

# PART C: PLACE

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# SECTION 1 – GENERAL PROVISIONS

## C1.0 GENERAL PROVISIONS

### Objectives

Council seeks to maximise opportunities for good urban design to make a positive contribution to streetscapes and public spaces throughout the Inner West whilst promoting the amenity of property, its occupiers and the prosperity of businesses. Proposed developments, including new buildings, landscapes and even provision for parking or signage, need to reflect and complement the identified values of individual Heritage Items and Heritage Conservation Areas in their design. Appropriate new development should not only protect, but also enhance, public and private amenity for the entire community, now and for the future.

Council will, regardless of location, promote urban design that produces walkable, cycle-able neighbourhoods that will support a socially, environmentally and economically resilient community. Development is to make a positive contribution to implementing the following urban design objectives:

- O1 Sustainable: places and spaces ‘meet the needs of the present without compromising the ability of future generations to meet their own needs’<sup>1</sup>. Environmental performance of buildings is optimised through the management of energy and water consumption, production and recycling.
- O2 Accessible: places and spaces can be accessed by the community via safe, convenient and efficient movement systems.
- O3 Adaptable: places and spaces support the intended use by being safe, comfortable, aesthetically appealing, economically viable and environmentally sustainable and have the capacity to accommodate altered needs over time.
- O4 Amenable: places and spaces provide and support reasonable amenity, including solar access, privacy in areas of private open space, visual and acoustic privacy, access to views and clean air.
- O5 Connected: places and spaces encourage people to interact with the physical environment and each other through a network of safe, convenient travel routes and alternatives which are accessible for all users. Places and spaces accommodate a variety of uses and activities which attract people and enhance social activity.
- O6 Compatible: places and spaces contain or respond to the essential elements that make up the character of the surrounding area and the desired future character. Building heights, setbacks, landscaping and architectural style respond to the desired future character. Development within Heritage Conservation Areas or to Heritage Items must be responsive to the heritage significance of the item and locality.

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<sup>1</sup> World Commission on Environment and Development (1987). *Our Common Future*. Oxford: Oxford University Press. p. 27

**Character:** the underlying natural landform, distinctive landscape elements, date and style of buildings, scale and form of buildings, street and subdivision patterns, setbacks, materials, building techniques and details, views, vistas and skylines, the solid to void relationships and orientation.

**Scale:** the size of a building in relation to surrounding buildings or landscape. Building design should recognise the predominant scale (height, bulk, density, grain) of the setting and then respond sympathetically. The impact of an inappropriately scaled building cannot be compensated for through landscaping, building form, design or detailing.

**Form:** the overall shape, volume and arrangement of its parts. Building design should be compatible with the predominant form of its neighbours. Roofline will play an important part in determining neighbourhood character. Buildings should respond to, or reinforce existing ridge or parapet lines, roof slopes and other features such as party walls and chimneys. The treatment of the building in terms of proportion, materials and number of openings need not copy that of the neighbours but should relate to it positively. Contemporary design will be considered for new development where compatible with other provisions of this part, particularly but not exclusively, the protection of heritage character throughout the Inner West.

**Siting:** the location and orientation of the building. Buildings are to be located to ensure compatibility with the site layout and design of adjoining buildings and the prevailing streetscape, in particular in terms of scale, form and other defining elements, whilst allowing for reasonable variation to respond appropriately to context and site characteristics.

**Materials and colour:** characteristic materials, textures and colours which are used locally and in adjacent buildings should be re-interpreted and incorporated as part of the new building work. Modern materials are suitable if the proportions and details are harmonious with the surrounding context. Colour, texture and tonal contrast can be used as unifying elements.

**Detailing:** details within an area establish neighbourly resemblance and contribute to its special character. Verandahs, chimneys and shutters, fences, garden walls and planting treatments are examples of detailing which can inform or inspire the design of a new building. Modern details can reinterpret traditional details and create new relationships between new and old. Contemporary detailing of materials and junctions can provide levels of visual interest that contribute positively to the character of a place.

**Legible:** places and spaces can be easily remembered by people because landmarks, paths, neighbourhoods and centres have a distinctiveness generated by individual elements and the contribution of those elements to the overall impression of the urban environment.

**Activated:** places and spaces are oriented to maximise opportunities for visual and physical connection between the public and private domains. Front walls, fences, building entries, and landscaping enhance access and contribute to the public/private interface. Places and spaces in the public domain are designed to accommodate a range of uses and activities.

The provisions of Part C Section 1 – General Provisions of this Development Control Plan give guidance on how to facilitate development that gives effect to the aims of the *Inner West LEP 2022* and achieves the objectives of the applicable land use zones.

## **C1.1 SITE AND CONTEXT ANALYSIS**

### **Background**

Site and context analysis is a critical component of the planning, design and development process. A site and context analysis documents and analyses the subject site and surrounds and must occur prior to the planning and design of any development so that the site is not considered in isolation.

### **Objectives**

- O1 To encourage property owners to ensure that the planning and design of their development takes into account:
- a. existing site conditions on the site and adjacent and nearby properties;
  - b. the development potential of adjoining and nearby sites and the likely impacts on the site itself and its neighbours if those properties are developed to their maximum potential;
  - c. known future development proposals and development trends in the vicinity of the site;
  - d. the potential for amenity impacts such as overshadowing, loss of privacy, views or solar access;
  - e. the need to minimise energy consumption during the construction and operation of the building;
  - f. the special qualities of the site and its context including urban design, streetscape and heritage considerations; and
  - g. approved development on adjoining properties which have not yet been constructed.
  - h. existing and potential active travel networks and connections, including links to, from and through proposed developments.
- O2 To assist in the development assessment process by outlining the matters which should be taken into account when preparing a planning and design concept for any development.

### **C1.1.1 Site and context analysis documentation requirements**

#### **Controls**

- C1 Site and context analysis is to be documented and submitted with all development applications for building works, unless determined otherwise by Council's Development Assessment officers. Site analysis is to be provided in accordance with Council's DA Lodgement Checklist.

#### ***Pre-Development Applications***

*Note: Applicants are encouraged to undertake a Pre-Development Application with Council once they have prepared Concept Designs that respond to the Site and Context Analysis.*

## **C1.2 DEMOLITION**

### **Objectives**

- O1 To enhance the environmental performance, cultural significance and character of the area by encouraging good management of existing buildings.
- O2 To ensure that heritage items or buildings in a Heritage Conservation Area are only demolished where they cannot be reasonably retained or conserved.
- O3 To ensure that where demolition of a Heritage Item or buildings in a Heritage Conservation Area is deemed appropriate, that the replacement building:
  - a. meets the desired future character of the area;
  - b. is compatible with the apparent subdivision pattern; and
  - c. is consistent with the objectives contained in the *Inner West LEP 2022* and this Development Control Plan.
- O4 To retain existing buildings that contribute to the desired future character of the area.

### **Controls**

- C1 Council will not approve a development application for the demolition of:
  - a. a Heritage Item; or
  - b. a building in a Heritage Conservation Area that contributes positively to the conservation area; or
  - c. a building that makes a positive contribution to the desired future character of the area

Unless:

- i. the existing building is found to be structurally unsafe; and
- ii. cannot be reasonably repaired; and
- iii. the proposed replacement building is consistent with the development controls contained in *Inner West LEP 2022* and this Development Control Plan; and
- iv. the quality of the proposed replacement building will be compatible with the Heritage Conservation Area or streetscape in terms of scale, materials, details, design style and impact on streetscape.

### ***Heritage Items or buildings in Heritage Conservation Areas***

- C2 A development application for the demolition of a Heritage Item or building in a Heritage Conservation Area must be lodged with Council and be accompanied by the following information:
  - a. statement of significance of the item (significance of the item itself and the significance of the Heritage Conservation Area in which it is located (if applicable));

- b. a report or statement which identifies and explains the current structural condition of the building. The report is to be prepared by a qualified structural engineer or building surveyor and is to address:
  - i. structural adequacy of the building;
  - ii. options for the building to be made structurally safe through rectification/remediation works;
  - iii. options for the conservation of the building;
- c. details of the proposed replacement building, including the proposed elevations, materials, detail, design style and compliance with the development controls contained in the *Inner West LEP 2022* and this Development Control Plan.

C3 In determining development applications for the demolition of a Heritage Item or a building in a Heritage Conservation Area, Council will consider the following:

- a. heritage status of the building and its context as outlined in:
  - i. the Statement of Significance of the Heritage Item or building in a Heritage Conservation Area as outlined in the relevant Council heritage study or expert opinion;
- b. the contribution that the existing Heritage Item or building in a Heritage Conservation Area makes to the heritage significance of the Conservation Area by virtue of its age, scale, materials, details, design style or intactness;
- c. the structural adequacy of the existing building;
- d. options for the conservation of the existing building under current controls;
- e. consistency of the proposed replacement building with the development controls contained in *Inner West LEP 2022* and this Development Control Plan, including those relating to amenity impacts on surrounding properties;
- f. the quality of the proposed replacement building and its fit with the Heritage Conservation Area in terms of scale, materials, details, design style and impact on streetscape.

***Buildings not within Heritage Conservation Areas or listed as Heritage Item***

C4 A development application for the demolition of a building not within a Heritage Conservation Area or listed as a Heritage Item or subject to the Exempt and Complying development provisions for demolition, must be lodged with Council and be accompanied by the following information:

- a. a report or statement which identifies and explains the current structural condition of the item. The report is to be prepared by a qualified structural engineer or building surveyor and is to address:
  - i. structural adequacy of the building;
  - ii. options for the building to be made structurally safe through rectification/remediation works;
  - iii. options for the conservation of the building.



- b. details of the proposed replacement building including the proposed elevations, materials, detail, design style and compliance with the development controls contained in the *Inner West LEP 2022* and this Development Control Plan.

