

Attachment C

**Sydney Development Control Plan 2012
Policy and Housekeeping – Overview and
Explanation**

Sydney Development Control Plan 2012 – Policy and housekeeping – Overview and explanation



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Housing

Co-living and boarding houses

Changes are shown in DCP amendment #1

What is the context of these changes?

The type of housing that the “boarding house” land use, and this section of the DCP, refers to has changed markedly since the introduction of the DCP. More recently, the introduction of State Environmental Planning Policy (Housing) 2021 (the Housing SEPP) in 2021 introduced a new land use called “co-living housing” to refer to developments such as student accommodation, and defining “boarding houses” strictly as affordable housing managed by a community housing provider. These changes necessitate changes to the DCP to be consistent with the SEPP.

What are the proposed changes?

Section 4.4.1 ‘Boarding houses and student accommodation’ is proposed to be deleted and replaced with a new section titled ‘Boarding houses and co-living housing’, incorporating changes to existing requirements and reflecting changes imposed by the Housing SEPP.

- Referencing new land use definitions for co-living housing and boarding houses
- Including amenity standards for co-living and boarding houses for areas where the Housing SEPP does not apply
- Updating provisions for plans of management and managing local amenity impacts to reflect contemporary practice

Why are these changes important?

Referencing new land use definitions

The current DCP references boarding houses and student accommodation. As there has never been a land use definition for student accommodation, prior to the Housing SEPP any compact, ready-to-occupy housing with shared facilities has been assessed as a boarding house.

The Housing SEPP introduced co-living housing as a new land use definition that more accurately describes student accommodation, along with other compact, ready-to-occupy housing with shared facilities that are not necessarily for students. Boarding house has been re-defined to refer to as a type of affordable housing that is managed by a community housing provider. The two share many characteristics, including having compact individual rooms for occupants and shared facilities for amenity and recreation.

The Housing SEPP uses the term “private room” to refer to the private area exclusive for individual occupants in both co-living and boarding houses, and “communal living area” to refer to shared areas for recreation and amenity. Kitchen, bathroom and laundry facilities can be private, communal or a mix.

The proposed replacement DCP section uses these new land uses and terms as defined in the Housing SEPP to ensure consistency and applicability of the controls.

Including amenity requirements for co-living and boarding houses

The current DCP includes amenity requirements for boarding houses and student accommodation, however they are out of date compared to the types of housing that are being delivered as co-living and boarding houses today.

The Housing SEPP excludes the Apartment Design Guide from applying to boarding houses and co-living, and instead incorporates its own amenity requirements. However, sections of the Housing SEPP for co-living and boarding houses do not apply to large parts of the local area, including Central Sydney, Green Square, Ultimo-Pyrmont and the Southern Enterprise Area. Because the land uses are permitted in these areas, proposed updates to the DCP include amenity requirements to cover those land uses in areas not covered by the Housing SEPP.

The proposed amenity requirements draw on the amenity requirements in the existing DCP, the requirements in the Apartment Design Guide and the Housing SEPP, and the City's experience in both development assessment and compliance management with boarding houses and student accommodation in the local area.

Introducing residential waste management guidelines

The waste management controls have also been updated to reflect the fact that these developments are serviced by the City's residential waste collection service. The updated controls require waste management plans and collection points be designed in accordance with the City's DCP, the Guidelines for Waste Management in New Developments and the Waste Management Local Approvals Policy. Previously the DCP assumed private waste collection arrangements would apply.

Flexible and adaptable dwellings

Changes are shown in DCP amendment #2.

What is the context of these changes?

As apartments become the dominant form of housing in the city, the Housing Strategy (Action 3.1) recommended changes to the planning controls to make apartments more suitable for a wider range of families, households and people. A May 2021 Council resolution to investigate incorporation of the recommendation of the Cities for Play submission has also informed this amendment.

What are the proposed changes?

Section 3.12.2 'Adaptable dwelling mix' is proposed to be removed, and Section 4.2.3.12 'Flexible housing and dwelling mix' is proposed to be removed and replaced, incorporating changes to existing requirements and introducing additional requirements for dwelling mix.

Edits are proposed to Section 4.2.3.8 'Common open space' and 4.2.3.3 'Internal common areas' introducing additional requirements for common areas in apartment buildings. The proposed changes include:

- Changing dwelling mix requirements to support more housing diversity
- Introducing new requirements for dwellings suitable for families with children
- Introducing new requirements for common areas and communal open space in apartment buildings to better meet the needs of families with children and people with disability
- Introducing Livable Housing Design (LHD) Guidelines for apartments, including for adaptable dwellings to meet the LHD Platinum level

Why are these changes important?

Changing dwelling mix requirements

The DCP currently requires residential development deliver a certain mix of dwelling sizes, expressed in number of bedrooms per dwelling. The intent of the control is to ensure that new development provides a broad range of housing types to suit a diversity of household composition over time.

The current requirement is that studios and 1 bedroom apartments can constitute up to 40% of dwellings, and 2 bedroom, 3 bedroom or larger apartments must make up at least 60% of dwellings. Within this broad split there is also a maximum of 75% 2 bedroom apartments, and minimums of 10% 1 bedroom and 10% 3 or more bedroom apartments.

Actual new dwelling delivery since the 2015/16 financial year has shown the following average mix:

- 4% Studio
- 31% 1 bedroom
- 52% 2 bedrooms
- 14% 3 or more bedrooms

The dominance of 2 bedroom apartments, and relatively low proportion of studios and 3 or more bedroom apartments has implications as to whether new housing is suitable for a wide diversity of households. The Local Strategic Planning Statement includes an action to increase the mix of dwelling types, tenures and sizes to support a diverse community.

Census data has shown that the number of children living in 2 bedroom apartments reduces by over half between the 0-4 year age bracket and the 5-9 age bracket, and further third by the 10-14 age bracket. This suggests that while 2 bedroom apartments are tolerable by families with children under 4, as the children grow older families move to other housing types.

To partly address this, the dwelling mix requirements are proposed to be adjusted to support increased delivery of dwellings other than 2 bedroom apartments. The minimum of 3 or more bedroom dwellings is proposed to increase from 10% to 20%, and the cap of 40% on studios and 1 bedrooms is proposed to be removed. The upper limit of 2 bedroom dwellings is proposed to be reduced from 75% to 50%.

Under the proposed requirements, development can provide between 30% and 80% studios and 1 bedroom dwellings, between 20% and 70% 3 or more bedroom dwellings, and between nil and 50% 2 bedroom dwellings.

The existing exemptions for small apartment buildings with less than 20 dwellings, affordable rental housing, boarding houses and co-living developments is proposed to be retained so these developments can provide any mix of dwellings.

Dwellings suitable for families with children

In addition to changes to dwelling mix, design requirements for 3 or more bedroom apartments to ensure they are designed and located in ways more suitable for families with children are proposed to be introduced to the DCP.

The proposed requirements apply to dwellings that are on the ground floor, and those on the same floor as communal open space if that is not on the ground floor. All dwellings located in these areas would have 3 or more bedrooms under the proposed controls, and in addition feature the following design requirements:

- At least two bedrooms 12 square metres in size
- A separate laundry room
- A bath with 500mm clear space on one side

These requirements interact with the proposed 20% minimum dwelling mix for 3 or more bedroom apartments in two ways:

- If more 3 or more bedroom apartments are required under the dwelling mix requirements than can be accommodated on the ground floor and communal open space level, they can be provided anywhere in the development and are not subject to the above requirements.
- The requirement for dwellings on the ground floor and communal open space level to have 3 or more bedrooms, with 2 bedrooms 12 square metres in size, does not override the dwelling mix requirements. Any dwellings on the ground floor or communal open space level in excess of the 20% minimum may have a smaller number of bedrooms. However, the requirements for a laundry room and bath remains for all dwellings in those locations, regardless of size.

These proposed amendments are intended to address the current situation whereby many 3 or more bedroom apartments delivered under the current dwelling mix requirements are penthouses, which are much larger and more expensive than a standard 3 bedroom apartment, and less conveniently located for families with children than apartments on the ground floor or adjacent to communal open space.

Child friendly common areas

A new provision is proposed in Section 4.2.3.8 'Common open space', requiring the design of a portion of the common open space within apartment buildings to provide play space suitable for children. The provision requires development with up to 20 dwellings to cater for 0-5 year olds, and for larger development to also provide play space for 6-10 year olds.

The play space provision includes requirements for features to include, such as age appropriate play equipment, planting and nature play, and for larger developments include a toilet, change facilities and communal toy storage room.

Section 4.2.3.3 'Internal common areas' is also proposed to be amended to specify minimum corridor widths. The existing provision specified 2 metres width in front of lifts, which is retained, and is now supplemented with clear width requirements of 1.2 metres for corridors up 6 metres long, and 1.55 metres for corridors over 6 metres long. This will ensure internal corridors are more suitable for people with prams and wheelchair users.

Livable Housing Design Guidelines

Two proposed amendments involve adopting the Livable Housing Australia's *Livable Housing Design (LHD) Guidelines* to ensure new dwellings are designed with a widely agreed level of adaptability and accessibility for people with varying and changing needs, including ageing and disability. In practice, improving adaptability and accessibility means reducing steps where possible, providing sufficient space in the bathroom, ensuring doorways are sufficiently wide, and enabling future adaptations such as grabrails.

Part of the 2022 update to the National Construction Code includes adopting the adaptability and accessibility requirements based on the LHD Silver level guidelines. NSW has obtained an exemption from this part of the NCC 2022, so this requirement does not apply to development in NSW.

The City has reviewed the reasons for the Australian Building Codes Board recommending the adoption of LHD Silver level as a baseline standard and is now proposing to adopt it for dwellings in the local area. This will align housing standards in the city with the rest of Australia (outside NSW), and will ensure all new dwellings – including more affordable dwellings – can provide a much improved quality of life for residents. The benefits of LHD Silver level dwellings apply to those with an existing disability who need to find suitable housing, existing residents who acquire a disability or have a major health change, young people who may otherwise be required to prematurely enter aged care, and people who age and require accommodations over time.

In addition to requiring LHD Silver level as a baseline standard, the City is proposing to adopt LHD Platinum level for designated "adaptable" dwellings. The current DCP requires a certain proportion of dwellings be designed as adaptable dwellings, and refers to an unspecified Australian Standard to determine the design criteria. The proposed amendment will require adaptable dwellings be built to the LHD Platinum Level, which is a more consistent standard will ensure greater usefulness and applicability to people's needs.

In addition to the LHD Platinum standard, it is proposed to add a reference to the Australian Standard for circulation at internal doorways. In the City's analysis of the LHD standards, it was identified that a mechanism to enable mechanically opening and closing internal doors created an unintended outcome of reducing accessibility through doorways. Applying the Australian Standard criteria in addition to the LHD standard will ensure that adaptable dwellings have the highest internal accessibility.

Greening Sydney

Urban ecology – Landscaping and tree management

Changes are shown in DCP amendment #3.

What is the context of these changes?

The DCP currently includes planning controls for landscaping in new development and management of existing trees. In July 2021, the City's updated Greening Sydney Strategy was adopted, which includes actions for updating the planning controls to support urban greening in development. Updates to the Urban Forest Strategy, Street Tree Master Plan and Tree Management and Donation Policy are also being made to support the new Greening Sydney Strategy and the proposed DCP controls.

The new strategies, and these proposed DCP controls, recognise the importance of urban greening in reducing urban heat impacts, improving air quality, reducing water runoff and stormwater pollution, and improving the appearance, economic value and liveability of the city.

What are the proposed changes?

Sections 3.5.2 'Urban vegetation', 3.5.4 'Canopy trees and deep soil' and 3.5.3 'Tree management' are proposed to be removed and replaced, incorporating changes to existing requirements and introducing new requirements for deep soil, canopy cover and tree management. Section 3.5.1 'Landscaping' is proposed to be introduced, with new standardised requirements for landscaping to apply to all development. Equivalent sections in Section 4 and Section 5 are proposed to be deleted, unless the site-specific provisions are required to be different from the general criteria.

Most of the provisions do not apply to development in Central Sydney, local centres or sites with an active frontage control. The proposed changes include:

- Changes to consolidate deep soil, landscaping and biodiversity requirements into Section 3 to apply to all development, and delete redundant content elsewhere in the DCP
- Clarifying the type of development required to prepare a landscape plan, and standardising the required contents of landscape plans
- Replacing the canopy cover target with specific tree planting and deep soil area requirements, and an equivalent green roof area translation rate
- Revising tree management requirements to support the growth of existing canopy

Why are these changes important?

Consolidation into Section 3

The proposed amendments to Section 3.5 'Urban ecology' will result in detailed and comprehensive controls for deep soil, landscaping, canopy cover and tree management that applies to all development. The parts of the DCP for certain development types and site-specific controls will typically no longer require controls for these issues, and so they are proposed to be deleted. Certain controls are proposed to be retained where they serve a crucial role in place-based planning.

Landscape plan requirements

The DCP currently requires a landscape plan be prepared, however it does not include guidance over the types of development that should provide them, at what level of detail, and specific inclusions. The proposed amendments will enable more appropriate plans with standardised content to be provided in development applications, allowing for more efficient assessment.

The proposed new controls are more tailored, requiring only development that involves a change in site coverage or works to landscaped areas to prepare a plan. They also allow a landscape designer to prepare a plan for development under \$1,000,000 with a landscaped area of less than 75 square metres, and require a landscape architect to prepare a more detailed plan for development over that capital investment value and landscaped area.

The proposed changes to landscape plan requirements do not involve new controls regarding landscaping, but the additional detail required will allow compliance against existing controls, and proposed new controls in other sections, to be assessed accurately.

Tree planting, deep soil and green roof size requirements

The DCP currently requires development provide at least 15 per cent canopy coverage within 10 years of completion of the development. Meeting this control requires trees be planted in new development, and appropriate deep soil provided to enable these trees to grow and fill the canopy coverage target. However, as this is not specified in the DCP, the City can only provide advice and negotiate with proponents in the development assessment process to ensure the requirement is met. This can result in uneven outcomes, and tree planting being considered less important than other development outcomes.

The City of Sydney Urban Forest Strategy identifies a target of 27% tree canopy cover by 2050. Meeting this target requires private development contributes tree planting and canopy coverage, as well as tree planting on public lands.

The proposed controls specify minimum areas of deep soil, and the minimum number and size of tree, for different land uses and site areas. The canopy coverage target is proposed to be removed, as these requirements will result in the required canopy coverage. Dwelling houses on small lots typically do not have a requirement for deep soil or tree planting, whereas other uses and larger lots are required to provide deep soil and trees to contribute to the City's overall canopy cover target.

Where the required trees are not able to be accommodated on a development site for any reason, more smaller trees, or a green roof, may be an appropriate substitution. To facilitate a fair substitution based on biodiversity and urban cooling effects, the proposed controls provide a conversion rate between tree sizes, and between trees and green roof area.

Revising tree management

The DCP currently includes provisions for when a permit or development consent is required to remove or significantly alter an existing tree. The current provision includes an outdated reference to clause 5.9 'Preservation of trees or vegetation' in Sydney LEP 2012. This Standard Instrument clause was replaced by State Environmental Planning Policy (Biodiversity and Conservation) 2021, Part 2.3 'Council permits for clearing of vegetation in non-rural areas', so the proposed new controls update this reference and ensure the provisions are consistent with the new SEPP.

The proposed controls strengthen and clarify existing controls to ensure they are more consistently understood and applied. The list of tree species that may be removed without a permit or consent is also proposed to be updated to reflect the City's latest urban forest strategy.

Urban ecology – Ecology and habitat protection

Changes are shown in DCP amendment #3. Maps are shown in "Urban Ecology" in the DCP Map Book.

What is the context of these changes?

Development impacts biodiversity through changes to habitat and land use. Supporting biodiversity connections has important benefits to critical ecosystem services and improving community health and wellbeing. While the City supports biodiversity on public land, private land plays an important role, particularly in providing corridors and connections across the wider area.

The DCP currently includes requirements for urban ecology in Section 3.5, however they do not prioritise enabling movement of species across landscapes. The proposed new requirements emphasise protecting existing habitat, providing new habitat, and supporting biodiversity linkages and connectivity between habitat on private and public land.

What are the proposed changes?

Sections 3.5.1 'Biodiversity' and 3.5.3 'Urban ecology and habitat' are proposed to be removed and replaced, incorporating changes to existing requirements and introducing new requirements for ecology and biodiversity. The changes include:

- Mapping biodiversity corridors to identify properties that will be subject to additional requirements
- Introducing requirements for habitat protection, landscaping and planting in mapped areas
- Introducing external lighting requirements for all properties to reduce impact on wildlife
- Introducing requirements for glazing near significant parks and waterways to reduce bird strikes. These requirements do not apply to single dwellings.
- Introducing a new requirement for certain development to undertake an ecological assessment

Why are these changes important?

Mapping biodiversity corridors

The DCP does not currently have controls for supporting green corridors and habitat connectivity in development. Structural connectivity (space) and functional connectivity (habitat features) are important for supporting the long term viability of species, particularly in the fragmented habitats of inner urban areas such as Sydney. Because most of the opportunity for habitat connections exists on private land, it is important for planning controls to identify sites that are important for providing connectivity, and include certain requirements for landscaping and habitat features on those sites when they undergo change during development.

Proposed new DCP maps identify key habitat areas such as major parks and rivers, and biodiversity corridors that form linkages across the wider area, including key habitat areas outside the local area. Studies have recorded species in the corridors and found a high potential to improve habitat. The corridors typically feature, or are adjacent to, smaller parks, active recreational areas, schools, rail corridors, dwellings with backyards and other development types that have green open space.

The maps are shown in the Urban Ecology section of the DCP Map Book.

New habitat and landscaping controls for mapped sites

New provisions for landscaping and providing habitat features are proposed for sites identified in the biodiversity corridor maps.

On biodiversity corridor identified sites, the landscape code guides plantings and habitat features in existing required setback areas, adjoining neighbouring landscaped areas, or as "habitat stepping stones" – isolated habitat features that help bridge gaps in the biodiversity corridor.

The City's Landscape Code is proposed to be updated to include habitat features, which can be chosen to meet the proposed new requirements. Examples include nest blocks, log piles and bird boxes.

Sites identified on the biodiversity corridor maps are also encouraged to use wildlife friendly fence designs to allow for the passage of small fauna. The updated Landscape Code includes guidance on appropriate fence designs.

Glazing treatments to reduce bird strike

In addition to key habitats and biodiversity corridors, the maps are also proposed to include high bird strike incidence areas. These are locations that are near large bodies of water and bird habitats, and are at a high risk of birds flying into large areas of glazing and dying.

