

not exceed 1,000 square metres floor space area (as per the Gross Floor Area definition).

- (3) Above the Street Frontage Height, the total Building Envelope Area may occupy the following proportion of the site area less any areas of heritage items and required DCP setbacks or other required massing exclusions:

(a) 100% up to 120m above ground;

(b) 90% above 120m up to 240m above ground; and

(c) 80% above 240m above ground.

(e)Note: In some circumstances where the top of the building envelope is sloped or steps this form may assist in meeting the above requirement that the cross sectional area of the building reduces as the building's height increases.

- (4) For the purposes of calculating Building Envelope Area:

Building Envelope Area is the area including all internal and external built elements and enclosed voids between that floor level and the next floor level measured in plan.

Note: Where a heritage item or part thereof is within a required setback that area is only subtracted once.

Note: Where compliance with Sections 5.1.1.1(2) and 5.1.1.3(5) has been demonstrated in relation to a varied setback, and the resultant Building Envelope Area fails to comply with Section 5.1.1.4(3), the variation to Section 5.1.1.4(3) may be permitted.

Note: Variation to 5.1.1.4 (1) to (3) may be permitted to building massing that provides equivalent or improved wind comfort, wind safety and daylight levels in adjacent Public Places relative to the base case building massing as required under Schedule 11, with complying Side and Rear Setbacks and building tapering and maximum dimensions (i.e. variation to massing is governed by achieving equal or better performance) and that it is also demonstrated that a high quality urban design outcome will be achieved, through the preparation of a detailed urban design and options analysis that demonstrates how the proposed massing is compatible with the context.

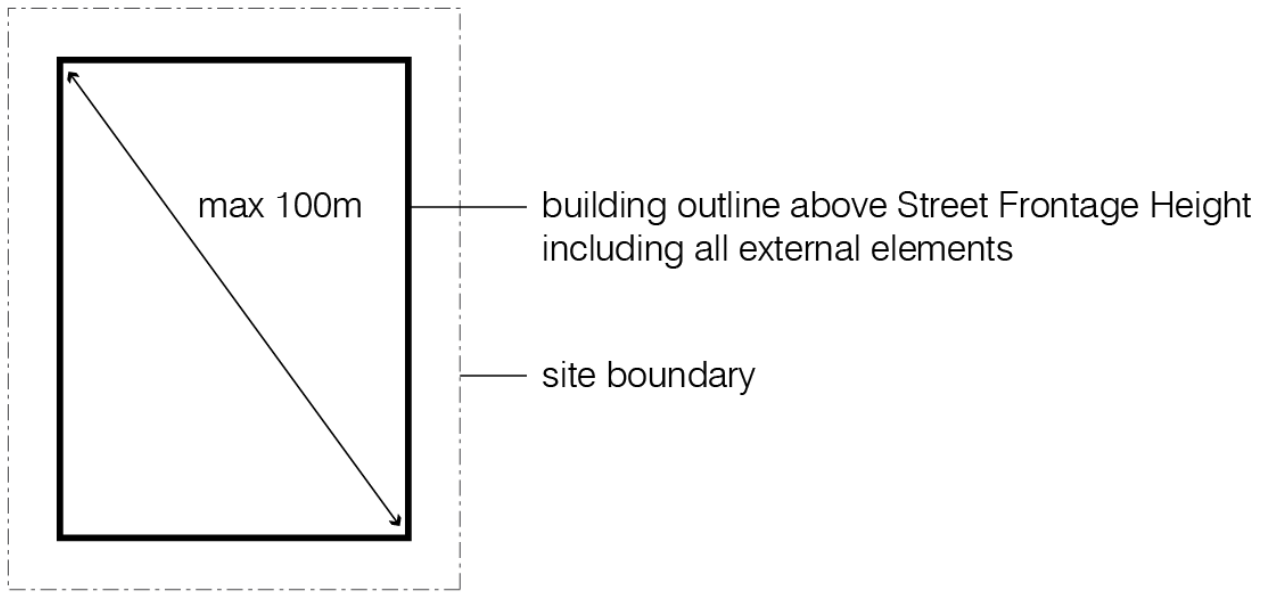


Figure 5.2048: Maximum horizontal dimension of a building above Street Frontage Height

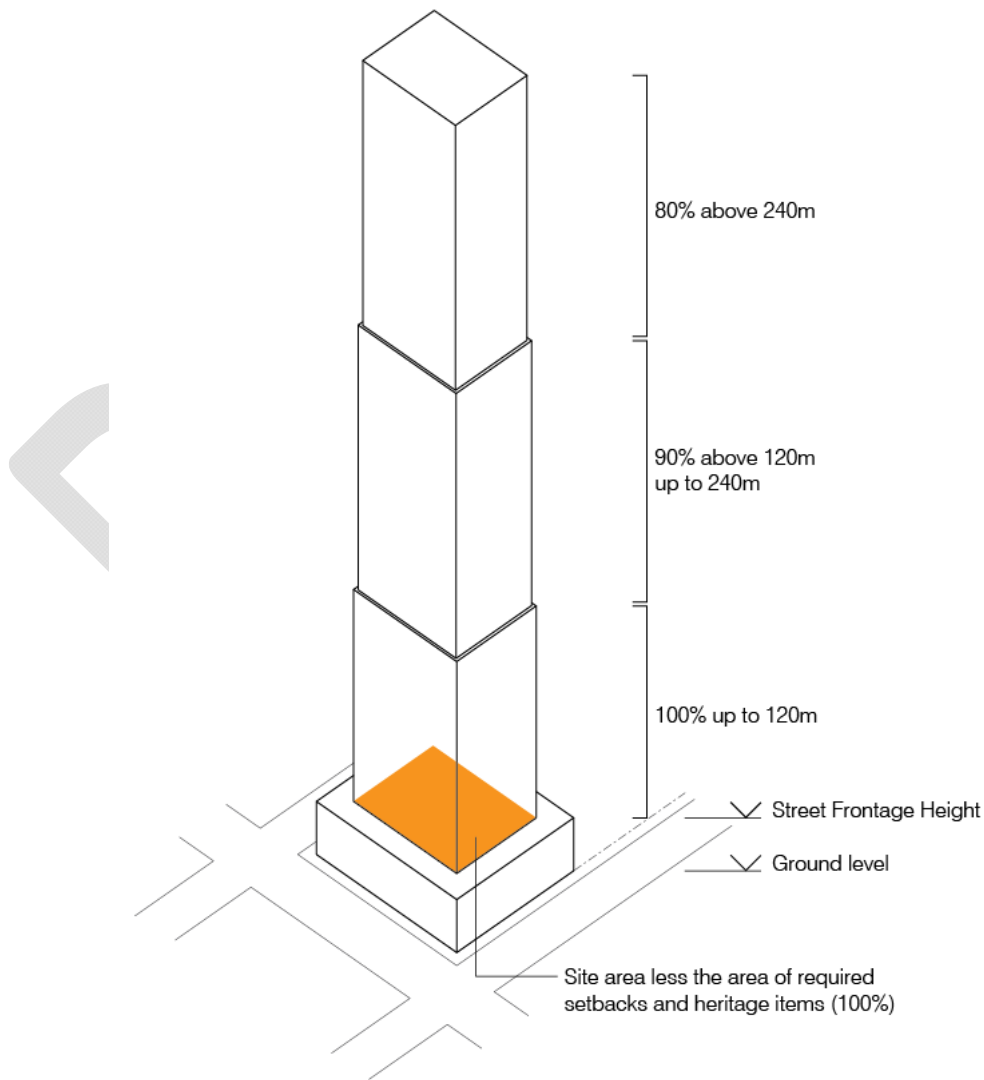


Figure 5.2149: Maximum Building Envelope Area above Street Frontage Height

5.1.2 Development outlook and demonstrating amenity compliance

Value Statement

Sydney LEP 2012 and Sydney DCP 2012 purposefully seek to protect and enhance public amenity such as daylight and sunlight to Public Places and public views that are of benefit to the whole community.

In Central Sydney's dynamic and dense development environment certainty for the protection of private amenities such as sunlight and views cannot be guaranteed. The maintenance of sunlight access and private views to existing development should not unduly restrict the economic performance and economic growth of Central Sydney, where proposed development has demonstrated compliance with Sydney LEP 2012, in relation to height and FSR, and Sydney DCP 2012 Section 5.1.1 Built Form Controls. This is especially the case for proposed employment related developments that impact on existing residential and serviced apartment developments.

Development outlook

All developments should provide for adequate setbacks within their developments sites so as to guarantee their own minimum outlook, as opposed to a view.

Demonstrating amenity compliance

Where residential accommodation and serviced apartment developments are proposed, solar and daylight access for future occupants must be measured assuming the full redevelopment of neighbouring sites in the vicinity. This provides a stronger foundation for the amenity of future occupants to be guaranteed.