C5 In determining development applications for the demolition of a building which is not within a Heritage Conservation Area or listed as a Heritage Item or subject to the Exempt and Complying development provisions relating to demolition, Council will consider the following:

- a. the contribution that the building makes to the streetscape by virtue of its age, scale, materials, details, design style or intactness;
- b. the structural adequacy of the existing building;
- c. options for the conservation of the existing building under current controls;
- d. consistency of the proposed replacement building with the development controls contained in *Inner West LEP 2022* and this Development Control Plan, including those relating to amenity impacts on surrounding properties;
- e. the quality of the proposed replacement building and its fit with the streetscape in terms of scale, materials, details and design style; and
- f. the impacts on any attached development.

## **C1.3 ALTERATIONS AND ADDITIONS**

### **Background**

This section outlines objectives and controls for alterations and additions to existing buildings.

When considering alterations and additions in a Heritage Conservation Area or to a Heritage Item, there are generally two approaches:

- The original building and roof form is left intact, and the new addition provided as a separate, linked element (which could be contemporary and different in style) or;
- If the addition is to merge with the existing building and roof form then it should retain the integrity of the original elevation treatment and roof form.
- Reference should also be made to Part C Section 1.4 – Heritage Conservation Areas and Heritage Items – within this Development Control Plan

For advice on your specific property, applicants are encouraged to undertake a Pre-Development Application with Council

### **Objectives**

- O1 To ensure that development:
- a. complements the scale, form and materials of the streetscape including wall height and roof form;
  - b. where an alteration or addition is visible from the public domain it should appear as a sympathetic addition to the existing building;
  - c. makes a positive contribution to the desired future character of the streetscape and any heritage values associated with it;
  - d. is compatible with neighbourhood character, including prevailing site layout;
  - e. protects existing residential amenity, including the retention of adequate private open space and ensuring adequate sunlight, natural ventilation and privacy to the existing dwelling and surrounding dwellings;
  - f. maintains views and glimpses from the public domain to natural and built elements that contribute to local character and sense of place;
  - g. reasonably protects views obtained from surrounding development and promotes view sharing;
  - h. retains existing fabric wherever possible and maintains and repairs, where necessary, rather than replaces the fabric.

*Note: If the development is located within a Heritage Conservation Area, all relevant controls within Part C Section 1.4 – Heritage Conservation Areas and Heritage Items of this Development Control Plan are also to be met.*

## Controls

### **General provisions**

- C1 The overall form of alterations and additions shall:
- a. have regard to the provisions within Appendix B – Building Typologies of this Development Control Plan;
  - b. be compatible with the scale, form and material of the existing dwelling and adjoining dwellings, including wall height and roof form;
  - c. retain any building and streetscape consistencies which add positively to the character of the neighbourhood (e.g. architectural details, continuous rows of dwellings, groups of similar dwellings, or the like);
  - d. maintain the integrity of the streetscape and heritage significance;
  - e. be considered from all public vantage points from which the additions will be visible; and
  - f. achieve the objectives and controls for the applicable desired future character
- C2 Development shall preserve the consistency in architectural detail and form of continuous rows of attached dwellings, or groups of similar dwellings.
- C3 For end terraces / buildings, new works should be setback a minimum of 500mm from the end side wall to retain the historic form as it presents to the public domain.
- C4 Where buildings contain original form or detail which has been compromised, the integrity of the original form and detail should be enhanced, rather than being justification for further compromise.

*Note: This may include missing architectural detail and enclosed verandahs.*

- C5 New materials and fenestrations of alterations and additions shall be compatible with the existing building.
- C6 The reconstruction of posted verandahs is encouraged where consistent with the architectural style of the building and suitable evidence of original verandahs is on that property.

### **For alterations and additions to the front of existing dwellings**

- C7 Alterations and/or additions to the front of an existing dwelling must ensure that important elements of the original character of the building and its setting are retained, restored or reconstructed, where it contributes to the desired future character, including but not limited to:
- a. balconies and verandahs;
  - b. front gardens and landscaping;
  - c. fences and walls;
  - d. fenestration;
  - e. roof forms.

*Note: Refer to Building Typologies within Appendix B of this Development Control Plan for information about the type of building.*

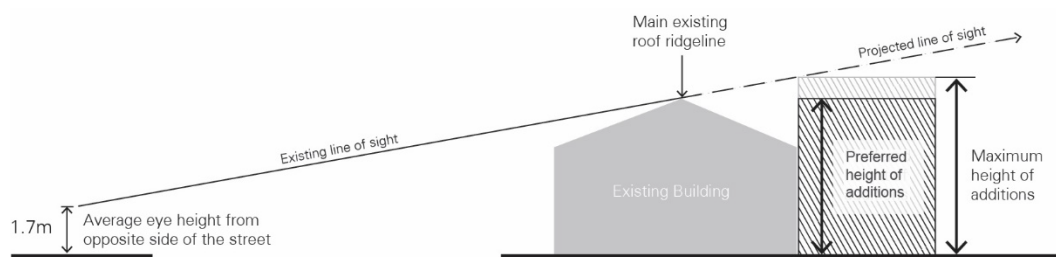
**For alterations and additions to the side of existing dwellings**

- C8 Alterations and additions to the side of an existing dwelling (where that dwelling is currently setback from the side property boundary), must:
- a. endeavour to minimise visibility from the street;
  - b. retain the predominant and desired future character of the street;
  - c. ensure compliance with the remaining suite of controls within this Development Control Plan relating to residential development where relevant; and
  - d. when located on the ground floor, the alterations and additions shall be:
    - i. setback a minimum of 1 metre from the front wall of the existing dwelling; and
    - ii. have minimum ceiling heights and a roof form which is subordinate to the existing dwelling, to ensure the additions do not detract from the detached nature of the dwelling.

*Note: Ground floor side additions which include provision for parking are to comply with Part C Section 1.11 – Parking of this Development Control Plan*

**For alterations and additions to the rear of an existing dwelling– on any level**

- C9 Alterations or additions to the rear of an existing building are to:
- a. be of a building height that complies with the objectives and controls of the Site Layout and Building Design Part C3.2 of this Development Control Plan;
  - b. maintain an area of useable private open space in accordance with Part C Section 3.8 – Private Open Space of this Development Control Plan;
  - c. be of minimum visibility from the street (refer to Figure C1);
  - d. comply with any other relevant residential development controls within this Development Control Plan.



**Figure C1: Alterations and additions to the rear must ensure minimum visibility from the street**

- C10 Where rear additions are visible from the public domain due to street layout or topography, maintaining original roof form is preferred and new additions are to be sympathetic to that original roof.
- C11 Alterations and additions **above ground floor level** shall:
- a. comply with the appropriate provisions within Appendix B – Building Typologies of this Development Control Plan;

- b. maintain setback patterns within surrounding development;
  - c. be subordinate to the existing building so that the additions do not dominate the building from the public domain.
- C12 Additions at **first floor and above** shall be of a scale and are to be located in a manner which:
- a. maintains visual separation between the existing building and adjoining residential development; and
  - b. maintains setback patterns of surrounding development; and
  - c. will ensure that the addition does not dominate, but is sub-ordinate to the existing dwelling when viewed from the street.
- C13 Any first floor and above additions to the side of the dwelling will not be supported where they detract from the detached or semi-detached nature of the streetscape or the existing dwelling.
- Note: where an existing side setback exists, consideration of access for people and equipment for future maintenance and construction should occur, particularly if the side setback is the only point of access to the rear of the site.*
- C14 Any first floor and above additions attached to the rear of the existing roof form is to:
- a. be subordinate to that roof form;
    - i. where attached to the existing roof form, be set 300mm below the ridgeline;
    - ii. enable the original roof form to be apparent from the public domain by:
      - o setting the additions back from the external face of the existing side roof plane (so the gable, hip or original parapet roof form is retained); or
      - o comprising a rear sub roof linking the existing roof to additions that appear as a separate roof form to that of the existing dwelling. Any proposed link must be set 300mm below the existing ridgeline.

**Roof forms for alterations and additions**

- C15 Appropriate roof forms for rear additions depend on the context of the site, and may include:
- a. pitched in form to match the predominant roof forms of the original property and / or its context; or
  - b. boxed in form where not incongruous in the context, and where this approach reduces the visual impact of the addition, such that it is not overtly visible from the street; or
  - c. a hybrid of roof forms where the appearance of the addition from the street is not overtly visible and is compatible with the Appendix B – Building Typologies of this Development Control Plan.
- C16 Where roof links are proposed to connect the original roof space to the new addition, they are to:

- a. be of minimal scale and proportion (up to a maximum of 50% of the rear roof plane) and are to provide a link only. Roof links which span the whole rear roof plane will not be supported;
- b. preserve the unity of the row, preserve chimneys and traditional scale and proportion in the street;
- c. not raise the roof ridge for the purpose of an internal room's compliance with the Building Code of Australia; and
- d. be located below the original ridge line, including clerestory roofs.

C17 Original front verandah roofs are generally to:

- a. remain separate from the main roof slope; and
- b. reconstruct original form and detail where there is evidence that a front verandah was a part of the original building (evidence is often found in the fabric of the blade wall or similar).

## **C1.4 HERITAGE CONSERVATION AREAS AND HERITAGE ITEMS**

### **Background**

This element outlines objectives and controls for the development and conservation of buildings within Heritage Conservation Areas and Heritage Items.

### **Objectives**

- O1 Development:
- a. does not represent an unsympathetic alteration or addition to a building;
  - b. encourages the protection, restoration, continued use and viability of buildings for their original purpose;
  - c. encourages the removal of unsympathetic elements;
  - d. is compatible with the setting or relationship of the building with the Heritage Conservation Area in terms of scale, form, roof form, materials, detailing and colour of the building and conforms with the Burra Charter (Refer to: <http://australia.icomos.org/publications/charters/>);
  - e. conserves and enhances the fabric and detail of a building that contributes to the cultural significance of the building in its setting;
  - f. maintains the visual unity of groups of buildings, in particular semi-detached and attached terraces;
  - g. makes an appropriate visual and physical distinction between the existing building and new parts of the building;
  - h. protects and enhances views of the existing building from the public domain; and
  - i. new buildings are sympathetic in scale, form, architectural detail, fenestration and siting to the Heritage Conservation Area or Heritage Item and conforms with the Burra Charter.

