

Attachment B

**Draft Sydney Development Control Plan
2012 Amendment – Botany Road Precinct**

Draft Sydney Development Control Plan 2012 – Botany Road Precinct



Draft Sydney Development Control Plan 2012 – Botany Road Precinct

The purpose of this draft Development Control Plan

The purpose of this draft development control plan (DCP) is to amend the Sydney Development Control Plan 2012, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The provisions guide future development within the area known as the Botany Road Precinct.

Citation

This amendment may be referred to as Sydney Development Control Plan 2012 – Botany Road Precinct.

Land covered by this plan

This plan applies to all land identified in the Botany Road Precinct, shown in Figure 5.1 Specific Areas.

Relationship of this plan to Sydney Development Control Plan 2012

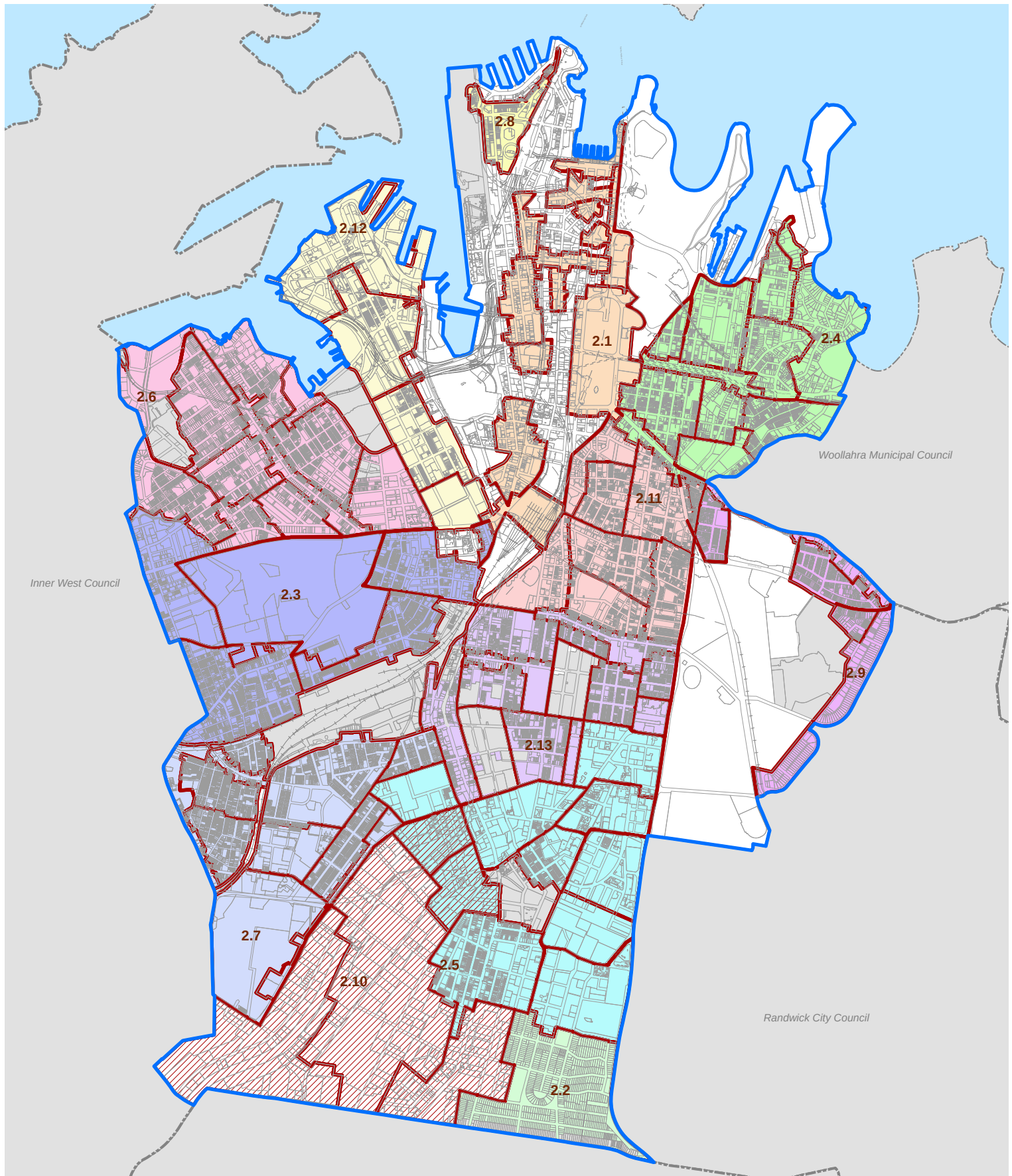
This plan amends the Sydney Development Control Plan 2012 in the manner set out below.

Amendment to Sydney Development Control Plan 2012

1. Amend Section 2 in accordance with Appendix 1.
2. Replace Figure 5.1 Specific areas map in accordance with the new map provided at Appendix 2.
3. Insert a new sub-section at the end of Section 5 in accordance with Appendix 3.
4. Amend DCP map sheet 10 in accordance with Figures provided in Appendix 3.
5. Amend DCP map sheet 10 in accordance with the Figure provided in Appendix 4.

Appendix 1

(a) Update Figure 2.1 to show the Figure provided below:



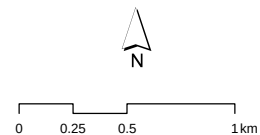
City locality areas map

Figure 2.1

Legend

- | | |
|--|--|
|  CoS LGA Boundary |  2.7 Erskineville, Alexandria (west), Newtown (south) and Ashmore |
|  2.1 Central Sydney |  2.8 Millers Point |
|  2.2 Rosebery Estate |  2.9 Paddington/Centennial Park |
|  2.3 Chippendale, Camperdown, Darlington, |  2.10 Southern Employment Lands |
|  2.4 City East |  2.11 Surry Hills |
|  2.5 Green Square |  2.12 Ultimo/Pymont |
|  2.6 Glebe and Forest Lodge |  2.13 Waterloo and Redfern |
| |  Land excluded from this DCP |

Sydney Development Control Plan 2012

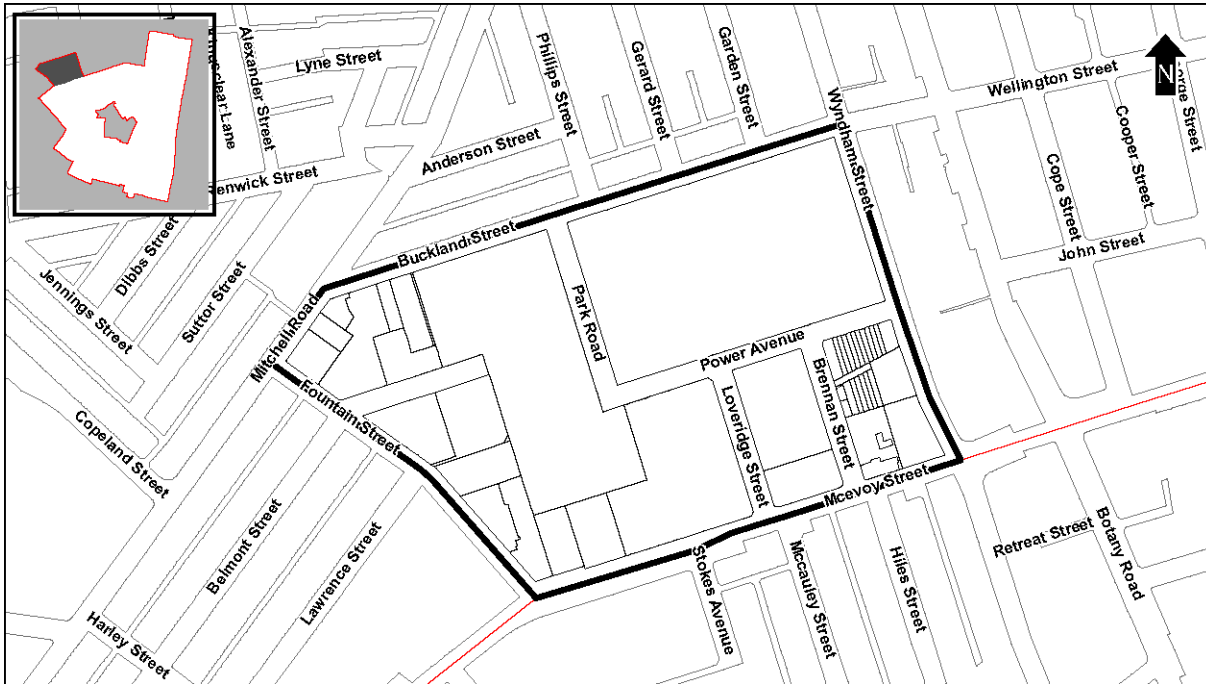


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(b) Replace the image and amend the text in Section 2.5.1 Alexandria Park as follows



This locality is bound by Buckland Street to the north, McEvoy Street to the south, Fountain Street to the west and Wyndham Street to the east.

Alexandria Park will be a mixed use neighbourhood with a mix of residential, retail, commercial and café/dining uses that will create a vibrant neighbourhood. Alexandria Park will be the focal point of the neighbourhood and a meeting place for residents.

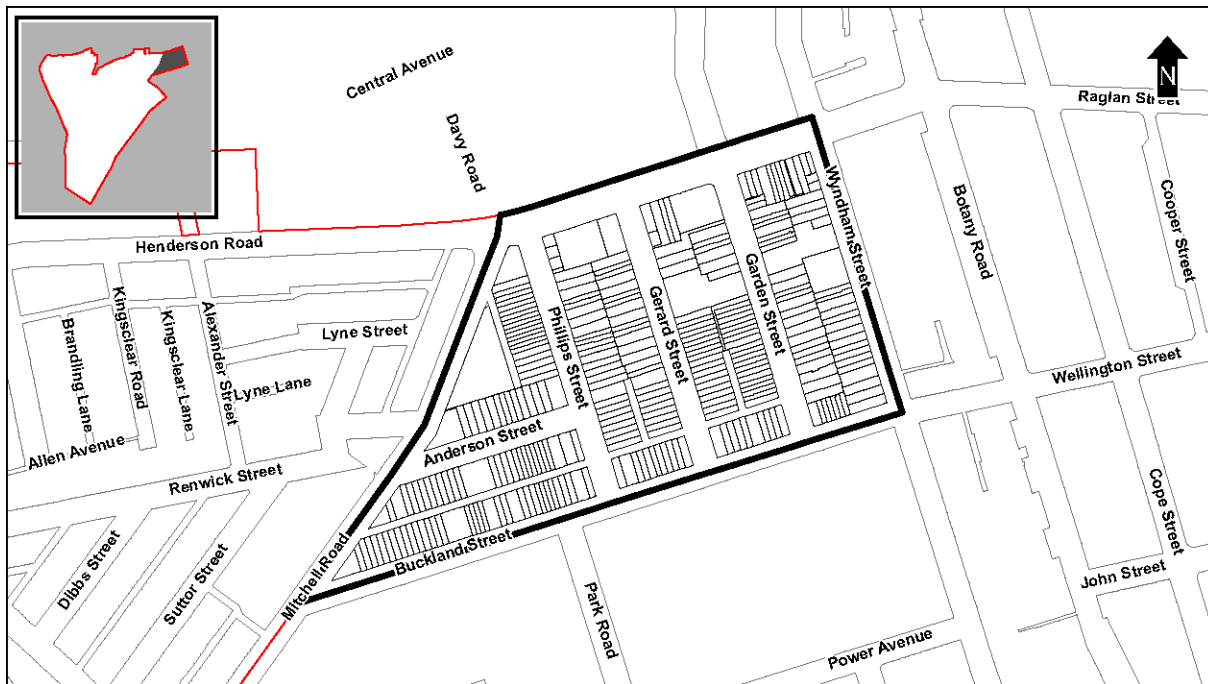
Future development of the neighbourhood will respond to the emerging mixed-use character, and provide an appropriate transition to large scale industrial buildings south of McEvoy Street.

Key changes in the area include the transition of the western part of the neighbourhood from industrial uses to harmonious, high-quality mixed-use development.

Principles

- (a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.
- (b) Create a new, tree-lined local street by extending Park Road to McEvoy Street to provide a connection to the parkland for future development.
- (c) Enhance street tree planting along the north-south streets between Alexandria Park and McEvoy Street to provide green links to the park, and to promote the park to pedestrian on McEvoy Street.
- (d) Introduce mainly low to medium scale development, with some increase in height along McEvoy Street.
- (e) Introduce buildings that align and address McEvoy Street at the ground level.
- (f) Recognise the function of Alexandria Park as a community node that is supported through the provision of future public domain improvements and development that addresses the open space to improve passive surveillance and create an active edge.
- (g) Facilitate the transition of the area from employment-based uses to primarily mixed use and residential. Commercial and industrial land uses can continue in this neighbourhood provided that the operational impacts of non-residential uses can be appropriately managed for residential amenity.