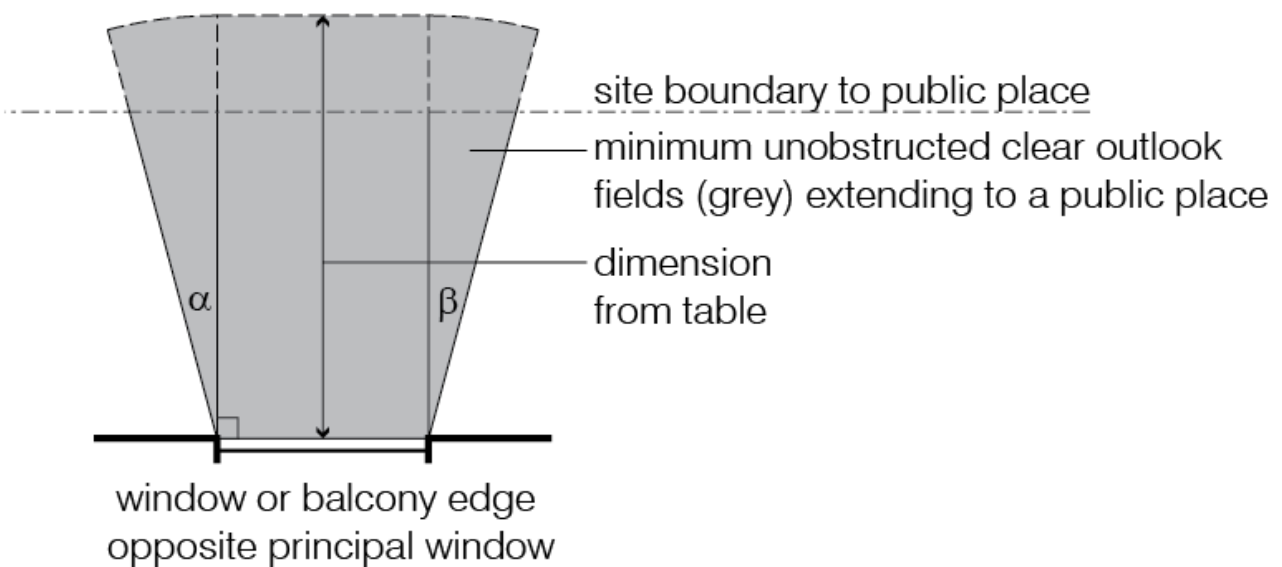
Objectives

- (a) Ensure that windows and balconies provide adequate outlook.
- (b) Ensure development is self-sufficient in the provision of amenity so that access to outlook and sunlight is reasonably guaranteed for the foreseeable life of the development.
- (c) Ensure that development does not unreasonably borrow amenity from neighbouring sites including access to views and sunlight.
- (d) Ensure residential accommodation and serviced apartment developments provide for adequate solar access over the life of the development.
- (e) Ensure existing residential accommodation and serviced apartment developments do not unreasonably impede the development of commercial and other employment related floor space.

Provisions

- (1) Outlook from windows, balconies must have a minimum clear Outlook Field that:
 - (a) has a depth set out in Table 5.5 Minimum Outlook Field depths

- (b) is completely contained within the sites boundaries and/or adjacent Public Place(s);
and
 - (c) is completely clear of built obstructions, excluding public domain structures and trees in a Public Place.
- (2) An Outlook Field is defined by extending a visual field horizontally for the width and height of the window or balcony and perpendicular to it, with additional sector shaped fields extending from the edges of the window/balcony that have a combined angular extent of at least:
- (a) 30 degrees, where the fields extend unobstructed to a Public Place, or;
 - (b) 90 degrees.
- (3) For the purposes of defining an Outlook Field, windows or balconies within 1m of each other will be treated as one continuous window or balcony.
- (4) Outlook Fields for balconies must be measured from the balcony edge opposite the principal window and parallel to it.



where the sum of angles $\alpha + \beta$ is greater than or equal to 30 degrees

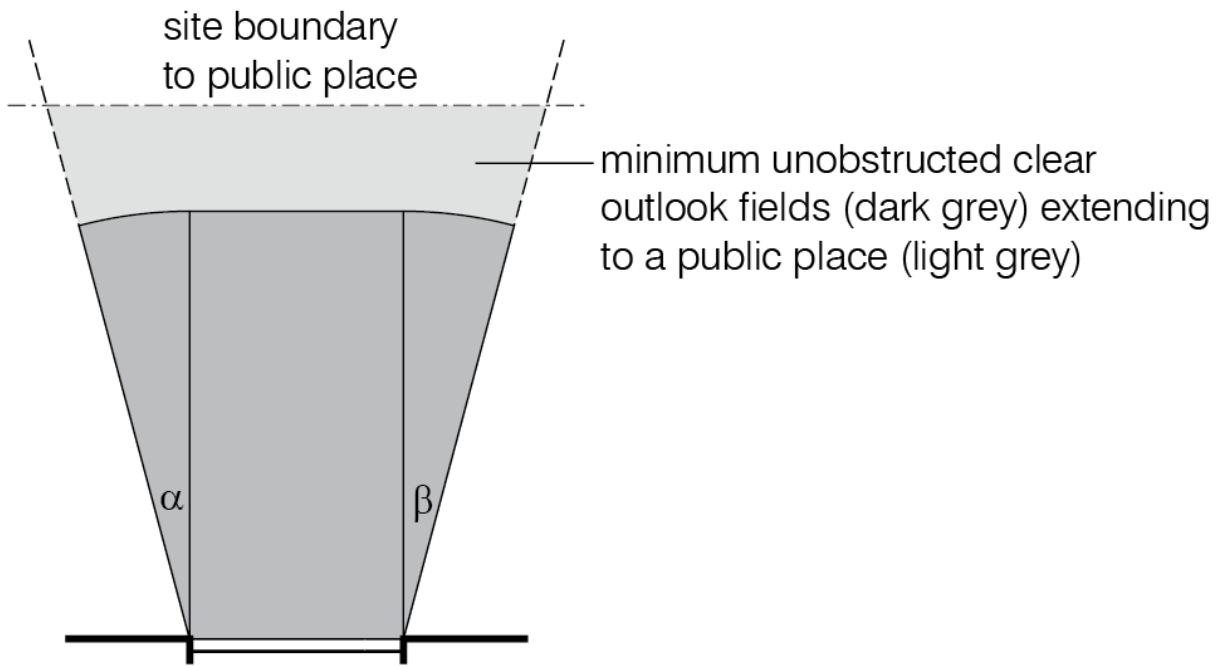
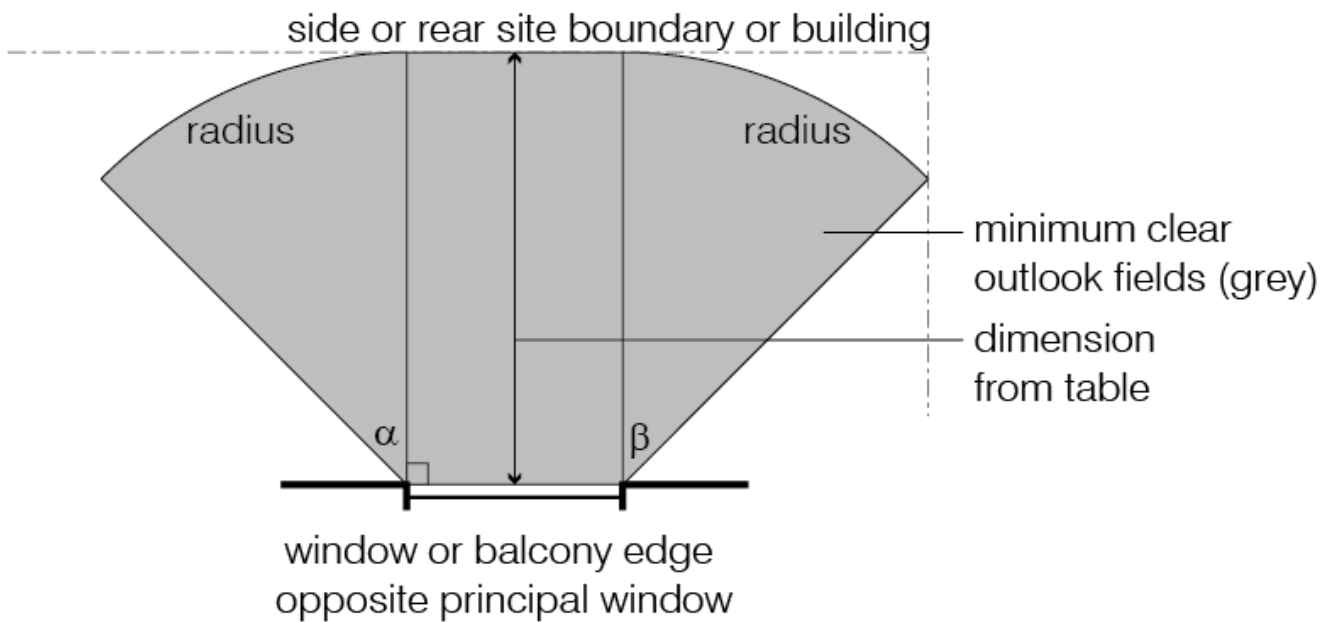