### **Controls**

#### **General**

- C1 Development maintains the characteristics and is consistent with the objectives and controls for the relevant building type contained in Appendix B – Building Typologies of this Development Control Plan.
- C2 The fabric of an existing building is to be the subject of appropriate conservation practices including:
- a. retention of original detail and finishes such as:
    - i. original face brick which should not be painted over or rendered;
    - ii. original decorative joinery and iron work which is not to be removed;
  - b. conservation of original elements;
  - c. reconstruction or restoration of original elements where deemed appropriate;

- d. retention of the original cladding material of original roofs where viable;
- e. consideration of suitable replacement materials should be based on original material, and where a property is part of a group or row, replacement materials should have regard to the integrity of the group.

C3 Development of dwellings within Heritage Conservation Areas must:

- a. not include the demolition of the internal walls and roof form, including any existing chimneys, of the front two rooms of the dwelling;
- b. retain the major form, scale and materials of the existing structure as described in (a);
- c. be for a rear addition which does not dominate the existing building or substantially change the relationship of the building to the street when viewed from the street; and
- d. retain significant, established gardens and plantings including early fences.

C4 Demolition of dwellings in Heritage Conservation Areas or Heritage Items is subject to the provisions of Part C Section 1.2 – Demolition within this Development Control Plan.

***Roof forms and materials***

C5 Consideration of roofing materials for additions should have regard for compatibility with the original roof, as well as for the context of the setting (such as if a dwelling is part of a group of similar dwellings).

C6 Within Heritage Conservation Areas, whole roof forms should be retained where possible and roofs of additions should be subservient to the main roof (in scale, form, location and materials). Changes to the form of the existing roof or extension of the ridge cannot be supported.

C7 Where roof links are proposed to connect the original roof space to the new addition, they are to:

- a. be of minimal scale and proportion (up to a maximum of 50% of the rear roof plane) and are to provide a link only. Roof links which span the whole rear roof plane will not be supported;
- b. preserve the unity of the row, preserve chimneys and traditional scale and proportion in the street; and
- c. not be used to raise the ridge, or be for the purpose of creating a viable roof space where roof space meets the requirements of the Building Code of Australia.

Clerestory roofs are not considered an appropriate form of roof addition to traditional ridge lines.

***New buildings***

C8 New development need not seek to replicate period details of original buildings in proximity to the site, but rather, demonstrate respect for the form, scale and sitting of the immediate area.

C9 New development will comply with Part C Section 1.0 – General provisions and all other relevant controls within the Development Control Plan.



## C1.5 CORNER SITES

### Background

This section outlines objectives and controls for corner sites. Corner sites are where a site is located on the junction of two or more streets.

### Objectives

- O1 Development on corner sites:
- a. respects the visually prominent role of corner sites;
  - b. is compatible with the adjoining buildings; and
  - c. clearly delineates between old and new buildings.

### Controls

#### ***Character and streetscape***

- C1 Development shall:
- a. address each street frontage; and
  - b. not include large expanses of featureless walls.
- Note: Blocking existing corner doors and windows detracts from engagement with the street and is not supported.*
- C2 Development extending to two distinct streetscapes shall vary the scale and form between each frontage to complement the predominant character and scale of that streetscape.
- C3 Where a variation in scale from surrounding buildings is proposed, a transitional element is to be provided, in order to blend the two scales.
- Note: some buildings were originally designed to strengthen the visual prominence of corners, in particular former two storey corner shops. In such instances, this original building form should be respected, with the transitional element providing a step down to adjoining lower scale buildings.*
- C4 Building elements including wall height, roof form and front setback and architectural features including balconies, awnings, verandahs, parapets and dormers are to be compatible in scale with the streetscape.
- C5 The development does not have an adverse impact on surrounding properties, the streetscape or public domain by way of:
- a. amenity;
  - b. solar access;
  - c. views;
  - d. privacy;
  - e. urban design;

- f. being inconsistent with desired future character; and
- g. shall be constructed of high quality materials and finishes.

*Note: Corner sites within Heritage Conservation Areas must also comply with controls contained in Part C Section 1.4 – Heritage Conservation Areas and Heritage Items (where relevant) and reference should be made to Building Typologies within Appendix B of this Development Control Plan.*

## **C1.6 SUBDIVISION**

### **Background**

This section outlines objectives and controls for the subdivision of any parcel of land (except Strata subdivision).

### **Objectives**

- O1 Development:
- a. creates lots of sufficient area and dimensions to accommodate residential development that is consistent with the controls in this Development Control Plan;
  - b. creates lots that are consistent with the surrounding prevailing subdivision pattern and where possible, new street networks should have an east-west orientation;
  - c. incorporates significant natural landscape features;
  - d. facilitates safe, convenient and comfortable movement, particularly for pedestrians and cyclists;
  - e. creates high quality public open space where relevant;
  - f. provides a high level of safety and security;
  - g. is provided with appropriate infrastructure, and where appropriate, ecologically sustainable infrastructure;
  - h. enables lots to achieve a high level of energy efficiency.

### **Controls**

#### ***Minimum lot size***

- C1 Except for strata subdivision of buildings, the minimum lot size for dwellings is 200sqm.

#### ***Subdivision pattern***

- C2 New allotments shall be consistent with the prevailing subdivision pattern in the neighbourhood.

#### ***Natural landscape features***

- C3 Development shall reinforce the visual prominence of natural landscape features such as ridgelines and rock outcrops.

#### ***Street network***

- C4 New streets shall create a permeable, connected street pattern that integrates with the surrounding street network.

*Note: Grid or modified grid street patterns that connect with surrounding existing streets, including extending existing streets into the site, achieve this control. Cul de sacs are not appropriate.*

### **Public open space**

- C5 Public open space is to be provided where subdivision includes 10 or more lots. It shall be designed in accordance with Part C Section 1.13 – Open space design in the public domain of this Development Control Plan and is to be:
- a. centrally located and readily accessible;
  - b. useable in size and dimensions;
  - c. connected with existing public open space where possible;
  - d. appropriate to the needs of the local community;
  - e. of a high level of amenity;
  - f. maximises road frontage; and
  - g. publicly accessible 24 hours a day.

### **Safety and security**

- C6 Lots are oriented to address streets and public open space.

### **Urban infrastructure**

- C7 Urban infrastructure such as water, sewerage and drainage is provided.
- C8 Urban infrastructure that delivers ecologically sustainable outcomes is encouraged.
- C9 Each new allotment must be provided with a boundary to a public road.

### **Energy efficiency**

- C10 Street and lot orientation maximises the potential for north facing main living areas connected to rear private open space.

### **Dwellings**

- C11 Where the subdivision will result in either a vacant site or demolition of an existing building, the application must also include a development application for a new dwelling/s.

*Note: Refer to Part C Section 1.8 – Contamination within this Development Control Plan. Where a site is known or discovered to be contaminated, contamination must have been dealt with appropriately prior to the issue of a Subdivision Certificate.*

## **C1.7 SITE FACILITIES**

### **Objectives**

- O1 Site facilities are provided that:
- a. are functional;
  - b. are integrated into the layout and design of the development;
  - c. do not cause an adverse amenity impact;
  - d. are adequate given the size of the dwelling or building;
  - e. can be easily maintained.

### **Controls**

#### **General**

- C1 Rubbish storage and collection areas are to be shaded and be designed and located to have minimal impacts and visibility from the street. They shall not be located next to openings such as doors and windows to habitable rooms. They should be located to minimise the transfer of waste through residential dwellings.
- C2 Development shall be consistent with Part D Section 2 – Resource Recovery and Waste Management within this Development Control Plan.
- C3 Mailboxes of sufficient size and dimensions to accommodate large envelopes and newspapers are provided in a location that is readily visible from the street and allow for convenient and safe access.
- C4 Air-conditioning units are not visible from the street.

#### **Residential Development**

- C5 The minimum area of internal storage space for each dwelling is 6 cubic metres.
- Note: A smaller area may be considered by Council for smaller dwellings such as secondary dwellings, studios and one bedroom units.*
- C6 A useable area of multipurpose storage space suitable for large goods, such as bicycles and the like is provided with minimal visibility from the street.
- C7 Single residential and semi-detached houses are to be provided with an uncovered area of sufficient size and dimensions to accommodate clothes drying.
- C8 External clothes drying areas should not be visible from the street.
- C9 Each dwelling is provided with laundry facilities.

#### **Non Residential Development**

- C10 Where drinking water fountains are provided, ensure they are accessible.

## **C1.8 CONTAMINATION**

### **Background**

Land Contamination is often the result of past activities and may result from the improper handling of chemicals during manufacturing or storage processes on or adjacent to the site, disposal of wastes and the use of contaminated fill material. This section of the Development Control Plan has been prepared in accordance with the *Environmental Planning and Assessment Act 1979*, *State Environmental Planning Policy No. 55 – Remediation of Land* and the *Managing Land Contamination: Planning Guidelines*. In the event of an inconsistency between the provisions of this section of the Leichhardt Development Control Plan 2013 and *State Environmental Planning Policy No. 55 – Remediation of Land*, the latter prevails.

### **Objectives**

- O1 To implement a precautionary approach by identifying and dealing with contamination issues at an early stage in the planning process to prevent harm and avoid unnecessary restrictions on land use.
- O2 To provide information, including that needed by the community, in relation to the procedures that control and manage contaminated land.
- O3 To ensure Council exercises its planning functions in relation to contaminated land by adhering to the relevant legislation, policies and guidelines.

#### **C1.8.1 Determining land contamination**

Contaminated land has the potential to harm human health and the biophysical environment. When carrying out planning functions under the *Environmental Planning and Assessment Act 1979* a planning authority must consider if the land is contaminated, if it is suitable in its contaminated state for the proposed uses and whether it can be remediated, if it is not suitable, and made suitable for the use. Failure to consider the possibility of contamination at the initial stage of the planning process may result in inappropriate land use decisions which impact the safety of existing and new structures or increase risk to human health and the broader physical environment.

#### **C1.8.2 Information management**

##### **Objectives**

- O1 To identify how stakeholders can access information from Council regarding land use history, land contamination and remediation.