(c) Replace the image and text in Section 2.7.7 Alexandria Park and Wyndham Street with the following:



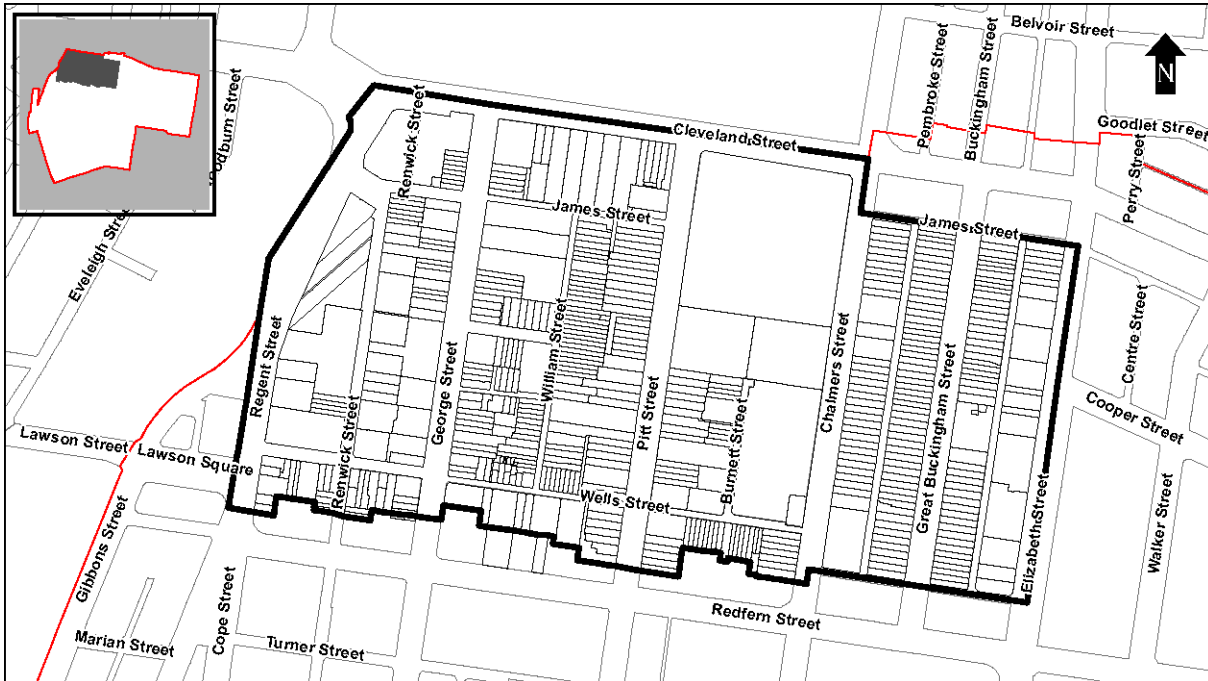
This locality consists of the Alexandria Park residential neighbourhood bounded by Wyndham Street, Mitchell Road, Henderson Road and Buckland Streets.

The predominant residential character of Alexandria Park neighbourhood with wide tree lined streets and views to Alexandria Park, shall be retained. It will retain the diversity of building types and scales that give it its unique character. Old warehouse buildings add interest to the otherwise residential character and adaptive re-use is encouraged. The consistency of terrace and cottage rows; their scale and proportion, roof design, materials palette and intact rear laneways is very important to the quality of the streetscape and are to be retained.

Principles

- (a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.
- (b) Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.
- (c) Protect and enhance views from Phillips, Gerard and Garden Streets to Alexandria Park.
- (d) Retain and restore traditional strip retail buildings to enliven streetscape.
- (e) Retain the fine grained residential subdivision pattern by not permitting further amalgamation of lots;
- (f) Retain the predominantly low scale of built form (one to two storeys) and the consistency of building types including setbacks and building alignments;
- (g) Protect the visual appreciation of heritage and contributory items by designing infill to respond to height, massing, predominant horizontal and vertical proportions of existing buildings as well as design elements of adjacent dwellings;
- (h) Ensure residential infill development has an active street address to enable the passive surveillance of the street;
- (i) Encourage vehicle access to lots from rear where possible; and
- (j) Encourage timber panel lift garage doors to better respond to the original character of timber rear fences.

(d) Replace the image in Section 2.13.8 Prince Alfred Park South as follows:



(e) Replace the image and text in Section 2.13.13 as follows:



This locality includes Regent Street and Botany Road from Redfern Station south to McEvoy Street, extending one block east to Cope Street and one block west to Wyndham Street. In the north it includes both sides of Gibbons Street, including Rosehill Street and Cornwallis Street. The land shown at Figure 1: Botany Road Precinct locality is identified as the Botany Road Precinct.

Botany Road Precinct is Gadigal Country and is one key part of the broader area referred to as Aboriginal Redfern, which also centres on The Block to the north of Redfern Station, Redfern Street to the east, and extends through the broader Redfern Waterloo area. This area has historical and contemporary significance for Aboriginal and Torres Strait Islander peoples, being

the site of civil rights movements, historical and current Aboriginal community controlled services, and the part of Sydney where many First Nations peoples moved from all over Australia.

New development in the area is to showcase “Connecting with Country” design and consultation approaches, acknowledging and respecting Country as well as the social, cultural and civic rights history of Aboriginal Redfern.

Botany Road Precinct is a busy and noise-affected transport corridor, serving as the primary route for goods transport between Central Sydney, North Sydney and beyond to Sydney Airport, Port Botany and the industrial areas of Alexandria and Mascot. Waterloo Metro Station will serve as a catalyst for urban change in the Precinct, providing a high capacity public transport connection to Central Sydney, Marrickville, North Sydney and Macquarie Park and bringing in visitors and workers.

The Precinct will be an economic connector between higher order centres, including Central Sydney to the north, Green Square Town Centre to the south, the high technology employment hub of Australian Technology Park to the west, and North Sydney and Macquarie Park via Sydney Metro. It will also connect employment centres with local centres of Redfern Street and the future George Street within Waterloo Estate, providing additional daytime patronage and supporting the diversity and viability of these centres.

Additional development potential for non-residential uses and affordable housing is being provided to take advantage of the increased accessibility of the area afforded by the Metro station, other public transport improvements, a new retail centre planned at nearby Waterloo Estate and growth of the primary employment centres of Green Square Town Centre and the Australian Technology Park. This additional development potential for targeted land uses is crucial to achieving the objectives of the Camperdown-Ultimo Collaboration Area Place Strategy and the productivity priorities for City Fringe in the City’s Local Strategic Planning Statement.

To take advantage of the proximity to local services and transport options, the provision of housing may be appropriate where it does not conflict with or restrict delivery of commercial and non-residential development.

Regent Street will continue to grow as an extension of the Redfern Street centre, with improvements to the public domain and lowering of main road traffic activity contributing to it becoming a more comfortable retail street. The original Victorian and Federation subdivision and terrace groups will be maintained, and any new development will respond to heritage items and respect the existing fine- and medium-grain pattern.

As the Precinct develops and changes it will better balance the movement function of the road network with its place function, providing a more comfortable and attractive space for people to work and visit. The one-way pairing of Regent Street and Gibbons Street will be replaced with two way streets, speed limits will be lowered and additional crossings will be introduced. New laneways and through-site links will be delivered, providing a continuous mid-block laneway network and increasing walkable connections.

Principles

Development must achieve and satisfy the outcomes expressed in the locality statement and supporting principles below.

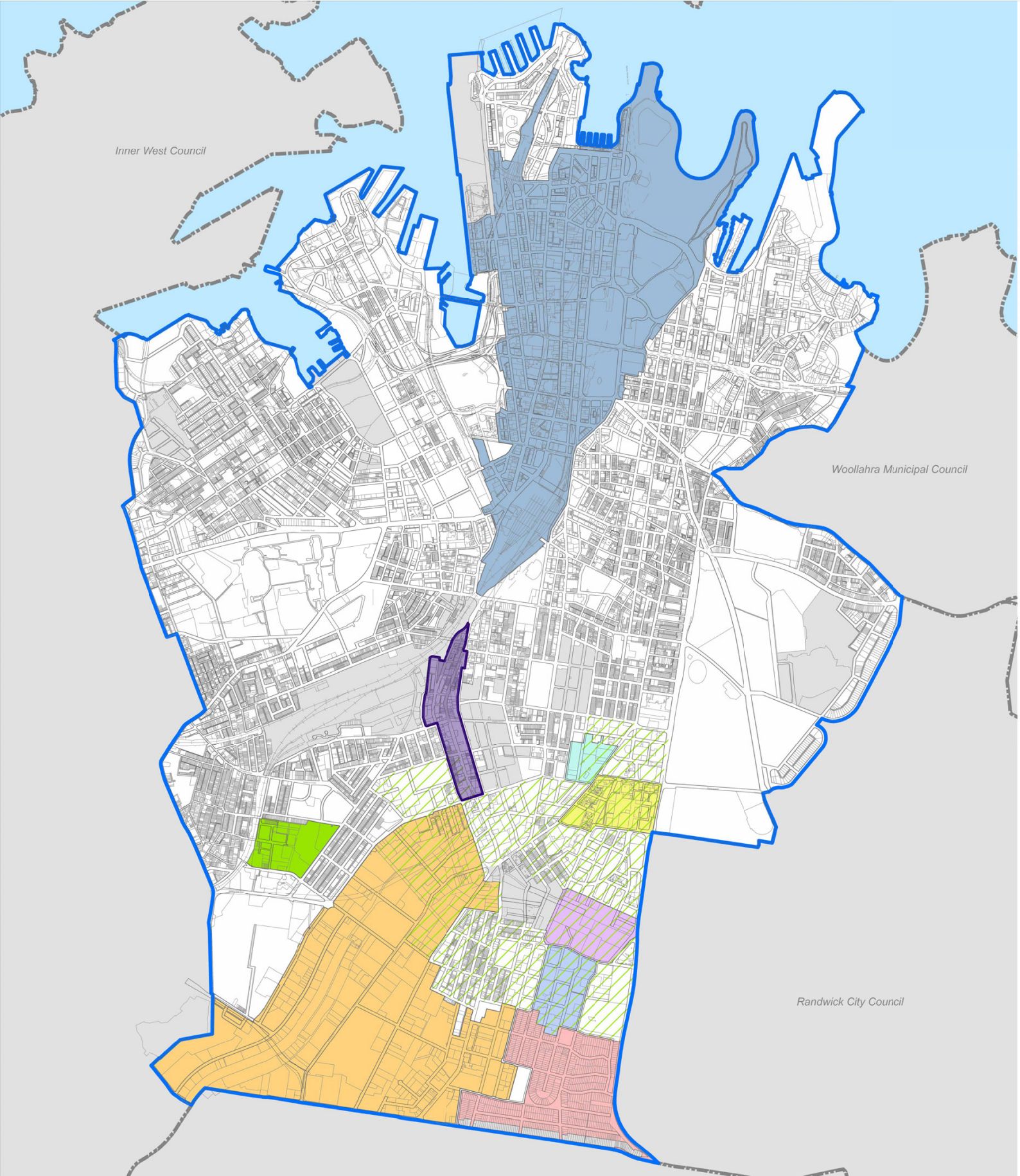
Development in Botany Road Precinct is to:

- (a) Showcase “Connecting with Country” approaches in line with the framework published by the Government Architect NSW.
- (b) Maximise the presence, visibility and celebration of First Nations organisations, businesses and cultures.
- (c) Reflect the rich social, cultural and civic rights history of “Aboriginal Redfern” alongside pre-1788 local Aboriginal histories.
- (d) Ensure sensitive uses are protected from noise and pollution impacts from major roads, including consideration for future planned changes to the road network.

- (e) Contribute to the emerging Camperdown-Ultimo Collaboration Area with employment generating uses and floor space.
- (f) Meet the needs of the growing Redfern and Waterloo area with floor space for jobs and services.
- (g) Incentivise provision of affordable housing that meets the diverse housing needs of the local community.
- (h) Ensure residential uses do not impede the delivery and operation of current and future employment generating land uses.
- (i) Contribute to a main street character with fine and medium-grain development patterns on Regent Street with multiple shopfronts and business entries.
- (j) Provide opportunities for commissioned and informal public art on Regent Street, including window displays, front facades and secondary frontages on side streets.
- (k) Contribute to a comfortable and safe pedestrian connection between McEvoy Street and the Waterloo Metro Station, especially at night time, through ground floor entertainment uses, night time activity, visible lobbies, passive lighting and public art installations on Botany Road.
- (l) Deliver lively active corners at key intersections with Botany Road, including McEvoy Street, Buckland Street and Henderson Road.
- (m) Provide a transition to the quiet, low density residential area of Alexandria Park Heritage Conservation Area.
- (n) Improve pedestrian access to key public transport nodes of Redfern Station, Waterloo Metro Station and the bus interchange with through-block permeability, active frontages on key pedestrian routes, maintaining sight-lines and wayfinding.
- (o) Prioritise pedestrian movement on Botany Road by moving driveways and servicing to a new rear lane network.

Appendix 2

(f) Update Figure 5.1 to show the Figure provided below:



Specific areas map

Figure 5.1

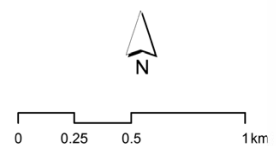
Legend

- | | |
|--|-----------------------------|
| City of Sydney - Local Government Area | Rosebery Estate |
| Central Sydney | North Rosebery |
| Green Square | Lachlan |
| Ashmore | Southern Employment Lands |
| Epsom Park | Danks Street South |
| | Land excluded from this DCP |

Botany Road Precinct

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Sydney Development Control Plan 2012



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Appendix 3

5.X Botany Road Precinct

This section applies to the land identified as Botany Road Precinct (the Precinct) in Figure 5.1 Specific Areas map. It should be read in conjunction with:

- other requirements of this DCP; and
- the locality statement and principles in section 2.13.13 Botany Road Precinct.

