

Building contributions map Sheet 016

- Legend**
- Contributing
 - Detracting
 - Neutral
 - Conservation Area - General (for information)
 - Land excluded from this DCP



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 Prepared by: SP/D
 Date: 20/02/2014
 File: DCP2012_SDC_016.dwg
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