#### **C1.8.3 Council records**

##### **Controls**

- C1 Information about contaminated land is added to Council's property information system as it is made available to Council when development and subdivision applications are processed or when information is provided to Council via other sources.
- C2 Council records in relation to site contamination issues are kept on individual property files.
- C3 Council does not hold a register of contaminated sites as records change over time and standards for remediation may change with advances in science.

## C1.8.4 Access to Council information

### Controls

- C1 Any person is allowed to access information about individual parcels of land in relation to the information contained in Table C1: Access to Council information.

**Table C1: Access to Council information**

Type of Information	How to obtain copies of information
Current and past development, building, subdivision and rezoning applications.	Written request to Council in accordance with Council's schedule of fees. The written request needs to specify what information is requested, who is requesting the information and what is the intended use of the information. Information may only be released if the GIPA (Government Information Public Access) Guidelines have been satisfied.
Information on reports held by Council in relation to site contamination issues.	Written request to Council in accordance with Council's schedule of fees. The written request needs to specify what information is requested, who is requesting the information and what is the intended use of the information. Information may only be released if the GIPA (Government Information Public Access) Guidelines have been satisfied.
Information on any restrictions placed on the land.	Apply to Council for a Section 10.7 certificate. A fee will be charged in accordance with Councils Schedule of Fees and Charges.
Information on any ongoing orders or voluntary proposals agreed to under the Contaminated Land Management Act have been provided to Council by the Department of Climate Change and Water (DECCW) or whether Council has received any site audit statements.	Apply to Council for a Section 10.7 certificate. A fee will be charged in accordance with Councils Schedule of Fees and Charges.
Copies of any site audit statements.	Written request to Council in accordance with Councils' Schedule of Fees. The written request needs to specify what information is requested, who is requesting the information and what is the intended use of the information. Information may only be released if the GIPA (Government Information Public Access) Guidelines have been satisfied.

Type of Information	How to obtain copies of information
Any other information held by Council (other than stated above) in relation to site contamination issues.	Written request to Council in accordance with Councils schedule of fees. The written request shall specify what information is requested, who is requesting the information and what is the intended use of the information. The requirements of the relevant legislation must be met.



## **C1.8.5 Planning Certificates**

### **Controls**

C1 Council, must, under s.59 of the *Contaminated Land Management Act 1997 (CLM Act)* include information provided to Council by either:

- a. a relevant authority, or
- b. accredited auditors

on certificates issued for the purpose of s.149 of the *Environmental Planning and Assessment Act 1979*.

C2 Council only provides information on a planning certificate which is required under s.59 of the *Contaminated Land Management Act 1997* and s.10.7 of the *Environmental Planning and Assessment Act 1979*.

C3 S.10.7 planning certificates can be obtained from Council and contain advice about prescribed matters, which includes the existence of a Council Policy which has the potential to restrict the use of land.

*Note: s.10.7 planning certificates may not contain specific details of site contamination or potential site contamination for individual parcels of land.*

## **C1.8.6 Process for assessing land contamination and its remediation**

### **Objectives**

- O1 To outline the ways in which Council, in exercising its planning functions under the *Environmental Planning and Assessment Act 1979* will consider if land is contaminated the level of contamination, if it is suitable in its contaminated state for existing or future land uses and whether it can be remediated.

### **Controls**

- C1 Council will consider contamination issues in its assessment of all development applications. Figure C2: General land contamination assessment process identifies the process that Council will apply in:
- a. identifying land contamination; and
  - b. the development application assessment process.
- C2 The level of investigation and the necessity for remediation depends on factors such as past uses of the site and the extent and sensitivity of the proposed use.
- C3 A site audit may be requested, by Council, for any or all stages of the investigation and/or remediation.
- C4 The publication by the NSW Environmental Protection Authority entitled "*Guidelines on Significant Risk of Harm from Contaminated Land and the Duty to Report*" should be consulted for information in establishing whether there may be risk of harm associated with a development application.
- C5 If contamination is identified during the development assessment process as being an issue, the following investigations and reports will apply:
- a. Stage 1 - Preliminary Site Investigation Report where a site:
    - i. has had an Initial Evaluation carried out by a Council Officer, and it is determined that contamination may be an issue;
    - ii. is known to be contaminated;
    - iii. is currently used or has been used in the past for a purpose identified in Table C2: Some activities that may cause contamination; or
    - iv. the site concerned is located within an investigation area under the *Contaminated Land Management Act (1997)*.
  - b. Stage 2: Detailed Site Investigation Report where:
    - i. a Preliminary Site Investigation identifies the need for detailed site investigation.
  - c. Stage 3: Remediation Action Plan where:
    - i. a Preliminary Site Investigation or Detailed Site Investigation identifies a site as being contaminated and requiring remediation.
  - d. Stage 4: Validation Report and/or Monitoring Report where:

i. a site has been remediated.

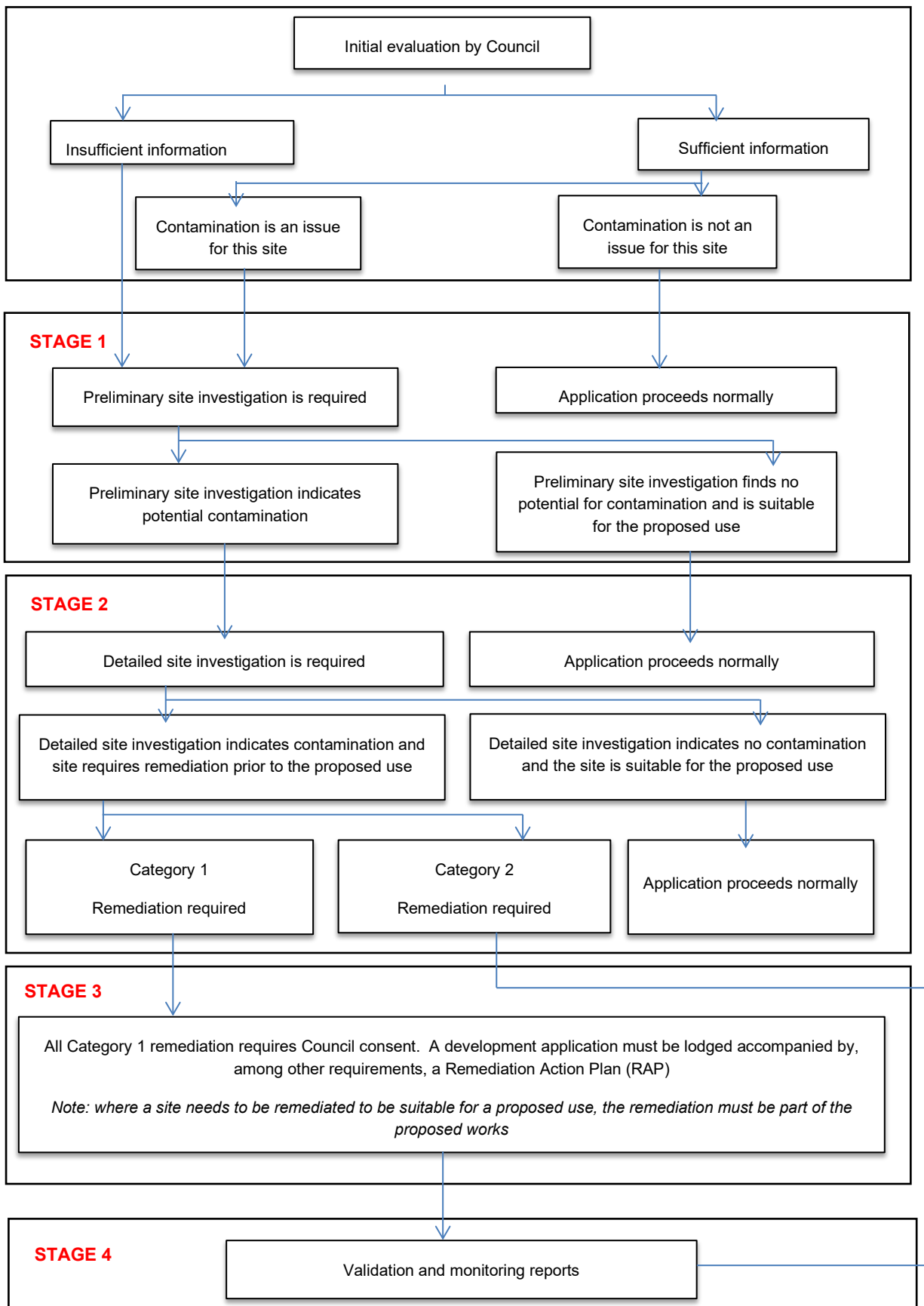


Figure C2: General land contamination assessment process

Note: a site audit may be requested for any or all stages of the investigation

### **C1.8.7 Initial evaluation by Council**

#### **Controls**

- C1 Council will undertake an initial evaluation of all development applications to determine if contamination may be an issue and therefore whether land contamination issues should be further considered in the assessment process, based on the past uses of the land.
- C2 Council will, in undertaking an initial evaluation consider past uses of the land and will use Council's records and information provided by the applicant in the Statement of Environmental Effects
- C3 If the Initial Evaluation concludes that land contamination is not an issue for the site, Council will not require further investigation.

## C1.8.8 Stage 1 – Preliminary Site Investigation

### Controls

- C1 Council may, as a consequence of the Initial Evaluation require the applicant to provide a Preliminary Site Investigation Report prepared in accordance with the *Environmental Protection Agency’s (EPA) Guidelines for Consultants Reporting on Contaminated Sites* (or as updated).

### Some activities that may cause contamination

**Table C2: Some activities that may cause contamination**

(Source: Managing Land Contamination Planning Guidelines – *State Environmental Planning Policy 55 – Remediation of Land*)

Some activities that may cause contamination
Acid/alkali plant and formulation
Agricultural/horticultural activities
Airports
Asbestos production and disposal
Chemicals manufacture and formulation
Defence works
Drum re-conditioning works
Dry cleaning establishments
Electrical manufacturing (transformers)
Electroplating and heat treatment premises
Engine works
Explosives industry
Gas works
Iron and steel works
Landfill sites
Metal Treatment
Mining and extractive industries
Oil production and storage
Paint formulation and manufacture
Pesticide manufacture and formulation
Power stations
Railway yards
Scrap yards
Service stations
Sheep and cattle dips
Smelting and refining
Tanning and associated trades
Waste Storage and treatment
Wood preservation

- C2 Where site history information is limited or inconclusive, preliminary soil sampling results are to be included in the Preliminary Site Investigation Report.