Figure 5.220: Outlook Field extending unobstructed to a Public Place



where the sum of angles $\alpha + \beta$ is greater than or equal to 90 degrees

Figure 5.243: Outlook Field not to a Public Place (unobstructed)

examples where the sum of angles $\alpha + \beta$ is equal to 90 degrees

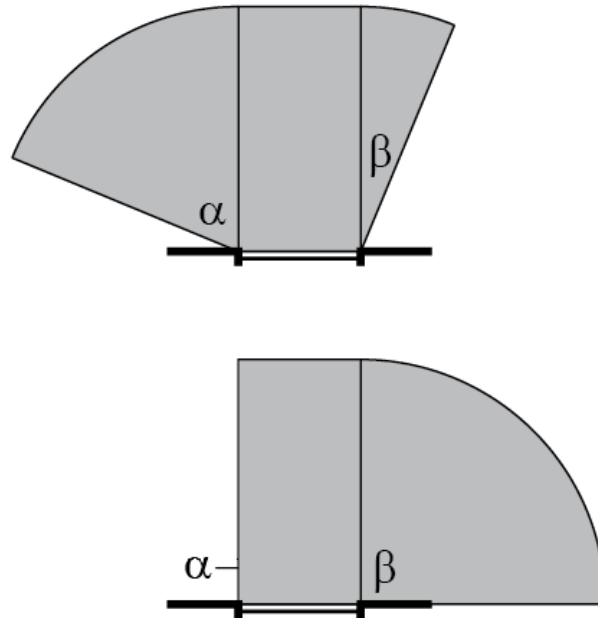


Figure 5.224: Outlook Field sectors are flexible in their application as long as the total minimum angular extent is achieved

examples of balcony edge opposite principal window

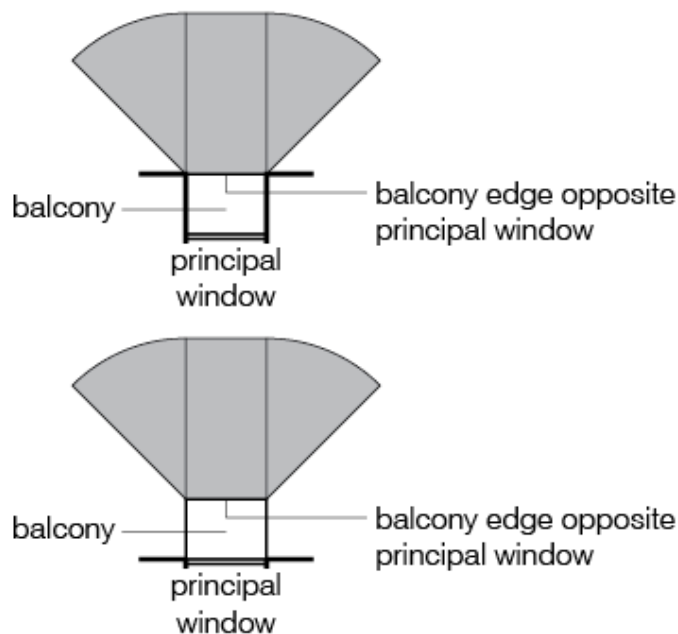


Figure 5.235: Whether recessed, treated with side screens or open, Outlook Fields for balconies must be measured from the balcony edge opposite the principle window and parallel to it.

Table 5.5: Minimum Outlook Field depths

Minimum Outlook Field depths			Window or balcony height above ground				
			up to 12m	>12 up to 25m	>25 up to 45m	>45m up to 120m	>120m
Use and window/balcony context	Residential, Serviced Apartments and other forms of self-contained accommodation	primary windows to living spaces and associated balconies	6m	9m	12m	12m	12m
		other windows or balconies	6m	6m	9m	9m	9m
	All other forms of accommodation (e.g. non-self contained hotel rooms)	all windows and balconies	6m*	6m*	6m*	9m	9m
	All uses not covered elsewhere in this table	balconies and windows to areas other than common circulation spaces	3m*	3m*	3m*	6m	9m
		windows to common circulation spaces	3m*	3m*	3m*	3m	3m
* Windows and balconies may be built to any site boundary adjacent to a Public Place up to the Street Frontage Height set out in relevant Tables 5.1 or 5.3 – i.e. this Table’s value becomes 0m in those instances							

Note: the above requirements for outlook are in addition to the requirements for visual privacy set out in the Apartment Design Guide.

Note: When measuring visual privacy across streets narrower than 24m the visual privacy separation should be measured from the centreline of the street.

- (5) When demonstrating compliance with SEPP 65 (State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development) and the Apartment Design Guide in relation to solar and daylight access, proposed residential accommodation and serviced apartment developments must make measurements

assuming the full redevelopment of neighbouring sites in the vicinity under Sydney LEP 2012 and Sydney DCP 2012.

Heritage listed and residential strata sites may be excluded for the purposes of assumed redevelopment. For all other sites, full redevelopment must be assumed, including amalgamation and full redevelopment of contiguous sites.

Note: An electronic model of a fully redeveloped Central Sydney under Sydney LEP 2012 and Sydney DCP 2012 will be provided to applicants by the City of Sydney for the purposes of demonstrating solar and daylight access compliance.

- (6) When considering the likely impacts of a development on surrounding developments any adverse impacts on existing private views, visual privacy, solar and daylight access are considered reasonable where compliance with Section 5.1.1 and 5.1.2(1), (2) and (3) has been achieved.

- (7) Notwithstanding Section 5.1.2(6), residential accommodation and/or serviced apartment developments that must consider overshadowing and visual privacy of surrounding residential developments under State SEPP 65 (State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development) and the Apartment Design Guide.

5.1.3 Heritage Items, Warehouses and Special Character Areas

[This section applies to all heritage items.](#)

Value Statement

Central Sydney has a wealth of historic buildings and places; many of which are not only locally significant, but are also significant at a state, national or international level. Many have both individual value and collective value. Their attributes contribute to Special Character Areas in the city centre that have a distinctive identity and sense of place. The former warehouses of Central Sydney also have particular historic features.

Conserving our environmental heritage and Special Character Areas respects Sydney's inheritance and contributes to the diversity, vitality and liveability of the city centre. The diversity of scale, form, and character, of heritage places and areas, provides relief from denser contemporary development and places for cultural and social activities.

The challenge is to create a high quality urban environment that serves the needs of the city centre and provides for new development whilst conserving the value and the distinctive qualities of heritage items and Special Character Areas for future generations.

Special Character Areas offer an effective basis for overarching objectives for urban design and for controls that effectively guide the form of new development. Heritage Items are usually best conserved in their entirety. New development may incorporate a heritage item subject to a conservation management plan that establishes how its heritage significance will be appropriately conserved.

The following objectives and provisions relate to development of and adjacent to Heritage Items, alterations and additions to warehouse buildings and the conservation of public domain features in Special Character Areas. They should be addressed in addition to the requirements of Section 3 where applicable.

DRAFT

Objectives

- (a) To conserve heritage items in their entirety.
- (b) To conserve and enhance former warehouses and provide for their appropriate use in a manner that retains significant courtyards, cartways and other historic features.
- (c) To conserve and enhance significant features within the public domain of Special Character Areas.
- (d) To ensure appropriate height transitions between development and heritage items as required by Clause 6.16 of Sydney LEP 2012.
- (e) To enhance existing public views and vistas to heritage items.
- (f) To conserve the setting of heritage items by ensuring that new development respects and reinforces the significant scale, form, modulation, articulation, proportions, street alignment, materials and finishes of heritage items in the vicinity.

Provisions

5.1.3.1 Additions to Heritage Items

- (1) No additions to heritage items will be permitted unless the consent authority is in the opinion that the addition is appropriate after having regard to the following:
 - (a) A Conservation Management Plan approved by the City of Sydney.
 - (b) The City of Sydney heritage inventory for the heritage item.
 - (c) The impact of the proposal upon the setting and views to the heritage item.
 - (d) The advice of a committee appointed in accordance with Section 5.1.3.1(2), where applicable.
 - (e) The impact upon significant form, structure, exterior and interior components, interior spaces and character.
 - (f) The impact of new building services, accessibility upgrades and structural and environmental requirements for compliance with the National Construction Code - Building Code of Australia.
 - (g) Proposed conservation works to remove unsympathetic alterations, restore lost features or other works to enhance the heritage significance or public enjoyment of the heritage significance of the item.
- (2) Notwithstanding Section 3.9.4, where development in Central Sydney will introduce major changes to a heritage item identified in Schedule 5 of the Sydney LEP 2012, and the development involves:
 - (a) demolition that will result in a reduction of the building envelope, or demolition of existing fabric of the heritage item by more than 35%;
 - (b) an increase in the size of the building envelope of the heritage item by more than 20%; or

- (c) building over more than 20% of a heritage item's building footprint within the airspace above the item, but not within the airspace next to the item.