Window treatments to prevent bird strike are proposed to be required for sites in high risk areas. Treatments can include UV patterning, patterning with adhesive film or acid etching and external shading devices, on the first three levels of the building. This requirement will not apply to applications involving single dwellings or heritage listed buildings.

Ecological assessment requirements

Certain development has additional potential for biodiversity impact and habitat disturbance. These include sites that have been vacant for a long time, sites that have existing high quality habitat vegetation and habitat features, and large sites.

Without preventing development on these sites, the proposed new controls will require an ecological assessment be undertaken to understand the species present on the site, and outline mitigation measures to protect species during the construction process and retaining or replacing key habitat vegetation and features in the new development.

Parking

Parking – general

Changes are shown in DCP amendment #4.

What is the context of these changes?

Section 3.11 and Schedule 7.8 include the parking-related DCP controls. Along with the changes proposed to specific subsections, changes are proposed across the sections as part of modernising the DCP. This part of the report deals with the structural and miscellaneous changes that do not fall into a specific subsection.

What are the proposed changes?

Miscellaneous amendments are proposed to Section 3.11 and Schedule 7.8 to correct errors, update references, reflect real world practice in development assessment and improve the usability and functionality of the DCP. The changes include:

- Restructuring and editing Section 3.11 and Schedule 7.8 including moving objectives to sub-sections, editing objectives to better relate to relevant provisions, removing redundant provisions and outdated references, and consolidating sections with similar provisions
- Updating controls for mechanical parking installations
- Updating the pickup/drop off parking requirements for child care centres so they align more closely with the existing LEP parking controls
- Strengthening an existing requirement to reduce the loss of on-street parking for new driveways

Why are these changes important?

Restructuring and editing

In order to improve the usability and strength of the DCP, proposed amendments to Section 3.11 and Schedule 7.8 involve reducing the length of the sections, cutting down sub-sections, re-writing unclear provisions and removing obsolete and redundant provisions.

The proposed amendments remove the overarching objectives in the preamble to Section 3.11, and introduce objectives into sub-sections to support each provision. These objectives will allow flexible interpretation of provisions while ensuring the meaning behind the controls is supported.

Provisions are proposed to be removed where they are covered by another DCP or LEP control, are not useful in development assessment, and when the objectives of the controls are handled in a better way than development assessment.

Two sub-sections are proposed to be removed, with any relevant provisions moved to other sub-sections. Requirements in Section 3.11.14 'Parking area design' and Section 3.11.8 'Bus parking' not already covered in other places are proposed to be incorporated into Section 3.11.4 'Vehicle parking'.

Mechanical parking installations

Car lifts, tandem and stacked parking, and other mechanical parking solutions can require cars to queue before they become available. This can result in unsafe queuing over footpaths, public areas and public roads.

The City already requests modelling of peak queue lengths to ensure on-site waiting bays are usually sufficient to accommodate cars without reliance on the public domain. This amendment

makes it a requirement to undertake this modelling, and includes reference to a consistent methodology to be used, the Austroads Guide to Traffic Management Part 2: Traffic Theory (AGTM02-15).

A new proposed control requires all queuing areas to be located on-site.

Clarifying the visitor parking requirements for child care centres

The DCP schedules contain a requirement for pick up and set down parking at child care centres. It requires 1 long term visitor parking space, plus 1 short stay parking space per 8 children. This requirement is positioned as a minimum rate, with criteria where less parking may be acceptable by the consent authority.

The provision is proposed to be updated to reflect the maximum parking rates in Sydney LEP. The LEP has a maximum rate of 1 car parking space plus 1 per 100 sqm of GFA for child care centres. As with every land use, there is no minimum requirement for parking.

1 space per 8 children would result in a higher rate than the LEP rate of 1 per 100 sqm of GFA, considering a rate of 10 sqm of GFA per child. To align with the LEP, a suggested rate of short stay visitor parking is proposed of 1 per 10 children. This aligns with the NSW Government's Child Care Planning Guideline, which suggests 1 short stay visitor parking space per 10 children on sites with public transport access.

Under the City's maximum parking rate system, no minimum amount of parking is required, and less parking than the rate expressed in the controls is permissible. This allows proponents to reduce the amount of visitor parking to reflect the anticipated public and active transport mode share. It also allows the proponent to flexibly allocate parking to visitor parking and parking for staff within the overall maximum rate. This is also consistent with the Child Care Planning Guideline, which acknowledges that visitor parking rates can be reduced below the 1 per 10 children rate in the B8 (now SP5) Metropolitan Centre zone and other high density areas.

A note is proposed to be added to reference the LEP maximum rates in order to clarify that the amount of parking cannot exceed the rate in the LEP, and that no minimum amount of private parking is required under the planning controls.

Parking - Bicycle parking

Changes are shown in DCP amendment #4.

What is the context of these changes?

The DCP has existing controls for the quantity and design of bicycle parking and end of trip facilities in new development. The proposed changes aim to improve outcomes in residential development, and respond to the results of City research into preferred types of bicycle parking, feedback about the way some controls are expressed, and a Notice of Motion dated 27 July 2020 regarding enabling more bicycle parking in existing developments.

What are the proposed changes?

Section 3.11.3 'Bike parking and associated facilities' is proposed to be removed and replaced, incorporating changes to requirements, updating controls in line with existing policy and approach, and redrafting existing controls without changing their meaning. The proposed changes include:

- For most residential development, changing the existing requirement for "Class A" bicycle lockers or a general purpose storage unit with a "Class B" shared lockable area in an easy-to-access location for all bike parking
- Introducing an exemption for supported and short term emergency housing, where any bicycle parking would be assessed on merit

- Replacing staff-based rates of bike parking provision with GFA-based rates for certain land uses
- Changing the land uses in the bike parking rate provision table with higher order LEP land uses, and removing land uses that are not assessed against the DCP such as education
- Increasing the rate of provision of lockers in non-residential from 1 to 1.25 per bike parking space
- Adding references to relevant Australian Standards and an Austroads research report for bike parking design, including for converting an existing car parking space to bike parking
- Including new provisions for drop off bicycle parking at childcare centres

Why are these changes important?

Class B bike parking areas in residential buildings

Currently the DCP requires residential development provide “Class A” individual bike lockers at a rate of one per dwelling, or if a general purpose storage unit is provided, no separate bike parking for that dwelling.

Individual bike lockers are very high security and according to the Australian Standard are suited to extended storage of individual bicycles in the public domain. When they are provided in the basement parking areas of residential buildings they can be placed in inconvenient locations, including multiple levels below ground, and do not enable residents to easily access their bike and start their trip. General purpose storage units have the same outcome.

City-commissioned research show a clear preference to “Class B” parking, which are rooms or caged areas with shared bike parking. These are currently required for commercial buildings and are provided near the entrances of some train stations. Because they are a shared area they are less secure than an individual bike locker, however they are typically provided in more high visibility locations, and can incorporate security features such as managed access and CCTV. Class B facilities ensure all bike parking is provided in a convenient single location, close to the entry point of the building, lifts and end of trip facilities, and are typically easier to use when storing and retrieving a bicycle.

Supported and short term emergency housing are proposed to be exempted from such requirements.

Replacing staff-based rates with GFA-based rates

The rates of bike parking provision for certain land uses are proposed to be changed. Certain land uses have rates of bike parking provision expressed as “1 per 10 staff”, reflecting a 10% mode share of cycling. This is proposed to change to the equivalent GFA-based rate, as GFA is typically well known at DA stage, but estimating the number of staff can be difficult. The equivalent rate is drawn from average work space ratios of the land uses concerned, which comes from Floor space and Employment Survey (FES) data, combined with the same expected 10% mode share.

Updating land use types to higher order LEP definitions

The land uses referenced in the rates of provision table are proposed to change. Currently, the land uses include development that is not subject to the DCP because they have overriding state planning controls, including child care centres and tertiary educational institutions. These are proposed to be removed as they serve no purpose. Other land uses are unnecessarily specific, such as “pub”, which may not be consistently applied to other related uses that have no rate of provision specified. These land uses are proposed to be replaced by broader, higher order LEP land uses that can apply to a greater range of related developments, such as “food and drink premises” and “artisan food and drink industry”.

Increasing the rate of locker provision

Currently the DCP requires non-residential development provide a locker for clothes and personal items be provided at a rate of one per bike parking space. However, this does not account for non-bike active transport modes that may also require the use of a locker such as walking and running.

To ensure enough lockers are provided for all active modes the rate is proposed to be increased to 1.25 lockers per bike parking space.

Australian Standards and Austroads references for bike parking design

References to Australian Standard AS2800.3:2015 'Bicycle parking' and Austroads Research Report AP-R527-16 'Bike Parking Facilities: Guidelines for Design and Installation' are proposed to be included to ensure bike parking facilities are well designed and meet people's needs. Currently the City refers to these documents in the referral stage of the development assessment process, and including them in the DCP will ensure their consideration at an earlier stage in the design process.

The Australian Standard also includes instructions for converting an existing car parking space to up to three bicycle parking spaces in a safe and convenient manner. Adding reference to this standard in the DCP will support a proposed LEP amendment that will make installing bicycle parking devices exempt development, intended to deliver more bike parking in existing developments.

Parking - Electric vehicle charging

Changes are shown in DCP amendment #4.

What is the context of these changes?

Electric vehicles are increasing in take-up and popularity, and the ability to easily charge up at home and at destinations is one of the most cited considerations for consumers deciding whether to purchase an electric vehicle. To encourage the electrification of vehicle fleets in the City, and ensure development meets the needs of its occupants into the future, new requirements are proposed.

The proposed requirements balance the benefits of electrification with the additional construction costs and embodied carbon associated with provision of charging infrastructure. They aim to overcome barriers associated with communal management of car parks in residential and commercial buildings. They also fit within a broader policy of reducing private car ownership, including private electric vehicles, and supporting electrification of all vehicle fleets.

The latest update to the National Construction Code (NCC) introduces minimum requirements for providing electric vehicle charging infrastructure in car parks. The minimum requirements speak to electrical distribution board placement and capacity, which are details the DCP typically does not cover. The proposed DCP controls take the new NCC requirements as an assumed baseline level of infrastructure.

These proposed controls respond to the 28 June 2021 Resolution of Council for Zero Emissions Transport. The relevant action is "the Chief Executive Officer be requested to (i) prepare and report to Council draft planning controls in Sydney Development Control Plan 2012 requiring new development to be 'electric vehicle ready' with car parking spaces enabling individual electric vehicle charging."

What are the proposed changes?

A new section within Section 3.11 'Transport and Parking' is proposed, called Section 3.11.16 'Electric vehicle charging'. The new section is proposed to introduce new objectives and requirements. The limited existing mentions of electric vehicle charging in Section 3.6 'Ecologically Sustainable Development' are proposed to be removed. The changes include:

- Introducing a requirement for cable trays to service all parking spaces
- Introducing requirements for proportions of certain parking spaces to be equipped with certain types of electric vehicle chargers
- Establishing criteria for electric vehicle chargers delivered for communal building ownership

- Establishing criteria for electric vehicle chargers intended for use as a public amenity
- Establishing objectives and provisions for on-street private electric vehicle charging, as enabled by NSW planning rules

Why are these changes important?

Cable trays to service parking spaces

An update to the National Construction Code introduces requirements for power supply to distribution boards on each level of car parks. It also requires clear space to be provided to install cabling from the distribution boards to each parking space. This is to allow future occupants (residents or businesses) to install their own charger when they need one in future, without having to make major changes to the building's electrical infrastructure.

However, the NCC does not include a requirement to provide conduit from the distribution board to within a reasonable distance of parking spaces. The first occupant to install a charger in each area of the car park would therefore bear the cost of installing conduit, and have to seek building owner or strata approval with a by-law or similar, for infrastructure that would benefit other occupants in the same area of the car park installing a charger later. This represents a "first mover disadvantage" and would be a significant barrier to uptake.

To overcome this, new requirements in the DCP are proposed that would require cable trays be provided to connect each distribution board to within 10 metres of each car parking space. The DCP does not require wiring be provided in the cable trays, only that they be sized appropriately to accommodate wiring to all the parking spaces they serve. Future occupants will provide the wiring between the distribution board and their parking space, along with the necessary conduit between their parking space and the cable tray, and the charger itself. Because of the limited impact of these works they would not require a complicated approval process with strata or the building manager (such as a by-law), and there is no disadvantage to occupants whether they are the first in the car park area or the last to install a charger.

The proposed controls allow an alternative solution to cable trays as long as they can demonstrate the same ease of use for future occupants, and have the additional benefit of being provided within 5 metres of each car parking space.

Equipping certain parking spaces with electric vehicle chargers

The proposed controls will require chargers to be fitted in a proportion of visitor parking, parking in boarding houses and co-living, car share bays, service vehicle parking spaces, and a small proportion of occupant parking in non-residential uses.

The benefits to the wider community of having chargers in these types of bays are much higher than the incentives for a building owner or owners corporation to do so. They would have the benefit of encouraging electrification of carshare vehicles and freight and delivery vehicles, reducing "range anxiety" in the wider community and hence encouraging uptake of electric vehicle ownership by providing charging at destinations, and providing charging facilities for renters and transient populations living in co-living and boarding house developments. The City's analysis shows most workers who drive to work will not need to charge their car at their destination, so having chargers to a small proportion (10%) of occupant parking spaces in non-residential development will meet most needs.

The requirements are proposed to include some details about the chargers provided, including whether they are in common property ownership or ownership of the parking space, and whether they are a standard Level 2 charger or a three phase charger with faster charging.

Criteria for chargers in common property ownership

For those electric vehicles that will be in common property ownership, the proposed DCP controls include criteria to ensure they are suitable for public use and do not have negative externalities. They are to have a user-pays payment system so they are not burdening the building owner with the costs of electricity consumption, and be supplied by 100% renewable energy.

Criteria for community electric vehicle chargers

The DCP defines criteria for “community electric vehicle chargers”. These are publicly accessible, rapid chargers that developers may provide as part of a public benefit offer, as an attractor for customers and visitors to the development, or as a business opportunity. The DCP is not proposed to include a minimum requirement for them to be provided, however a proposed LEP amendment will ensure they do not count towards the maximum parking limit or to the gross floor area maximum.

The criteria are proposed to manage the possible negative externalities involved with their over-delivery, and to ensure they are a genuine public benefit when provided. They cannot have third party advertising, and they must be genuine Level 3 or Level 4 rapid chargers with at least 50kW DC delivery and common charging standards, to ensure they are a useful amenity for public use and not a proprietary or ad-supported service. Just like all common property chargers, they must have a payment system and be powered by 100% renewable energy.

Although the stringent requirements for the chargers will impose an upper limit on the number provided, in order to manage unintended consequences of overprovision of these parking spaces, a maximum rate is proposed to be added to the DCP. The maximum rate is proposed to be 1 per 30 residential car parking spaces, and 1 per 10 non-residential parking spaces. This calculates to up to approximately 2-3 spaces in a typical residential building, 5-7 spaces in a large commercial office building, and 9-10 spaces in a shopping centre.

To account for developments that provide less or no private parking than the LEP maximum, the rate is based on the maximum in the LEP rather than the number of spaces actually delivered.

On-street private electric vehicle chargers

A recent amendment to State Environmental Planning Policy (Transport and Infrastructure) 2021 designates certain types of electric vehicle charging units in the public domain as development permissible with consent. The SEPP contains provisions to describe the units permissible under this section, including that they are fully retractable underground, cables are installed underground, the unit is only for personal use, and located in the public space between the owner’s premises and an on-street parking space.

The provision is to support residents installing a charger for their personal use, where they do not have off-street parking. The City’s Neighbourhood Parking Policy does not designate any public on-street parking for the exclusive use of any resident, so residents who install a charger will not necessarily have access to it in the adjacent parking space.

As the SEPP makes the installation permissible with consent, a development application will be lodged with the City for assessment. Currently the DCP has no objectives or provisions to guide this assessment, so they are proposed to be added.

The proposed controls ensure that an installation does not compromise the primary function of the public space between private houses and on-street parking, which is pedestrian access on the footpath, and urban greening within a landscaped verge. Removal of a tree or significant landscaping is not permissible to enable a charger. The controls also establish a minimum clear path of travel, and clearances to typical street furniture and obstructions, to ensure an installation does not impede on safe and dignified pedestrian accessibility. Charger must also have a colour and luminance contrast to the surrounding surface to ensure they are visible to people with low vision.

In line with the other criteria for electric vehicle chargers, the controls specify that permissible chargers must be powered by 100% renewable energy.

Parking – Freight and servicing

Changes are shown in DCP amendment #4.

What is the context of these changes?

The existing DCP requirements for loading docks, service vehicle parking and waste collection areas are contained in Section 3.11.6 'Service vehicle parking', 3.11.13 'Design and location of waste collection points and loading areas', and Schedule 7.8.1 'Service vehicles'. Updates are required to the controls to reflect changes in the loading and servicing needs of buildings and the availability of active measures to manage servicing.

What are the proposed changes?

- Introducing objectives to Section 3.11.6 'Service vehicle parking' and 3.11.13 'Design and location of loading docks and waste collection points'
- Changing the rates of service vehicle parking provision, and introducing rates for different vehicle types and sizes
- Referring to the Australian Standard Medium Rigid Vehicle as a minimum design vehicle for loading docks and service vehicle access, with additional accommodations for the City's waste truck in residential development
- Introducing Delivery Service Plans to demonstrate adequate servicing and loading management in large development and where variations from the DCP are sought

Why are these changes important?

Introducing objectives

Objectives in the DCP support the application of the provisions, including considering flexibility as required by the Act, while still ensuring compliance with the overarching requirements.

Service vehicle parking rates update

The DCP currently includes minimum rates of service vehicle parking space provision in Schedule 7.8.1 'Service vehicles'. The City recently undertook research to update these rates with reference to the latest data and with an updated understanding of the loading and servicing needs of different land uses. This research has informed the proposed new rates.

The proposed new rates include consideration for vehicle sizes, recognising that not all service vehicle parking spaces will need to be for a large Medium Rigid Vehicle and instead could be satisfied by space for a van or Small Rigid Vehicle.

The proposed new rates also include a maximum. The research showed that very large developments do not have service vehicle parking needs that increase at a linear rate in line with floor space, as the potential to share spaces and actively manage loading areas increases.

Design vehicle specifications

The DCP currently includes certain minimum dimensions for collection and loading areas, based on accommodating a theoretical waste truck. Some of these requirements are in Section 3.11.13, while additional details are contained in the Waste Management Guidelines.