- C3 A Preliminary Site Investigation Report is to be carried out in accordance with the requirements of the *Guidelines for Consultants Reporting on Contaminated Sites*.
- C4 Where the Preliminary Site Investigation satisfies Council that the site is suitable for the proposed use without remediation, Council will not require any further investigations.

### **C1.8.9 Stage 2 – Detailed Site Investigation**

#### **Controls**

- C1 Council, as a consequence of the outcome of a Preliminary Site Investigation may require the applicant to undertake a Detailed Site Investigation (Stage 2).
- C2 Detailed Site Investigations (Stage 2) are to be carried out in accordance with the requirements of the *Guidelines for Consultants Reporting on Contaminated Sites*.
- C3 Council is to be provided with a report in relation to the Detailed Site Investigation (Stage 2).

### **C1.8.10 Stage 3 – Remediation Action Plan (RAP)**

#### **Objectives**

- O1 To identify when a Remediation Action Plan is required and information that is to be provided in the Plan.

#### **Controls**

- C1 A Remediation Action Plan is required when a site has been identified during the Preliminary Site Investigation (Stage 1) or the Detailed Site Investigation (Stage 2) as being contaminated and requiring remediation to make the site suitable for the proposed use.
- C2 Remediation Action Plans are to be undertaken in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites*.
- C3 Remediation Action Plans must demonstrate how the applicant proposes to reduce the risks of contamination to acceptable levels to ensure the site is suitable for the proposed use and achieve clean-up objectives for the site.
- C4 Remediation Action Plans must clearly describe the proposal it relates to and the proposed method of remediation. If necessary, the plans of the proposal must be updated to indicate the proposed remediation.



### **C1.8.11 Remediation works**

#### **Objectives**

O1 To identify requirements and processes in relation to Category 1 and 2 remediation works.

#### **Controls**

##### ***Category 1 – Remediation work***

- C1 All Category 1 remediation work requires Development Consent to be issued by Council.
- C2 If the Category 1 remediation works are associated with a development application being considered by Council, that application may either be withdrawn or Council may choose to refuse the application in view of the uncertainty attached to the suitability of the land for its intended use and the time required to complete the remediation process.

##### ***Category 2 Remediation work***

- C3 Category 2 remediation work does not require Development Consent from Council.
- C4 If Category 2 remediation works are associated with a Development Application being considered by Council, a conditional consent can be issued requiring that the remediation works are carried out in accordance with this Development Control Plan.

##### ***Notification requirements for Category 2 remediation works***

- C5 Notice of remediation work must be given to Council at least 30 days before commencement of works or as otherwise provided for in *State Environmental Planning Policy No.55*.

##### ***Prior Notice***

- C6 The notification for Category 2 remediation works must:
- a. provide the name, address and telephone number of the person who has the duty of ensuring that the notice is given;
  - b. provide details of the remediation work, including a Remediation Action Plan, and Soil and Water Management Plan, where appropriate;
  - c. explain why the work is Category 2 remediation work by reference to State Environmental Planning Policy No. 55 and this Development Control Plan;
  - d. specify the land on which the work is to be carried out and provide a map of the location of the land; and
  - e. estimate the dates for the commencement and completion of the work.

##### ***Notice of completion***

- C7 Notice of completion of Category 2 remediation work must be given to Council within 30 days after the completion of the work. The notification must:
- a. be in writing and be signed by the person who carried out the work;
  - b. provide the person's name, address and business telephone number;
  - c. provide details of the person's qualifications to carry out the work;

- d. specify the land on which the work was undertaken and provide a map of the land and the location of the work;
- e. state when the work was completed;
- f. specify the uses of the land, and the substances that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment;
- g. specify the use(s) of the land immediately before the work started;
- h. describe the method of remediation used in the work and the guidelines that were complied with in the work;
- i. specify the standard of remediation achieved; and
- j. state what actions must be maintained in relation to the land after the completion of the remediation work if the standard of remediation achieved is to be maintained.

## **C1.8.12 Stage 4 – Validation and monitoring reports**

### **Controls**

- C1 Council requires that a Validation Report be submitted to Council after remediation works have been completed. The Validation Report is to:
- a. demonstrate that the objectives stated in the Remediation Action Plan have been achieved and relevant conditions of development consent (where applicable) have been complied with;
  - b. confirm statistically that the remediated site complies with the clean-up criteria set for the site; and
  - c. be conducted in accordance with the NSW Office of Environment and Heritage publication *Guidelines for Consultants Reporting on Contaminated Sites*.
- C2 Council requires that a Site Monitoring Report be submitted to Council in the following circumstances and where an ongoing monitoring program is required to ensure the site remains suitable for the proposes uses:
- a. a full site clean-up is not feasible; or
  - b. on-site containment of contamination is proposed.

### **C1.8.13 Independent Site Auditing**

#### **Objectives**

- O1 To identify when Independent Site Auditing is required and information that is to be provided in the Site Audit Statement and/or Site Audit Report.

#### **Controls**

- C1 Council, in accordance with the *Managing Land Contamination Planning Guidelines* (under *State Environmental Planning Policy No 55*) may require that an Independent Site Audit be prepared by an accredited site auditor for contaminated land at prescribed stages in the site investigation process if, after reviewing the contaminated land Site Investigation Reports, Council:
- a. believes on reasonable grounds that the information provided by the proponent is incorrect or incomplete;
  - b. wishes to verify whether the information provided by the proponent has adhered to appropriate standards, procedures and guidelines;
  - c. does not have the internal resources to conduct its own technical review; or
  - d. requires the audit at the completion of Category 1 remediation works or as required by a condition of a development consent.
- C2 Site Audits are to address:
- a. any issues raised in s. 49(1) (b) of the *Contaminated Land Management Act 1997*;
  - b. any requirements as outlined in the *Guidelines for the NSW Site Auditor Scheme*;
  - c. any Council defined site audit inclusions; and
  - d. site suitability.
- C3 The applicant is to ensure that the appointed accredited site auditor for contaminated land must liaise with Council during the preparation of the site audit to ensure the scope of the site audit addresses the concerns raised by Council.
- C4 Prior to issuing a Site Audit Statement the site auditor must prepare and finalise a Summary Site Audit Statement.

## **C1.8.14 Consideration of Contamination for Rezoning Application**

### **Controls**

- C1 In accordance with clause 6 of *State Environmental Planning Policy 55 – Remediation of Land*, Council will not rezone land which falls into one of the following categories:
- a. the land is in an investigation area (under the *Contaminated Land Management Act 1997*);
  - b. the land has been used for any of the land uses identified in Table 1 of *Managing Land Contamination Planning Guidelines State Environmental Planning Policy 55 – Remediation of Land*;
  - c. it is proposed to carry out development on the land for the following purposes:
    - i. residential;
    - ii. educational;
    - iii. recreational;
    - iv. child care;
    - v. hospital.
  - d. where Council does not have complete knowledge as to whether:
    - i. any use in Table 1 *Managing Land Contamination Planning Guidelines* from *State Environmental Planning Policy 55 – Remediation of Land* has been carried out; and/or
    - ii. the permissible uses that may have been lawful during any period unless Council has considered whether the land is contaminated; and
  - e. if the land is contaminated, whether Council is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which the land in the zone concerned is permitted to be used; and
  - f. if the land requires Category 1 remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.
- C2 In exceptional circumstances, where Council has sufficient information to form a view that the land can be made suitable for its intended use though Category 1 Remediation works, a Remediation Action Plan can be submitted for Council's consideration as part of the original rezoning application

### **C1.8.15 Consideration of contamination for rezoning applications involving multiple sites**

#### **Control**

- C1 In circumstances where it is not practical for Council to be satisfied that every part of the land is suitable for the permissible use(s) at the rezoning stage Council will consider the findings of a Preliminary Investigation Report or Detailed Site Investigation and may include provisions in a Local Environmental Plan or Development Control Plan to ensure that the potential for contamination and the suitability of the land for any proposed use is further addressed prior to the redevelopment of the land.

## **C1.8.16 Development Controls for Remediation Works**

### **Objectives**

- O1 To ensure that remediation works do not adversely affect the environment or public amenity.

### **Controls**

- C1 Category 1 and Category 2 remediation works are to be conducted in accordance with the development controls as established by this section of the *Leichhardt Development Control Plan*.
- C2 All remediation work must be conducted between the hours of 7:00am and 5.00pm Monday to Saturday. No work is permitted on Sundays or Public Holidays.
- C3 All remediation works must be conducted in accordance with a Remediation Action Plan and a Soil and Water Management Plan. A copy of the plans must be kept on site and made available to Council officers on request. All erosion and sediment measures must be maintained in a functional condition throughout the remediation works.
- C4 Stockpiles are to be managed as follows:
- a. no stockpiles of soil or other materials must be placed in footpaths or nature strips without Council's approval;
  - b. all stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater
  - c. pits or inlets;
  - d. all stockpiles of soil or other materials likely to generate dust or odours must be covered; and
  - e. all stockpiles of contaminated soil must be stored in a secure area and be covered if remaining for more than 24 hours.

*Note: Council will need to be satisfied that the site is suitable for the proposed use when considering any subsequent development applications for the subject site. Accordingly, it is recommended that comprehensive records are maintained during the remediation works including any Remediation Action Plans or Validation Reports.*

### **Site access**

- C5 Vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath.
- C6 Soil, earth, mud or similar materials must be removed every day or as required from the roadway by sweeping, shovelling or a means other than washing.
- C7 Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters or the surrounding locality.