The consent authority is to:

- (a) appoint a committee that includes heritage professionals to examine and advise on the merits of the proposal;
 - (b) be satisfied that that committee has followed an appropriate public process for the purpose of that examination; and
 - (c) consider the advice of the committee, but is not bound by the advice of the committee.
- (3) Where, in the opinion of the consent authority having considered the advice of the committee, additions are possible to a heritage item, such additions are to be designed with sensitivity to the values and significant qualities of the heritage item.
- (4) Where a Conservation Management Plan indicates that upper additions to a heritage item should only be undertaken with a setback, the minimum setback is to be in accordance with Section 5.1.1.
- (5) In Special Character Areas for any site shown on Figures 5.3-5.15 with the note "Existing height of building - see clause 5.1.3.1(5)", any vertical addition to that heritage item must not be visible from adjacent Public Places.

5.1.3.2 Development Adjacent to Heritage Items

- (1) New development adjacent to a heritage item should respect and reinforce the historic scale, form, modulation, articulation, proportions, street alignment, materials and finishes that contribute to the heritage significance of the adjacent heritage item.
- (2) Consideration must be given to the impact of adjacent development on the significance, setting, curtilage, landmark values and ability to view and appreciate the heritage item from public places.

5.1.3.3 Warehouse buildings

The following are in addition to the general warehouse provisions in Section 3.10.1.

- (1) New development should conserve the significant form and configuration of warehouse buildings including surviving cartways and courtyards.
- (2) Ensure new uses for warehouses are compatible and minimise change to significant components, spaces and character, including adaptations required to comply with the National Construction Code - Building Code of Australia.
- (3) New development should retain and conserve significant features and spaces of former warehouses, internally and externally. Significant components of warehouses in central Sydney vary according to style and period, and may include:

- (a) structural components and roof forms;
 - (b) external and internal walls including footings;
 - (c) subfloors, floors and ceilings;
 - (d) roofing and roof plumbing;
 - (e) loading bays, docks, and loading and hoisting components such as pulley beams, pulleys and hoist machinery;
 - (f) the design and placement of openings and attachments including door and window assemblies, grills, glazing, gates, vents, basement lights and hardware;
 - (g) internal and external stairs, chutes, internal lifts and goods hoists;
 - (h) pavements such as stone setts, and drains, steel and iron wheel tracks;
 - (i) early finishes, signage and bollards
 - (j) cartways and cartdocks
- (4) Significant features and spaces of courtyards and cartways to retain in new development include their:
- (a) existing size and configuration;
 - (b) openness to the sky and street;
 - (c) functionality as a passage between the street and internal courtyard; and
 - (d) original level and grade, associated archaeological potential and evidence of early pavements or other in-ground features.

Table 5.6: Known former warehouses with intact cartways, courtyards and infilled cartways

Former warehouses retaining intact cartways or courtyards	Address	Item number
Commercial building including interiors (former warehouse)	1 Barrack Street	I1667
Former warehouse including interiors, cartway and courtyard	152-156 Clarence Street	I1716
Former warehouse including interiors	197-199 Clarence Street/ 342-344 Kent Street	I1720/ I1820
Former warehouse including interior, cartway and courtyard	332 Kent Street	I1816
Former warehouse including cartway, courtyard and interior (formerly 340 Kent Street)	338 Kent Street	I1819
Former warehouse including interiors, cartway, courtyard and interior	346-348 Kent Street	I1821
Former warehouse Edward Dunlop & Co including cartway, goods yard and interiors	435A-441 Kent Street	I1830

Former warehouse “Gerling House” including interiors, cartway and gates	42-44 Pitt Street	I1914
Former “Foley Bros” warehouse including cartway, courtyard and interiors	230-232 Sussex Street	I1963
Former warehouse “Carlton House” including interiors, cartway and courtyard	38-44 York Street	I1979
Former warehouses retaining infilled cartways	Address	Item number
Former Noyes Bros warehouse including interiors	115 Clarence Street	I2272
Former warehouse including interiors (22 York Street)	22–26 York Street	I1976
Former warehouse “Sargood & Co” warehouse including interiors and grounds (144 Clarence Street)	83–87 York Street	I1993

Note: Applicants should also refer to Section 3.10.1 Warehouses and industrial buildings older than 50 years.

5.1.3.4 Conservation of public domain features in Special Character Areas

- (1) The following historic components of streets, lanes, parks and other areas of Public Places are to be conserved if they contribute to the significance of a Special Character Area:
- (a) evidence of early road and path surfaces and pavements such as stone setts, woodblocks and hewn rock;
 - (b) stone kerbing, guttering, drains and paving;
 - (c) stone steps, fences, railings, retaining walls and hewn rockfaces;
 - (d) light posts, street furniture and cast iron letterboxes;
 - (e) sign posts, historical signs, milestones and ward markers;
 - (f) pavement lights and shafts;
 - (g) fountains, memorials and sculptures; and
 - (h) tree plantings.

5.1.4 Building Exteriors

Value Statement

Central Sydney’s cityscape and public domain is defined by its buildings, building elements, streets and Public Places. An attractive city and public domain is dependent on the high quality design of new development including the articulation and finish of building exteriors and building elements. Design Excellence requires development to achieve a high standard of design, materials and detailing from the small scale, like advertising signage and shopfronts, to the large scale, like tall buildings and facade systems.

The closer built elements are to a Public Place the greater level of attention is required to ensure they respond to the desired character of the Public Place. Street wall or podium level materials and detailing should respond well to wear, with consideration given to high quality stone, noble metals and high grade timber as contextually appropriate. Taller buildings should respond to their visibility from Public Places, with particular attention paid to designing exposed walls, particularly those adjacent to heritage items and small sites, to achieve visual interest.

The following objectives and provisions relate to how development should respond to existing development, the street and Public Places. The objectives and provisions, together with those contained within Section 3, seek to ensure developments contribute to the life, vitality and activation of Central Sydney's Public Places.

Objectives

- (a) Positively contribute to the streetscape with high quality architecture and design.
- (b) Provide richness of detail and architectural interest particularly in prominent parts of buildings.
- (c) Present appropriate design responses to nearby development to complement the streetscape.
- (d) Clearly define adjoining streets, street corners and public spaces.
- (e) Ensure development generally occurs entirely within the site boundaries.
- (f) Retain pedestrian scale in the articulation and detailing of the lower levels of the building.
- (g) Contribute to a visually distinct skyline.
- (h) Ensure that high quality materials and appropriate detailing is provided, particularly at podium and street level.

Provisions

- (1) Adjoining buildings, particularly heritage buildings, must be considered in the design of new development in terms of:
 - (a) street alignment;
 - (b) Street Frontage Heights;
 - (c) Street Setbacks; and
 - (d) facade proportions including horizontal or vertical emphasis and enclosed corners at street intersections.

Note: for development adjacent to Heritage Items, see also Section 5.1.3.1

- (2) Building exteriors are to be designed so that:
 - (a) ~~the~~ they have a predominant^{ly} masonry character and articulation (typical of Central Sydney) ~~is reinforced,~~ particularly at the lower levels of buildings below the maximum Street Frontage Height; and

- (b) the materials used, including glass, are predominantly light in colour to reflect better quality light into the streets and respond to characteristic light colours of Central Sydney.
- (3) Extensive expanses of blank glass or solid wall on a building facade are to be avoided.
- (4) Where development proposes an exposed wall and that wall is visible from a Public Place, a visually interesting treatment is required to that wall, including modelling of form, articulation, the use of high quality materials and finishes and/or public art.
- (5) Notwithstanding Schedule 4, in most circumstances any proposed new balcony or bay window in Central Sydney must be contained fully within a site's boundaries. In limited circumstances new balconies or bay windows projecting over a Public Place may be considered in line with Schedule 4, but only where:
- (a) the balcony or bay window has a frontage adjacent to Public Place with a width greater than 8m wide, and;
- (b) it does not derogate from the existing daylight levels in the adjacent Public Place.
- Projections over Public Places that contain GFA, and, projections within 10m of a street intersection, will not be permitted.
- (6) The top levels of a building are to be designed to integrate with the design of the building and conceal plant and equipment and promote a visually distinctive and interesting Central Sydney skyline.
- (7) The top levels of a building, where stepped, must have a minimum height of 2 storeys.

[7] Section 5.1.7 – Temporary use and appearance of vacant sites and buildings

Retain existing Section but renumber as 5.1.5. Existing opening paragraph adopted as the value statement.