Because the dimensions are based on a Council waste truck they may not be accepted for loading docks serving non-residential uses, which are not serviced by Council waste collection. This leaves a gap in minimum requirements, opening up risk the docks cannot accommodate any waste collection, and relying on on-street collection. The proposed controls amend this by requiring at least a Medium Rigid Vehicle under the Australian Standard (AS MRV). Part of this requirement will be a minimum clearance height of 4.5 metres, allowing not only for waste collection but also a wide variety of delivery vehicles to load and unload off-street.

The requirements for residential development are also proposed to be updated as the City has recently changed its waste collection vehicle fleet. The new vehicles more closely match the AS MRV, except for being slightly longer and not requiring a 4.5 metre clearance. The proposed requirements based on the AS MRV, with an allowance for the extra length and a lower 4 metre height clearance, will allow the new waste vehicles and a wider range of delivery trucks based on the AS MRV to easily and safely service new developments off-street, without a significant

additional imposition on development and urban design impacts. The detailed requirements in the Waste Management Guidelines have also been updated to reflect the new waste trucks.

Delivery Service Plans

Delivery Service Plans (DSPs) are proposed as a new way to plan for and manage servicing, deliveries and freight requirements of a building. They will allow flexible application of the freight and servicing controls, and for the City to recognise and account for active measures to manage loading at an early design stage of the development application. For example, if a development cannot provide the required minimum height clearance due to heritage or site-specific constraints, a DSP may be provided committing to measures that clearly communicates the height clearance before oversized vehicles attempt to attend the site. Also, if a development cannot provide the required number of service vehicle parking bays in a basement due to geotechnical constraints, for example, a DSP may be provided detailing a booking system and loading dock manager to ensure deliveries are spaced throughout the day and cannot attend if there is no available parking bay. These are measures that are already commonly in use in buildings in the city, but there is currently no way for them to be committed to by a developer or landowner and enable the City to assess variations to the DCP requirements at the DA stage.

A DSP is proposed to be required in large developments, and developments proposing to vary the requirements of service vehicle parking bays and loading dock sizes. They will ensure full and thorough assessment of the arrangements proposed to avoid unnecessary reliance on on-street loading and servicing, and help find opportunities for trip reduction through off-site consolidation and consolidated procurement.

Provisions in the DCP are proposed to require a DSP be prepared in certain circumstances, and a new section in Schedule 7 is proposed with details on how to prepare and what to include in a DSP.

Protecting amenity

Locality statements

Changes are shown in DCP amendment #5.

What is the context of these changes?

Locality statements are broad, overarching statements and principles to set the context of development occurring in specific areas. The updated locality statements reflect the latest understanding of the role of locality statements in informing future development, notably through the Department of Planning and Environment's 'Local Character and Places Guideline 2019', by focusing on the desired future character. The statements also reflect updated understandings of certain areas as a result of strategic planning work the City has done through the local strategic planning statement and specific urban design studies the City has undertaken.

What are the proposed changes?

Section 2 'Locality statements' is proposed to be removed and replaced incorporating changes to structure and content.

- Restructuring of the section, including consolidating locality areas and a new consistent structure to each locality
- Re-writing the content of each locality statement, emphasising the desired future character of each area
- Introducing relevant elements from the City's local strategic planning statement and other recent strategic planning, urban design and policy work as they relate to each locality.

Why are these changes important?

Restructuring the locality statements

The content and structure of the locality statements is proposed to change, chiefly to reflect the Department of Planning and Environment's 'Local Character and Places Guideline 2019'. The Guideline suggests three categories to consider to understand place:

- social elements, including heritage and culture, public space, community facilities and public transport
- economic elements, including employment, retail and road network
- environmental elements, including topography, vegetation, public vs. private domain and its interface, density and height.

The number of individual locality statements has also been streamlined, with opportunities taken to group localities of similar characteristics, whilst ensuring that each locality retains the specifics needed for Planning Assessment and Strategic Planning functions.

The locality statements are proposed to be structured into nine sections relating to Central Sydney and the eight 'village' areas within the City:

1. Crown and Baptist Street Village
2. Harris Street Village
3. Macleay Street and Woolloomooloo Village
4. Oxford Street Village
5. Glebe Point Road Village
6. King Street Village
7. Green Square and City South Village

8. Redfern Street Village

Emphasising the desired future character of each area

The Department's Guideline stresses the importance of defining an area's desired future character in order for locality statements to be useful in development assessment.

The Guideline outlines three different approaches for integrating character into local land use planning, based on which local plan is chosen to contain the character description and identify the desired future character.

A review of the City's current locality statements against the Guideline found them to vary in length, content and quality. They also tended to focus on an area's physical character and often lacked clarity around desired future character.

The locality statements are proposed to be updated to improve their clarity, consistency and effectiveness and to speak holistically to each locality's character utilising the Guideline's suggested components for a more rounded place assessment. Improvements are proposed to reduce repetition, both between similar localities and with development principles expressed in other sections of the DCP.

The desired future character for each locality is also made more explicit, noting strategic drivers and directions alongside current and future opportunities. For each neighbourhood, a high-level direction is provided to indicate how it will change over time, from three options: the retention/protection of existing character, the enhancement of key existing traits or a transition to something different and specified.

Updating localities in line with other strategic plans

Since the locality statements in the current DCP were written there have been significant strategic planning projects that require changes to the locality statements. This economic, urban design or other work has changed the desired future character of the area as reflected in other planning controls, and it is important for the locality statement to reflect this change.

Urban design – general

Changes are shown in DCP amendment #6.

What is the context of these changes?

These are urban design related changes that do not fit under the other broad categories of changes to the DCP. The proposed changes aim to fill small gaps in the DCP and ensure new development supports the delivery of high quality public domain and amenity.

What are the proposed changes?

Miscellaneous amendments are proposed to Section 3 to introduce new objectives and requirements and improve the usability and functionality of the DCP. The changes include:

- Renaming the title of Section 3 from General Provisions to Requirements for All Development
- Introducing new requirements and amending existing controls to improve the interface with adjoining streets, lanes and parks
- Introducing requirements for protecting solar access amenity for housing that is not covered by state planning controls
- Restructuring the existing wind amenity and safety requirements from the Central Sydney section and also applying them to tall buildings elsewhere

Why are these changes important?

Changing the title of Section 3

The title of Section 3 is proposed to be changed from “General Provisions” to “Requirements for All Development”. This will ensure the applicability of the objectives and provisions in this section are better understood.

The broad structure of the DCP is for Section 4 to include specific controls for certain development types and land uses, Section 5 to include site-specific controls and Section 6 to include small area-specific controls. Section 3 is the section that contains basic controls for all development, unless another section has more specific controls. The title “General Provisions” can be ambiguous, and does not strictly speak to covering all development. Other proposed changes as part of this update involve removing development type and area-specific controls and replacing them with general controls in Section 3.

Public domain interface controls

Section 3.2.2 ‘Addressing the street and public domain’ currently includes objectives and provisions to ensure development contributes positively to its immediate environment and context.

However, certain design elements in the public domain interface environment are not typically considered in the architectural design process, and so are not included in the materials submitted as part of a development application.

The section is proposed to be renamed from “Addressing the street and public domain” to “Development adjoining streets, lanes, parks and squares”.

Ground floor building design

More detail is proposed to be added to the existing requirement for buildings to be designed to positively address the street, which can be ambiguous and flexible in its interpretation. The proposed control requires any dwellings or tenancies on the ground floor to have their own direct entrance to an adjoining public space, rather than open into an internal circulation area. It also requires buildings to maximise visibility into the internal spaces of any retail or non-residential uses at ground level.

Access ramps

To reduce the visual impact of access ramps, a proposed control will require them to be designed to reduce their visual impact. The control encourages ramps to be positioned perpendicular to a building’s frontage, rather than along the length of the frontage. It also recommends landscaping to screen the ramps, without obscuring the entrances.

Stairs

Stairs at the public domain interface can be designed with an inappropriate rise over run measurements. There is currently no control for a comfortable and appropriate rise over run for public stairs, and occasionally the dimensions used for infrequently used stairs such as fire stairs are delivered in high-use environments. A proposed control introduces minimum dimensions for risers and goings of such stairs.

Fences and retaining walls

Fences and walls can have a negative impact on a development’s interface with the public domain. In heritage conservation areas, front fences are an important part of the look and feel of a street, and inappropriate or out-of-context fences can disrupt the flow of the street.

A proposed control for development in heritage conservation areas will require front fences to be consistent with the local area, including neighbours if they also match the prevailing context.

Outside heritage conservation areas, a proposed control will require tall or long fences to be screened by landscaping.

Essential building services

There are other elements that are essential for a building to be safe and usable to comply the National Construction Code. Unless they are considered as part of the architectural design process and allocated appropriate space within the building envelope at ground level, they can be placed in inappropriate locations and given a poor design treatment. These elements include:

- Fire hydrant boosters, which Fire and Rescue NSW may require to be in an easily accessible location at the very front of the property boundary
- Short runs of stairs, hand rails and tactile ground surface indicators, which may be required to manage level changes
- Electrical substations, fire escapes, service cabinets, waste collection areas, on-site stormwater detention basins and meters
- Access panels, service enclosures, soffits, wall returns, bollards and parts of car parks and basements that are visible when the garage door is open

The proposed controls ensures the proponent is considering their treatment and inclusion at an early stage. It also gives the City the opportunity to review their treatment and inclusion during development assessment and suggest changes to reduce their impact.

Consolidating wind amenity and safety requirements

The DCP currently contains provisions and design guidance to ensure new development – particularly taller buildings - do not create an unsafe or unpleasant wind environment at ground level and adjacent public spaces.

Implementation of the Central Sydney Planning Strategy involved establishing a new section to manage wind impacts in Central Sydney. Section 5.1.9 'Managing wind impacts' is currently in force, and establishes detailed wind safety standards measured in metres per seconds appropriate to the expected activities in affected public spaces, i.e. walking, standing or sitting, as well as an overall maximum wind speed for any public space.

In order to ensure wind impacts from tall buildings (i.e. over 45 metres tall) are managed everywhere in the local area at the same high standard as Central Sydney, it is proposed to replace the current requirements in Section 3.2.6 'Wind effects' with a restructured version of the Central Sydney controls, and delete the Central Sydney-specific controls in Section 5.1.9.

Recognising that the development forms, wind environment and context in Central Sydney is unique, the restructured controls include different triggers for development inside and outside Central Sydney, however the standards are consistent. The restructured section illustrates the standards and criteria more clearly, and includes an expanded provision that details the requirements of a wind effects report in order to demonstrate compliance with the controls.

Protecting solar access to existing dwellings

Dwellings in apartment buildings which are covered by State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development have protections for nearby development to not reduce their solar access and other amenity to below that of the SEPP. However, dwelling houses, co-living housing and boarding houses do not have the same protections.

A proposed addition to the DCP will ensure nearby development cannot reduce solar access to those dwellings to less than the requirements in the SEPP, or where they are already less than the SEPP, they cannot be reduced any further. The addition will also require existing and proposed overshadowing to be modelled and illustrated as part of development assessment.

Urban design – Heights and setbacks

Changes are shown in DCP amendment #6.

What is the context of these changes?

The current DCP includes controls for height in storeys, floor-to-ceiling heights and various types of setbacks for certain land uses, and in areas that have been subject to urban design study, such as urban renewal areas, Central Sydney and specific sites and areas to enable redevelopment. However, certain land uses and other parts of the local area do not have all of these controls to shape the built form envelope, so these aspects are established and negotiated in the development assessment process.

The proposed amendments introduce general criteria based on surrounding context and land use, providing more certainty for all sites in the local area to determine built form envelopes and appropriate urban design outcomes.

What are the proposed changes?

New sections for height of buildings in storeys, floor-to-floor (storey) heights for different land uses, building alignment and setbacks, and street frontage heights and upper level setbacks are proposed to be introduced to Section 3.2. Equivalent sections in Section 4 and Section 5 are proposed to be deleted, unless the site-specific provisions are required to be different from the general criteria. The changes include:

- Structural changes to consolidate building height, setbacks and floor-to-floor heights into Section 3 to apply to all development, and delete redundant content elsewhere in the DCP
- Introducing objectives and provisions to support the existing mapped height of buildings in storeys controls
- Introducing standardised requirements for minimum floor-to-floor heights and setbacks (including primary setbacks, landscape setbacks, front, side and rear setbacks and upper level setbacks) to apply to all development, including sites that previously did not have setbacks mapped or described
- Providing guidance for height allowances for rooftop plant and green roofs

Why are these changes important?

Consolidation into Section 3

Heights, setbacks and floor-to-floor heights are currently in DCP sections for specific development types and certain areas. However, the lack of overarching controls that apply to all development can leave gaps for certain development types and development in certain areas.

The proposed changes consolidate the requirements in Section 3 to apply to all development. Most existing provisions that include controls for specific development types and areas are proposed to be removed, while some that serve a crucial role in place-based planning are proposed to be retained.

Objectives and provisions to support to height of buildings in storeys

The current DCP includes maps that set a maximum height of buildings expressed in number of storeys. A proposed new Section 3.2.3 'Height of buildings in storeys' references this map, and provides some objectives and provisions to help guide the use of these maps.

The proposed objectives make clear the role of the height of buildings in storeys maps, including to ensure new development is consistent with the existing or planned scale of the area, which may better inform interpretation of the control in development assessment. The proposed provisions make clear that development cannot exceed the height of buildings control, but also that a lower height may be necessary to adequately meet the objectives of the control.

Standardised requirements for floor-to-floor heights

Establishing appropriate floor-to-floor heights is an important early step in determining a permissible built form outcome. This control is important for establishing appropriate floor space in development for the intended land uses, for example non-residential uses typically require higher

floor-to-floor heights, which affects the amount of floor space that can be delivered within an overall height limit.

The DCP currently has floor-to-floor heights for certain development types and development in certain sites and areas. However, Section 3 currently does not have a general control to apply to all development. The proposed controls will address this by establishing baseline requirements for certain land uses. While the majority of the specific controls were the same and can be deleted as part of this update, certain areas do require bespoke controls and they have been retained.

Part of this update also includes increasing the minimum required floor-to-floor heights for residential uses, from 3.1 metres to 3.2 metres. This is a recommendation from the NSW Building Commissioner, to allow enough room for all the necessary waterproofing, structural, acoustic, services and drainage requirements while still retaining the minimum 2.7 metre floor-to-ceiling height stipulated in the Apartment Design Guide.

Standardised requirements for setbacks

Establishing the appropriate front, rear and side setbacks, upper level setbacks, street frontage heights and any required landscape setbacks and public domain setbacks, is an important early step in determining the built form envelope that is permissible on a site.

Central Sydney, urban renewal areas, dwelling houses, and sites/areas with specific controls in Section 5 and 6 of the DCP have these setbacks established through site-specific urban design analysis. However, for development activity occurring outside these areas, the establishment of setbacks is left to the development assessment process.

The proposed new controls set out a process for establishing setbacks relevant to the context of a site. The controls are standardised versions of the criteria the city uses when establishing setbacks in a planned area, and reflect similar controls required by the Apartment Design Guide. They will ensure a more consistent and predictable approach to determining the permissible built form envelope of any site.

The provisions include some specific dimensions, as well as performance-based criteria to ensure the new development is complementary to the established street context, does not cause overshadowing of public spaces, provides space for trees and landscaping, respects the curtilage of any heritage items and enables a transition in height with adjoining buildings.

Edits and removals are also made to Section 4, 5 and 6 to replace references and remove inconsistent or duplicated content, in response to the proposed new requirements.

Guidance for concept development applications

The DCP does not currently have allowances for uses such as rooftop plant, green roofs or above ground parking, which can cause confusion when establishing the overall height of a building and its intended inclusions in a concept development application.

The proposed new controls include guidance for how much height to allow for rooftop plant and lift overruns, with greater allowances required for taller buildings, and green roofs to ensure appropriate planning in concept development applications. It also requires above ground car parking levels do not have smaller floor-to-floor heights as other uses on that level, to facilitate adaptation of the parking area to other uses in future.

Public open space

Changes are shown in DCP amendment #6.

What is the context of these changes?

Section 3.1 'Public domain elements' and Schedule 5 'Public open space dedication and design criteria' include the current requirements for public domain provided as part of development, to ensure they are useful and benefit the public. Section 3.1.4 'Public open space' contains the

requirements for when public open space is being delivered as part of development. The City's ongoing experience working with developers and the NSW Government to deliver new parks in urban renewal areas, state-controlled sites and other large scale development sites has provided learnings to support additional amenity requirements for parks in the DCP.

What are the proposed changes?

The amenity requirements for new parks in provision 3 of Section 3.1.4 'Public open space' are proposed to be removed and replaced, adopting certain requirements from the existing Schedule 5, incorporating changes to requirements and updating controls in line with existing policy and approach, with amendments to the objectives to support the new requirements. Minor amendments are proposed to other parts of Section 3.1.4 to correct errors and improve readability. The changes include:

- Clarifying the solar access requirements
- Removing the requirement for protection from direct sun on 21 December
- Specifying the requirement for protection from wind to be at a level comfortable for sitting
- Introducing accessibility design guidance for direct and accessible pathways to access each part of the park, and a maximum gradient for those pathways
- Introducing a maximum length to width ratio so parks have more appropriate proportions
- Introducing new requirements for parks to be protected from traffic noise, be located away from busy roads, to be surrounded by public streets on all sides, and located in a way that minimises walking distances to parks in the local community

Why are these changes important?

Clarifying the solar access requirements

The DCP currently requires at least 50% of the total park area receive solar access for 4 hours between 9am and 3pm on the winter solstice. The proposed control gives more detail, requiring that the park area subject to the solar analysis is a consistent area (not changing over time). This will ensure that new parks are designed and oriented in a way that supports viable grass and vegetation in the long term.

Removing the control requiring protection from direct sun

The DCP currently requires that 20% of the park area used for passive recreation (i.e., the areas that are not specifically set aside for sports and active recreational activities) is protected from direct sun on the summer equinox. This control sets up a conflict between protecting sunlight access and promoting shade, does not reflect the increased shade provided by growing trees over time and does not recognise changing patterns of use of open space over time. To avoid this conflict, and recognising that trees provided in line with the City's landscaping policies will provide adequate shade, the control is proposed to be removed.

Specifying wind comfort levels

The DCP includes a provision for parks to have protection from strong winds where practical, however it does not specify a comfort level. A comfort level is proposed to be introduced to enable assessment of compliance against this control with wind modelling standards. The proposed comfort level is a wind environment that is comfortable for sitting, which is consistent with the proposed requirement for new development to provide or maintain under proposed changes to Section 3.2.6 'Wind effects'.

Accessible pathways

The DCP does not currently include any requirements for pathways provided in parks. Direct pathways to each part of new parks are proposed to be required, along with a maximum grade, to ensure equitable access for people with disability.