Where land is also located in the Precinct, as well as in Green Square (and therefore subject to section 5.2), both sections of the DCP apply. Where there is an inconsistency between section 5.2 and this section, this section applies to the extent of the inconsistency.

5.X.1 General

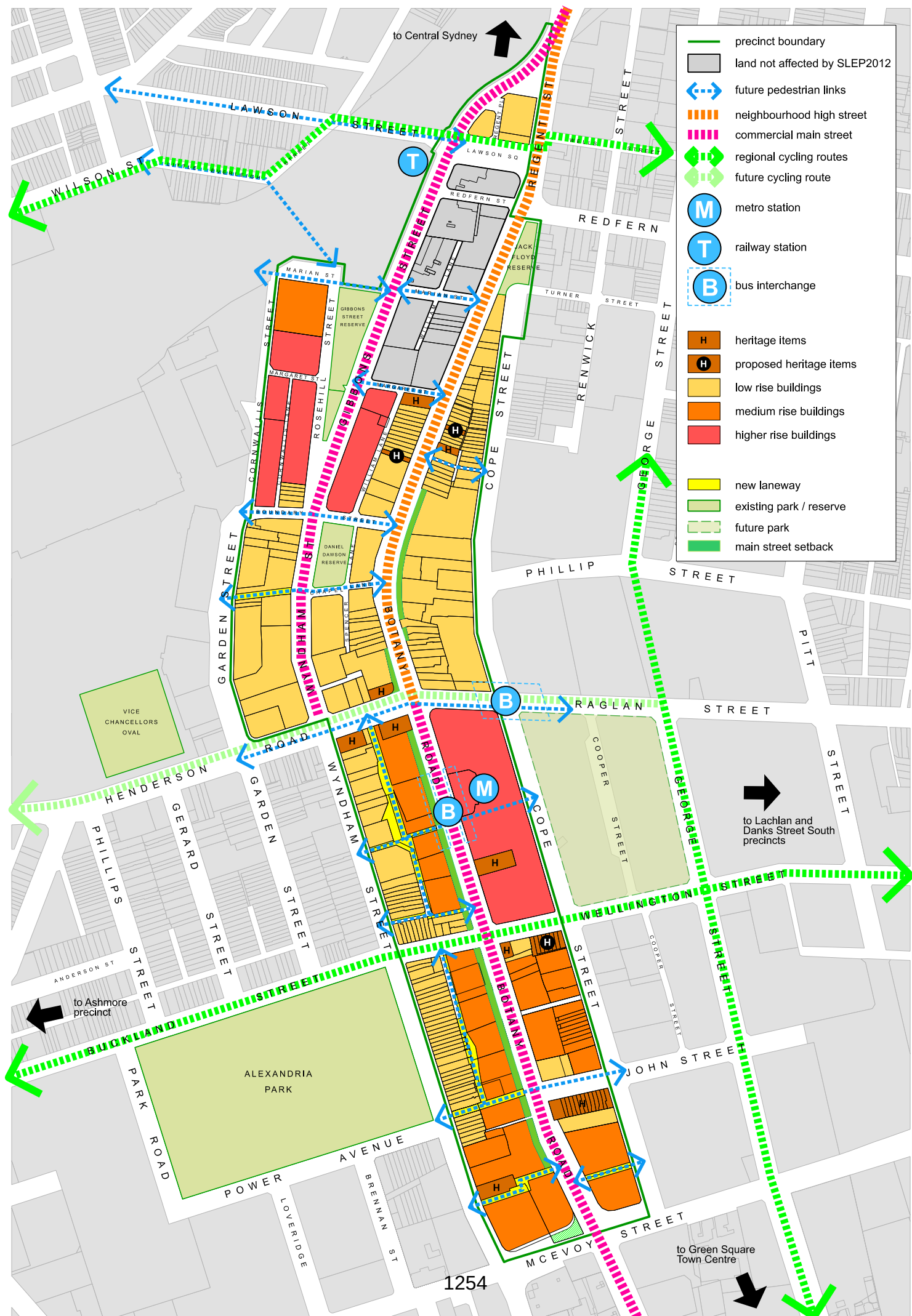
Objectives

- (a) Provide a cohesive urban strategy for future development within the Precinct.

Provisions

- (1) Development is to be in accordance with the locality statement at section 2.13.13 and supporting principles for the Botany Road Precinct.
- (2) Development is to be in accordance with Figure 1 Botany Road Precinct Urban Strategy.

Figure 1: Botany Road Precinct Urban Strategy



5.X.2 Land use

The Precinct is an area in transition and will evolve into a vibrant commercial precinct, supporting a diverse range of businesses and employment generating land uses. Housing, including affordable housing, is supported where it can provide amenity for residents, does not impede delivery of employment floorspace on adjoining lots or disrupt the continuous commercial environment at ground level.

5.X.2.1 Land-use diversity

Objectives

- (a) Maintain and reinforce the primacy of commercial and business uses in the Precinct.
- (b) Facilitate diversity in the land-use mix.
- (c) Retain and enhance the presence and visibility of Aboriginal and Torres Strait Islander peoples, businesses and organisations.

Provisions

- (1) A diverse range of commercial and business land uses are encouraged within the Precinct.
- (2) Development comprising residential uses is permitted where it does not undermine the employment generating function of the Precinct.
- (3) Entertainment uses are encouraged to locate on Botany Road and Gibbons Street.
- (4) Development on sites with services, businesses or dwellings that are important to Aboriginal and Torres Strait Islander communities is encouraged to enable those to remain within the Precinct during and after construction.

5.X.2.2 Mixed-use development

Objectives

- (a) Facilitate the delivery of housing so it is complementary to a range of non-residential uses.
- (b) Ensure development comprising residential uses does not impact on the ability of adjoining sites to develop for a range of employment generating uses.
- (c) Ensure sensitive uses, including residential uses, are protected from noise and/or air quality impacts from major road corridors and surrounding employment and entertainment uses.

Provisions

5.X.2.2.1 General

- (1) Development comprising residential uses must mitigate noise and pollution impacts of major roads.
- (2) Habitable rooms in apartments are to be naturally ventilated.
- (3) In meeting the requirements of section 4.2.5.3 'Development on busy roads and active frontages' development must consider possible future changes to the road network, including the potential reintroduction of two-way traffic on Gibbons Street and Regent Street.
- (4) Any noise and air quality assessment must consider the displacement of traffic that may result from the conversion of Regent Street to a two-way single lane of traffic in each direction.
- (5) For development on Botany Road and Regent Street, noise impact assessments must take into consideration possible future non-residential land uses, including entertainment uses, on the ground and first floor and on adjoining lots.
- (6) For residential development on Botany Road, Wyndham Street, Cope Street, Gibbons Street or Regent Street, dwellings are to receive solar and daylight access from the primary street frontage and not from a laneway, side, rear or interior facing façade.

5.X.2.2.2 Affordable housing

Definitions

Affordable housing has the same meaning as the *Environmental Planning and Assessment Act 1979*.

Aboriginal and Torres Strait Islander housing is housing occupied by Aboriginal or Torres Strait Islander peoples.

Culturally appropriate housing is housing that is designed in consultation with the occupier/s so that it is suited to their specific needs.

Objectives

- (a) Ensure affordable housing is provided in accordance with the principles of the City of Sydney Affordable Housing Program.
- (b) Ensure affordable housing meets the needs of the local community.

Provisions

- (1) 10 per cent or more of the total number of dwellings in affordable housing developments is to be provided for Aboriginal and Torres Strait Islander housing.
- (2) Aboriginal and Torres Strait Islander housing is to be culturally appropriate housing.
- (3) Affordable housing must be provided in accordance with the City of Sydney Affordable Housing Program adopted by Council on 24 August 2020.

5.X.2.3 Ground and first floor uses, active frontages and awnings

This section is to be read in conjunction with the provisions in section 3.2.3 Active frontages and section 2.3.4 Awnings of this DCP.

Objectives

- (a) Ensure street frontages are active and create interest at the street level.
- (b) Ensure the needs of workers are met with supporting retail, services and food and drink premises.
- (c) Facilitate safe and comfortable pedestrian environments, including protection from direct sun, rain and wind, and passive surveillance.

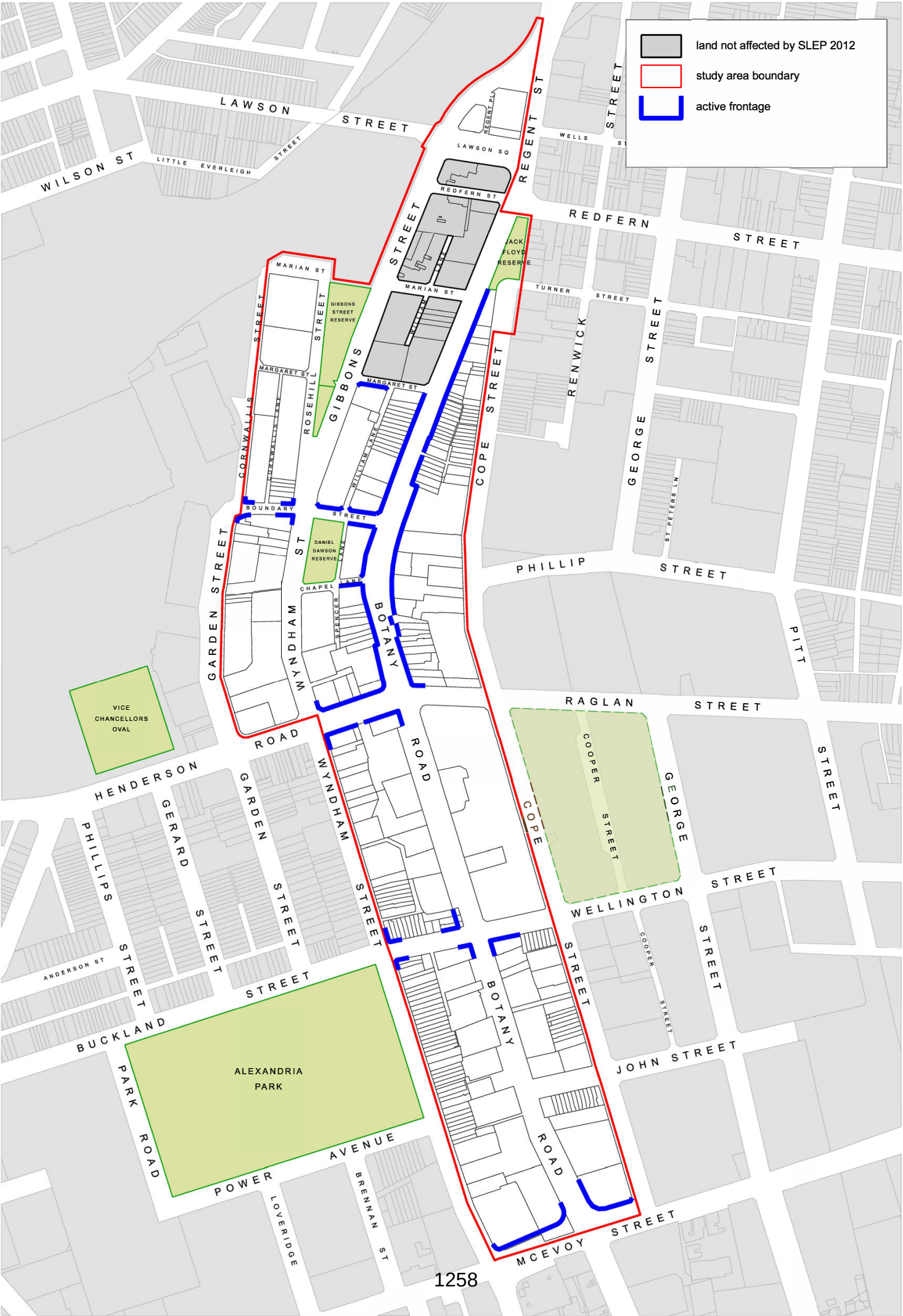
Provisions

- (1) Ground floor and first floor uses are to be in accordance with Figure 2 Ground Floor Uses.
- (2) Ground floor uses fronting Botany Road and Regent Street are to provide windows and entrances to provide passive surveillance of the public domain and indirect lighting at night time.
- (3) Large signs and other elements at ground level that block views into ground floor tenancies must not occupy more than 15% of any glazed areas.
- (4) Sites identified in Figure 3 Active Frontages must give consideration to managing flooding and stormwater impacts while maintaining an active frontage with minimal setbacks and direct street access.
- (5) Continuous awnings are to be provided in accordance with Figure 4 Awnings.

Figure 2: Ground Floor Uses



Figure 3: Active Frontages



5.X.2.4 Managing change

Objectives

- (a) Ensure existing built form and land uses do not unreasonably constrain growth and change in the Precinct.
- (b) Ensure development comprising residential uses does not constrain non-residential development potential.

Provisions

- (1) Section 4.2.9 'Non-residential development in the B4 Mixed Uses zone' does not apply to development in the Precinct.
- (2) Any development comprising residential uses is not to impact on the potential of adjoining sites to be developed for a non-residential purpose.
- (3) Amenity requirements for visual privacy, solar and daylight access and natural ventilation for development comprising residential uses must be satisfied within the development site, without requiring building separation or design restrictions on future development on adjoining sites.
- (4) Any development comprising residential uses cannot rely on an existing or future form of development on adjoining sites that is not consistent with the development outcomes of this DCP to achieve amenity outcomes.
- (5) Amenity impacts that may arise from non-residential development on existing or possible future residential development, such as loss of daylight or sunlight access, acoustic privacy or visual privacy, are to be considered in the context of the locality statement and objectives for the Precinct.