[8] Section 5.1.9 – Heritage Floor Space

Retain existing Section but renumber as 5.1.6. Existing opening paragraphs adopted as the value statement.

[9] Section 5.1.10 – Sun access planes

Following new renumbered 5.1.6 Heritage Floor Space, replace existing Section 5.1.10 as follows, including relevant figures, tables and maps:

5.1.7 Sun Protection of Public Parks and Places

Value Statement

Two control mechanisms in Sydney LEP 2012 limit heights in Central Sydney to protect sunlight into important public parks and places. They are Sun Access Planes (SAP) and No Additional Overshadowing to Certain Public Places Controls (NAO). Despite maximum heights shown on the Sydney LEP 2012 Height of Buildings Map, developments within Central Sydney will always need to demonstrate compliance with SAP and NAO controls.

SAP and NAO controls both establish dates and time periods to protect spaces. Generally, the times for protection are in the middle of the day when the majority of use occurs and the space is most valued by its users.

A **Sun Access Plane** is a geometric, three dimensional, planar surface that is set at the same angle as the sun at a specific date and time and sets the upper building height. A number of Sun Access Planes protect a range of Public Places throughout Central Sydney.

No Additional Overshadowing controls protect the existing sunlight to Public Places that are already surrounded by tall development. In contrast to Sun Access Planes, No Additional Overshadowing controls preserve sunlight that passes through gaps between buildings and around buildings to reach public spaces.

Direct sunlight access Central Sydney's special parks and places is important throughout the year. The dates used to generate these controls are set at the most conservative sun angles, which ensures protection throughout the remainder of the year when the sun is higher in the sky.

Dates and times of protection vary for each place according to the type of activities occurring in that place that benefit from sunlight, when those activities are likely to occur, and existing levels of sunlight and overshadowing.

Objectives

- (a) To protect and improve sunlight to important public parks and places throughout the year, and during periods in the day when they are most used by the workforce, visitors and the wider community.
- (b) To protect sun access to ~~publically~~publicly accessible land to ensure the healthy growth of trees, grass and other vegetation.
- (c) To ensure that all parks potentially overshadowed by tall buildings in Central Sydney are protected by Sun Access Planes, including parks that may lie outside the Central Sydney boundary.
- (d) To protect sunlight to parks on the eastern edge of the city through the morning and midday period
- (e) To protect sunlight to parks on the western edge of the city from midday through to the afternoon.
- (f) To ensure that sunlight to new and planned future important public parks and places are protected by Sun Access Planes or No Additional Overshadowing Controls as Central Sydney grows.

Provisions

5.1.7.1 Sun Access Planes

- (1) Sydney LEP 2012 requires buildings to maximise sunlight access to Public Places by establishing Sun Access Planes for 11 major public areas including Royal Botanic Gardens, the Domain, Cook and Phillip Park, Wynyard Park, Land Park, Hyde Park, Belmore Park, Prince Alfred Park, Harmony Park, Macquarie Place and Martin Place. Development must not project above any part of a Sun Access Plane.

- (2) Sydney LEP 2012 describes each Sun Access Plane using points, identified by mapping grid co-ordinates and Reduced Levels, and a specified horizontal bearing and vertical angle.
- (3) Figures 5.246 to 5.346 indicatively show the maximum height achievable for land affected by Sun Access Planes. To determine the actual height of a Sun Access Plane at any point, the description of the Sun Access Planes in Sydney LEP 2012 prevails over the diagrams in Sydney DCP 2012, in the case of an inconsistency.

Note: when preparing Sun Access Planes care must be taken to adjust for the difference between grid north and solar north.

- (4) Table 5.7 shows the period of protection, times and dates for Sun Access Planes, cross referenced with the diagrams referenced in Section 5.1.7.1(3) above.

Table 5.7: Summary of Sun Access Planes provisions

	Park or Place	Intended period of protection	Primary SAP date	Primary SAP times	SAP Extension Dates & Times
1	The Royal Botanic Gardens	9am-2pm, all year	21 June	2pm	N/A
2	The Domain	9am-2pm, all year	21 June	2pm	N/A
3	Wynyard Park	12-2pm, all year	21 June	12pm 2pm	23 September 21 December
4	Lang Park	12-2pm, all year	21 June	12pm 2pm	23 September 21 December
5	Hyde Park	10-2pm, all year	21 June	10am 12pm 2pm	21 March 23 September 21 December
6	Belmore Park	10-2pm, all year	21 June	10am 12pm 2pm	21 March 23 September 21 December
7	Prince Alfred Park	10-2pm, all year	21 June	10am 12pm 2pm	21 March 23 September 21 December
8	Harmony Park	10-2pm, all year	21 June	10am 12pm 2pm	23 September 21 December
9	Macquarie Place	10-12pm, throughout the year excluding winter months	14 April	10am	N/A
10	Martin Place	12-2pm, outside the winter months	14 April	12pm 2pm	23 September (2pm) 21 December (2pm)