Proportions of parks

Typically the size and shape of new parks is master planned in urban renewal areas, however large development projects without a master plan may also be required to provide public open space. Including a maximum proportion of 2:1 in the DCP will ensure new parks are closer to a square or circle in proportion, which is required in order for them to be useable and functional amenities for recreation.

Locational requirements

The location of new parks is a very important consideration when master planning an urban renewal area. However, for projects large enough to require parks but are not master planned, there is currently no overarching requirements for the siting of those parks. Including these requirements will ensure parks are well located in those projects. The requirements are that parks be bound by public streets rather than abutting private development, be shielded from traffic impacts of major roads, and sited with consideration of other parks to maximise walking access by the local community.

Environmental noise

Changes are shown in DCP amendment #7.

What is the context of these changes?

Noise is managed as pollution through the Protection of the Environment Operations Act 1997, however careful planning of the built environment helps prevent noise impacts, including health effects for people receiving noise and regulatory risk for activities emitting noise. The proposed changes aim to improve consideration of noise in non-residential development, respond to new noise-reducing ventilation methods, and provide more guidance and options for reducing noise impacts in dwellings.

What are the proposed changes?

Section 4.2.3.11 'Acoustic Privacy' is proposed to be removed and replaced with a new Section 3.13.4 'Environmental noise', and Section 4.2.5.3 is proposed to be removed and replaced with a new Section 3.13.5 'Development in noisy environments and streets with active frontages'. The proposed replacement sections incorporate changes to requirements. The changes include:

- Moving controls about managing and reducing noise from Section 4.2 to Section 3 to be relevant to all development, and replacing references to "residential uses" with "noise sensitive uses"
- Providing a more expansive list of noise sensitive land uses, including certain non-residential uses
- Providing a more expansive list of examples of noise generating uses
- Including a map of classified roads and railway corridors, identifying them as noise sources, and requiring special assessment for development within 50 metres line of sight.
- Including guidance for building siting and apartment layouts to mitigate noise to noise-sensitive parts of dwellings
- Introducing more strenuous internal noise standards for dwellings, including dwellings that rely on plenums or mechanical ventilation
- Removing a requirement about transmission of noise between dwellings

Why are these changes important?

Expanding application to non-residential development

The current environmental noise DCP controls are in a building type-specific part of the DCP, which can lead to confusion over whether they apply for certain development types. Moving the

provisions to Section 3, which applies to all building types, and including more specific lists of noise sensitive and noise generating land uses will ensure greater consideration for noise in development planning and assessment.

Expanding the consideration of noise sensitive and noise generating land uses ensures that appropriate noise impact assessments will be undertaken wherever a potential conflict is identified, including land uses such as childcare centres and food and drink premises.

Identifying noise-generating development, and classified roads and rail corridors

The proposed new section for environmental noise will include a list of noise-generating land uses, using LEP standard land use definitions. It is also proposed to include a map of major roads and railway corridors, identifying them as significant sources of noise.

A proposed new provision will automatically require an Environmental Noise Impact Assessment for noise-sensitive development adjacent to identified noise-generating land uses, and sites within 50 metres line of sight of mapped major roads and railway corridors. This baseline requirement will reduce uncertainty and delays in development assessment by clearly stating requirements and expectations up front.

Not all development adjacent to noise-generating land uses, or within 50 metres of a major road or rail corridor, will necessarily require noise mitigating measures due to environmental context and existing built form. However, the best way to determine this is through an Environmental Noise Impact Assessment, and if this is required upfront then any additional delays or uncertainty is minimised.

Guidance for building siting and dwelling layout

The current DCP provisions include specific design measures to help reduce noise transmission in dwellings, which are proposed to be retained. Proposed new provisions support these by including guidance for siting and layout of buildings and dwellings, such as locating land uses and internal spaces that are less noise-sensitive in a way to act as a noise barrier to more noise-sensitive areas. More consistent application of these design criteria and guidance will reduce the need for active noise mitigation measures which often have drawbacks in other ways, such as reducing cross ventilation and daylight access.

Reduced maximum noise levels, including for dwellings with plenums and mechanical ventilation

The maximum noise levels, as measured inside dwellings, are proposed to be updated to reflect current understandings about the health impacts of noise, and to reflect building methods available to manage noise.

The proposed maximum noise levels for all habitable rooms besides bedrooms are 5dB less than the existing. When windows and doors are closed, the existing level of 45dB is proposed to be reduced to 40dB, and for when windows and doors are open, the existing level of 55dB is reduced to 50dB. To ensure clarity, bedrooms between the time of 7am and 10pm are also identified as requiring the same noise criteria. The existing maximum noise level for bedrooms at night (10pm to 7am) is unchanged at 35dB when windows and doors are closed, or 45dB when windows and doors are open.

The proposed noise criteria for other habitable rooms reduces the difference between bedrooms and other rooms, and matches the relevant decibel level in State Environmental Planning Policy (Transport and Infrastructure) 2021.

The required noise measurement methodology uses a repeatable maximum internal sound level for LAeq (1 hour) for bedrooms, and LAeq (24 hour) for all other spaces.

To reflect the increasing use of plenums to manage noise to dwellings built in noisy environments, the internal noise criteria is proposed to be expanded to dwellings where natural ventilation is provided with plenums. The proposed noise criteria for when the plenums are open matches the proposed updated maximum noise levels for normally ventilated dwellings with windows and doors closed. This reflects the intent of using plenums rather than standard windows and doors, which is

to enable delivery of dwellings in very noisy environments by ameliorating noise impacts while still allowing ventilation.

The noise criteria for mechanically ventilated dwellings, while the ventilation system is operating, is also proposed to be reduced. The proposed noise criteria matches the proposed updated maximum noise levels for normally ventilated dwellings with windows and doors closed. The current noise criteria for mechanically ventilated dwellings allows a 3dB increase, which is inconsistent with the objective of providing mechanically ventilated dwellings, which is to facilitate delivery of dwellings in noisy environments by reducing noise impacts while allowing ventilation.

Removing redundant provision for transmission of noise between dwellings

The DCP currently has a provision to control transmission of noise between dwellings through the floor. The National Construction Code now contains adequate provisions to deal with this issue, so it is no longer required in the DCP. To reduce overlaps with the NCC and potential room for confusion, this clause is proposed to be removed from the DCP.

Sun protection of Parks and Public Places

Changes are shown in DCP amendment #8.

What is the context of these changes?

Gunyama Park is an important new public place in Green Square. It opened in 2021 and includes an aquatic centre with an outdoor pool, and a multipurpose outdoor recreation facility. So the amenity and primary function of Gunyama Park is not threatened by future development, the City is proposing to protect the facility with Sun Access Planes (SAPs) in the LEP and DCP. SAPs are already used to protect important public places across the LGA, and restrict the height and shape of future development to ensure no impact on overshadowing and sun access to the public place.

Cook and Phillip Park is an existing public place in Central Sydney. The City is proposing to protect the existing amenity of the park by introducing No Additional Overshadowing (NAO) controls to the LEP and DCP. NAO controls protect existing sunlight access to places that are already surrounded by tall development, and preserve existing sunlight that comes through gaps in buildings.

What are the proposed changes?

Edits are proposed to Section 5.1.6.1 Sun Access Planes and Section 5.1.7.2 No Additional Overshadowing to introduce criteria for Gunyama Park and Cook and Phillip Park.

- Gunyama Park is proposed to be added to Table 5.7 with the period of sunlight protection being 9am to 2pm all year.
- A new Sun Access Plane contour figure for Gunyama Park is proposed, showing the maximum heights and built form envelopes for surrounding development.
- Cook and Phillip Park (west of Yurong Parkway) is proposed to be added to Table 5.8, with the period of No Additional Overshadowing protection being 9am to 2pm all year.
- Figures that show incorrect street names are proposed to be corrected.

Why are these changes important?

Sun Access Planes and No Additional Overshadowing controls are one of the primary tools the City can use to ensure the amenity of important public places is not threatened by future development.

Gunyama Park is a regionally important aquatic and recreation facility with significant outdoor spaces, and unrestricted sunlight access is vitally important to its amenity. Introducing SAP controls for Gunyama Park reflects its regionally significant importance as a public place, alongside facilities such as Prince Alfred Park. Gunyama Park will have the longest time period protection of

any public place in the local area, reflecting its importance for the significant local residential population of Green Square.

Cook and Phillip Park does not currently have overshadowing controls to protect its existing sunlight access. Because it is located in a built up environment, the No Additional Overshadowing controls are more relevant, which protect existing sunlight through gaps in existing buildings rather than prohibiting any overshadowing at all. While Cook and Phillip Park is not a new park, new planning controls for Central Sydney have changed the surrounding potential development context of the park, and sunlight access to the park may need protection. The proposed NAO controls for Cook and Phillip Park are focused on morning and midday usage, from 9am to 2pm, which is earlier than other public places with NAO controls. This reflects the importance of the park for early morning enjoyment by local residents.

Complementary planning controls in Sydney LEP are proposed for these new Sun Access Planes and No Additional Overshadowing requirements. The controls in the DCP support the LEP controls by containing more specific criteria, such as the time of day sunlight access is to be protected. These proposed DCP amendments are necessary to enable the proposed LEP amendments.

Sustainability

Ecologically sustainable development

Changes are shown in DCP amendment #9.

What is the context of these changes?

The City pursues ecologically sustainable development (ESD) objectives in planning controls across the LEP and DCP. Section 3.6 of the DCP includes ESD provisions that deal with energy and water efficiency, on-site collection and storage of energy and water, and materials and building components. The proposed changes reflect new opportunities and changes in ESD practice, including the ability to use ratings tools for water efficiency, and address aspects of state government planning policies.

What are the proposed changes?

Section 3.6.2 'Water efficiency in non-residential development' and Section 3.6.3 'Photovoltaic solar panels' are proposed to be removed and replaced incorporating changes to requirements. Miscellaneous amendments are proposed across Section 3.6 'Ecologically sustainable development' to update references and improve the usability and functionality of the DCP. The changes include:

- Deleting broad sustainability objectives in the preamble that are not DCP objectives and do not relate to provisions in the section, and editing the preamble to better describe the scope of the section
- Moving the objectives from the preamble of Section 3.6 to each relevant sub-section, and editing objectives to better relate to relevant provisions
- Removing and updating outdated references
- Replacing general requirements for water efficiency in non-residential development with minimum required NABERS Water (or equivalent) ratings for offices, hotels and retail, and specific WELS rating standards and flow rates for fixtures in other land uses
- Replacing the existing general requirements for rainwater tanks and non-potable water connections with specific criteria
- Removing the existing unenforceable provisions that aim to protect existing rooftop solar energy systems from overshadowing by adjoining development
- Introducing new detailed criteria for development applications for solar energy systems where they are not covered by the exempt provisions of the Transport and Infrastructure SEPP or Sydney LEP, i.e. when they are located on a primary street frontage in a heritage conservation area.
- Introducing reporting requirements for carbon emissions associated with materials and buildings components (embodied carbon) to support the assessment requirements of the Sustainable Building SEPP

Why are these changes important?

Restructuring objectives

Planning controls in the DCP are structured as objectives and provisions. Provisions are specific requirements, while objectives express the broader intention of the provisions. Clearly defined and relevant objectives allow for a more flexible interpretation of the planning controls where the provisions cannot be followed exactly in a development application.

Structuring the DCP to have objectives alongside their relevant provisions under each subsection ensures they are more easily related to each other in order to be considered in development assessment.

Restructuring objectives to move them closer to provisions and editing them to be more relevant to provisions is a change proposed across the DCP in sections that are seeing significant redrafting or change.

NABERS Water ratings

The current DCP includes general requirements for water efficiency in non-residential development. Replacing these requirements with minimum required NABERS Water ratings removes room for discrepancy and interpretation in development assessment.

In lieu of a NABERS rating, the provisions also allow a Green Star rating for water use. For heritage items, the requirements can be varied with the lodgement of a heritage impact statement and hydraulic assessment.

For other non-residential development that is not eligible for a NABERS Water rating, standard minimum WELS ratings for water using appliances and fixtures apply. This will also simplify and remove room for interpretation in development assessment.

Water efficiency requirements cannot be imposed on residential development that is covered by the BASIX SEPP (BASIX-affected development).

Non-potable water collection and use

The DCP currently includes generalised requirements for rainwater tanks, dual reticulation and using non-potable water for irrigating open space.

Rainwater tanks serve dual purposes of reducing local flooding and additional demand on the stormwater network from new development, and reducing potable water consumption by servicing appropriate water uses with collected rainwater.

Specific criteria for using rainwater tanks to reduce rainwater run-off are proposed to be added to Section 3.7.2 'Drainage and stormwater management'. In order to support this requirement, amendments to 3.6.2 'Water efficiency in non-residential development' are proposed to ensure development is plumbed to make use of this collected rainwater. The requirement for rainwater tanks in 3.6.2 is removed, as it is supplanted by the more detailed criteria in 3.7.2.

Recycled water networks are increasing in availability and there are plans to expand networks to cover more of the local area. To better ensure development can make use of an existing or planned recycled water network, the existing provision to do with dual reticulation is proposed to be removed and replaced. The new provision requires connection of the on-site rainwater tank to an existing recycled water network, or if the site is on a location within 50 metres of a planned recycled water source, a connection to the property boundary. As non-potable water connections will already be required to use the collected rainwater, the recycled water network will supplement non-potable water when rainwater is not available.

In the case of a development that does not propose a rainwater tank but is within 50 metres of an existing recycled water network, plumbing to appropriate non-potable water uses will be required by the proposed DCP provision.

Solar panels

The current DCP controls regarding solar panels attempts to manage overshadowing rooftop solar with development rights of adjoining lots. In practice, development rights will always prevail over solar access to rooftop solar panels. To ensure the DCP only includes enforceable and relevant provisions, these controls have been removed.

Installation of solar panels is exempt or complying development under the Transport and Infrastructure SEPP and Sydney LEP in most cases. However, a DA is required for installations on the primary street facing roof in a heritage conservation area. The proposed controls deal with this

situation, providing design guidance to guide assessment of installation of solar panels on primary street facing roofs in a sympathetic manner.

Consideration of embodied carbon

The Sustainable Buildings SEPP requires reporting of carbon emissions associated with the materials and building components of development. The DCP is proposed to include controls that supplement this requirement, requiring more detail on what and how embodied carbon has been measured and reduced through design and material selection. This detail will make this information more useful and usable in development assessment, enabling the City to provide guidance on reducing embodied carbon further.

Neither the Sustainable Buildings SEPP or the DCP are currently proposed to include targets or controls surrounding embodied carbon. This current stage of collecting embodied carbon emissions attributable to development will provide the data and the evidence needed to establish controls in future.

Reflectivity

Changes are shown in DCP amendment #9.

What is the context of these changes?

One way new buildings can negatively impact public places and surrounding development is by reflecting glare and/or heat. This is a growing issue with the increasing use of mirrorlike and coated reflective surfaces to help manage internal heat loads, and the increasing popularity of curved elements in glass facades.

On the other hand, light colours and reflective surfaces are an important technique to reduce the internal heat loads of development. The proposed controls help balance this, by maximising reflectivity where it does not affect other development and the public domain and reducing the amount of glazing exposed to direct summer sun.

What are the proposed changes?

Section 3.2.7 'Reflectivity' is proposed to be removed and replaced with a new Section 3.2.6 'External shading and reflectivity', incorporating new requirements and changes to existing requirements. The Passive Sustainable Design Guide has also been developed to support the controls and is exhibited alongside the DCP.

- Amending the existing requirement for managing light reflectivity from facades to focus on avoiding glare to affected people.
- Introducing requirements for both residential and non-residential development to not have large areas of glazing exposed to direct sunlight during summer.
- Introducing a requirement for unencumbered roof surfaces to have a minimum Solar Reflectivity Index.

Why are these changes important?

Expanding existing glare requirements

The DCP currently requires development keep light reflectivity from facades to below 20 per cent in total. This requirement is proposed to be retained, and expanded with requirements specifically to reduce unacceptable glare effects experienced by people.

The proposed new controls identify risk factors for causing glare, such as sites near important public spaces, classified roads or Sydney Airport, and the use of curved or shiny surfaces, and require a Sunlight Reflectivity Report to demonstrate that no unsafe glare to people is produced by the facade.

Reducing unprotected glazing

The current DCP does not include any requirements for balancing the positive and negative impacts of glazing, so Section 3.2.6 is proposed to be expanded to cover glazing.

Direct summer sunlight on unprotected glazing results in negative impacts to future occupants, including uncomfortable glare, and reliance on active cooling to maintain a safe internal temperature. However, glazing provides important benefits such as passive heating in winter, views and natural ventilation (if openable).

A proposed new requirement for residential development (except dwelling houses) will require no more than 20 per cent of the facade area in habitable rooms to be exposed to direct sunlight during the summer months. This can be achieved through window to wall ratios and/or providing external shading devices.

For non-residential development, the City has prepared a Passive Sustainable Design Guide to provide best practice advice to manage the amenity impacts of glazing. A proposed new DCP control requires non-residential development minimise unprotected glazing and refers to the Design Guide.

The proposed new DCP section also includes requirements for demonstrating the requirements, which is either a full solar modelling report, or compliance with specific measurements for glazing orientation.

Requiring solar reflectivity on roof materials

The colour and materiality of roof materials is important in how much heat development absorbs and retains. Currently the DCP has no requirement, so to reduce urban heat effects and internal heat loads, Section 3.2.6 is proposed to be expanded to set minimum Solar Reflectivity Index levels.

The requirement only applies to roof area that is unencumbered by green roofs, accessible open space, solar panels, shade structure and tree canopy. For flat roofs with an angle of less than 45 degrees, the minimum index is proposed to be 78, and for sloped roofs with a greater angle the minimum index is proposed to be 39. In practice this will require roof materials to be lighter in colour and glossier rather than matte.

This requirement applies to all development, including dwelling houses.

Water and flood management – Floodplain risk management

Changes are shown in DCP amendment #10.

What is the context of these changes?

In 2014, the Interim floodplain management policy was prepared to provide controls to facilitate a consistent, technically sound approach for the management of flood risk for development in the city. Since completion of the Floodplain Risk Management Plans in 2016 it is now appropriate to migrate these provisions to the DCP. The use of these provisions in development assessment since 2014 and 2016 has informed proposed revisions to certain provisions, including heritage considerations. Technological solutions for managing flood risk, such as flood barriers, sensors and alarms, also require provisions to set out criteria for their safe use.

What are the proposed changes?