### ***Excavation pump-out***

- C8 All excavation pump-out water must not exceed suspended solid concentrations of 50 parts per million and must be analysed for pH and any contaminants identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system.<sup>2</sup>
- C9 Alternative options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

### ***Landscaping or rehabilitation***

- C10 All exposed areas must be progressively stabilised and revegetated on the completion of remediation works. Any remediation that entails the removal of contaminated soils from the site must incorporate the replacement with clean fill to the levels pre-remediation.

### ***Land farming***

- C11 Land farming for hydrocarbon contaminated soils is prohibited.

### ***Noise***

- C12 Category 2 remediation work must comply with the relevant controls for construction site noise.
- C13 All equipment and machinery must be operated in an efficient manner to minimise the emission of noise.

### ***Vibration***

- C14 The use of any plant and/or machinery must not cause vibrations at any premises.

### ***Air quality (dust and odours)***

- C15 Dust emissions must be confined within the site boundary and comply with the dust control procedures as follows:
- a. dust screens are to be erected around the perimeter of the site;
  - b. all loads entering or exiting the site are to be securely covered;
  - c. water sprays are to be used across the site to suppress dust;
  - d. all stockpiles of contaminated soil which remain on the site for more than 24 hours are to be covered; and
  - e. all excavation surfaces are to be kept moist.
- C16 An authorised Council officer should not be able to detect odours at any boundary of the site during remediation works. The following procedures may be employed to comply with this requirement:

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<sup>2</sup> Analytical results must comply with relevant DCCW and Australia and New Zealand Environment and Conservation Council (ANZECC) standards for water quality.



- a. appropriate covering techniques such as the use of plastic sheeting to cover excavation faces or stockpiles;
  - b. fine mist sprays;
  - c. hydrocarbon mitigating agent on the impacted areas/materials; and
  - d. adequate maintenance of equipment and machinery to minimise exhaust emissions.
- C17 Records of volatile emissions and odours generated by volatile or semi-volatile compounds must be logged, kept on site and made available to Council officers on request.
- C18 Discharges from soil vapour extraction systems must be regularly monitored in order to determine the mass of hydrocarbons being discharged. Contingency measures for the collection and treatment of hydrocarbon off gas must be put in place prior to the commissioning of soil vapour extraction systems.
- C19 All discharge vents from soil vapour extraction systems shall be located a minimum of 50m from any residential property boundary, road or recreational area. No material is to be burnt on site.

#### **Storage of chemicals**

- C20 Storage and handling of hydrocarbon products must be conducted in accordance with the relevant Australian Standard (Australian Standard AS 1940-1993 - The storage and handling of flammable and combustible liquid).
- C21 Sufficient supplies of absorbent materials are to be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Spilt materials must be disposed of in an odour free manner that does not pollute waters.

#### **Groundwater**

- C22 A license must be obtained from the relevant authority (NSW Office of Water) for approval to extract groundwater under the provisions of Part V of the *Water Act, 1912*.
- C23 Groundwater must be analysed for pH and any contaminants of concern identified during the preliminary stages of detailed site investigation, prior to the discharge to the stormwater system. The analytical results must comply with relevant DECCW and ANZECC standards for water quality.
- C24 Alternatives for the disposal of groundwater include disposal to the sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

#### **Transport**

- C25 All haulage routes for trucks transporting soil, materials, equipment or machinery to and from a site must be selected to:
- a. minimise odour to adjacent premises;
  - b. utilise State roads; and

- c. minimise use of local roads. Applicants may consult Council prior to selecting the most suitable transport route. Remediation work must ensure all site vehicles:
  - i. conduct deliveries of soil, materials, equipment or machinery during the hours of remediation identified in Part C Section 1.8.16 – Development controls for remediation works;
  - ii. have securely covered loads to prevent any dust or odour emissions during transportation; and
  - iii. do not track soil, mud or sediment onto the road.

#### **Hazardous materials**

- C26 Hazardous or intractable wastes arising from the remediation work must be removed and disposed of in accordance with the requirements of:
- a. DECCW;
  - b. WorkCover;
  - c. Schedule 1 Hazardous Waste (as prescribed by the *Protection of the Environment Operation Act 1997 (PEO Act)*); and
  - d. all relevant regulations.

#### **Disposal of contaminated soil**

- C27 The disposal of contaminated soil must be carried out in accordance with any applicable legislation, guidelines and regulations including the *Protection of the Environment Operation Act 1997*.

#### **Containment/capping of contaminated soil**

- C28 Contaminated soil, containing concentrations of contaminants above the soil investigation levels for urban development sites in NSW (for the range of land uses permissible on the subject site) must not be encapsulated or capped on the site. For example, a site zoned commercial/industrial must not encapsulate or cap soil containing concentrations or contaminants above the 'commercial or industrial NEHFF health based investigation levels as contained in the Environmental Protection Agency 1999 publication *Guidelines for the NSW Site Auditor Scheme*.

#### **Importation of fill**

- C29 All fill imported on to the site must be validated to ensure it is suitable for the proposed land use from a contamination perspective. Imported fill must also be compatible with the existing soil characteristics for site drainage purposes.
- C30 Details of the appropriate validation of imported fill material are to be submitted with any development application for the site. All material imported onto the site must be validated by either one or both of the following methods during remediation works:
- a. imported fill must be accompanied by documentation to certify that the material is not contaminated (based on analysis of the material or the known past history of the site where the material is obtained); and/or

- b. sampling and analysis of the fill material must be conducted in accordance with the relevant guidelines.

***Site signage and contact numbers***

- C31 A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor), must be displayed on the site adjacent to the site access throughout the duration of the remediation works.

***Community consultation***

- C32 Owners and/or occupants of adjoining properties must be notified, in writing, at least seven days prior to the commencement of remediation works.

***Site security***

- C33 The site must be secured, by the installation of appropriate fencing, against unauthorised access.

***Occupational health and safety***

- C34 It is the employer's responsibility to ensure site remediation works comply with all Occupational Health and Safety and Construction Safety Regulations of WorkCover.
- C35 Safety monitoring for hydrocarbon emissions must be undertaken in accordance with any applicable guidelines and WorkCover requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with the conditions imposed.

***Removal of underground storage tanks***

- C36 Removal of underground Storage Tanks must be conducted in accordance with the Australian Institute of Petroleum's Code of Practice the Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1194). In the event of conflict between the Code of Practice and WorkCover requirements, the latter shall prevail.

***Heritage Items & Heritage Conservation Areas***

- C37 Remediation work must not be undertaken on land containing a Heritage Item or Heritage Conservation Area unless development consent has been obtained.

## **C1.9 SAFETY BY DESIGN**

### **Background**

Inner West Council is committed to creating a safe, sustainable and connected community in the Local Government Area (LGA). This section of the Development Control Plan provides guidance on the principles of Crime Prevention Through Environmental Design (CPTED) in order to assist in preventing crime, reducing the fear of crime and to assist in creating safer public spaces within the Inner West.

All new residential and non-residential development as well as significant alterations and additions to either residential or non-residential development will be assessed against CPTED.

This section identifies development types that require the submission of a Plan of Management (POM) with a development application.

Information regarding CPTED can be found at the following site:

[http://www.police.nsw.gov.au/community\\_issues/crime\\_prevention/safer\\_by\\_design](http://www.police.nsw.gov.au/community_issues/crime_prevention/safer_by_design)

### **Partnership between Inner West Council and the NSW Police**

Inner West Council is dedicated to fostering effective partnerships with other community authorities and organisations in order to create safer and welcoming environments for the community. Council is partnering with the NSW Police through their “Safer by Design” strategy as a means of implementing the principles of CPTED, and consults with the Local Area Command’s (LAC’s) on particular development’s proposals that are identified as having a greater potential of risk to community safety.

Under the “Safer by Design” strategy, police officers have been trained in CPTED principles and appointed as Crime Prevention Officers (CPO’s) to liaise with councils and local communities on crime prevention and community safety issues. Council may refer the developments to the LAC for feedback.

### **Objectives**

- O1 To support the provisions of the *Inner West LEP 2022* with respect to community safety.
- O2 To encourage safe and secure environments for occupants and visitors.
- O3 To minimise opportunities for criminal and anti-social behaviour within the public domain.
- O4 To encourage the application of Crime Prevention through Design (CPTED) principles in development to:
  - a. reduce opportunities for crime;
  - b. promote a physically and socially safe community;
  - c. reduce the opportunity for crimes to be committed;
  - d. maximise the potential for passive surveillance by designing adequate sight lines into public spaces;
  - e. consider community safety at the early stages of the design process to avoid retrofitting or renovation of infrastructure;

- f. create spaces which are well lit, well utilised and feel safe; and
- g. attract the community to public spaces.

## Controls

C1 All development applications must demonstrate an understanding of the potential crime risk of the proposed development and apply CPTED treatments (i.e. Territorial re-enforcement, surveillance, access control and space/activity management) that correspond with the proposed levels of risk associated with the development.