Figure 5.246: The Royal Botanic Gardens Sun Access Plane



Figure 5.275: The Domain Sun Access Plane



Figure 5.268: Wynyard Park Sun Access Plane



Figure 5.279: Lang Park Sun Access Plane



Figure 5.2830: Hyde Park Sun Access Plane



Figure 5.3129: Belmore Park Sun Access Plane

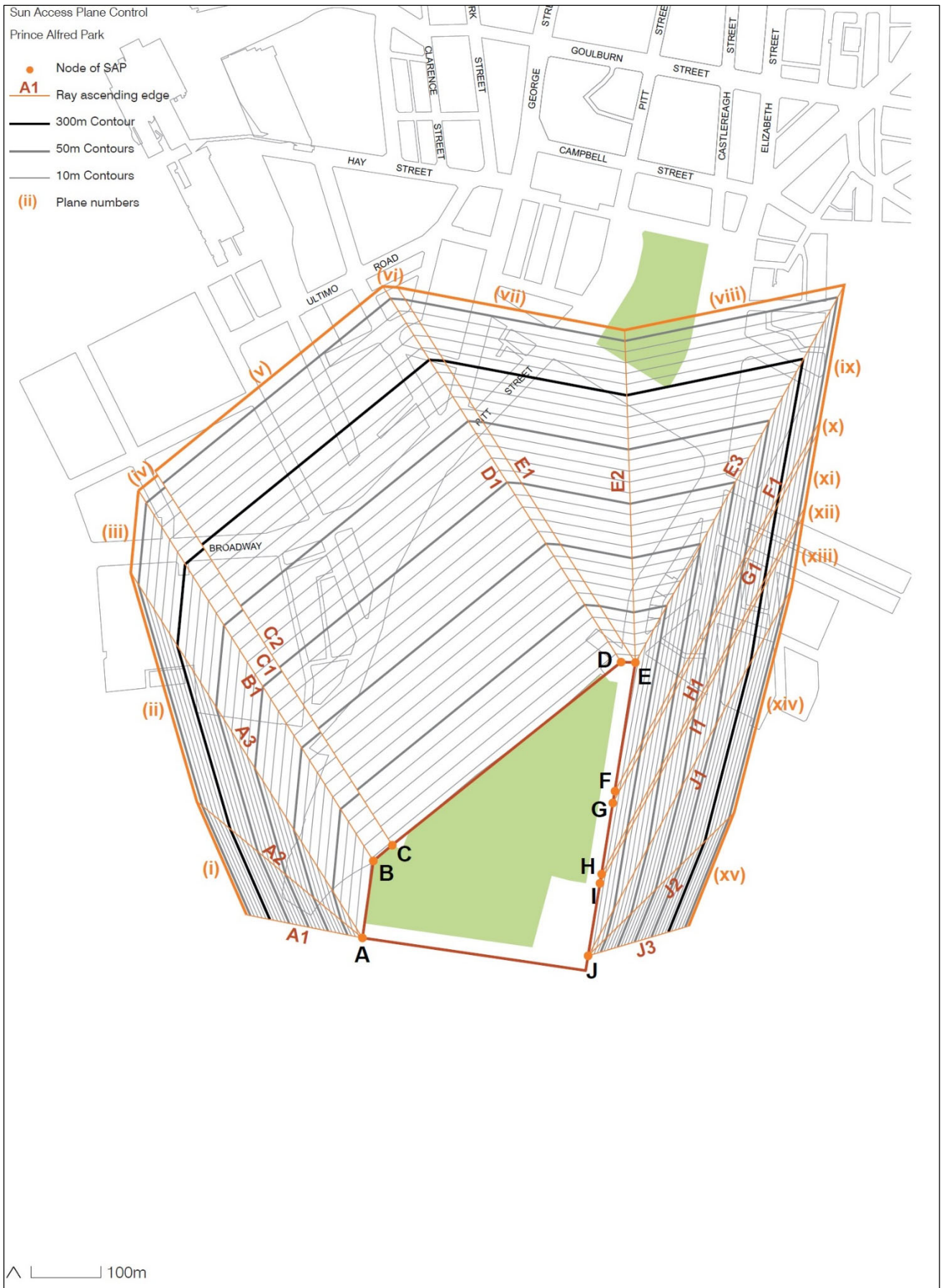


Figure 5.302: Prince Alfred Park Sun Access Plane A



Figure 5.334: Prince Alfred Park Sun Access Plane B



Figure 5.342: Harmony Park Sun Access Plane



Figure 5.353: Macquarie Place Sun Access Plane



Figure 5.364: Martin Place Sun Access Plane

5.1.7.2 No Additional Overshadowing

- (1) Sydney LEP 2012 requires buildings to maximise sunlight access to Public Places by establishing No Additional Overshadowing for 8 major public areas including Macquarie Place (including facades), Martin Place (block containing the GPO including facades), Pitt Street Mall, Australia Square Plaza, First Government House Place, Sydney Town Hall Steps, Sydney Square and Future Town Hall Square.
- (2) Sydney LEP 2012 describes each protected park and place identifying the place name, extent of the place, the No Additional Overshadowing dates and the No Additional Overshadowing times.
- (3) Figures 5.357 to 5.424 indicatively show the ~~indicative~~ maximum height achievable for land affected by No Additional Overshadowing controls. To determine the actual height of a No Additional Overshadowing controls at any point, the description of the No Additional Overshadowing in Sydney LEP 2012 prevails over the diagrams in Sydney DCP 2012, in the case of an inconsistency.
- (4) Table 5.8 shows the dates and times for No Additional Overshadowing, cross referenced with the diagrams referenced in Section 5.1.7.2(3) above.
- (5) To demonstrate compliance with the No Additional Overshadowing controls the following must be submitted in support of a development application:
 - (a) A survey of the protected placespace and all intervening structures between the subject development site and the protected park and/or place that could affect the overshadowing of that place;
 - (b) A 1 minute interval overshadowing ~~animation~~-analysis depicting existing (one colour) and proposed (another colour) structures each day in the relevant No Additional Overshadowing period at the relevant No Additional Overshadowing times, where:
 - (i) all proposed building elements are treated as 100% opaque; and
 - (ii) all shadows have sharp edges where the sun is a ~~single point~~-light source casting only parallel rays of light.

Table 5.8: Summary of No Additional Overshadowing provisions

	Place or Park	NAO dates	NAO times
1	Macquarie Place	14 April – 31 August	10-2pm
2	Martin Place (block containing the GPO)	14 April – 31 August	12-2pm
3	Pitt Street Mall	14 April – 31 August	10-2pm
4	Australia Square Plaza	14 April – 31 August	12-2pm
5	First Government House Place	14 April – 31 August	10-2pm
6	Sydney Town Hall Steps	14 April – 31 August	10.30-4pm
7	Sydney Square	14 April – 31 August	11-4pm
8	Future Town Hall Square	All year	Midday to sunset