Section 3.7 'Water and Flood Management' is proposed to be removed and replaced incorporating changes to requirements, updated references, and to improve the functionality and usability of the DCP. The proposal involves adopting the City's Floodplain Risk Management Plans into the DCP, and aligning requirements with the NSW Government's Floodplain Development Manual 2005 and

Flood Prone Lands Policy. A new DCP Schedule for flood compatible materials is proposed to support the new requirements. The changes include:

- Moving the objectives from the preamble of Section 3.7 to each relevant sub-section, and editing and adding new objectives to support relevant provisions
- Introducing more detailed requirements for flood risk assessments
- Transferring requirements and exemptions for flood planning levels and development from the Interim Floodplain Management Policy to the DCP
- Transferring heritage requirements and exemptions from the Interim Floodplain Management Policy to the DCP, and making revisions to the heritage related requirements to strengthen the consideration of flood impact, including on the heritage values of the property
- Introducing new provisions and criteria for design requirements, access arrangements and practical precautions for development at risk of flooding impacts

Why are these changes important?

Restructuring objectives

Structuring the DCP to have objectives alongside their relevant provisions under each subsection ensures they are more easily related to each other in order to be considered in development assessment.

Transferring requirements for flood risk assessments to the DCP

The current DCP includes requirements for a site-specific flood study, and refers to an LEP clause that no longer exists for when a flood study is required. In practice, the clause is not used in development assessment, and instead the Interim Floodplain Management Policy is used. The proposed changes replace the existing Section 3.7.1 'Site specific flood study' with a new Section 3.7.1 'Floodplain management', bringing in the requirements from the Interim policy. Removing the unused provisions of the DCP and replacing them with the current requirements from the Interim policy improves the usability of the DCP and simplifies planning assessments.

Transferring requirements and exemptions for flood planning levels and flood compatible materials and development to the DCP

Currently the DCP does not contain requirements for flood planning levels or flood compatible materials, and the Interim Floodplain Management Policy is used. The proposed additions to the DCP are based on the existing requirements from the Interim policy, improving the usability of the DCP and simplifying development assessment without changing requirements compared to current practice.

Transferring amended heritage requirements and exemptions to the DCP

Currently the DCP does not contain provisions for treatment of heritage items in flood planning, and the Interim Floodplain Management Policy is used. The Interim policy recognises that flood planning requirements may be different for heritage items, however it emphasises flexible application of the requirements, which has resulted in weaker flood protection for heritage items. The proposed amendments to the heritage requirements to be brought into the DCP better balance the need for site-specific considerations when dealing with heritage items with the additional protections needed to address the risk of flooding damaging items of heritage significance, including the use of risk and hazard reducing design solutions.

New criteria for risk and hazard reducing design solutions

Neither the DCP nor the Interim Floodplain Management Policy currently include criteria for the use of active flood control systems. Technological solutions such as flood barriers/doors, flood sensors, warning alarms and lift deactivation devices are increasingly being proposed in development applications as active ways to manage flood risk and enable development in flood prone areas. Adding the proposed criteria to the DCP will simplify assessment of development applications that include these solutions and help provide safer outcomes in operation.

Water and flood management – Rainwater harvesting

Changes are shown in DCP amendment #10.

What is the context of these changes?

The DCP currently has controls for reducing the impact of new development on stormwater systems and the risk of flooding in the event of storms. The proposed changes recognise that on-site collection of rainwater is the most effective way of reducing risk of local flooding and reducing stormwater pollutant loads. The changes also emphasise the use of captured rainwater for non-potable uses, in order to reduce mains water consumption.

What are the proposed changes?

Amendments are proposed to the provisions within Section 3.7.2 'Drainage and stormwater management' that deal with stormwater volumes, and Section 3.7.3 'Stormwater quality', as part of a wider re-write of Section 3.7. The changes incorporate changes to requirements for new development.

- Replacing the existing blanket stormwater reduction target of 70% with more granular targets based on development type and roof area
- Introducing requirements for minimum rainwater tank size, and the provision of non-potable water plumbing to make use of captured rainwater, with a performance-based option
- Changing the existing 85% stormwater pollutant load reduction target to recognise the impact of the stormwater reduction targets on reducing total pollutants

Why are these changes important?

Setting targets for reducing rainwater roof runoff by land use

The DCP currently includes a requirement that post-development stormwater volumes be 70 per cent of the volume that would occur if no measures were applied to reduce the stormwater volume, or the equivalent volume if 50 per cent of the site was pervious, whichever results in the higher amount of stormwater being captured. This is quite a difficult control and relies on a technical analysis to determine which measure to apply and to calculate compliance.

The proposed controls set a roof runoff reduction target by land use. This allows a simpler calculation of the expected rainfall volume to fall on the roof area, and how much of that needs to be captured on site and how much can be diverted to stormwater. The control also reflects the relative ease of collecting water from a roof, compared to surfaces on the ground.

The targets range from a 20 per cent reduction for industrial uses, to 70 per cent for offices. This reflects the typical site area coverage of roofs.

Setting rainwater tank sizes by roof area

The proposed controls establish a rainwater tank size by roof area calculation to allow easier compliance with the above roof runoff reduction targets. Providing rainwater tanks at the proposed rates, along with plumbing to non-potable water uses such as landscaping, will mean compliance with the roof runoff reduction targets without any additional modelling or rainwater capture methods.

This approach will allow for an easier compliance pathway by setting an easy to understand outcome to meet the rain runoff reduction targets, without the need to engage specialists to calculate stormwater volumes and justify the methods used to meet them.

The controls also include the option for a proponent to demonstrate compliance with the roof runoff reduction targets using differently sized rainwater tanks, or with other stormwater reduction methods. This provides flexibility where complying with the stipulated rainwater tank sizes may have negative impacts, or certain site-specific features mean the DCP calculation cannot be applied accurately.

Changing the stormwater quality controls to recognise reduced stormwater runoff

The DCP currently requires new development on large sites to meet targets to reduce annual pollutant loads in the stormwater runoff, compared to a baseline average. These targets are important for the City to meet its targets of reducing pollutant loads in the stormwater system, however they are typically achieved with the use of cartridge filters. These filters have a limited lifespan and require maintenance, so the pollutant loads may increase over time even though the initial requirement was met at the time of construction.

Reducing total volumes of stormwater runoff from development sites with the use of deep soil, permeable surfaces and rainwater tanks is a more effective and long lasting way of reducing total pollutant loads. Analysis conducted by the City shows compliance with the proposed stormwater runoff reduction targets will result in much higher pollutant load reductions than the current controls require.

However, the proposed runoff reduction controls will have the unintended outcome of increasing the pollutant load from individual sites as a percentage, because the overall volume of water will be less. This makes the current stormwater quality controls incompatible with the proposed runoff reduction controls.

To avoid this unintended outcome, the provisions of Section 3.7.3 'Stormwater quality' are proposed to be changed so that they only apply for developments where the stormwater reduction targets cannot be met, or where the development is delivering contiguous areas of impermeable surfaces over 500 square metres in area (for example, a surface car park, plaza or road). The pollutant load targets are not proposed to change.

Design excellence

Competitive design processes

Changes are shown in DCP amendment #11.

What is the context of these changes?

The LEP promotes design excellence to achieve high quality architectural, urban and landscape design, particularly in prominent development and across large sites. This is supported by the Competitive Design Policy, which includes procedural requirements for design competitions, and provisions in Section 3.3 'Design Excellence and Competitive Design Processes', which clarify certain aspects of the design excellence process and awarding additional height or floor space.

Amendments to the Competitive Design Policy are being exhibited alongside this DCP. Amendments to this section of the DCP are proposed to update references, support other DCP amendments and ensure additional floor space is awarded correctly.

What are the proposed changes?

Miscellaneous amendments are proposed across Section 3.3 to update references and improve the usability and functionality of the DCP. Section 3.3.5 is proposed to be removed and replaced in order to re-express the objective of the control without changing requirements. Section 3.3.8 is proposed to be amended incorporating additional requirements.

- Amending Section 3.3.2 'Design excellence strategy' to reflect proposed changes to the Competitive Design Policy
- Replacing Section 3.3.5 'Awarding additional floor space' with new content to explain the calculation in a different way, without changing the requirements, to ensure more consistent application of the intended outcome
- Additions to the requirements for site-specific development control plans (concept DAs) to include an ecological assessment if required, and an assessment of land and groundwater contamination
- Amending Section 3.3.6 'Distribution of additional floor space and additional building height' and Section 3.3.8 'Site specific development control plans and concept development applications' in regards to the method of providing an indicative floor space ratio for each massing envelope, to align with the updated controls and guidelines for Central Sydney.

Reflecting proposed changes to the Competitive Design Policy

Amendments to the City of Sydney Competitive Design Policy are also proposed alongside the update to the LEP and DCP. Some of the relevant changes include removing the option of a design alternatives process, and instead having different types of architectural design competitions. These changes need to be reflected in Section 3.3.2 'Design excellence strategy', which details what a design excellence strategy needs to define before a competitive design process can be undertaken.

A provision in Section 3.3.8 'Site-specific development control plans and concept development applications' duplicates the content of 3.3.2 by including a list of the requirements for a design excellence strategy. This provision is proposed to be deleted, with a reference to 3.3.2 added instead. This will reduce duplication in the DCP and ensure there is a single source of truth.

Calculating additional floor space

The City's experience using Section 3.3.5 'Awarding additional floor space' over time has shown the need for the objective of the control to be expressed in a different way. Instead of a

complicated site area based pro-rata, the proposed replacement uses a much simpler approach. While the underlying intent of the control has not changed, the new control will be useful in more situations and will remove room for interpretation in the development assessment process.

Site-specific Development Control Plan (Concept DA) requirements

The DCP currently includes a list of the documents and information required as part of site-specific DCP for a major development project.

Additions to this list support a DCP amendment to require an ecological assessment in certain circumstances.

Amending certain DCP sections to support other Central Sydney-related changes

Since the implementation of the Tower Cluster provisions (Clause 6.21E of Sydney LEP) as part of the Central Sydney Planning Strategy in 2021, the City has been able to observe the performance of the controls in real world development assessments. Changes have been made to Section 3.3.6 'Distribution of additional floor space and additional building height' and 3.3.8 'Site-specific development control plans and concept development applications' to amend the process of providing an indicative FSR for each massing envelope, including changes to assumptions for roof/construction zones, floor to floor heights, plant levels and architectural articulation. These changes align with others made to Section 5.1 'Central Sydney', Schedule 12, and the 'Guideline for Site-Specific Planning Proposals in Central Sydney'.

Central Sydney

Central Sydney - General

Changes are shown in DCP amendment #12.

What is the context of these changes?

Section 5.1 'Central Sydney' contains specific controls for development that occurs in Central Sydney. It was last updated as part of implementation of the Central Sydney Planning Strategy in 2021. Since its implementation the new controls have been tested in real world development assessment, which has identified areas to improve the controls and correct errors.

Part of the new controls for Central Sydney were provisions to reduce the wind impacts on public domain caused by tall buildings. Because tall buildings exist outside Central Sydney, and the controls were developed with significant research, the provisions are proposed to be applied across the local area.

In response to a December 2020 Resolution of Council, the City has undertaken workshops with industry stakeholders on the Guideline for Site Specific Planning Proposals in Central Sydney and Schedule 12 of the DCP. In response to the Resolution of Council and informed by these workshops, the controls in Schedule 12, and 12.2 'Procedure B' in particular, are proposed to be completely re-written in order to be easier to follow and demonstrate compliance, with additional diagrams and guidance.

What are the proposed changes?

Edits are proposed to Section 5.1 'Central Sydney' and Schedule 12.1 and 12.2 'Procedures for demonstrating compliance' to improve clarity, correct errors and incorporate changes to existing requirements. The changes include:

- Correcting errors and improving clarity of controls without changing the requirements
- Expanding requirements for minimum outlook fields to non-residential development
- Updating the process and considerations for assessing a variation to the controls, including by accentuating the need for urban design and context analysis
- Restructuring Schedule 12.2 'Procedure B' to be easier to follow and demonstrate compliance

Why are these changes important?

Correcting errors and improving clarity

Section 5.1 'Central Sydney' was subject to significant change as part of implementation of the Central Sydney Planning Strategy. Applying the new controls to development applications has shown some provisions that should be expressed more clearly or need errors and inconsistencies corrected.

Certain provisions are re-structured so they are easier to understand without changing their meaning. Terminology has been updated to make the controls easier to understand, including clarifying that street setbacks refer to the setback above the street frontage height.

Provisions for handling variations to controls

The Central Sydney DCP controls are very specific, so it is necessary to include a process to guide assessing proposed variations to the controls. The current DCP includes provisions to guide this assessment, however the proposed amendments include a stronger emphasis on undertaking a high quality urban design analysis in order to assess the impacts of any variation. The proposed

provisions also introduce references to the NSW Government Architect's Better Placed design guidelines, which emphasise the importance of contextual fit.

Together, the proposed controls are intended to prioritise development proposals achieving a high quality outcome that suits their immediate context.

Restructuring Schedule 12.2 'Procedure B'

As the Central Sydney DCP contains very detailed provisions for setbacks, heights, building separation and tapering, the DCP allows variation from those provisions so long as equivalent performance metrics can be demonstrated by the proposed scheme. These performance benchmarks are the resultant daylight levels (or sky view factor) and wind comfort and safety levels. Schedule 12.2 'Procedure B' shows how to establish performance benchmarks by building a 'base case' which complies with the DCP requirements, and to compare the performance metrics of the proposed scheme.

Feedback from using Procedure B in development assessment has been that it is difficult to understand. A December 2020 Resolution of Council requested the City undertake workshops with industry stakeholders on the content of the schedule in order to improve its usefulness. The proposed restructured version of Schedule 12.2 reflects the outcomes of these workshops.

Central Sydney - Special Character Areas

Changes are shown in DCP amendment #12.

What is the context of these changes?

Section 5.1 'Central Sydney' identifies thirteen Special Character Areas that possess distinctive qualities important to the identity and character of Central Sydney, such as high concentration of heritage items, public domain with high cultural significance and high quality streetscapes.

These areas have locality statements and principles and are subject to specific controls, such as street frontage heights and tower setbacks to ensure future development responds to and enhances the existing character. Many of the development controls applicable to sites in Central Sydney are detailed in the Special Character Area maps.

Updates to the Special Character Area maps are needed to better align with recent changes to the LEP and DCP arising from the Central Sydney Planning Strategy, recent heritage listings of buildings, to reflect new controls from site-specific planning proposals and to correct minor errors and inconsistencies.

There are also changes to the street wall height in the Haymarket / Chinatown Special Character to respond to the Haymarket and Chinatown Revitalisation Strategy.

What are the proposed changes?

Edits are proposed to the Special Character Area maps in Section 5.1 'Central Sydney' to improve clarity, correct errors and incorporate changes to existing requirements. The proposed changes cover all the Special Character Area maps, and are shown in the figures below. The changes include:

- Reflecting changes to current or future built form outcomes as a result of the changes introduced as part of the Central Sydney Planning Strategy, including increased building heights
- Reflecting changes to the current or future built form context as a result of site-specific planning proposals made after the current maps were produced
- Correcting errors in how the existing built form is represented in the current maps, in order to better represent the existing built form context

- Improving how heritage listings are shown, including to better reflect the extent of heritage protections on a site, and to incorporate sites that have been heritage listed since the current maps were produced

Changes as a result of planning proposals

Updates are proposed for two sites to reflect recently finalised planning proposals. The changes to the Special Character Area maps add the site-specific controls for 2 Chifley Square, and new built form controls for 1-19 Oxford Street from the Oxford Street Creative and Cultural precinct and to expand the College Street and Hyde Park Special Character Area to the whole site.

Changes as a result of the Central Sydney Planning Strategy

The mapped building heights for a number of sites are proposed to be amended to align with the LEP maximum building height control that was updated following implementation of the Central Sydney Planning Strategy.

The mapped building height control has increased from 80 metres to 100 metres for two sites on Kent Street in the Sydney Square Special Character Area, and from 55 metres to 80 metres and from 55 metres to 60 metres for a number of sites in the York Street/Clarence Street/Kent Street Special Character Area. Street frontage heights fronting Pitt Street Mall have been reduced from 25 metres to 20 metres to align with LEP clause 6.18(3) in the Pitt Street Special Character Area.

The updates propose to remove Special Character Area-specific maximum building height controls for Tower Cluster sites, and to include variable tower setback controls to align with the flexible approach that is available for towers in Central Sydney.

Better reflecting existing built form

Amendments are proposed to better reflect the existing built form of buildings in the Special Character Area. For example, reducing the setback from 4 metres to 2 metres for sites fronting Reiby Place in the Bridge Street/Macquarie Place/Bulletin Place Special Character Area, and changing the tower setback for sites along Liverpool Street in the College Street/Hyde Park Special Character Area.

Improving how heritage sites are shown

Updates to the maps are proposed to better reflect a site's heritage listing. For example, where only the façade is listed and there is no restriction on a tower, the maps have removed restrictions applying to the whole site. Updates are also proposed to reflect recent heritage listings, including St Peter Julian's Church in Haymarket, Town Hall House and MLC Centre fronting Martin Place.

Changes to the street wall heights in Haymarket / Chinatown Special Character Area

The City's Haymarket and Chinatown Revitalisation Strategy identifies an action to 'encourage fine grain renewal'.

The current provisions require a street wall height of 15m (with the exception of George Street, Harbour Street and a small section on Sussex, Goulburn and Factory Streets) with an 8m setback above the street wall. For small and irregular shaped sites, this can result in a significant loss of floor space and in small building floorplates which are often unviable for commercial uses. For most small sites in the special character area, the FSR is not achievable once the street wall height and setback are applied. Development therefore is not possible without amalgamation, which would result in the loss of the historic ownership pattern and fine grain character of the area. This has also contributed to a lack of renewal in Haymarket and Chinatown.