5.X.3 Movement and local infrastructure

Objectives

- (a) Interpret the pre-colonial function of Botany Road as a key walking track.
- (b) Create a walkable and pedestrian friendly street network to improve connectivity between sites within the Precinct and with nearby centres, residential areas, other employment zones and open space.
- (c) Deliver a continuous laneway network to facilitate rear building servicing and vehicle access.
- (d) Prevent driveways and car park entries on main roads.
- (e) Increase visibility of, and access to, key public transport nodes.
- (f) Encourage sustainable transport modes over private car usage.
- (g) Increase permeability of large street blocks and reduce walking distances to key destinations.
- (h) Deliver canopy cover and greening within road corridors and reservations.
- (i) Extend and improve connections to the regional cycling network.

Provisions

5.X.4.1 Laneway network

- (1) Where required by Council, laneways are to be provided in accordance with Figure 5 Streets and Lanes.
- (2) Where possible, laneways are to be designed to facilitate movement of medium rigid vehicles to enable loading and servicing of buildings.
- (3) Laneways that do not have footpaths are to be designed as shared zones to ensure pedestrian safety.
- (4) Where new laneways enable rear access to existing developments with vehicle access points from a primary street, conversion to laneway access is encouraged.

Figure 5: Streets and Lanes

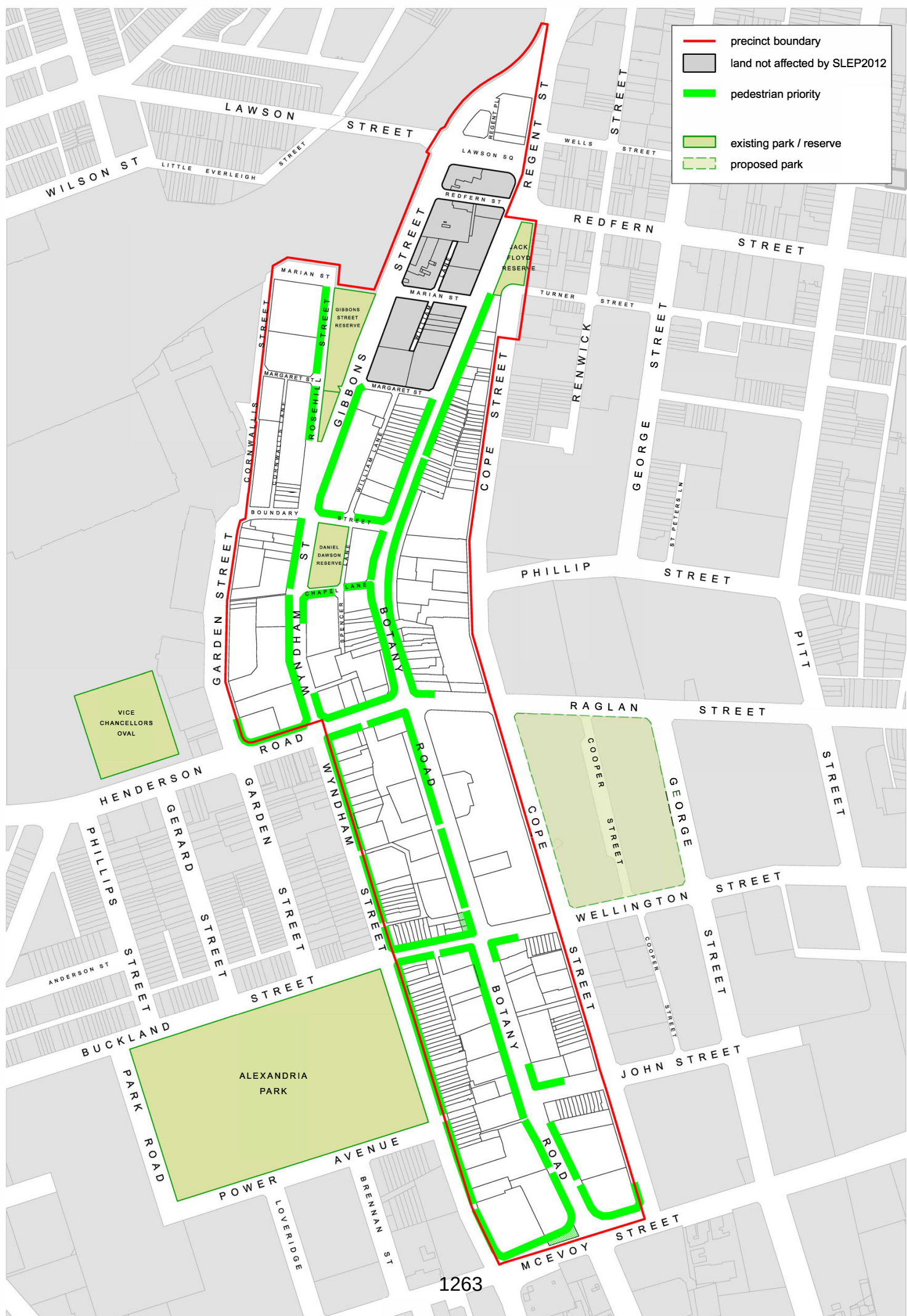


5.X.4.2 Vehicle access and car parking

This section is to be read in conjunction with section 3.11.11 of this DCP.

- (1) Driveways and vehicle access points are not to be provided where shown on Figure 6 Pedestrian Priority.
- (2) Temporary vehicle access arrangements may be provided if a laneway identified in Figure 5 Streets and Lanes will not provide access at the time of development completion.
- (3) Any temporary car park and/or service vehicle area must be designed to be capable of future conversion to vehicle access via the planned laneway, and for permanent closure of the temporary access arrangement.
- (4) The area used for temporary vehicle access arrangements must be capable of conversion to another use.
- (5) At grade off-street car parking is not permitted within the Precinct.
- (6) Development on a laneway must provide driveways, vehicle access, loading and servicing from the laneway.

Figure 6: Pedestrian Priority



5.X.4.3 Streets

- (1) Street cross sections are to be generally in accordance with figures 7 to 16 below.

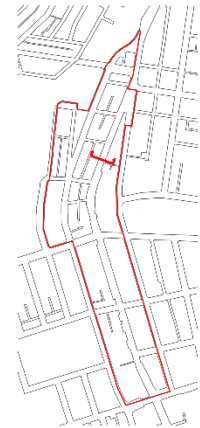
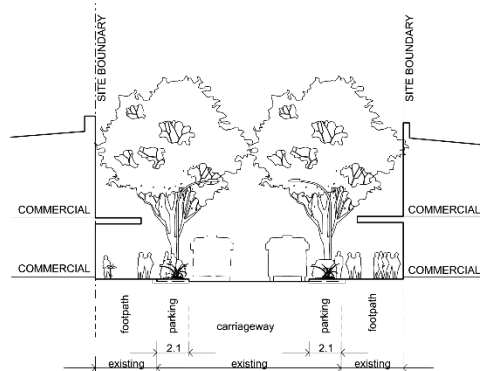


Figure 7 Street Cross Section - Regent Street

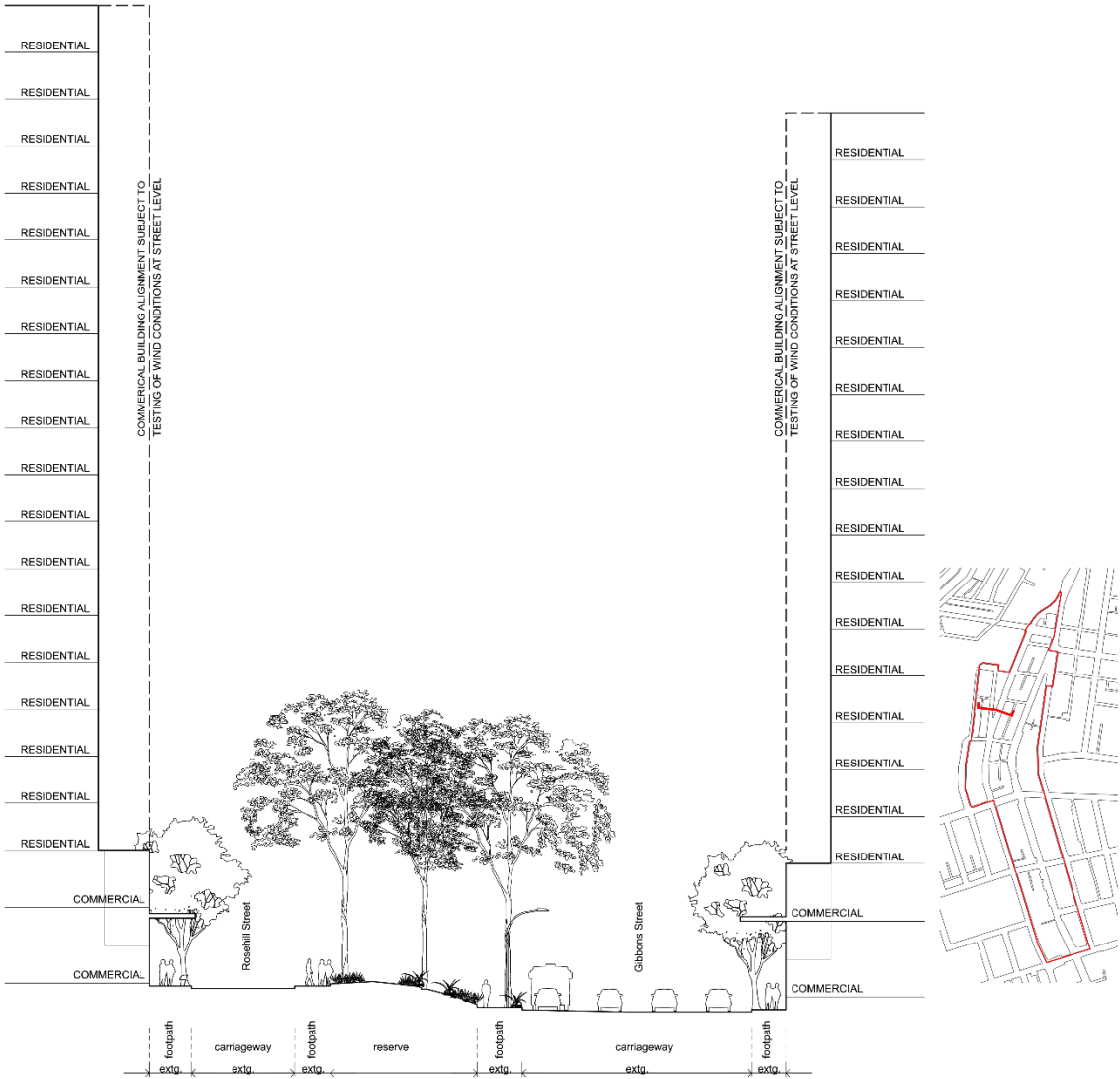


Figure 8 Street Cross Section - Rosehill Street

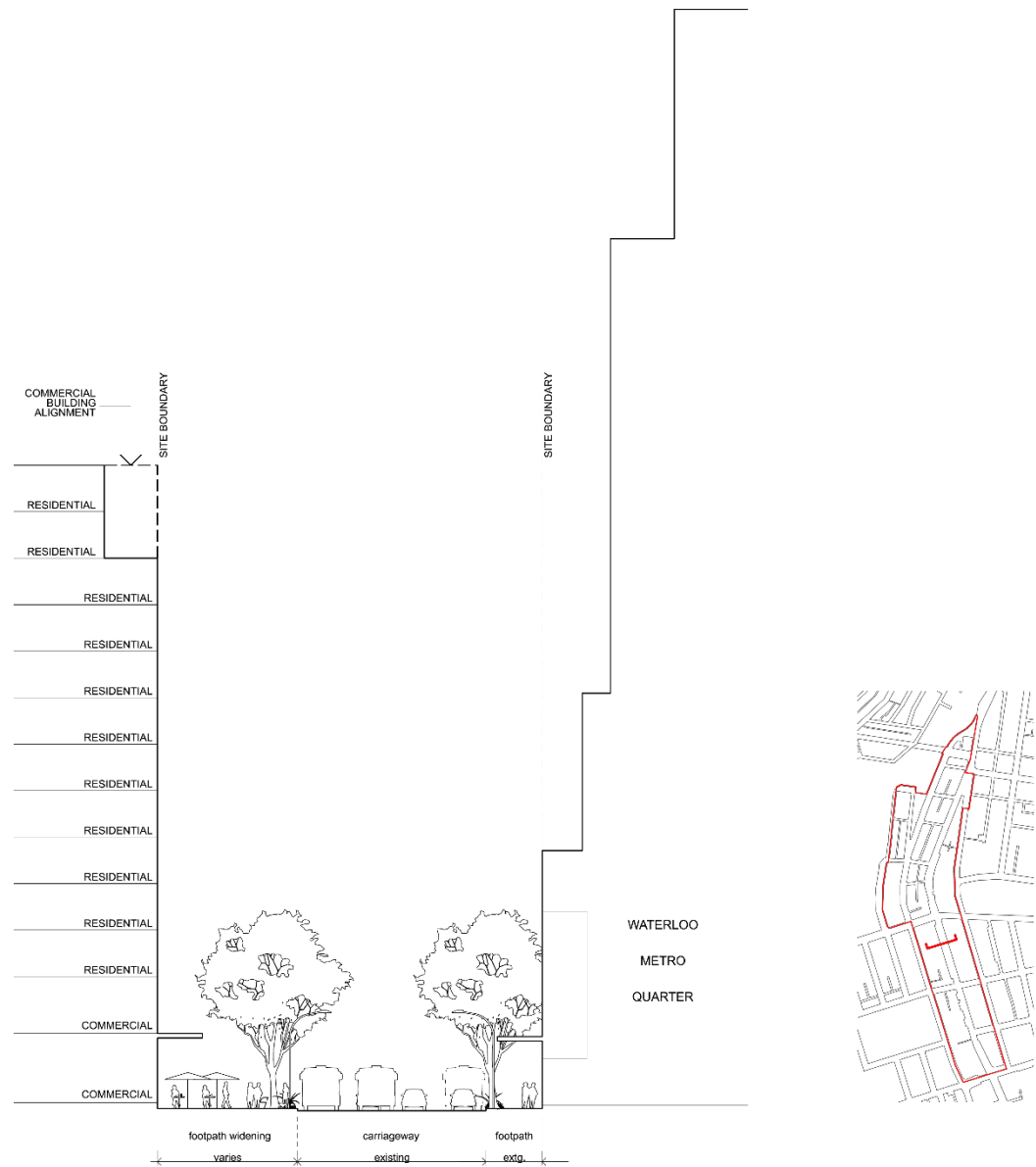


Figure 9 Street Cross Section - Botany Road (North)