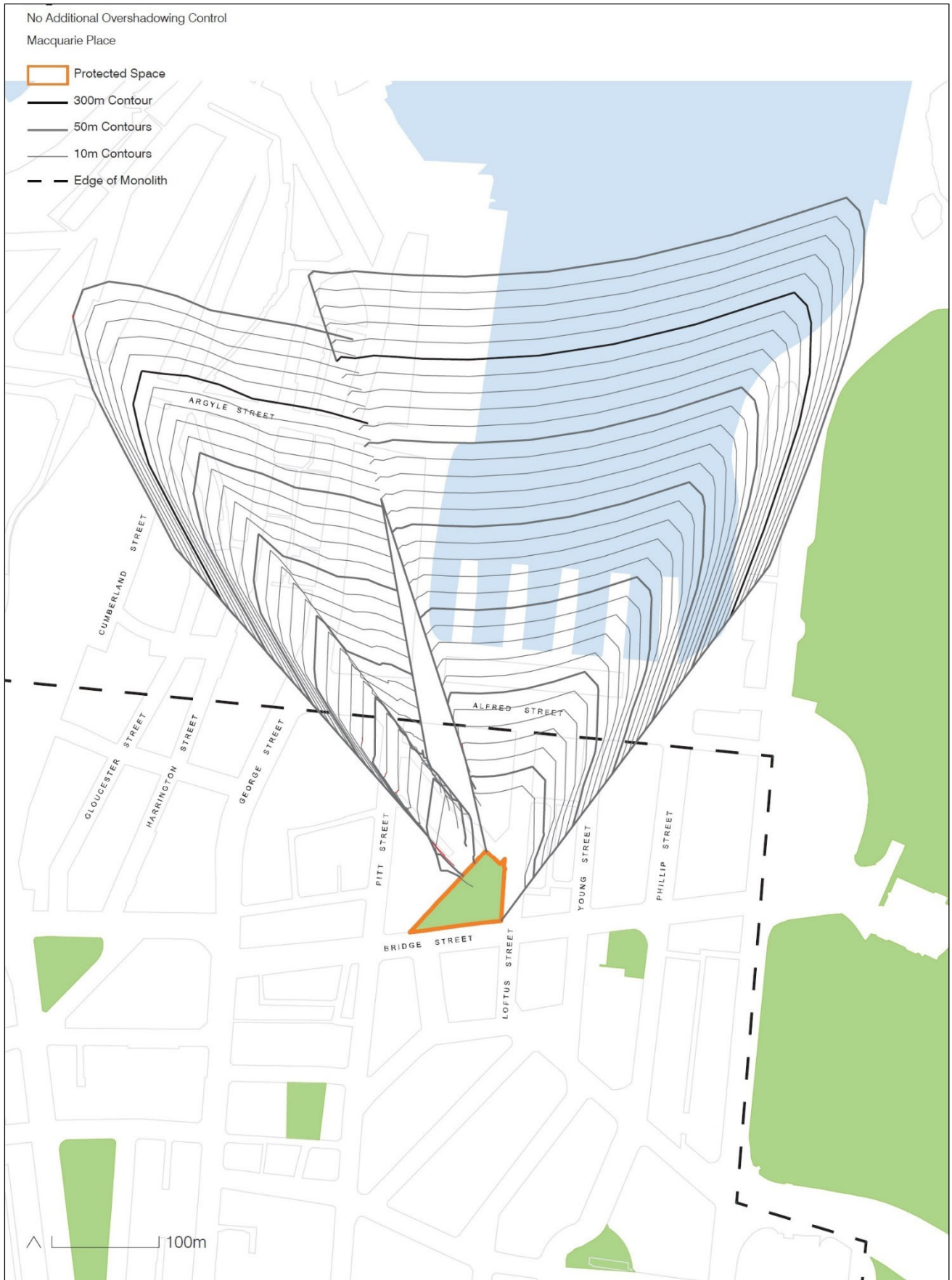


Figure 5.375: Macquarie Place No Additional Overshadowing



Figure 5.386: Martin Place No Additional Overshadowing



Figure 5.397: Pitt Street Mall No Additional Overshadowing

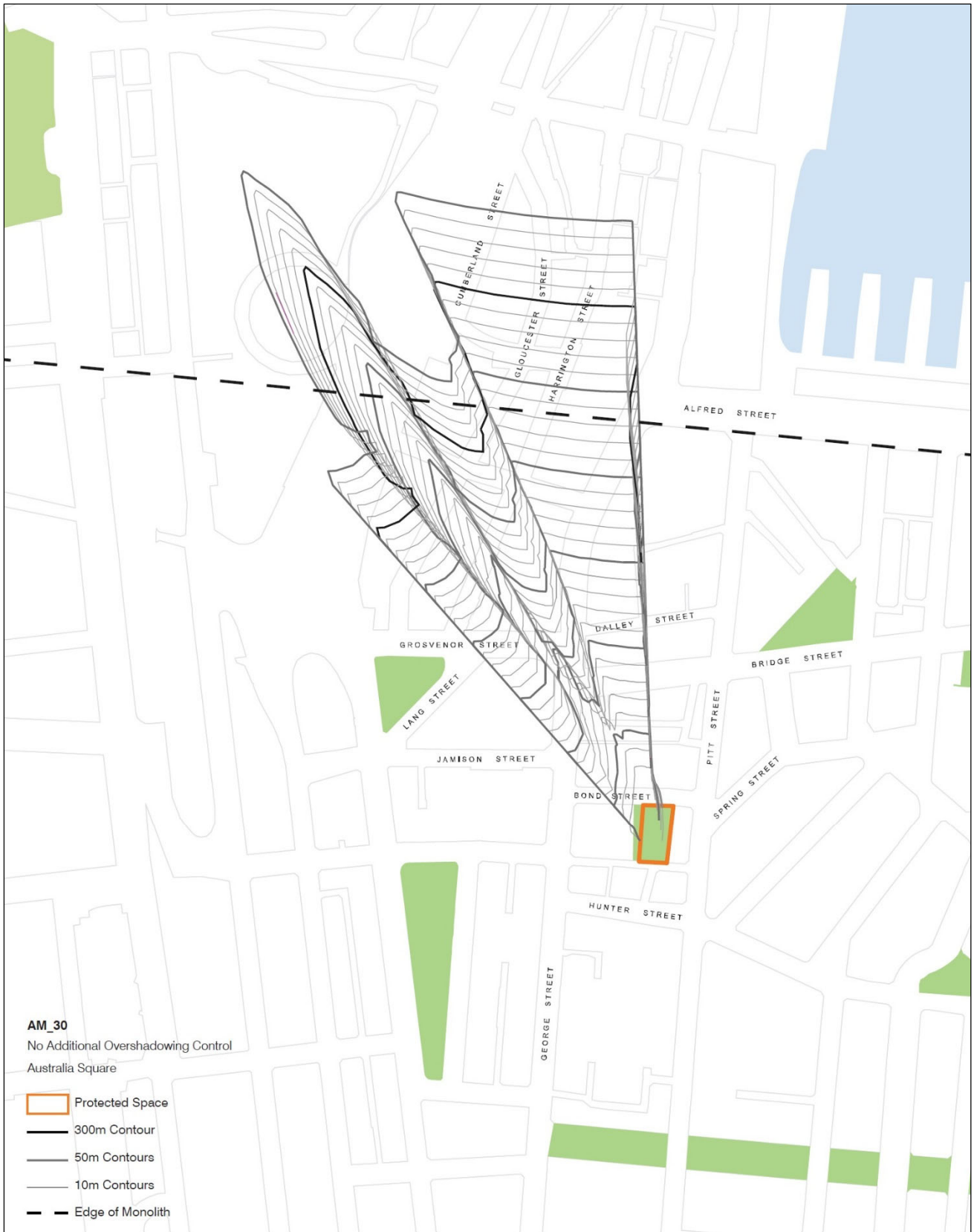


Figure 5.4038: Australia Square Plaza No Additional Overshadowing

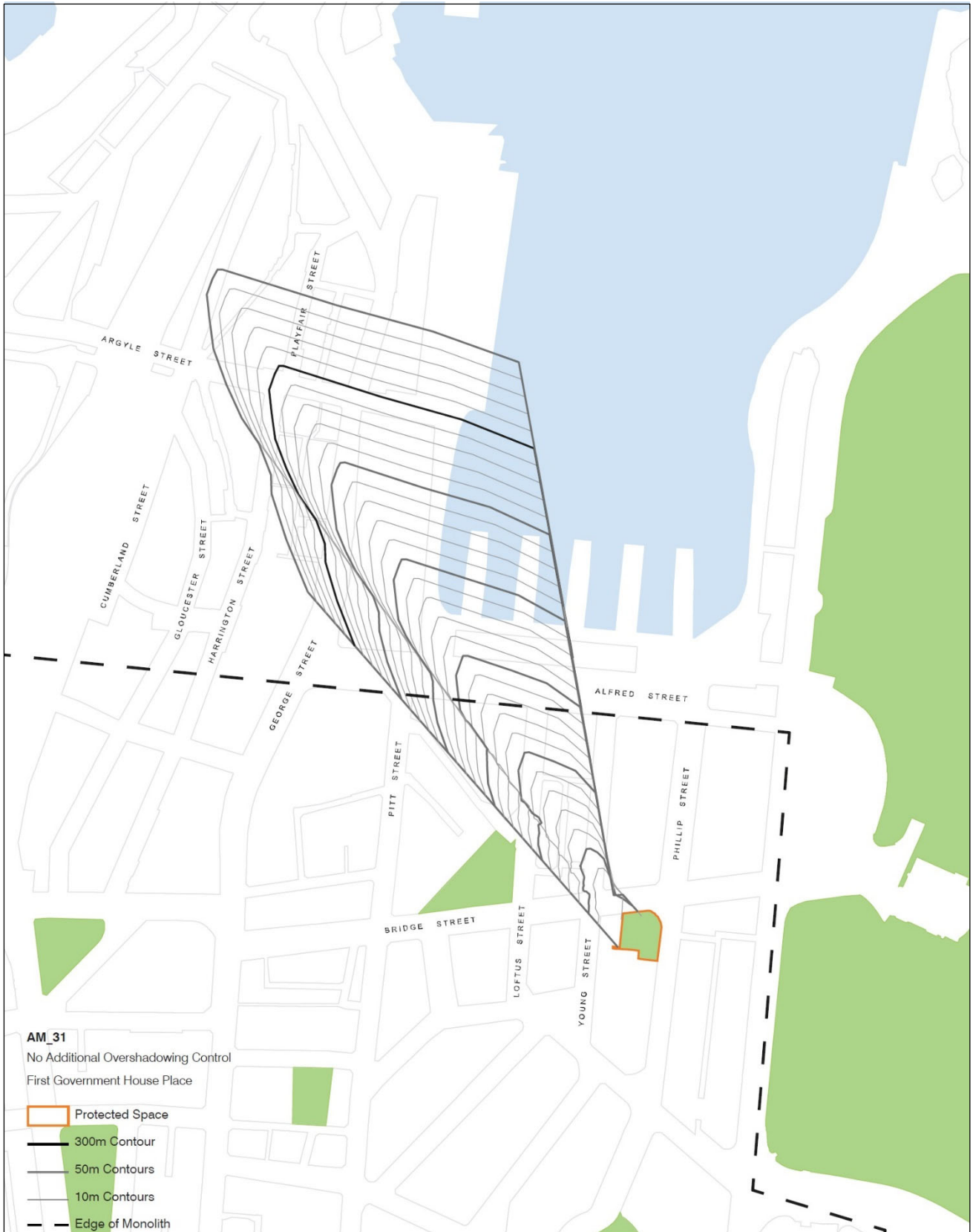


Figure 5.3941: First Government House Plaza No Additional Overshadowing



Figure 5.420: Sydney Town Hall Steps No Additional Overshadowing



Figure 5.431: Sydney Square No Additional Overshadowing





Figure 5.424: Future Town Hall Square

[10] Section 5.1.8 – Views from Public Places

Insert new 5.1.8 Views from Public Places following renumbered 5.1.7 Sun Protection of Public Parks and Places, as follows, including relevant figures, tables and maps.

5.1.8 Views from Public Places

Value Statement

There are some key views from within Central Sydney, from parks and other well-used Public Places that take in important buildings or urban landscapes that help define Central Sydney. New development can make a positive contribution to the characteristics and composition of designated public views. These views should be preserved and have priority over private views.

Central Station Clock Tower

Railway Square is the major visual and functional gateway to Central Sydney from west and south. The clock tower of Central Station was purposely composed at the alignment of several streets from the north, south, east and west, so as to maximise the visibility of the clock face. The prominence of the clock tower contributes strongly to the visual prominence of the Square. The clock tower represents a landmark particularly when approaching or departing Central Sydney along Broadway and George Street.

Martin Place GPO clock tower and Sydney Hospital

Martin Place is of social, cultural and historic significance, being the site of various monuments, in particular the Cenotaph, as well as the site of many historical events, which reinforced its image as the civic and ceremonial heart of the city. Following the siting of the GPO in 1863, Martin Place grew in popularity as a meeting place in front of the GPO. It has since grown as a tourist destination, with its value recognised through the pedestrianisation in 1971. Views to the silhouette and clock face of the GPO clock tower, and, views of the sky at either end of Martin Place, are well remembered in the collective consciousness because their association with one of Sydney's most special places over a long period of time. These views enhance the qualities of the space and protect its valuable history.

Observatory Hill

The Millers Point area contains numerous original and characterful views to and from the harbour that are formed by a combination of dramatic topography and long physical evolution. Views from Observatory Hill, or more specifically from Observatory Park, allow you to fully appreciate this connection between topography, geography, use and settlement. As you move around the park tangible evidence of the development of Sydney reveals itself; its prominence as one of two rocky sandstone eminences that dominated Sydney Cove or Warrane, its Aboriginal name, where it highly likely that Aboriginal peoples inhabited and sheltered along its cliffs and ridges; its position at the highest point of a north south ridge overlooking the British colony commanding a splendid panorama and therefore a strategic site for catching the prevailing winds, for fortification, for signalling and for astronomical observations, and; the contrast and relief it provides as the green space backdrop to the historic streetscapes and roofscapes of Millers Point below, the shipping

and working port activity of the harbour and traffic and train movements on the massive Harbour Bridge structure, and the only means to assess the contrast and the progress of the CBDs modernisation over 200 years.

Views to and from Observatory Hill are therefore perhaps some of Sydney's most historically significant. How development around Observatory Hill impacts on these views has a very real impact on how the public and visitors to Sydney are able to interpret, understand and value the evolution of Sydney as city.