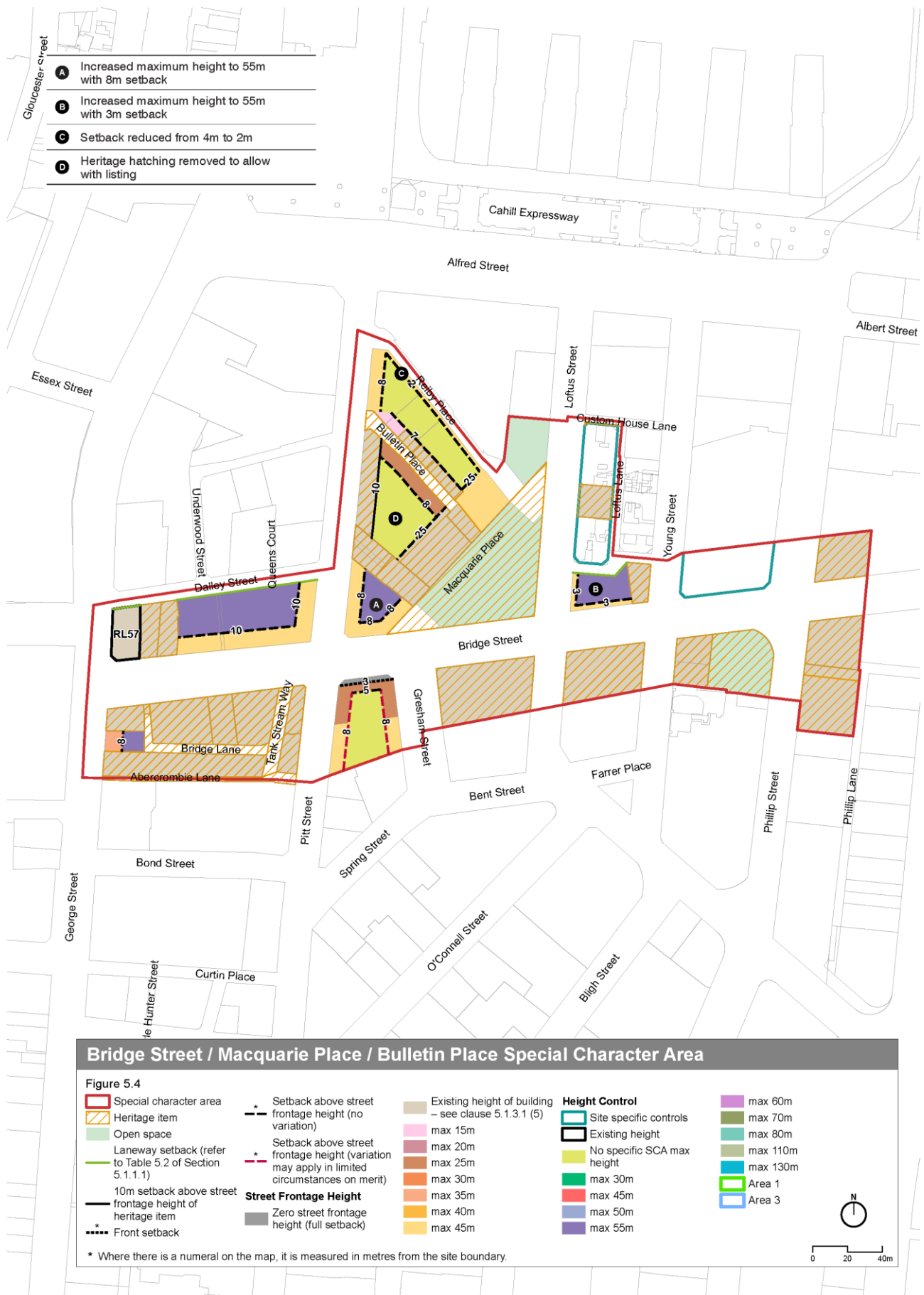
To address this, the special character area map is proposed to be updated to increase the street wall height to 35m in most instances. With a street wall height of 35m, the majority of sites can achieve their FSR, allowing fine grain renewal.

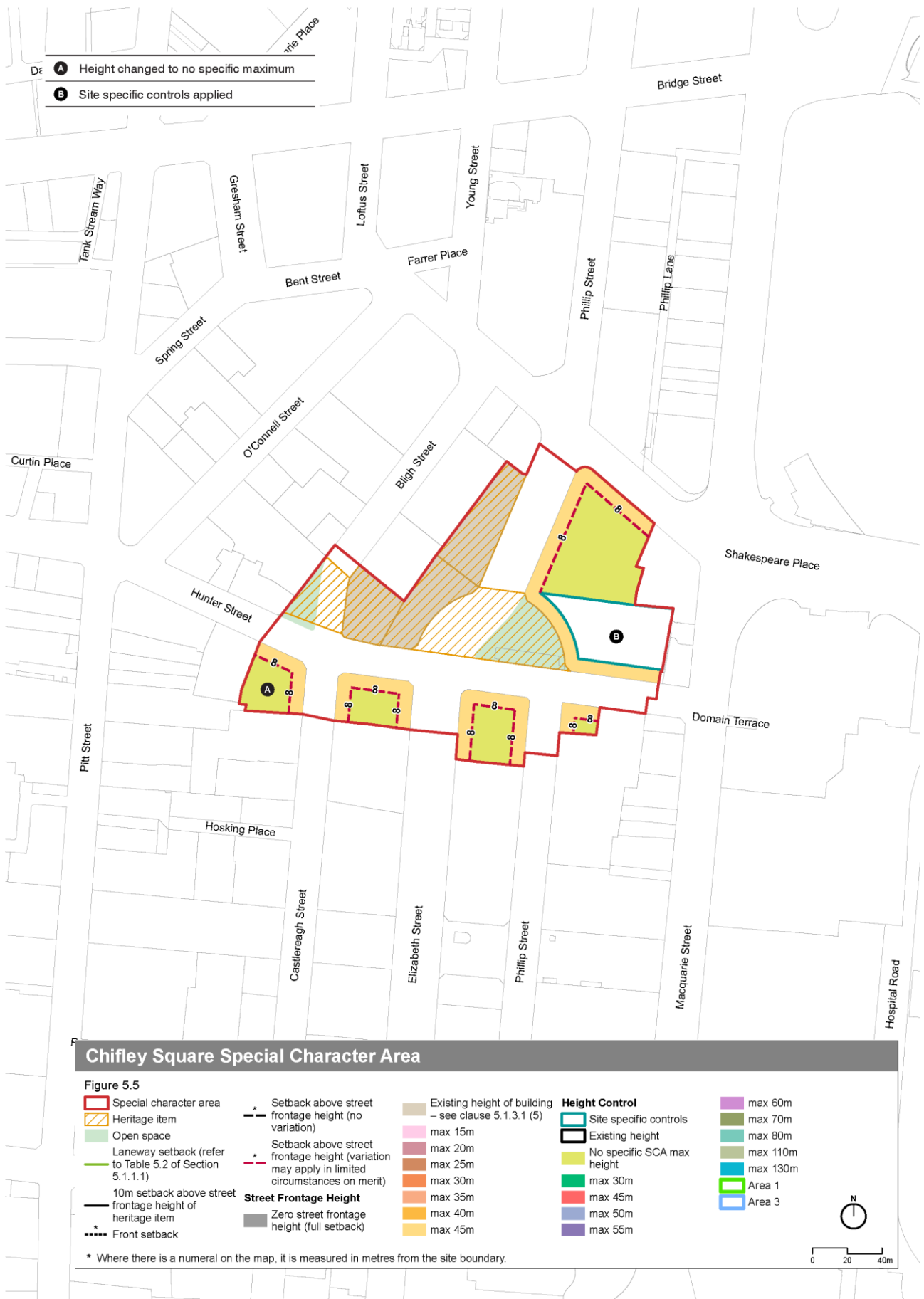
Amenity benchmarking has demonstrated that the street wall height can be raised to 35m without detrimental effects to the daylight in the public domain.

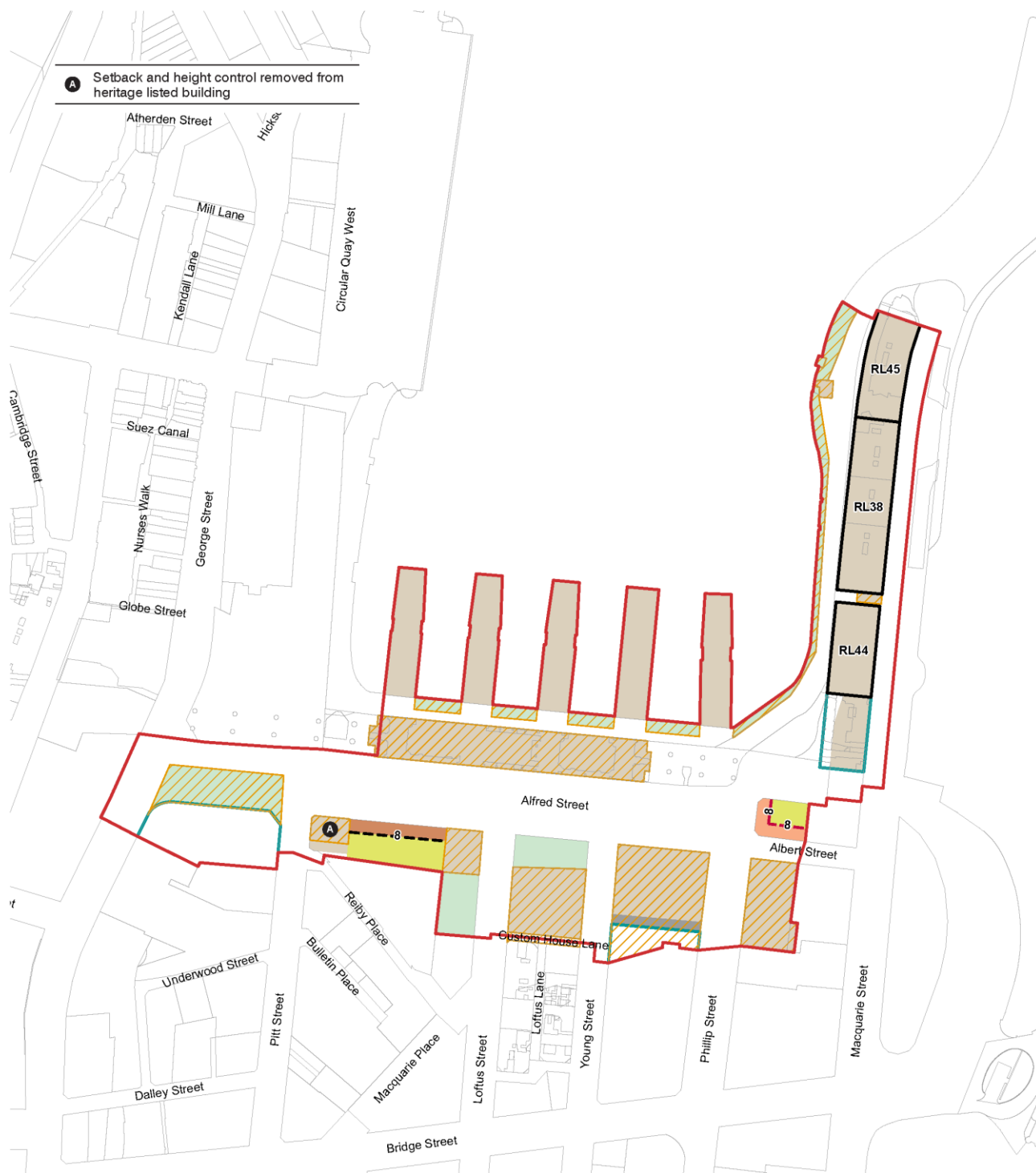
For the following streets and sites, the street wall height has not been raised to 35m:

- Dixon Street south (between Goulburn Street and Hay Street): Due to the narrow street width and large tree canopy, the maximum street wall height is proposed to remain 15m to protect the amenity to the street. The Dixon Street frontage of 25-29 Dixon is proposed to be lowered from 25m to 15m to be consistent along Dixon Street, though the rest of the site (facing Goulburn Street and Factory Street) is proposed to be raised to 35m.
- Hay Street: Due to the potential heritage investigations for 90-100 Hay Street and the predominance of heritage items on Hay Street which create a consistent street frontage height, the street wall height is proposed to remain 15m and to decrease from 45m to 15m along the Harbour Street frontage of 90 Hay Street.
- Little Hay Street: Little Hay Street provides an important transition from the street wall heights of intersecting streets. The 15m street wall height is proposed to be unchanged between Kimber Lane and Dixon Street to protect amenity to a narrow street and to provide a transition to Dixon Street. Between Dixon Street and Sussex Street, the street wall height is proposed to be raised from 15m to 20m to reflect the existing building heights, while also allowing amenity to the narrow street and providing a transition to Dixon Street. The 45m street wall height of Harbour Street is proposed to extend along Little Hay Street to Kimber Lane to facilitate a more practical building envelope on those sites.
- 13-19 Goulburn Street: The 15m street wall height is proposed to be unchanged to provide a transition to Dixon Street and respond to the adjacent heritage items.
- 355-363 Sussex Street: The street wall height for these four sites is proposed to be raised from 15m to 20m to align with the two adjacent heritage items and a recent development at 361 Sussex Street. A recent DA for 355-357 Sussex Street demonstrates that renewal is viable with a 20m street wall height.
- 655-669 George Street (Sussex Street frontage): The street wall height on the Sussex Street frontage is proposed to be raised from 15m to 25 to align with the height of the adjacent heritage item at 661-663 George Street.
- 75-77 Ultimo Road: Due to the potential heritage investigations, the street wall height is proposed to remain 15m.
- 187-189 Thomas Street: For a 14m section of the frontage on Valentine Street, the street wall height is proposed to remain at 15m, in alignment with the site specific DCP (section 6.3.21).
- 810-812B George Street: The street wall height is proposed to decrease from 20m to 15m to protect the setting of Christ Church St Laurence which is a state heritage building.
- 33 Ultimo Road: The street wall height is proposed to remain at 15m to reflect the existing condition of a heritage façade. The site has recently been redeveloped, therefore there is no need to encourage renewal in this location.

Changes to the Special Character Area maps are shown below.

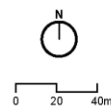






Circular Quay Special Character Area

Figure 5.6







Farrer Place Special Character Area

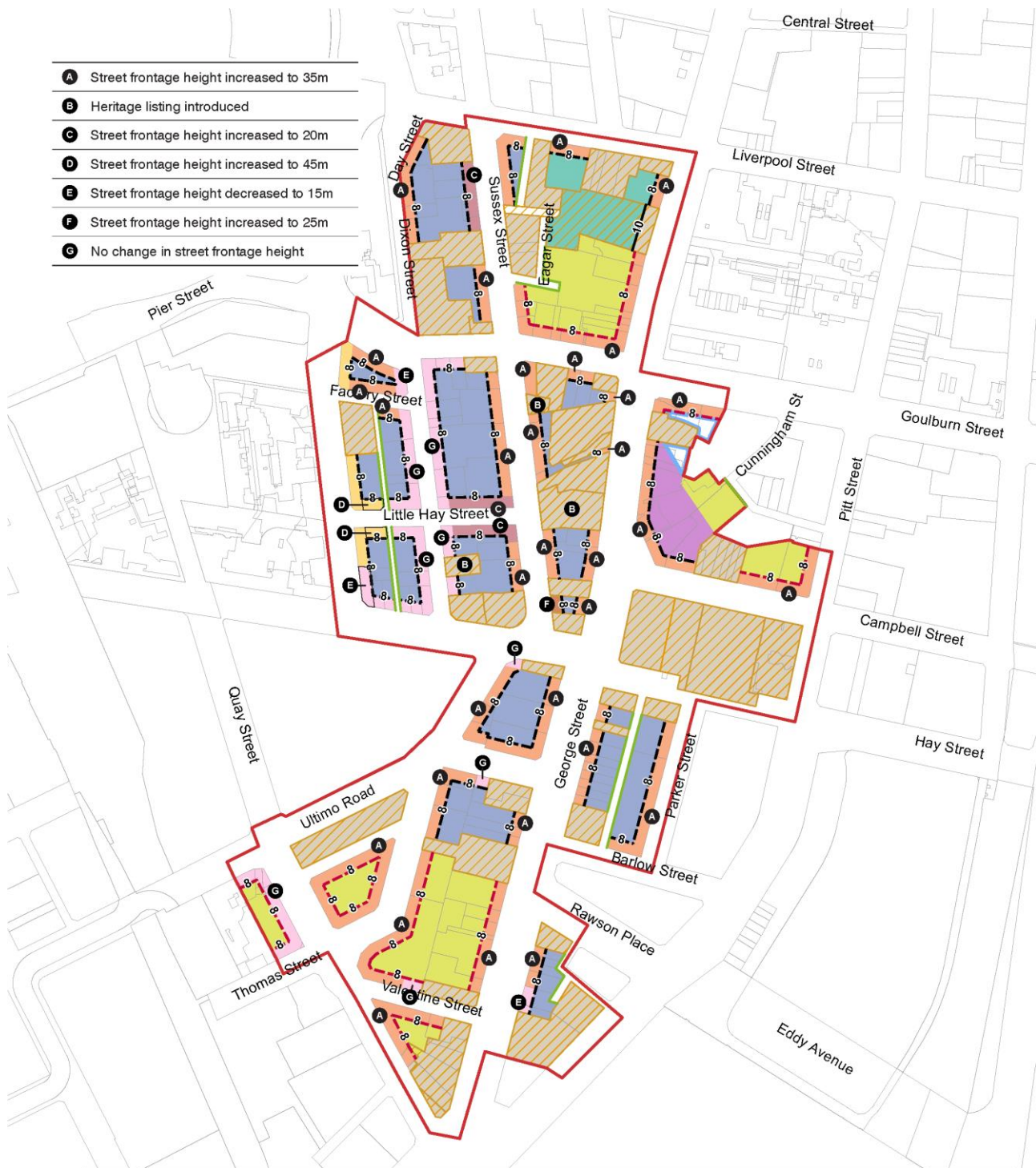
Figure 5.8

Special character area	Setback above street frontage height (no variation)	Existing height of building – see clause 5.1.3.1 (5)	Site specific controls	max 60m
Heritage item	Setback above street frontage height (variation may apply in limited circumstances on merit)	max 15m	Existing height	max 70m
Open space		max 20m	No specific SCA max height	max 80m
Laneway setback (refer to Table 5.2 of Section 5.1.1.1)		max 25m	max 30m	max 110m
10m setback above street frontage height of heritage item	Street Frontage Height	max 30m	max 45m	max 130m
Front setback	Zero street frontage height (full setback)	max 35m	max 50m	Area 1
		max 40m	max 55m	Area 3
		max 45m		

* Where there is a numeral on the map, it is measured in metres from the site boundary.