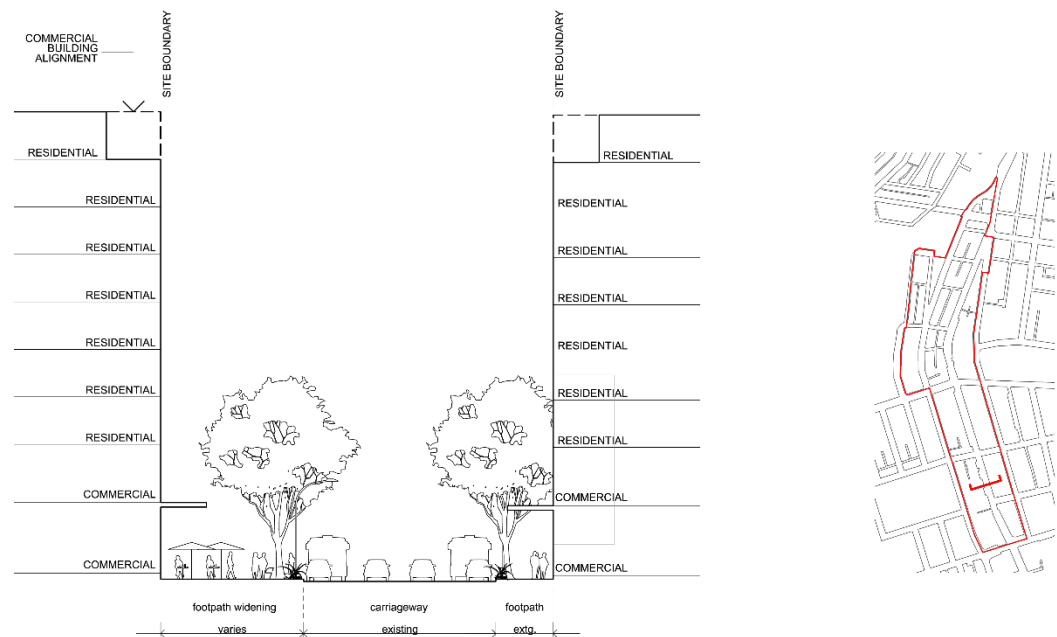


Figure 10 Street Cross Section - Botany Road (Mid)

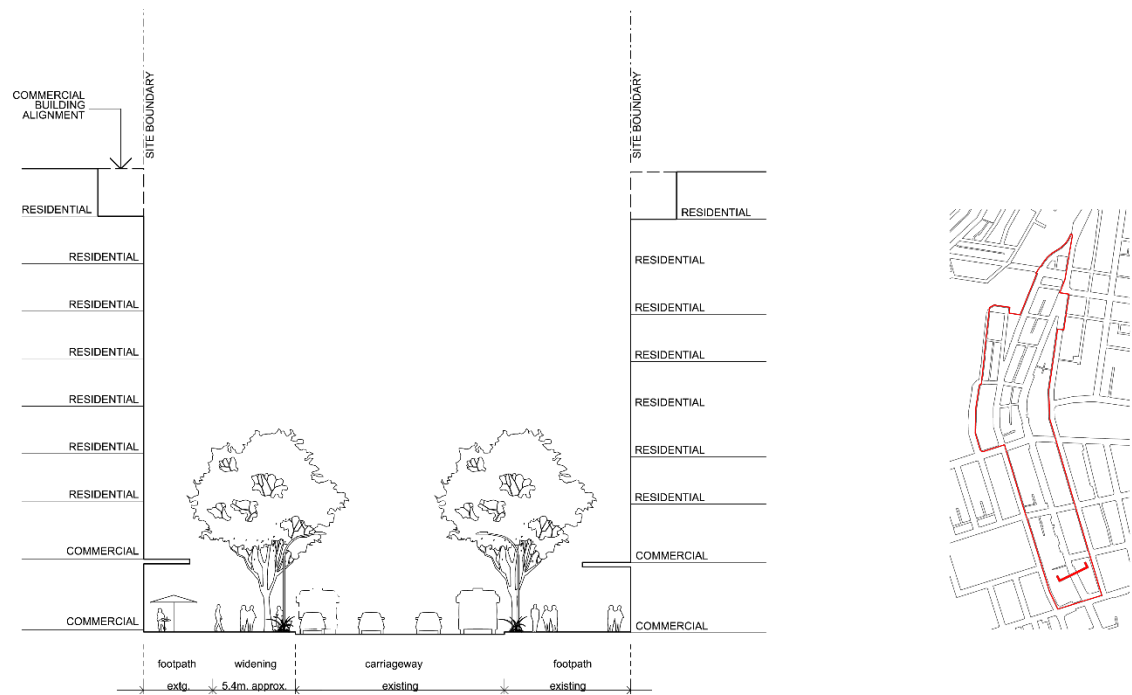


Figure 11 Street Cross Section - Botany Road (South)

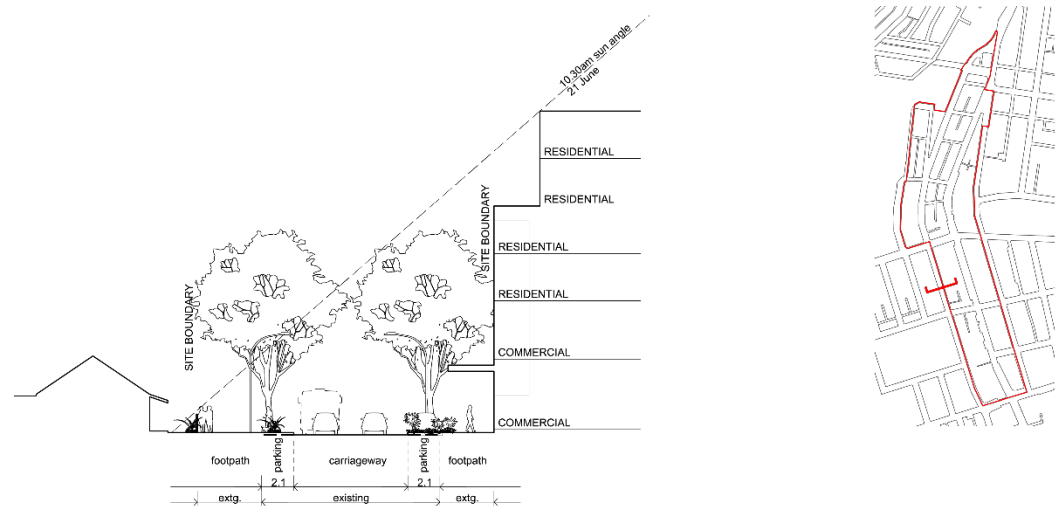


Figure 12 Street Cross Section - Wyndham Street (North)

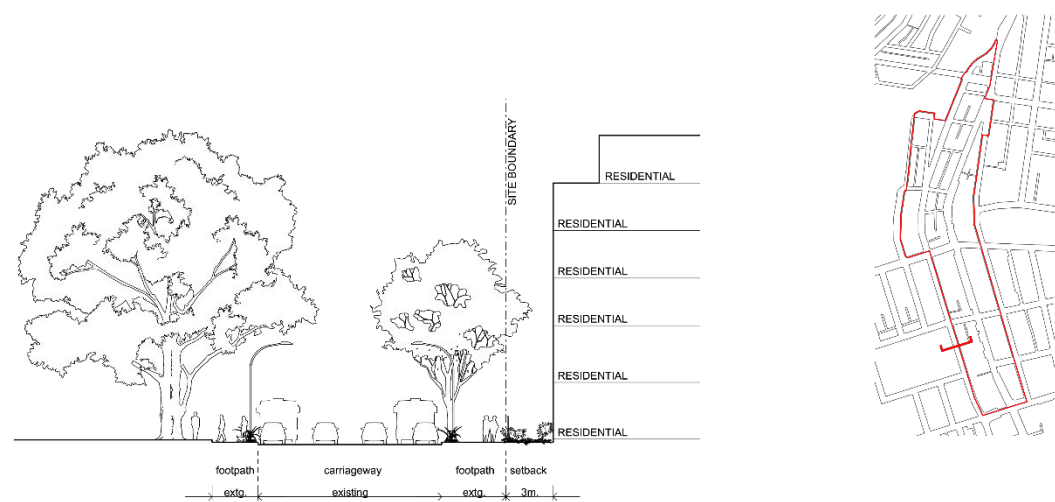


Figure 13 Street Cross Section - Wyndham Street (South)

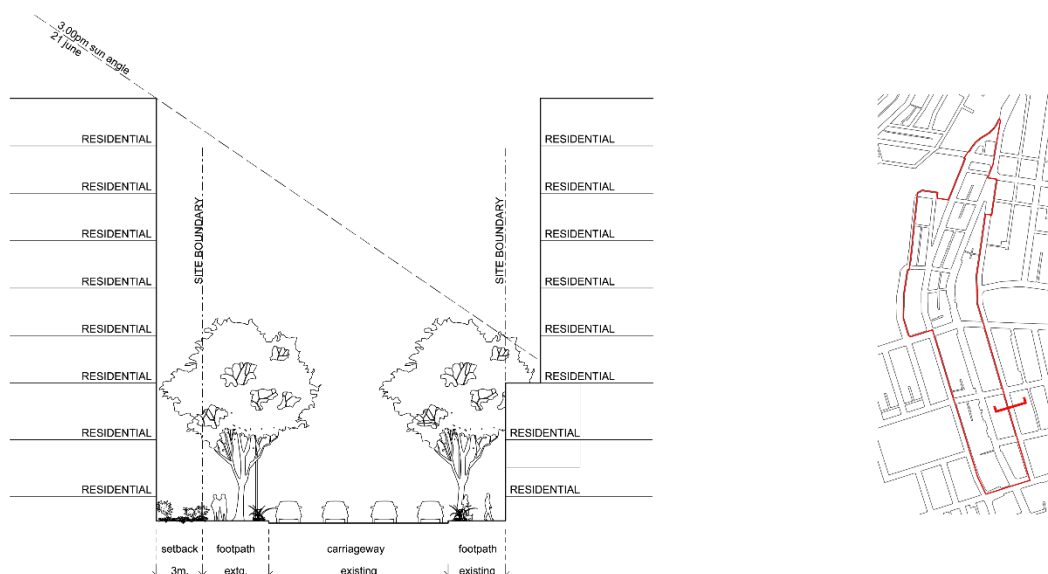


Figure 14 Street Cross Section - Cope Street

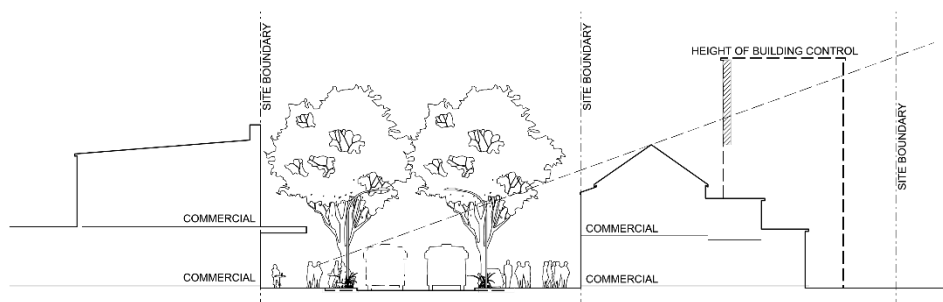


Figure 15 Street Cross Section - Regent Street Additions (Pitched roofs)

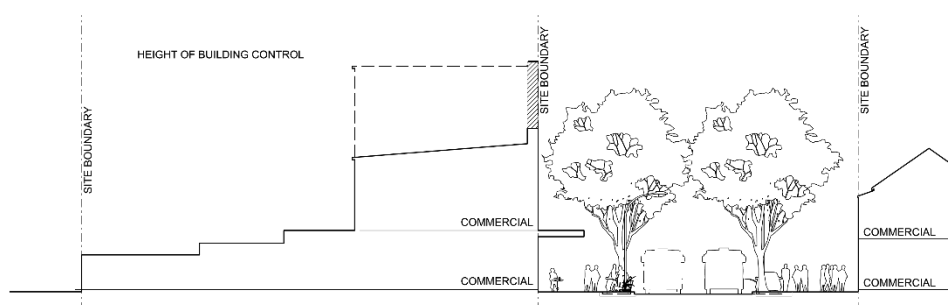


Figure 16 Street Cross Section - Regent Street Additions (Parapets)

5.X.4.4 Design and use of SP2 zoned land

- (1) Any land that is identified for acquisition in the Sydney LEP 2012 is not to be included in the developable site area calculations and floor space ratio calculations.
- (2) Development is generally not permitted on land that is identified for acquisition in the Sydney LEP 2012.