Development shall demonstrate regard to the:

- a. **surveillance** of the site, and ensure:
  - i. main building frontages shall be orientated towards the street;
  - ii. “blind spots” are to be avoided;
  - iii. ground floors of non-residential buildings, the non-residential component of mixed-use developments, and the foyer areas of residential buildings, are designed to enable surveillance from the public domain to the inside of the building at night;
  - iv. buildings are designed to provide surveillance of paths and laneways which are not located along a primary street frontage;
  - v. entrances are visible to and from the street;
  - vi. window and door openings that have frontage to the street or are adjacent to public open spaces use external window coverings made from non-solid, permeable materials;
  - vii. security grilles and security doors are used and materials permit casual surveillance;
  - viii. appropriate lighting is included within the design;
  - ix. landscaping does not provide concealment opportunities, but maximises sight lines; and
  - x. public facilities (e.g. automatic teller machines (ATM’s), public telephones and bicycle racks) are located in high pedestrian traffic areas and incorporate security features in their design.
- b. **legibility** of the site, and ensure:
  - i. spaces are designed with regard to man-made or natural landmarks;
  - ii. signage and ‘way finding’ is legible, appropriately located, includes relevant directional information or assistance numbers and utilises internationally recognised symbology where necessary;
  - iii. building entries are clearly visible, unobstructed and easily identifiable from the main street frontage, other public areas and other development; where practicable, lift lobbies, stairwells and hallways should be visible from the public domain;

- iv. dwelling units have individual main entries directly from a public space or communal area, and the entry is to include a clearly defined transitional space between public and private areas;
  - v. street numbers are clearly displayed at the front of the development or on the front fence of the development;
  - vi. internal numbers for multiple occupancy developments are clearly displayed on each individual dwelling; and
  - vii. each building entry must clearly state the unit numbers accessed from that entry.
- c. **territoriality** of the site, and ensure:
- i. boundaries of private and public spaces are clearly defined through measures such as permeable fencing, change in paving materials, public art, directional signage, good maintenance and landscaping, before formal measures such as do-not-enter signs, walls and security guards are considered.
- d. **vandalism management** of the site, and ensure:
- i. potential opportunities for crime are reduced by using sturdy materials and fittings in the design to minimise potential for undue maintenance without detracting from the amenity of the development;
  - ii. systems for reporting and repair of safety risks or damaged and worn physical aspects of spaces and places are implemented;
  - iii. graffiti vandalism is reduced through measures such as:
    - o avoiding “blank canvasses” – utilising design aspects such as non-continuous fencing, rough render on walls, or mural or mosaic finishes;
    - o utilising “green screens” – planting fast-growing, long lasting and low maintenance vines and shrubs to limit access to vulnerable walls;
    - o prompt clean-up of new graffiti;
    - o use of protective coatings and “graffiti resistant” design materials; and
    - o ensuring areas vulnerable to graffiti are well-lit to promote natural surveillance.
- e. **reducing vulnerability** of the site, and ensure:
- i. pathways are straight where practicable and blind corners avoided (including on stairs, in hallways or in other situations where movement can be predicted. If blind corners cannot be avoided in the development, then they are to be designed to the satisfaction of Council; and
  - ii. external lighting is provided at the main pedestrian and bicycle entranceway to a building and all communal areas.

C2 A Plan of Management (POM) detailing security arrangements must be submitted for the following development types:

- a. twenty-four hour operation of commercial or industrial premises;

- b. service stations or convenience stores;
- c. multi-dwelling housing (12 or more dwellings);
- d. mixed use development with 10 or more dwellings;
- e. tourist and visitor's accommodation and boarding houses capable of accommodating 12 or more residents;
- f. new or proposed upgrading of a commercial or retail development (including shopping centres and cinemas);
- g. new or proposed upgrading of an industrial or warehouse development;
- h. new or proposed upgrading of educational establishments;
- i. transport interchanges;
- j. recreation facilities or community facilities;
- k. licensed premises such as clubs, hotels or small bars;
- l. hospitals;
- m. restricted premises and sex services premises including brothels;
- n. other uses that normally attract large numbers of people, such as a public place of worship, a place of assembly or a public building;
- o. premises which are either open late, or open early in the morning and where Council considers there may be potential for disturbance associated with the land use; and
- p. any other land use which in Council's opinion must demonstrate a suitable security arrangement.

*Note: Council may exercise discretion in respect to the requirement for a POM, where Council considers the development type is minor (and security risk is low) or when development is for alterations and/or additions to businesses which may already have a POM.*

## **C1.10 EQUITY OF ACCESS AND MOBILITY**

### **Background**

Inner West Council is strongly committed to the provision of equal access and creating an accessible environment for all. Inner West Council is dedicated to creating a community where people with disabilities or impairments are afforded the same opportunities as the broader community. Council recognises that maximising access in the built environment benefits ageing people with mobility difficulties, parents and/or carers with strollers and prams, and any persons with temporary or permanent mobility difficulties.

Improving accessibility enhances the quality of life for the whole community. A focus on access leads to well-designed public places, improved pedestrian safety, better quality service, and participation by a broader range of residents.

With many buildings constructed in the late 1800's and early 1900's, for some people, many parts of the Inner West Local Government Area (LGA) are relatively inaccessible. New buildings and spaces, or existing buildings and spaces being altered or used in a new way, or upgraded must be made accessible to all, where possible, with consideration for the heritage significance.

*The Disability Discrimination Act 1992 (Cwth) (DDA)* makes it unlawful to discriminate against a person with a disability in regards to the provision of access to and the use of premises. *The Building Code of Australia (BCA)* and associated Australian Standards set technical requirements in regards to the accessibility of buildings and provision of adaptable housing (e.g. AS1428 Design for access and mobility, AS4299 Adaptable housing).

Federally, legislation has been introduced under the *Disability (Access to Premises – Buildings) Standards 2010*, which ensures consistency between the requirements of the BCA and Access Code provisions within the Premises Standard. The Premises Standards is applicable for new buildings and upgrades of existing buildings depending on their BCA classification.

Council supports the adoption of sustainable housing practices such as development of adaptable housing and urban design which enhances the sustainability and adaptability of the community by creating homes that are capable of adapting to the changing needs of occupants across their lifetime.

This section of the Development Control Plan aims to facilitate equitable and dignified access for all people living in, working in or visiting Inner West Local Government Area, including people with a disability, by providing a continuous accessible path of travel through the built environment, where possible.

### **Objectives**

#### **General**

- O1 To promote at the initial planning stages, consideration of accessibility to and within developments;
- O2 To protect existing accessible features within the public domain, residential development and non-residential development;
- O3 To provide controls to facilitate equity of access to:
  - a. proposed new buildings;



- b. proposed changes to existing buildings or their uses; and
- c. the proposed development or upgrading of outdoor areas.

- O4 To significantly increase the supply of adaptable housing.
- O5 To support the provisions of the *Disability Discrimination Act 1992 (Cwth) (DDA)*, *Disability (Access to Premises – Building) Standards 2010*, the *Building Code of Australia (BCA)* and associated Australian Standards.
- O6 To provide dignified and equitable access to all persons.
- O7 To ensure the safe access and egress of all persons.

#### **Heritage**

- O8 To facilitate access to heritage items without impacting upon their heritage significance or the amenity of the streetscape.

#### **Adaptable Housing**

- O9 To facilitate provision of sufficient adaptable housing.

#### **Parking**

- O10 To facilitate provision of sufficient accessible car parking.

#### **Controls**

- C1 Development is to be fully compliant with the provisions of the *Disability Discrimination Act 1992 (Cwth) (DDA)*, the *Building Code of Australia (BCA)* and associated Australian Standards.
- C2 Access arrangements are to be integrated into the overall building and landscape design. Unless where it may have an adverse impact on the heritage significance of a place, access arrangements are not to appear to be of secondary importance or an “add-on”.
- C3 Access routes are to be as direct as possible and provide a continuous accessible path of travel through the built environment.
- C4 Car parking for people with a disability is to be provided for all new residential developments in accordance with Part C Section 1.11 of this Development Control Plan and the *Building Code of Australia*.
- C5 Required egress routes in residential developments are to be designed to enable safe escape for persons with limited mobility.
- C6 Development is to have minimal impact to the significant fabric and setting of Heritage Items and buildings within Heritage Conservation Areas and where possible be reversible.
- C7 Where heritage impact is used as a reason for non-provision of access, evidence is to be provided that suitable alternatives are not available. An Access Management Plan is to be provided identifying options for access.
- C8 For multi-dwelling developments, adaptable dwellings are to be distributed in accordance with the provisions of Part C Section 3.14 – Adaptable Housing within this Plan.

- C9 For new residential developments, applicants are to demonstrate consideration of the principles of the *Liveable Housing Design Guidelines 2010*, prepared by the Australian Government.

## **C1.11 PARKING**

### **Background**

For the foreseeable future the Inner West will have significant car parking demands. The location, design and treatment of these areas have a major impact on the streetscape and will need to be carefully considered.

### **General Objectives**

#### ***Reduce Car Dependency***

- O1 In order to reduce reliance on the car, residents and workers should be within walking distance of facilities and public transport.
- O2 Priority is to be given to the needs of pedestrians, disabled people and cyclists above the needs of the car. This must be taken into consideration in the location and design of any parking facilities.
- O3 To set and provide acceptable levels of on-site vehicle and bicycle parking spaces.
- O4 To integrate bicycle parking & facilities (such as showers and lockers) into developments so that cycling is a viable transport alternative.
- O5 To implement best practice management of parking and promote walkable, cycle-able mixed use neighbourhoods.

#### ***Urban Design***

- O6 To accommodate on-site parking that is safe, accessible, well laid out and appropriately lit.
- O7 To provide parking that can meet the needs of building or facility users for all modes of transport.
- O8 The impact of car parking areas on the urban fabric of the neighbourhood should be minimised.
- O9 To design parking for all appropriate transport modes on private properties so that it will reinforce the quality and integrity of streetscapes, the layout, siting and use of neighbouring buildings, as well as the subject site and building design and will not detract from the amenity of adjoining areas.
- O10 To ensure the design and construction of vehicle parking, service and delivery areas and loading facilities minimises visual and amenity impacts that can be caused by traffic movements and parked vehicles.
- O11 To provide on-site parking for a range of vehicles, including very small cars, hybrid cars and fully electric cars in multi space car parks. Spaces allocated to environmental vehicles should be marked and managed according to the specific vehicle type targeted.

#### ***Residential Development will also consider the following:***

- O12 Vehicle access, manoeuvring and parking will:
  - a. achieve a balance between encouraging public transport, pedestrians and cycling and catering for the needs of on-site residents and their visitors;

- b. not visually dominate the building façade or streetscape;
- c. integrate with overall site and building design;
- d. provide for a high level of residential amenity for the site and protect existing residential amenity of adjoining sites; and
- e. enable the safe, convenient and efficient movement of vehicles, pedestrians and cyclists.

***Special Events Traffic and Parking Management will also consider the following:***

- O13 To ensure the safe movement of people and vehicles involved with the temporary use of land for special events.
- O14 To ensure provision of adequate and safe parking for patrons of special events.

**General Controls**

- C1 Approval for any new off-street parking space will be subject to meeting the requirements of Australian Standard AS 2890.1 Parking facilities and any relevant clauses outlined within this Development Control Plan.