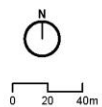
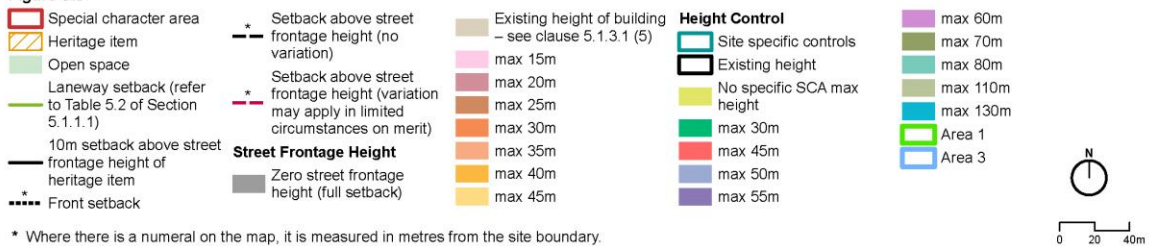
0 20 40m

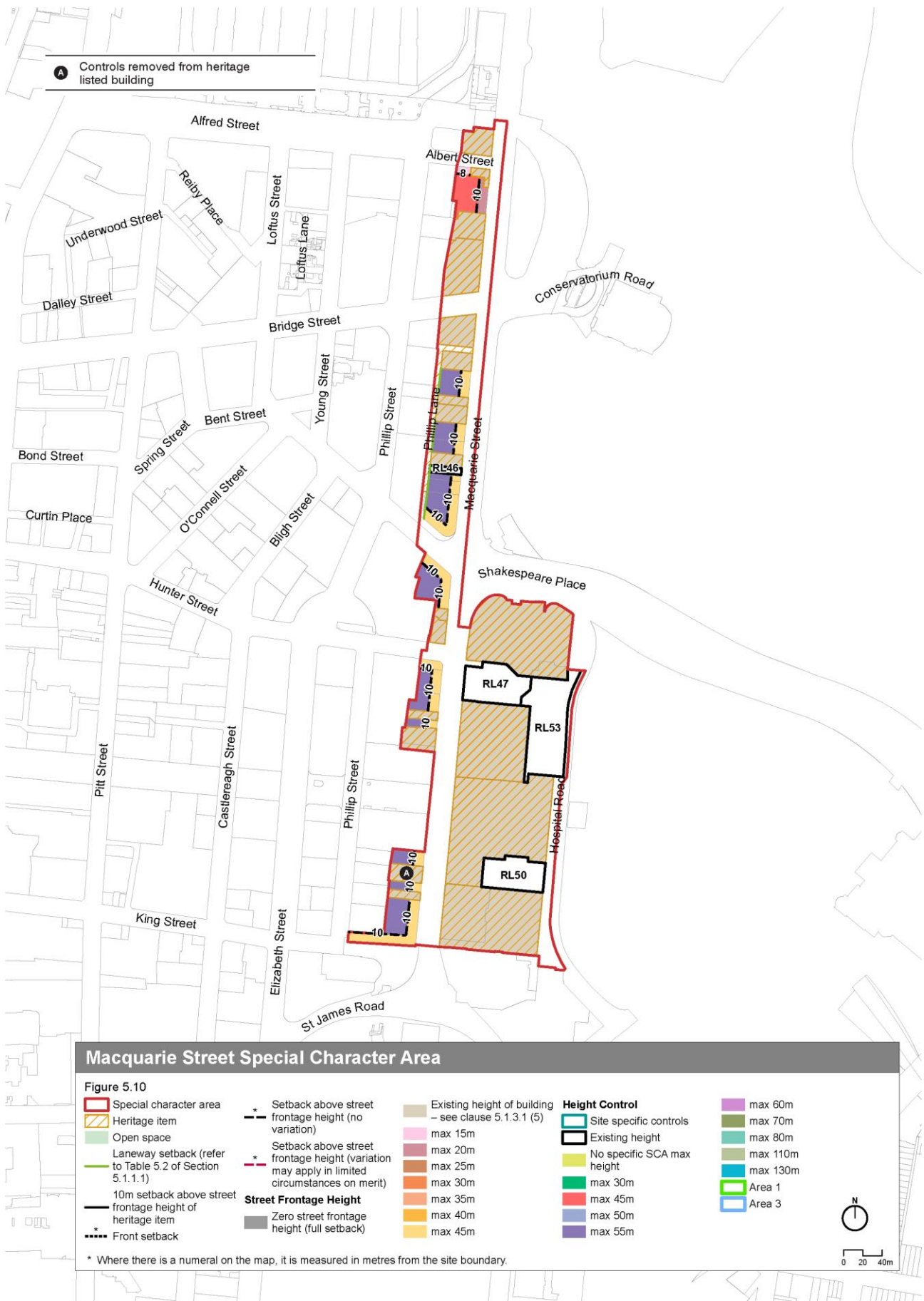
- A Street frontage height increased to 35m
- B Heritage listing introduced
- C Street frontage height increased to 20m
- D Street frontage height increased to 45m
- E Street frontage height decreased to 15m
- F Street frontage height increased to 25m
- G No change in street frontage height

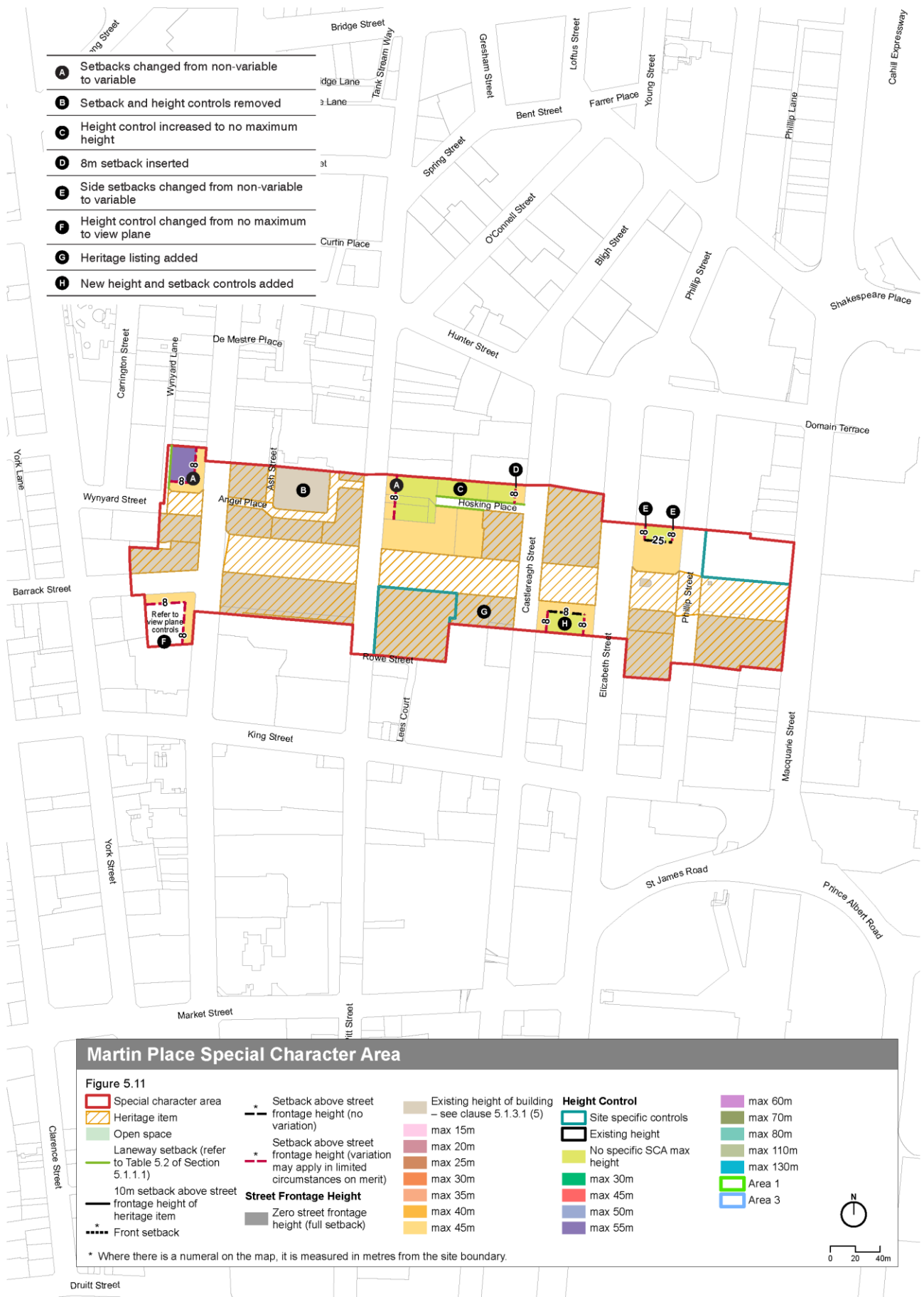


Haymarket / Chinatown Special Character Area

Figure 5.9







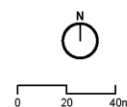


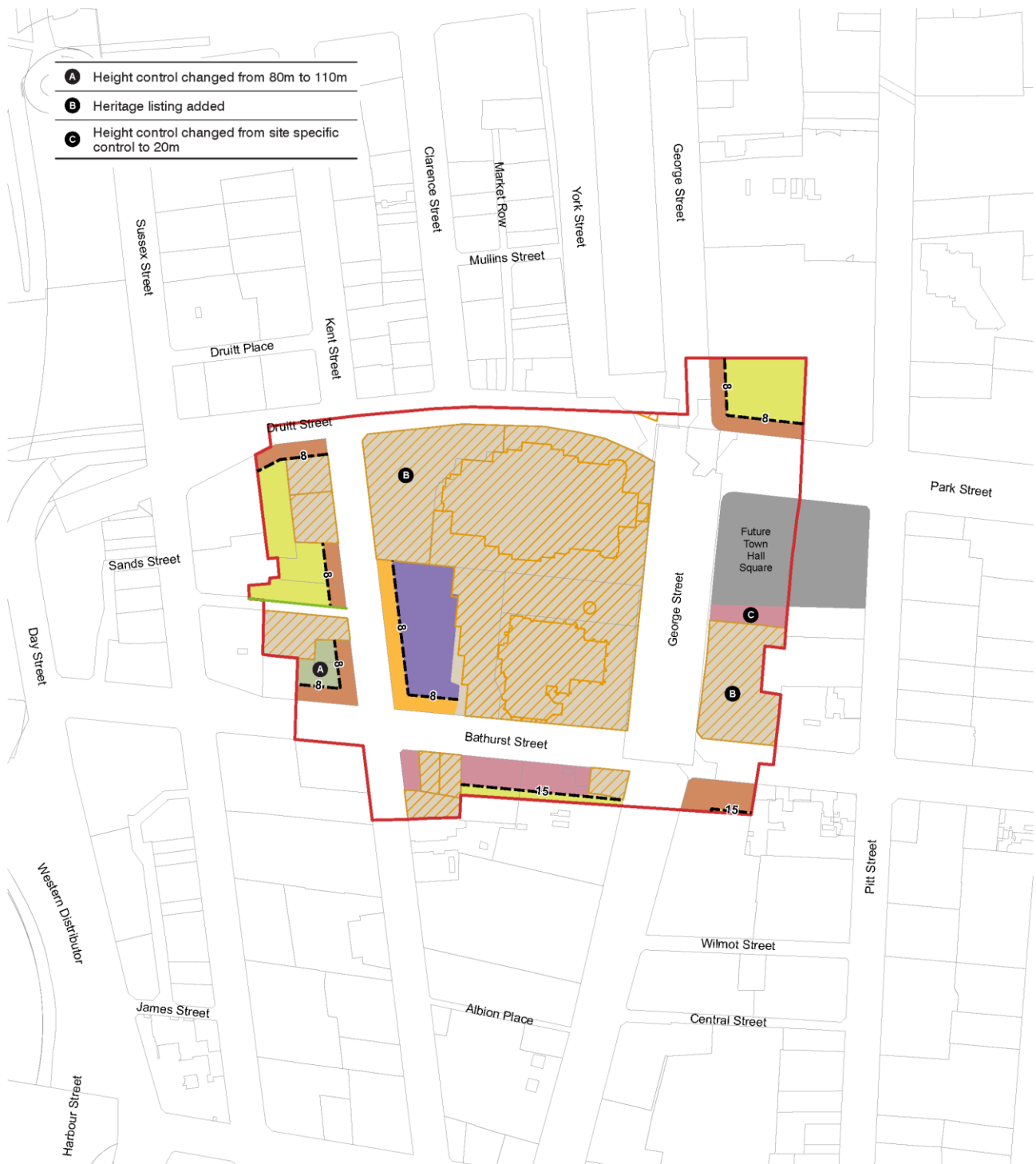
Pitt Street Mall Special Character Area

Figure 5.12

- | | | | | |
|--|---|---|---|---|
| <ul style="list-style-type: none"> Special character area Heritage item Open space Laneway setback (refer to Table 5.2 of Section 5.1.1.1) 10m setback above street frontage height of heritage item Front setback | <ul style="list-style-type: none"> Setback above street frontage height (no variation) Setback above street frontage height (variation may apply in limited circumstances on merit) | <ul style="list-style-type: none"> Existing height of building – see clause 5.1.3.1 (5) max 15m max 20m max 25m max 30m max 35m max 40m max 45m | <ul style="list-style-type: none"> Height Control Site specific controls Existing height No specific SCA max height max 30m max 45m max 50m max 55m | <ul style="list-style-type: none"> max 60m max 70m max 80m max 110m max 130m Area 1 Area 3 |
|--|---|---|---|---|

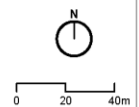
* Where there is a numeral on the map, it is measured in metres from the site boundary.

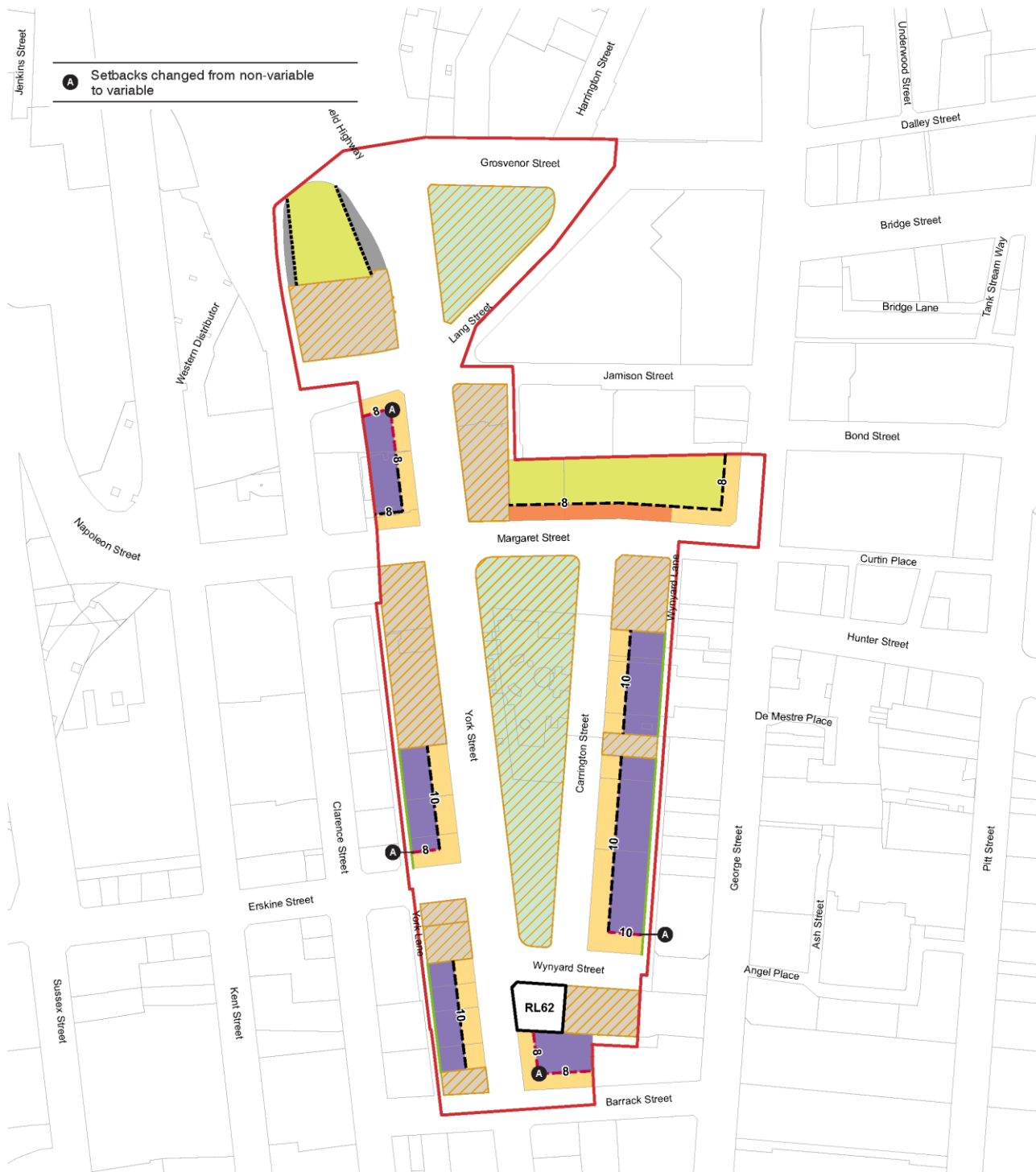




Sydney Square / Town Hall & St Andrews Special Character Area

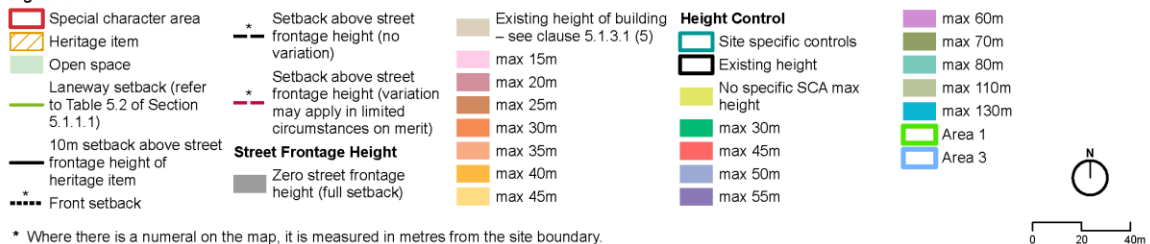
Figure 5.14





Wynyard Park / Lang Park Special Character Area

Figure 5.15



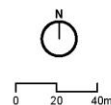


York Street / Clarence Street / Kent Street Special Character Area

Figure 5.16



* Where there is a numeral on the map, it is measured in metres from the site boundary.



Housekeeping

Late night trading

Changes are shown in DCP amendment #13.

Maps are shown in “Late Night Trading” in the DCP Map Book.

What is the context of these changes?

Amendments are required to this section to ensure consistent application of the controls in line with their original intent and the policy positions of the City. In the current controls there is room for misinterpretation of certain terminology, definitions and requirements, which can result in inappropriate implementation of the controls. The amendments do not reflect changes to the policy intentions of the current controls.

What are the proposed changes?