- (3) Public domain works within SP2 zoned land is to underground utilities within the reservation as agreed with the consent authority and in a manner that facilitates tree planting and growth.

5.X.4 Building layout, form and design

5.X.4.1 Building heights

Objectives

- (a) Incentivise provision of employment floorspace and affordable housing in well located areas.
- (b) Ensure a high level of amenity at street level, enabling sunlight access to streets and a comfortable and safe wind environment.
- (c) Facilitate change and diversity in business activities through provision of flexible and adaptable spaces.
- (d) Ensure existing parks and open space are protected from excessive overshadowing from new development.
- (e) Provide landmark buildings on highly visible sites.

Provisions

- (1) Where development does not utilise incentive building heights available under clause X.X of Sydney LEP 2012, maximum height in storeys are to be in accordance with the *Building height in storeys map*.
[Public exhibition note: Figure 17 below is provided for public exhibition purposes only, and shows sites where this draft DCP will amend the *Building Height in Storeys map*.]
- (2) On Botany Road Precinct Opportunity Lands, where development utilises incentive building heights available under clause X.X of Sydney LEP 2012:
 - a. where development comprises residential uses, maximum height in storeys are to be in accordance with Figure 18 Height in Storeys - Residential (Affordable Housing); or
 - b. where development comprises no residential uses, maximum height in storeys are to be in accordance with Figure 19 Height in Storeys - Non-residential.
- (3) Notwithstanding clause (1) and (2), development is to minimise overshadowing to parks and other identified open space in Figure 1 Botany Road Precinct Urban Strategy between 10 am and 2pm at the winter solstice.
- (4) Where development does not utilise incentive building heights available under clause X.X of Sydney LEP 2012, development is to provide minimum floor-to-floor heights of:
 - a. Ground floor and first floor: 3.7 metres
 - b. Second floor and above: 3.1 metres
- (5) On sites identified as “Area A” in Figure 19 Height in Storeys - Non-residential, where development utilises incentive building heights available under clause X.X of Sydney LEP 2012, development is to provide minimum floor-to-floor heights of:
 - a. Ground floor: 4.6 metres
 - b. First floor: 4.4 metres
 - c. Second floor and above (non-residential uses): 3.8 metres
 - d. Second floor and above (residential uses): 3.1 metres
- (6) On all other Botany Road Precinct Opportunity Lands, where development utilises incentive building heights available under clause X.X of Sydney LEP 2012, development is to provide minimum floor-to-floor heights of:
 - a. Ground floor: 4.6 metres
 - b. First floor: 3.8 metres
 - c. Second floor and above (non-residential uses): 3.6 metres
 - d. Second floor and above (residential uses): 3.1 metres.

Figure 17: Height in Storeys - for public exhibition purposes only

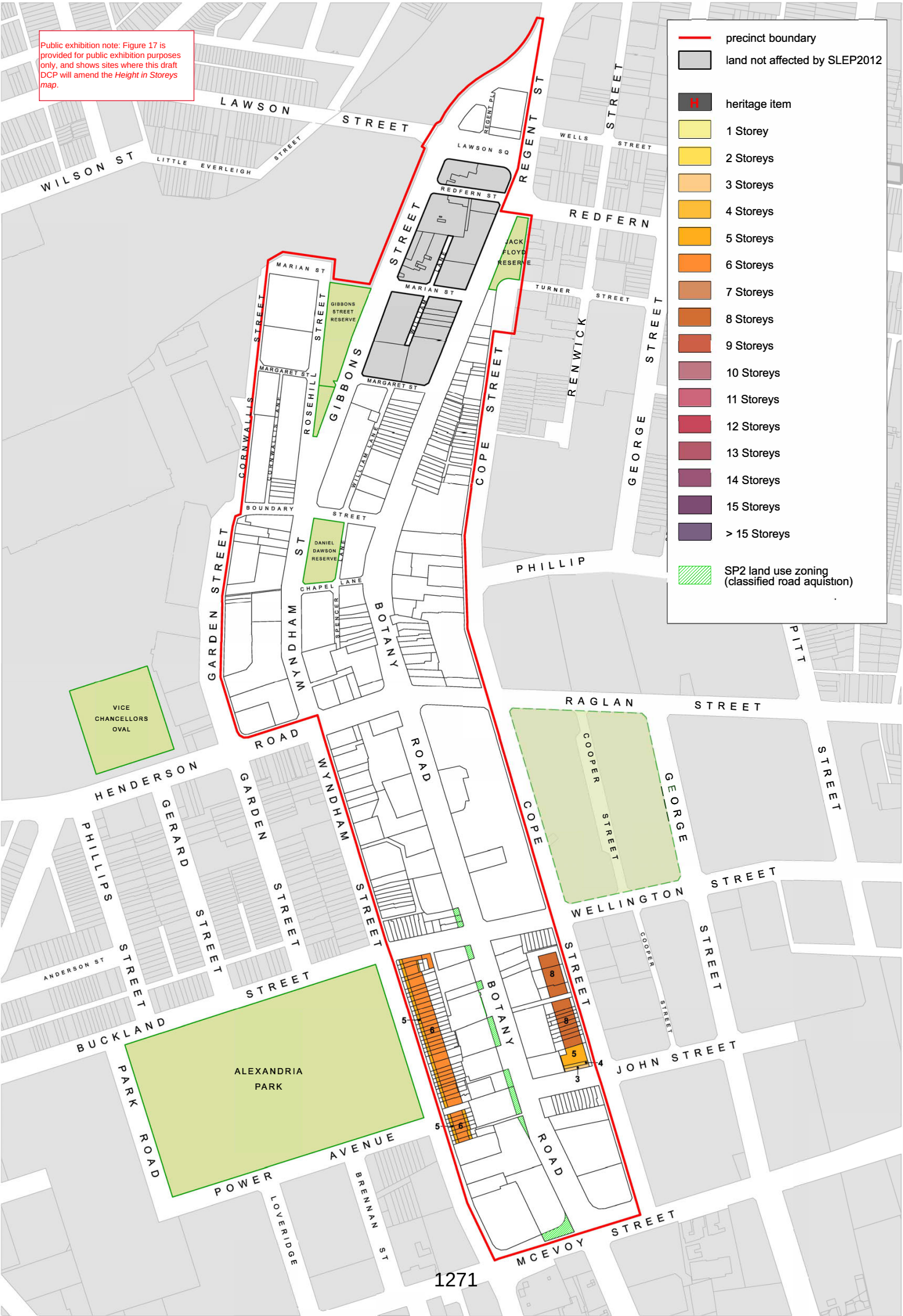


Figure 18: Height in Storeys where incentive heights are utilised - Residential (Affordable Housing)

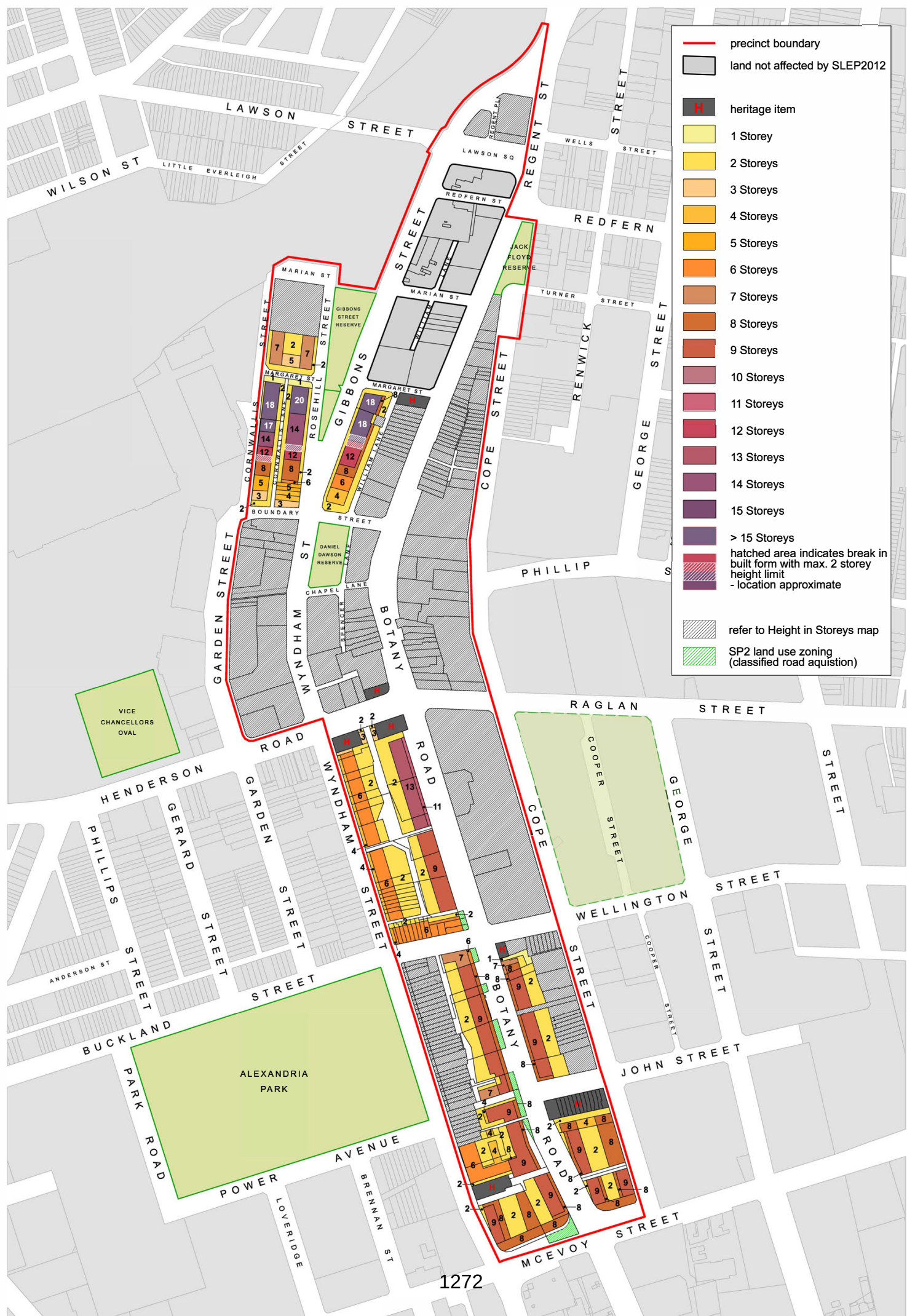
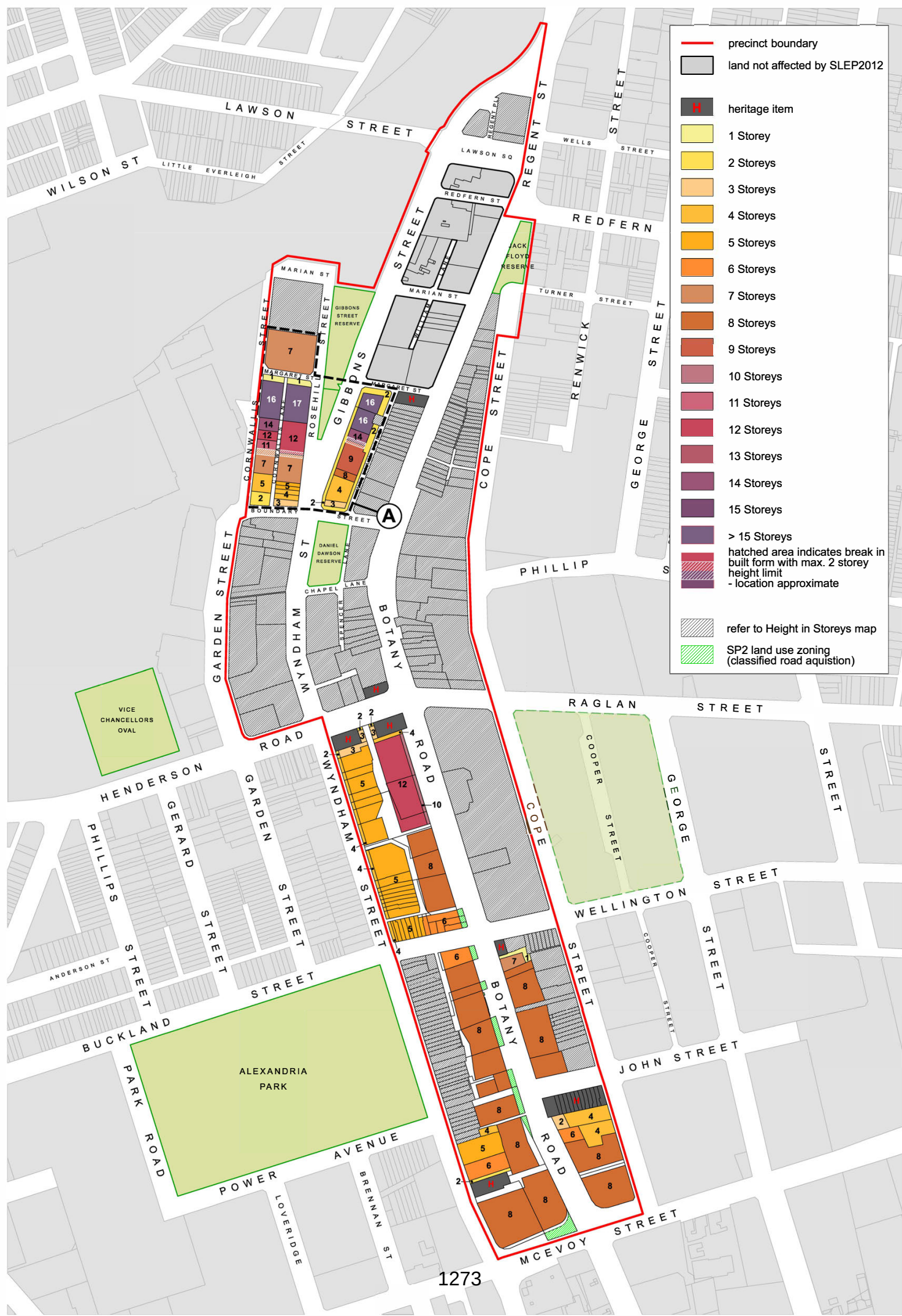


Figure 19: Height in Storeys where incentive heights are utilised - Non-residential



5.X.4.2 Building alignment and setbacks

Objectives

- (a) Establish appropriate street wall heights and horizontal articulation.
- (b) Ensure setbacks are provided to transition to nearby heritage items and heritage conservation areas.