Observatory Hill should remain a prominent hill besides and above the original port of Sydney; it should retain its vast open aspect and distant views, a feature that informed its successive historic uses, and; its existing setting should be maintained where proposed development in Millers Point and the Rocks respects the established patterns of scale and form.

Objectives

- (a) To identify and preserve significant public views from ~~P~~public ~~places~~Places.
- (b) To ensure the silhouette created by existing clock towers, turrets and roof features on heritage listed items are clearly visible against the sky.
- (c) To require development to respond to public views to Sydney Harbour by improving the view through building modulation.
- (d) To require development to respond to significant public views from ~~p~~Public ~~places~~Places by enhancing views through, building modulation and/or high quality materials, finishes and design excellence.

Provisions

- (1) Development must not encroach within any of the views nominated on the Public Views Protection Maps and where possible should improve the views to Sydney Harbour (surface of the water) through modulation of built mass.
- (2) Development must minimise impact on existing public views to heritage items with significant architectural roof features (clock towers, spires, lanterns etc) through modulation of proposed built mass, to allow for clear air around the roof feature and legibility.
- (3) Views nominated on the Public Views Protection Maps relate to significant vistas or silhouettes generated by existing built form. The location of public domain structures such as trees and banners are to be considered ephemeral and should not be used as parameters to obstruct or encroach into a protected public view.
- (4) Views from Observatory Hill to the harbour, Millers Point, adjoining areas and distant views to the east, west and north should be maintained. New building in Millers Point and Walsh Bay should be limited. No new building should exceed the established patterns of scale and form, nor should it have an adverse impact on any identified views or the setting of Observatory Hill and Millers Point.
- (5) Development that terminates a public view on the Public Views Protection Map must contribute to its quality through massing, high quality materials and demonstrated design excellence.

- (6) Consideration should also be given to additional significant public views not mapped in the Public Views Protection Map but identified in the Special Character Area Locality Statements.



Figure 5.453: Public Views Protection Map 1

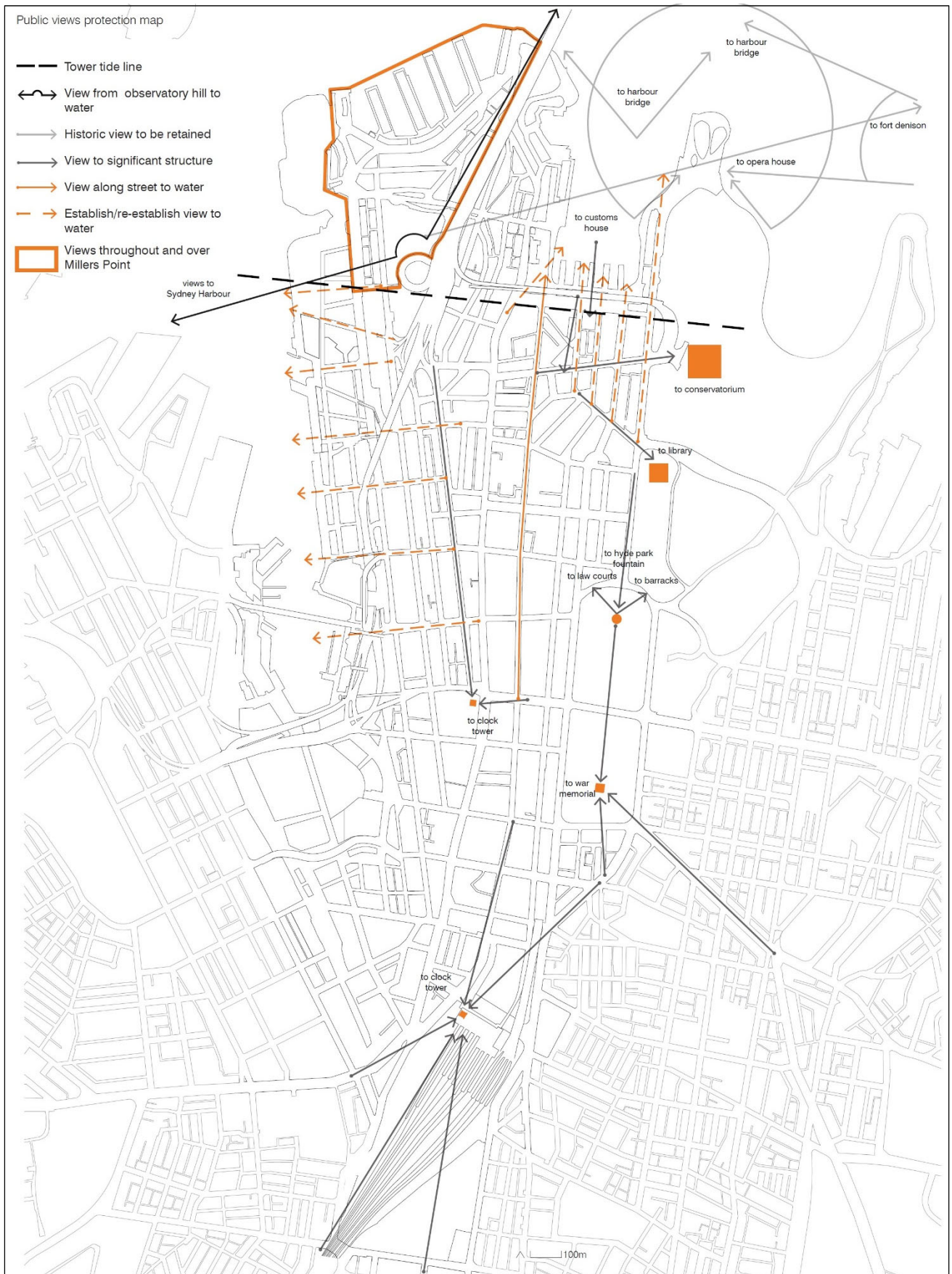


Figure 5.446: Public Views Protection Map 2

[11] Section 5.1.9 – Managing Wind Impacts

Insert new 5.1.9 Managing Wind Impacts following new 5.1.8 Views from Public Places, as follows, including relevant figures, tables and maps:

5.1.9 Managing Wind Impacts

Value Statement

The wind environment is a major determinant of amenity. Tall buildings can create or exacerbate windy conditions in built up areas and can have a significant effect on the wind environment at street level.

Buildings must be designed to mitigate unsafe and uncomfortable wind effects on Public Places and should create comfortable and pleasant conditions.

Generally the provision of a reasonable sized podium will mitigate the greatest adverse wind effects from tall buildings. Provision of a podium is particularly important at the exposed edges of Central Sydney where buildings are not shielded by their neighbours and on short east-west running streets where wind speeds are highest.

Objectives

- (a) To ensure streets and Public Places have wind conditions that are safe and comfortable for walking and to encourage conditions that are comfortable for sitting.
- (b) To ensure new developments mitigate adverse wind effects.
- (c) To ensure air quality does not exceed environmental/health standards.
- (d) To provide wind climate data that can be applied consistently for assessing new developments.

Provisions

- (1) A quantitative wind effects report is to be submitted with a development application for development:
 - (a) over 55m in height as measured from the lowest ground level to the highest structure; or
 - (b) with a frontage to an east-west street; or
 - (c) on a site within the B8 zone and within 50m of the zone boundary; or
 - (d) as required by the City of Sydney.
- (2) Development subject to a quantitative wind effects report must not:
 - (a) cause a wind speed that exceeds the Wind Safety Standard, the Wind Comfort Standard for Walking and the Wind Comfort Standard for Sitting in Parks except where the existing wind speeds exceed the standard; and

- (b) worsen, by increasing spatial extent and/or frequency and/or speed, an existing wind speed that exceeds the Wind Safety Standard, the Wind Comfort Standard for Walking and the Wind Comfort Standard for Sitting in Parks.
- (3) Development subject to a quantitative wind effects report must take all reasonable steps to create a comfortable wind environment that is consistent with the Wind Comfort Standards for Sitting and Standing related to the use of the public place. For example, the Standing criteria should be achieved at bus stops or other places where people wait and the Sitting criteria should be achieved where outdoor dining is located.
- (4) For the purposes of complying with Section 5.1.9 (2) and (3):

Wind Safety Standard is an annual maximum peak 0.5 second gust wind speed in one hour measured between 6am and 10pm Eastern Standard Time of 24 metres per second.

Wind Comfort Standard for Walking is an hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time (i.e. 5% of those hours) of 8 metres per second.

Wind Comfort Standard for Sitting in Parks is an hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time of 4 metres per second and applies to Public Places protected by Sun Access Planes and/or No Additional Overshadowing Controls.

Wind Comfort Standards for Sitting and Standing is hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time of; 4 metres per second for sitting; and 6 metres per second for standing.

Note: Section 5.1.9 prevails over Section 3.2.6 in Central Sydney.

Note: 292 hours is 5% of all hours between 6 am and 10 pm each day (16 hours per day) over a year (365 days).