Amendments to Section 3.15 ‘Late night trading management’ are proposed to clarify application of existing policies and update references. Changes to the late night trading area maps are proposed to correct an error and include an area previously not within the City’s planning controls.

- Clarifying the land uses and activities referred to under the late night trading categories
- Clarifying application of the late night trading controls to outdoor trading
- Clarifying that two hour trial periods are permitted as part of the first application for extended trading hours
- Clarifying the entry and egress rules enabling low impact premises trading to 2am
- Removing a reference to a definition for live entertainment in NSW Government legislation that no longer exists
- Adding Central Park/CUB, Central Station, Barangaroo, 44 Botany Road, Alexandria and Oxford Street Village at 55-73 Oxford Street, Surry Hills to late night trading area maps, and correcting the mapping for 354 Bourke Street, Surry Hills.

Why are these changes important?

Clarifying land uses and activities

The current provisions state that Category A, B and C uses exclude sex services premises. The Sydney DCP and LEP 2012 define sex service premises as premises where sexual acts or sexual services take place in exchange for payment. Section 4.4.6 of the DCP defines sex industry premises as including both (a) sex service premises, and (b) sex on premises venues. The land use is proposed to be amended to refer to sex industry premises to ensure that the provisions do not apply to sex on premises venues such as swingers clubs and sauna clubs.

References to performance, creative and cultural uses throughout the late night trading provisions require amendment because these are not recognised as a land uses in the LEP. To align with the LEP, and be consistent with the Open and Creative planning reforms, these are proposed to be described as ‘activities’ and are defined in the DCP.

The current definition as drafted means that a venue could project an image onto the wall and receive an additional trading hour for performance. The intention of the policy is that an additional hour for a projection includes either a film, or a projection in addition to live entertainment or an exhibition or the like. The provision is proposed to be amended to provide clarity and ensure that it is not misused to obtain an additional hour of trading.

The current definitions are not clear that gyms in buildings without residential development are Category C premises. Further when referencing 'gyms' (in both Category B and C) the definition does not include other indoor recreational facilities such as pilates studios. These uses cannot be addressed in other late night trading provisions as 'commercial' premises. The intention of policy is not to apply the late night trading provisions to uses such as industrial kitchens operating after 10pm. The proposed amendments state that gyms and other indoor recreational facilities in buildings without residential are Category C and that commercial kitchens are excluded.

The current provisions do not define stand-alone gym which is open to misinterpretation. The intended meaning of 'stand-alone gym' is one that is not provided as part of the facilities of a residential development, but is separate and independent commercial operation to other uses in the same building. The proposed amendment provides clarity and will assist in implementation.

Applying late night trading provisions to outdoor trading after 8pm

The current provision is drafted in a way that means trial periods cannot be imposed to Category A and B premises in the City Living, Local Centre and all other areas where they are trading outdoors after 8pm but indoors until 10pm. Late night trading controls previously applied to premises trading outdoors after 8pm, and this is still relevant. To ensure that the impacts of outdoor trading on residential amenity are monitored through trial periods, the proposed amendment is to apply the provisions to Category A and B premises which may have outdoor trading between 8-10pm.

Entry and egress for low impact premises

The intention of this provision is to facilitate low impact venues such as small bars on identified main streets in Local Centres, as long as access and egress is from a main street (defined on the DCP maps) and not onto a laneway which abuts residential properties, or into a predominantly residential area. The term 'predominantly residential area' can be misinterpreted as locations where there are residential terraces further along the main street from a premises with an entrance onto a main street. Further, there may be premises located on the corner of a main street, with a frontage onto a main street and a primary access from a side street. Given the close proximity of a side access on a corner site to a main street, such premises should not be prevented from accessing the 2am provisions.

The proposed amendment clarifies that for sites on a main street, access (for example the door to the premises), must be on the main street, or side street if it is located on the corner of a main street, and not via the rear of the premises. This change will ensure that residential uses located with frontages onto main streets, including terraces or shop-top housing are not to be used to refuse longer trading hours, or used as a basis to argue that the late night trading premises provides access to a 'predominantly residential area'.

Extended trading for the first application

The current provision is not clear about whether trial periods can be granted for two additional hours in the first application because it refers to previous trial periods being satisfactory. The intention of the DCP provision is that two hour increments can be approved in the first application. To provide further clarity the provision should also refer to the approval of two hour increments up to the maximum extended hours permitted for uses in the trading hours table 3.7 that are not eligible for performance hours.

Amending the late night trading area maps

The maps on the Sydney Late Night Trading DCP 2007 do not accurately show all of Barangaroo City Living late night trading area. This is because the 2007 mapping base does not accurately show the Barangaroo coastline. The intention of policy is that the whole of Barangaroo south of the cove, excluding Crown Casino, be a City Living Area. The 2007 DCP applies the Sydney DCP 2012 provisions. The Sydney DCP 2012 has been extended to cover Barangaroo, so the proposed maps include the Barangaroo City Living Area.

The site at 44 Botany Road is excluded from the Local Centre late night trading area. It was not included in the 2007 Local Centre and was not addressed in the 2019 amendments which

extended the local centre south of the corner sites south of Henderson Road. This exclusion appears to be an anomaly and as this site could be redeveloped in the future for late night trading uses, it is proposed to be included in the Local Centre.

Central Park/CUB is proposed to be added as part of the Integration of planning controls project. No change is proposed to the current late night trading controls that govern the area, as the current controls are proposed to be brought into Sydney DCP.

Central Station is proposed to be designated as a Late Night Management Area. This reflects its growing role as a vibrant and mixed use destination, including new development projects and the proposed over-station tech and innovation precinct. Late night venues on Eddy Avenue have recently opened, showing a nascent late night precinct. As the area is dominated by the noisy context of infrastructure uses, the additional impact of late night entertainment sound is not likely to create amenity impacts. While Central Precinct is under-going a State Significant Development rezoning process, mapping the site now is consistent with the strategic intent.

55-73 Oxford Street “Oxford Village” is proposed to be designated as a Late Night Management Area. This reflects the predominant late night trading designation of adjacent sites on Oxford Street. Oxford Village is a mixed use residential development with a shopping centre on its lower levels. The designation will allow current and future businesses in the shopping centre to trade later, matching trading hours of businesses and venues in the surrounding area. The proposed change will enable this prominent site to better contribute to Oxford Street as a preeminent late night entertainment precinct, and provide a greater diversity of late night offerings including food, retail and services.

A mapping error for 354-358 Bourke Street, Surry Hills “The Beresford Hotel” is proposed to be amended. Currently half the site is designated as a Local Centre Area, with the other half undesignated. The premises is currently treated as though it is entirely covered by the designation, as it is not possible to apply the late night trading controls according to the arbitrary dividing line. To match how the site is currently treated and correct the error, the entire site is proposed to be designated as Local Centre Area.

The amended late night trading area maps are shown in the “Late Night Trading” section of the DCP Map Book.

Signs and Advertisements

Changes are shown in DCP amendment #14.

What is the context of these changes?

The City has stringent controls over new building signage, business signage and advertising in the local area. The current controls include some flexibility and room for interpretation intended to allow innovative and creative approaches to signage, however in practice this has allowed signage to avoid compliance with the controls and deliver some poor outcomes.

What are the proposed changes?

Amendments to the objectives and provisions of Section 3.16 ‘Signs and Advertisements’ are proposed to clarify application of existing policies and reflect real world practice in development assessment.

- Restructuring the amendments to clarify that top of building signs are to be for building identification signage and not business identification signage
- Removing provisions that allow “uniqueness” and “innovation” to justify deviations from the other controls
- Removing reference to public art from the criteria for assessing new advertising signs
- Updating the Chinatown signage precinct area and provisions

Why are these changes important?

Top of building signs for building identification signage only

Given the prominence of the Central Sydney skyline, top of building signage in the City of Sydney is extremely valuable, and has the potential to be sold off as advertising space. To avoid this occurring, the DCP requires that top of building signage be for building identification signage only, not advertising.

In the current DCP, provisions for top of building signs come under the heading of building identification signs, and the intent was that top of building signs would only be that category of signage. However, as there is no provision specifically stating that they cannot be business identification signage, which has led to some confusion over whether business identification signs could be used as top of building signs.

Under the LEP definition signs can be defined as business identification signs if the business has a presence at the premises. By contrast, the DCP requires that top of building signs only be allocated to an owner or significant tenant of the building. This much higher bar is important to avoid top of building signage being sold as advertising space to businesses that do not have a significant presence in the city. To ensure this can be maintained, the controls are proposed to be amended to specifically exclude business identification signs.

Removing flexible compliance with the signage controls

Section 3.16.6.2 'Signs with design excellence' allows for variations from the stringent controls of the DCP to allow for signs that deliver innovation or uniqueness. This has been used as a loophole for poor quality and badly designed signage to be approved even though it is not compliant with the controls.

Proposals seeking to deliver design excellence, innovation and uniqueness in signage which require deviation from the DCP provisions can be achieved by referring to the objectives of Section 3.16, which emphasise well designed signage, high quality public domain and positive contributions to the city skyline.

Removing reference to public art

Provision 3.16.7.1 (1) includes general considerations for assessing a new advertising sign. One of the considerations is whether the advertising could be considered public art. This has resulted in outcomes where public art and advertising signage have been conflated.

There is no role for the consent authority to consider whether an advertising sign is public art. In the LEP street art is exempt development, and public art is permissible in any zone, under certain criteria including that they not involve advertising or signage. To prevent development applications positioning advertising as public art and attempting to conflate the two, the reference to public art is proposed to be removed.

Updating the area and provisions for Chinatown signage precinct

The City's draft Haymarket and Chinatown Revitalisation Strategy identified an action to 'encourage cultural expression in building signage and lighting'. The DCP provisions for the Chinatown Signage Precinct have been updated to meet the following objectives:

- Signage is to be vibrant, colourful, and contribute to creating an exciting street environment.
- The style of the signage, the diversity of sign types and the abundance of signs is to contribute to setting Chinatown apart from the rest of Central Sydney.
- The use of LED neon signage is to enhance the area as a place to visit at night.
- Signage contributes to the expression of Asian cultures.
- Signage uses energy efficient technologies.

The provisions have been redrafted to remove outdated language, simplify the controls, and be more permissive in the number, type, and size of signs, where neon or LED neon is used. It is

proposed that signage can be in any language, with the requirement for English translations proposed to be removed from the DCP provisions.

With consideration towards the green-tiled awnings in Chinatown which are unsuitable for attaching an under-awning sign, an additional provision is proposed to allow horizontal projecting wall signs to be used in place of under-awning signs.

The signage precinct area is proposed to be expanded to include Thai Town (with the boundary extended east to include Pitt Street between Goulburn Street and Barlow Street) and the entirety of Dixon Street. These expansions are proposed because the added areas have a similar character in terms of built form, land use and historic and cultural associations. The precinct has been renamed 'Chinatown and Thai town signage precinct' to reflect this change in area.

The updates to the Signage precinct map are shown in "Signage precincts" in the DCP Map Book

Child care centres

What is the context of this change?

In 2017 the Department of Planning and Environment introduced State Environmental Planning Policy (Education) 2017 (Education SEPP) and the Child Care Planning Guideline. These state planning controls supersede any local planning controls for child care centres to provide consistency across local government areas.

Sydney DCP currently contains detailed planning controls for child care centres in Section 4.4.4 'Child care centres'. These controls pre-date the Education SEPP and the Child Care Planning Guideline, and no longer have any role in the planning assessment process.

What are the proposed changes?

- Removal of Section 4.4.4 'Child care centres'
- Clarifying requirements for drop-off and pick-up areas at child care centres
- Updating bicycle parking requirements for child care centres

Why are these changes important?

Removing the DCP section for child care centres

Requirements for child care centres are contained within State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 3 'Educational establishments and child care facilities', and the state government Child Care Guideline. Section 3.6 'Relationship to other environmental planning instruments' makes it clear no local or other state planning control can be inconsistent with the Chapter. This means there is no longer any role for local planning instruments such as Sydney DCP to include provisions for child care centres. Accordingly, the section in the DCP is proposed to be removed.

Changes are shown in DCP amendment #15.

Clarifying parking requirements for child care centres

Sydney LEP contains the maximum parking rates for child care centres.

In addition, Schedule 7.8.3 'Passenger pick up and set down areas' includes guidance for short term visitor parking provision in child care centres. As the provision as currently worded could conflict with the LEP maximum rates, this is proposed to be updated.

The rate of provision for short stay visitor spaces is proposed to be updated from 1 per 8 children to 1 per 10 children. This is because at typical densities, 1 per 8 children could result in a higher number than 1 per 100 square metres in Sydney LEP. 1 per 10 children aligns more closely with the LEP rate.

The proposed updated provision also makes clear that the DCP schedules do not override the LEP, and in accordance with Sydney LEP there is no minimum amount of parking required.

The parking rates for child care centres in Sydney LEP are not proposed to change.

Changes are shown in DCP amendment #4.

Bike parking at child care centres

The DCP currently includes a rate of 1 per 10 staff for employee bike parking, and a fixed amount of 2 customer/visitor bike parking spaces for drop offs.

Most DCP controls for child care centres are proposed to be deleted (see amendment #13), as the NSW Child Care Guideline and State Environmental Planning Policy (Transport and Infrastructure) 2021 are now the superseding planning instruments for child care centres. However, both the SEPP and the Guideline allow for local DCPs to set planning controls for parking and bike parking.

The 1 per 10 staff rate proposed to be updated to a GFA-based rate, along with the other land uses with existing staff-based rates. This is proposed to be 1 per 400 square metres, based on the work space ratios for social capital industry in the 2017 Floor space and employment survey.

The visitor bike parking rate refers to the “Class C” bike rings placed near the entry of a premises. The current requirement of 2 per centre does not account for the variability in size of a child care premises. The current requirement also pre-dates the availability and take up of larger bikes designed for carrying children. These bikes include seating for one or two small children (as well as the primary rider), are often electric to counteract the additional weight, and enable a more sustainable alternative to driving for drop-offs.

To support the uptake of this mode of transport, the visitor bike parking requirements are proposed to be updated to a GFA-based rate, and additional provisions are proposed to support the larger sized bikes and additional room for loading and unloading the bikes.

Changes are shown in DCP amendment #4.

Miscellaneous updates

Changes are shown in DCP amendment #15.

What is the context of these changes?

The comprehensive review of Sydney DCP is structured around policy-related groups of changes to one or multiple parts of the DCP. However, there are a series of smaller amendments proposed to the DCP that do not fall under a wider policy review.

The comprehensive review is an opportunity to update parts of the DCP that have not been subject to a review over the past ten years. While there have been regular updates and additions to the DCP over time, there has not been a comprehensive review of the DCP since its introduction, which means there are parts which have outdated references, controls that have been interpreted differently over time, and controls that have become inconsistent with newer policies.

What are the proposed changes?

Edits are proposed across parts of the DCP that do not fall under the scope of a broader policy review.

The proposed edits are to correct errors, change or remove outdated references, address inconsistencies with newer policies and reflect current practice in development assessment. These will ensure Sydney DCP continues to be a reliable and up to date document.

Some of the proposed changes also introduce new requirements or change the way existing requirements will be interpreted and enforced.

- Identifying that the consent authority may require a ground gas assessment for development within 250 metres of Sydney park. This is to acknowledge that Sydney park has previously been a landfill site and that mitigation measures may occasionally be required.
- Updating the Glossary of Terms to add a new definition for “active edge” and expand on the definition of “fine grain” to support DCP controls that use these terms
- Deleting references to development contributions plans, which are now contained in a statutory document outside the DCP
- Editing the requirements for footpath awnings to emphasise compatibility with the scale, architectural features and heritage value of the host and adjacent buildings
- Updating references to food waste, compostable material, etc. to the singular term “food organics”
- Introducing new amenity requirements for dwelling houses including natural ventilation and appropriate head heights for habitable rooms in upper storeys
- Updating references to the NSW Residential Flat Design Code 2002 to the NSW Apartment Design Guide and updating and deleting provisions which conflict with or duplicate provisions in the ADG
- Changes to requirements for dwelling houses in the Rosebery Estate special character area, including clarifying the description of the upper level addition as an ‘attic’ or ‘extension’ rather than a ‘second storey’, and prohibiting ramps to basement car parking areas
- Introducing criteria for what is considered a “minor increase” in floor space allowable as part of conservation works eligible for a Heritage Floor Space award
- Removing definitions in Section 4.4.6 ‘Sex industry premises and adult entertainment’ which duplicate definitions in Sydney LEP, state government legislation and the dictionary
- Removing Section 3.13.2 ‘Air quality for development near the Cross City Tunnel’ to reflect removal of the associated clause in Sydney LEP.
- Updating references to the Sydney Streets Code, Public Domain Manual and Inclusive and Accessible Public Domain Policy and Guidelines.
- Clarifying the City’s existing position that the use of long term Environmental Management Plans is to be avoided where possible consistent with the Contamination Policy.
- Limited changes to the controls for balconies including introducing a requirement for full height adjustable screens to cover at least half of the area. Redundant provisions are proposed to be removed, including a requirement for balconies to be provided for over 75% of dwellings, which duplicates the ADG, and for balconies to have a north west or north east aspect, which is not practical to require where it would not already be provided due to the location of the apartment.

Integration of planning controls

Maps are shown in “Integration of planning controls – DCP” in the DCP Map Book.

What is the context of these changes?

Some areas within the City of Sydney local government area are not covered by the provisions of the current DCP. Development on these sites are subject to legacy planning control frameworks, such as the now revoked Part 3A Concept Plans, state significant development approvals, or separate site-specific planning controls. This has resulted in a fragmented and complex set of planning controls that apply to the City of Sydney.

What are the proposed changes?

The affected areas, respective planning frameworks and planning controls proposed to be integrated into Sydney DCP are as follows. No changes compared to what is currently permissible or built on the sites are proposed.

- Central Park Broadway (formerly known as the CUB site)
- Harold Park
- Glebe Affordable Housing Project
- Gardeners Road, Rosebery
- Redfern Waterloo Authority sites
 - Eveleigh Street precinct
 - Former Rachel Forster Hospital
 - Former Redfern Court House
 - National Centre for Indigenous Excellence (NCIE)
 - Pemulwuy Precinct
 - South Eveleigh / Australian Technology Park
 - Regent and Gibbons Street precinct
 - Rowley Street

Why are these changes important?

In most instances the purpose of having separate plans and instruments for these areas has been to shape their redevelopment. The redevelopment of these areas is now largely complete, and it is now appropriate that the planning controls are integrated into Sydney DCP.

Integration with Sydney DCP will ensure that more of the Sydney local government area is covered by a single instrument, reducing confusion for the community and proponents over which instrument applies on certain sites, and where development controls are contained.