Provisions

- (1) Primary setbacks are to be provided in accordance with the *Building Setback and Alignment map*.
[Public exhibition note: Figure 20 below is provided for public exhibition purposes only, and shows sites where this draft DCP will amend the *Building Setback and Alignment map*.]
- (2) Where development does not utilise incentive building heights available under clause X.X of Sydney LEP 2012, upper level setbacks are to be in accordance with the *Building Setback and Alignment map* and *Building Street Frontage Height in Storeys map*.
[Public exhibition note: Figure 21 below is provided for public exhibition purposes only, and shows sites where this draft DCP will amend the *Building Setback and Alignment map* and *Building Street Frontage Height in Storeys map*.]
- (3) On Botany Road Precinct Opportunity Lands, where development utilises incentive building heights available under clause X.X of Sydney LEP 2012:
 - (a) where development comprises residential uses, upper level setbacks are to be in accordance with Figure 22; or
 - (b) where development comprises no residential uses, upper level setbacks are to be in accordance with Figure 23.
- (4) Where upper level setbacks are not identified in (2) or (3), buildings are to present a consistent street wall, with no upper level setback to the street frontage.
- (5) Sun shading devices to glazing on walls at the street alignment are permitted to project up to 0.6 metres beyond the building line subject to any required approval under the Roads Act 1997.

Figure 20: Primary Setbacks – for public exhibition purposes only



Figure 21: Upper Level Setbacks – for public exhibition purposes only



Figure 22: Upper Level Setbacks where incentive heights are utilised - Residential (Affordable Housing)

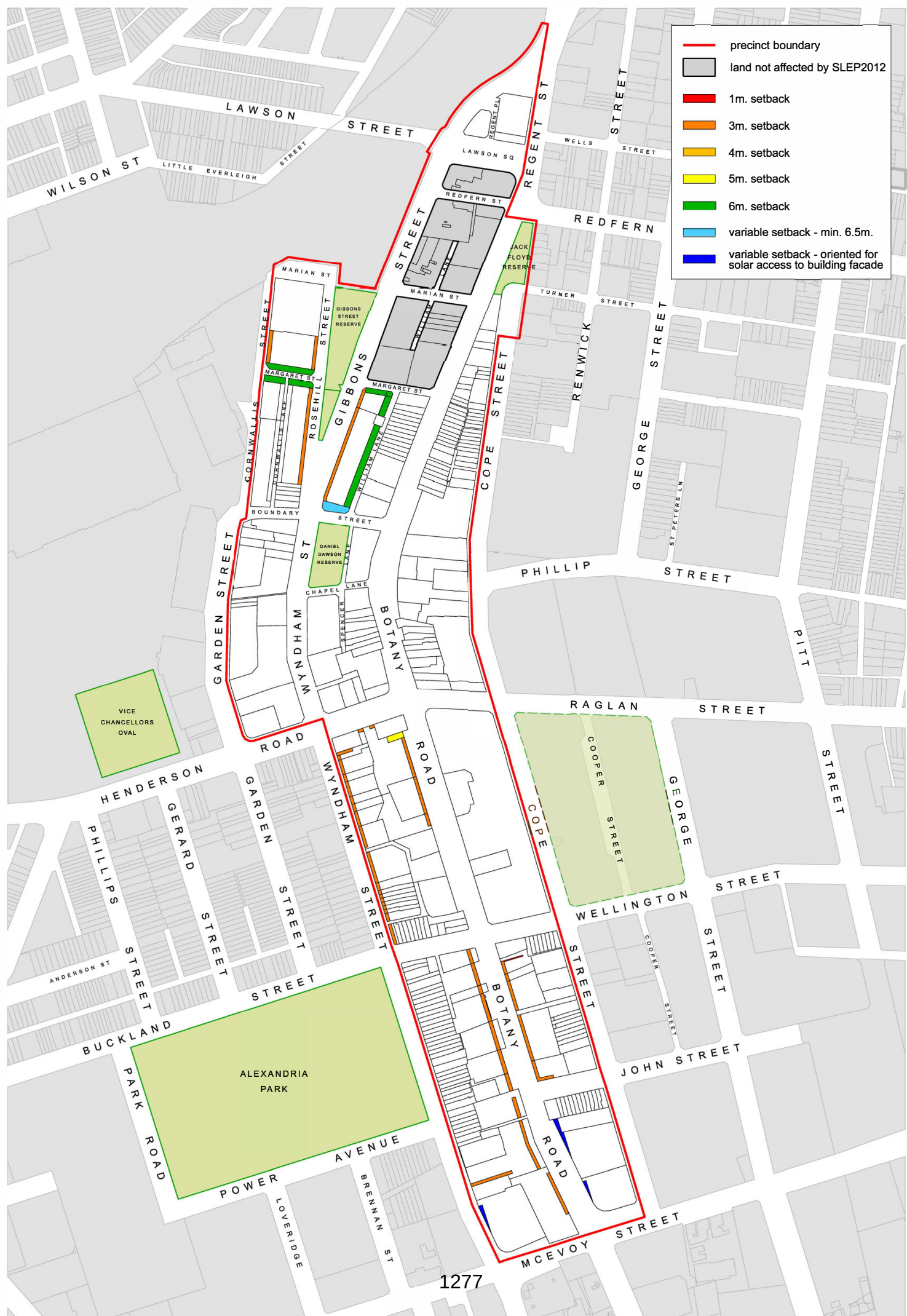
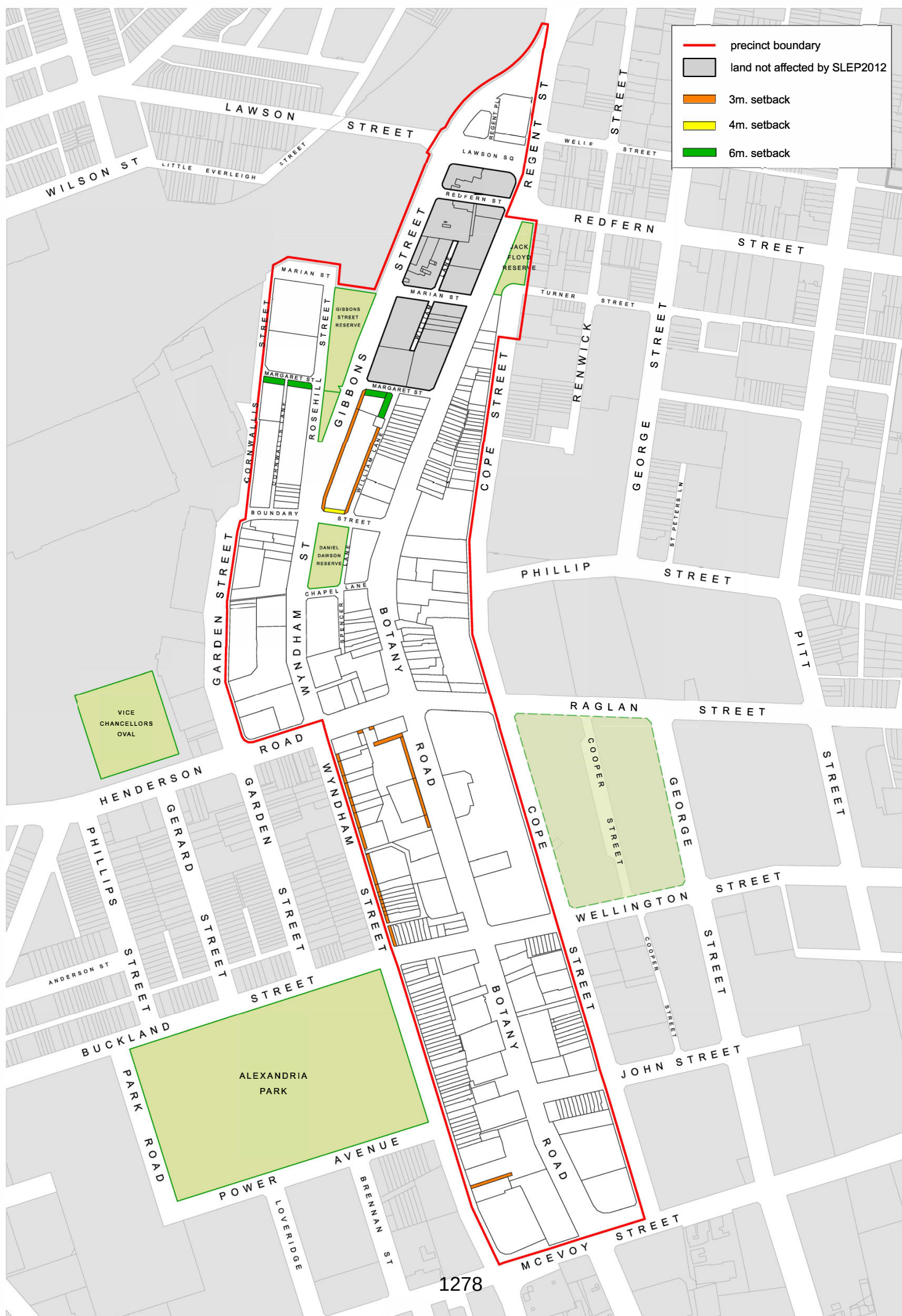


Figure 23: Upper Level Setbacks where incentive heights are utilised - Non-residential



5.X.4.3 Materiality and design

Objectives

- (a) Retain and enhance the low scale, fine and medium-grain main street character of Regent Street.
- (b) Ensure the materiality and design of new development contributes to the Precinct being an attractive employment area.
- (c) Ensure heritage items and surrounding heritage context is respected and protected.
- (d) Maximise the use of ecologically sustainable building materials in new development.

Provisions

- (1) Facades facing Regent Street are to be sympathetic to the materiality and diversity of design shown in properties covered by the Redfern Estate Heritage Conservation Area, including face or rendered brick in a variety of matching or complementary colours.
- (2) Where development is not facing Regent Street, facades are to be of face brick for at least 70 per cent of the first four floors. Face brick is to include brick detailing and articulation with a depth of at least 350mm.
- (3) Notwithstanding provision (2) above, structural timber framed buildings (with more than 50% of the structure as timber) are encouraged. Where structural timber framed buildings are provided, a glass curtain wall façade system may be employed.
- (4) The use of coloured panels or cladding to achieve visual interest is not permitted.
- (5) Buildings exceeding 45 metres continuous frontage are to employ different architectural expressions.

5.X.4.4 On-structure plantings

Objectives

- (a) Deliver increased green coverage in excess of that achievable with trees and ground level landscaping alone.
- (b) Improve thermal performance of buildings through passive cooling.
- (c) Ensure development supports biodiversity.
- (d) Ameliorate pollution impacts of main roads.

Provisions

- (1) All non-residential development in the Precinct is to provide green roofs, as defined in schedule 9 of this DCP.
- (2) Where green roofs accessible, they are encouraged to feature local endemic indigenous plant species, including edible species.
- (3) On-structure plantings cannot be relied upon to ameliorate predicted built form-induced wind impacts.

5.X.4.5 Public art

Objectives

- (a) Encourage public art on key sites to promote a sense of place and a distinct cohesive identity for the Precinct.
- (b) Promote the visibility of local Aboriginal and Torres Strait Islander community through public art.

Provisions

- (1) Any inactive walls, service cupboards and the like on ground level secondary and rear frontages should be designed to attract and showcase informal public art.

- (2) Corner sites, particularly those on major intersections, are encouraged to incorporate formal public art commissions by Aboriginal and Torres Strait Islander artists.
- (3) Development with a capital investment value exceeding \$10 million is to provide a detailed public art plan upon submission of a stage 2 DA, consistent with the City of Sydney Guidelines for Public Art in Private Development, and prepared by, or in consultation with, First Nations artists.

5.X.4.6 Energy and water efficiency

Provisions

- (1) On Botany Road Precinct Opportunity Lands, where development utilises incentive building heights available under clause X.X of Sydney LEP 2012, any BASIX affected development must exceed the BASIX commitments for water and energy by not less than 10 points for energy and 5 points for water.
- (2) Where a recycled water network is available, development is to be dual reticulated.

5.X.5 Connecting with Country

Note: Indigenous Cultural and Intellectual Property (ICIP) means the rights that Indigenous people have, and want to have, to protect their traditional arts and culture. ICIP includes but is not limited to the following rights:

- right to protect traditional knowledge and sacred cultural material;
- right to ensure that traditional laws and customary obligations are respected;
- right to be paid for use of ICIP;
- right to full and proper attribution or naming of the community connected with the ICIP;
- right to prevent insulting, offensive and misleading uses of ICIP in all media; and
- right to control the recording of cultural customs and expressions, and language which may be essential to cultural identity, knowledge, skill, teaching about Indigenous culture.

More information about ICIP is available from the Arts Law Centre of Australia website.

Objectives

- (a) Ensure local Aboriginal and Torres Strait Islander communities are consulted about major development in the Precinct.
- (b) Provide opportunities for collaboration and co-leadership with Aboriginal and Torres Strait Islander peoples in major development.
- (c) Maintain and enhance the social, cultural and economic presence of Aboriginal and Torres Strait Islander peoples, organisations and businesses in the area.
- (d) Maximise opportunities for acknowledging and continuing the social and cultural significance of “Aboriginal Redfern”.
- (e) Ensure development maintains and contributes to the Precinct having a place of belonging and pride for Aboriginal and Torres Strait Islander peoples.

5.X.5.1 All development

- (1) Development is to consider Indigenous inclusion, comfort and access in the design and operation of publicly accessible areas, including building forecourts, through-site links, retail spaces and hospitality venues.
- (2) Development is encouraged to consider opportunities for acknowledging and celebrating Aboriginal and Torres Strait Islander living cultures through art, performance, architecture, landscaping and other creative expression involving the engagement of suitably qualified Indigenous practitioners and respect for ICIP.
- (3) Development is to identify potential impacts, such as displacement, on Aboriginal and Torres Strait Islander people and organisations.

- (4) Where impacts are identified, development is encouraged to consult with the affected community with an aim to ameliorating or reducing impacts.

5.X.5.2 Major development

Major development and delivery of public domain in the Precinct is subject to Connecting with Country considerations and requirements.

Note: Major development means development defined as major development in Part 4 of the *City of Sydney Act 1988*.

- (1) Major development is to express acknowledgement of the Gadigal people as the Traditional Owners and custodians of the area through the design of built form and public domain.
- (2) Major development is to consider opportunities to revive and enliven pre-development landscapes and traditional uses of Country (including waterways and native vegetation) through design of built form, landscaping, public art and public domain, drawing on knowledge of Country held by local Aboriginal knowledge holders.
- (3) Major development is to contribute to strengthening the sense of Aboriginal and Torres Strait Islander community in the Precinct, and where possible create spaces for the community to meet and connect.
- (4) For major development, targeted consultation with the Aboriginal and Torres Strait Islander community is required to seek community views:
 - (a) on whether the proposed development impacts on existing or recent spaces or activities on the site, or on surrounding properties, that are important for Aboriginal and Torres Strait Islander communities;
 - (b) on whether consider the proposed development impacts on the wider context of the Precinct being a place of belonging and pride for Aboriginal and Torres Strait Islander people; and
 - (c) on how the development may best maximise the presence, visibility and celebration of Aboriginal and Torres Strait Islander peoples, organisations, businesses and living cultures.
- (5) Consultation is required with all relevant groups that may be affected by the development.
- (6) Consultation activities are to be designed and led by Indigenous-owned consultation advisories or by organisations with Indigenous consultation experience.
- (7) Development applications for major development are to include an Aboriginal and Torres Strait Islander consultation report, detailing pre-lodgement consultation activities, the outcomes of consultation, and measures to address issues and concerns raised in consultation. Any ICIP is to be respected and acknowledged in the report.
- (8) Development is to implement the recommendations of the report where they:
 - (a) have evidence of broad support from those consulted;
 - (b) are within the capacity of the development to deliver; and
 - (c) are commensurate with the scale of the development.

5.X.5.3 Aboriginal archaeology

Note: If the presence of Aboriginal archaeological relics is confirmed, an application for excavation or exemption permit may be necessary under the Heritage Act 1977.

Note: If impact to Aboriginal archaeological resources cannot be avoided, an application for an Aboriginal Heritage Impact Permit under section 90 of the National Parks and Wildlife Act 1974 may be required.

Objective

- (a) Ensure appropriate assessments are undertaken to identify and protect Aboriginal archaeological resources.

Provisions

- (1) All development in the Precinct, with reference to Figure 24 Aboriginal Archaeological Potential, resulting in excavation or subsurface disturbance is subject to an Aboriginal Objects Due Diligence Assessment in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales 2010.
- (2) If recommended by a Due Diligence Assessment, development is to undertake a Baseline Historical Archaeological Assessment and consult with the Metropolitan Local Aboriginal Land Council prior to any physical impact. Should this assessment or consultation confirm potential for archaeological resources an Historical Archaeological Assessment is to be undertaken.
- (3) On sites where Aboriginal archaeological resources exist, new development is to include appropriate interpretation of the local Aboriginal history relevant to the specific resources found. Appropriate interpretation means engagement of suitably qualified Indigenous historians or artists and respect for ICIP rights.

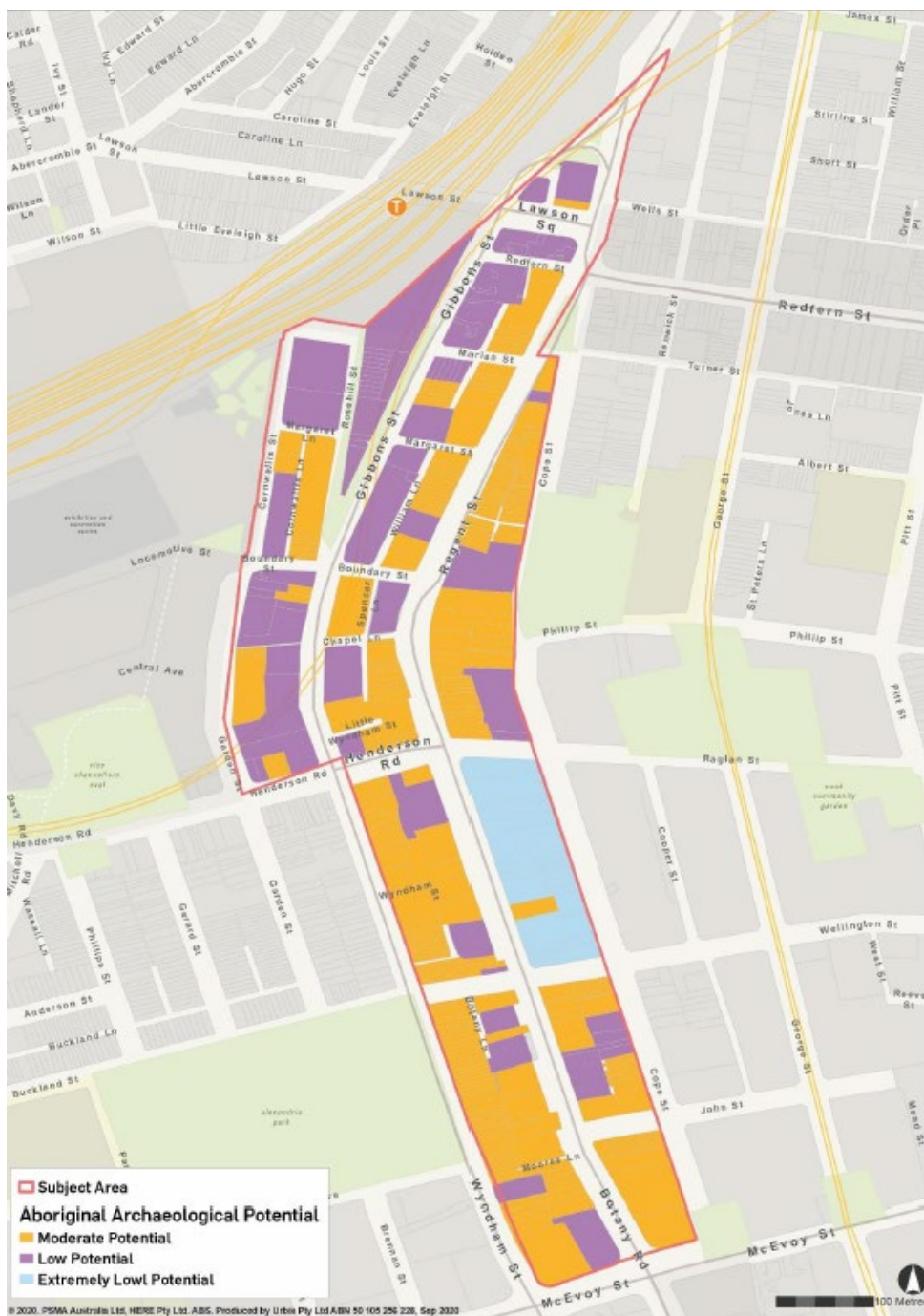


Figure 24 Aboriginal Archaeological Potential

5.X.6 Site-specific provisions

5.X.6.1 Redfern Estate heritage conservation area

Objectives

- (a) Ensure development is complementary with the unique built form characteristics of the heritage conservation area.
- (b) Ensure improvement and restoration of features that are contributory to the heritage conservation area is undertaken through redevelopment.
- (c) Focus new development on locations where it does not detract from the heritage conservation area.
- (d) Ensure development showcases “Connecting with Country” approaches in the context of a heritage conservation area.

Provisions

- (1) For existing buildings with pitched roofs, additional built form must be entirely set back from existing pitched roofs, at a depth equal to the existing rear gutter.
- (2) For other buildings, additional built form must be set back at least 2.5 metres from the existing frontage.
- (3) Terraces fronting Regent Street must have their ground floor and first floor balconies restored to original condition, including removal of detracting awnings, signage and fill-in walls, and replacement of detracting windows.
- (4) Extensions and additional built form must be distinctive from the existing heritage fabric and employ materials clearly distinguishable from the existing building.
- (5) New development is to reflect the siting, scale, lot size, subdivision pattern and street wall height of the existing building and adjoining lots.
- (6) Reflecting the Aboriginal, pre-colonial heritage of the local area and surrounds, and acknowledging Country through design, landscaping, on-structure planting and/or public art overrides non-Indigenous heritage to the extent of any inconsistency.

5.X.6.2 131 Regent Street, Redfern

Objectives

- (a) Ensure development delivers a landmark gateway building for Botany Road Precinct on a visually prominent site.
- (b) Culturally important public art is maintained, and opportunities for additional public art are provided on a visually prominent location.
- (c) Enhance the visibility of “Aboriginal Redfern” and the cultural recognisability of Botany Road Precinct.
- (d) Provide private open space adjoining Jack Floyd Reserve.

Provisions

- (1) Development is to maintain the “Spanish Mission” wall fronting Cope Street and provide a southern extension of the wall at a similar height, for the purposes of informal public art.
- (2) A public art strategy must be provided at Stage 2 DA stage detailing initial and ongoing management of the Cope Street public art site.
- (3) Open space is to be provided adjoining Jack Floyd Reserve.

5.X.6.3 44-49 Rosehill Street, Redfern

Objectives

- (a) Ensure development is capable of exhibiting design excellence.
- (b) Establish minimum benchmarks and design criteria to achieve ecologically sustainable development.

Provisions

5.X.6.3.1 Design Excellence Strategy

- (1) The following competitive design process must be completed before the lodgement of a detailed development application for the site:
 - (a) A competitive design process is to be undertaken in accordance with clause 6.21 of Sydney LEP 2012 for the entire site of 44-49 Rosehill Street, Redfern.
 - (b) The competitive design process is to involve a minimum of three invited competitors including at least one emerging architectural firm.
 - (c) The selection panel is to comprise a total of four selection panel members. The proponent is to nominate two selection panel members and the City of Sydney is to nominate two selection panel members.
 - (d) No additional height is to be awarded as a result of the competitive design process.

5.X.6.3.2 Sustainability

- (1) Development must be accompanied by a 6 Star NABERS Energy Commitment Agreement
- (2) Development must achieve a 6 star Green Star Design and As-built rating.
- (3) Development is to make use of hybrid timber structures.
- (4) Openable windows are to be incorporated into the facade design to permit passive ventilation.

5.X.6.4 74 Botany Road, Alexandria

Objectives

- (a) Ensure development is capable of exhibiting design excellence.

Provisions

5.X.6.4.1 Design Excellence Strategy

- (1) The following competitive design process must be completed before the lodgement of a detailed development application for the site:
 - (a) A competitive design alternatives process is to be undertaken in accordance with clause 6.21 of Sydney LEP 2012 for the entire site of 74 Botany Road.
 - (b) The competitive design alternatives process is to involve a minimum of three invited competitors including at least one emerging architectural firm.
 - (c) The selection panel is to comprise a total of four members. The proponent is to nominate two selection panel members and the City of Sydney is to nominate two selection panel members.
 - (d) No additional height is to be awarded as a result of the competitive design process.

Appendix 4

(g) Amend the *Building Contributions map* according to Figure 1 below.

Figure 1: Building Contributions