***Layout, Design and Legibility***

- C2 The layout and design of parking areas shall:
  - a. be sensitively located so that it does not dominate the street scene;
  - b. minimise visual impacts to the building and street;
  - c. maximise accessibility;
  - d. provide clear, safe, direct, legible and well-lit pedestrian and cycling routes through the parking area to adjacent access points and main building entry points; and
  - e. be situated away from the front of buildings and positioned at the rear, side or beneath the building.
- C3 In the event that established parking areas located at the front of a property are proposed to be altered, or in the instance that new parking areas are sought to be located at the front, consideration will be given to the reasonableness of the parking location based on the general pattern of development within the streetscape, the constraints of the site, the desired future character of the neighbourhood and if:
  - a. the design is of high quality;
  - b. the development proposes quality materials;
  - c. the development includes tree planting; and
  - d. the development includes lighting and appropriate boundary treatments to reinforce the legibility of the area.

*Note: For residential development, refer below to heading Residential Development within this section of the Development Control Plan for further controls*

C4 On-site parking areas must be designed and constructed to ensure that the movements of pedestrians and cyclists are properly accommodated, and that the safety and accessibility of disabled people is not compromised.

C5 In any instance where Council permits a new vehicle cross over, only one (1) single width vehicle crossover will be permitted for individual dwellings. In some circumstances, with regard to the desired future character, or heritage significance of an area, vehicle crossings will not be supported.

*Note: Exceptions will be considered in certain circumstances for residential flat buildings or for commercial/industrial situations, following consideration of the urban character of the neighbourhood.*

C6 Double width crossovers will only be permitted in accordance with Australian Standard AS 2890.1 Parking Facilities and consideration of the urban character of the neighbourhood.

*Note: Single residential properties will not be permitted double width crossovers.*

### **Headroom**

C7 The vehicular access and structures above must be compliant with Australian Standard AS 2890.1 Parking Facilities and be designed to achieve safe and practical clearance over the vehicles using the parking facilities.

*Note: Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors, taking into account the roller door housing, where applicable.*

### **Landscaping**

C8 Street trees represent an important Council and environmental asset. Removal of street tree(s) for the purpose of accommodating a vehicle crossover is generally not supported.

C9 All new vehicle crossings should be clear of any tree trunk to ensure safe sightlines and reduction of potential root damage to the existing tree.

*Note: Council will assess the likely impacts to the trees affected by the development proposal and the reasonableness of the proposal.*

### **Manoeuvring**

C10 At a minimum, turning areas to enable forward entering and exiting, must be provided, off-street, in the following instances:

a. vehicular access onto a State or Regional road;

*Note: vehicular access onto a State or Regional Road is prohibited when access can be provided from an alternative roadway. NSW Roads and Maritime Services concurrence will also be required for any access onto a State Road.*

b. where the vehicular access crosses a footpath with high pedestrian traffic, such as commercial precincts;

c. where the parking space is serviced by a battle-axe handle or long driveway (generally in excess of 12 metres).

*Note: Where a turning area is required, manoeuvring must comply with the swept path of an 85th percentile (B85) vehicle as specified in Australian Standard AS 2890.1 Parking Facilities*

- C11 Developments with access to a classified road shall refer the requirements of Clause 101 of *State Environmental Planning Policy (Infrastructure) 2007*.

#### **Overland Flow**

- C12 Off-street parking spaces must be designed to accommodate overland flow of water. Where the parking space extends across an overland flowpath, it must be limited to an open parking space or carport.

#### **General Parking Rates**

- C13 Off-street parking spaces are to be provided in accordance with Table C4: General Vehicle Parking Rates.

- C14 Developments and land uses, which are not specifically listed in Table C4: General Vehicle Parking Rates, will be assessed on their merit in accordance with the following criteria to determine the required parking provision:

- a. parking requirements established by survey of comparable establishments;
- b. the person capacity of the premises;
- c. the proportion of visitors, staff or patrons likely to arrive by car;
- d. the characteristics of the use and whether persons are likely to arrive in concentrated groups and the consistency of such arrivals/departures;
- e. the availability and level of service of public transport;
- f. details provided in a Site Specific "Travel Plan". Refer to 'Travel Plans' within Section C1.11 (refer to Control 26); and
- g. the proportion of trips induced by the development that could be taken by bicycle

- C15 In accordance with Table C4: General Vehicle Parking Rates, specific uses are provided with a parking provision exemption for the first 50m<sup>2</sup> of floor space, subject to the location being:

- a. located within the mapped area of a recognised shopping strip (refer to C1.11.7 Recognised shopping streets)

*Note: This control is to encourage vitality in the Inner West in recognised shopping areas that are zoned B2 Local Centre. These areas are within walkable neighbourhoods and have access to public transport. The reduced rate of provision is provided to encourage evening activity particularly to cater for the needs of local residents and is applied to attract activities which encourage the local workforce to remain after "close of business" to dilute PM peak period travel demand.*

#### **Accessible Parking Rates**

- C16 Accessible car parking spaces for people with mobility impairment are to be provided in accordance with Table C5: Accessible car parking space rates.

- C17 Accessible car parking spaces for people with mobility impairment are to be:
- a. 5.4 m length and 2.4 m width for angle parking spaces or 3.2 m width for parallel parking spaces and include the provision of adjacent shared areas in accordance with Australian Standard AS2890.6 Off-street parking for individuals with a disability;
  - b. located where unimpeded access can be provided between the car parking space and an adjoining accessible walkway compliant with the Building Code of Australia and Australian Standard AS2890.6 Off-street parking for individuals with a disability;
  - c. located close to wheelchair accessible entrances or lifts;
  - d. well-lit, clearly line marked with non-slip or textured paint on the ground;
  - e. identified by a sign displaying the International Symbol of Access;
  - f. readily visible from a vehicle at the car park entrance or by guide signs which indicate the direction of the designated parking spaces; and
  - g. on a level surface with a grade (parallel to or at 90 degrees to the angle of parking) no greater than 1 in 40 unless the parking space is an outdoor bitumen area where a grade of 1 in 33 may be permissible.

#### ***Bicycle Parking Rates***

- C18 Bicycle parking spaces are to be provided in accordance with *Table C6: Bicycle parking provision rates*.
- C19 Bicycle parking facilities are to be provided in accordance with Australian Standard AS 2890.2-1993 Parking facilities – Bicycle Parking Facilities as follows:
- a. class 1 Bicycle lockers – for occupants of residential buildings;
  - b. class 2 Bicycle lockers – for staff/employees of any land use;
  - c. class 3 Bicycle rails – for visitors of any land use.
- C20 Residential apartment buildings are to include a lockable bicycle storeroom with adequate space and bicycle stands or hooks to accommodate the number of bicycles required by the provisions of Table C6: Bicycle parking provision rates.
- C21 Non-residential land uses and buildings used for non-residential purposes are to incorporate bicycle parking facilities as follows:
- a. one (1) personal locker for each bicycle parking space;
  - b. one (1) shower/change cubicle for 1 up to 10 bicycle parking spaces;
  - c. two (2) shower/change cubicles where 11 to 20 or more bicycle parking spaces are provided;
  - d. two (2) additional showers/cubicles for each additional 20 bicycle parking spaces or part thereof.
- C22 Bicycle storage facilities which are to be incorporated into any retail or commercial area are to be located prominently in or immediately adjacent to the edge of the main shopping area. The pedestrian route between the bicycle storage facility and the land use it serves is to be

designed and constructed in accordance with the Safety by Design principles and guidelines outlined in Part C Section 1.9 – Safety by Design of this Development Control Plan.

### ***Motor Bike Parking Facilities***

- C23 Motor bike parking is to be provided at a rate of one (1) space for developments that require between 1 to 10 vehicle spaces and 5% of the required vehicle parking thereafter. The rate of total parking provision required is established by Table C4: (General Vehicle Parking Rates) for the land use.
- C24 Motor bike parking spaces are:
- a. to be located away from car reversing or manoeuvring areas;
  - b. to be located on flat and even surfaces where the gradient does not exceed 1 in 20 (5%) either parallel to or at 90 degrees to the angle of parking;
  - c. to be 2.5m x 1.2m in dimension; and
  - d. to be clearly marked and where located adjacent to car parking bays delineated by landscaped areas, bollards or other protective barriers.

### ***On-Site Car Share Facilities***

- C25 Car share parking spaces are to be provided for new multi-dwelling residential buildings and other commercial development as follows:
- a. residential development – a minimum of one (1) car share space is to be provided for any residential development containing more than 50 residential units;
  - b. office, business or retail premises – a minimum of one (1) car share space per 50 car spaces provided;
  - c. written evidence, in the form of a letter of commitment, from an established car share operator must be provided with the development application demonstrating the operator's intentions and method of management of the space(s).
- C26 Car share spaces are to be conveniently located and appropriately sign posted.

### ***Travel Plans***

A travel plan is a set of measures designed to reduce private car dependency for a development by encouraging use of more sustainable transport modes. Such a plan should contain a series of complementary measures which will act in unison to discourage private car dependency. Travel plans can be developed for both residential and non-residential developments and may include:

- a. provision of on-site car share spaces or car share membership for building occupants;
- b. facilities for charging electrical vehicles;
- c. establishment of self-managed car pool systems;
- d. “welcome packs” for new building occupants, which provide information on sustainable transport choices including bus stops, light rail stops, cycleways and public transport timetables;
- e. site-specific bike share facilities;



- f. management initiatives for employees including subsidised public transport. Provision of peak period shuttle buses, locality-based relocation allowances, subsidised bicycle purchase and flexible working hours; and
- g. sustainable transport web-portal, on-site displays, or digital apps, as information for both building occupants and visitors.

C27 A travel plan must be submitted for:

- a. any residential developments containing more than 50 residential units; and
- b. any office, business or retail developments which exceeds 3000sqm of gross floor space or accommodates more than 50 employees.

C28 A travel plan must include:

- a. targets – including reductions in single occupancy car trips and increased mode share for sustainable transport;
- b. travel data – baseline travel demand and mode share estimates derived from experience with comparable developments;
- c. action plan – which outlines the measures to be implemented as part of the travel plan, associated promotional, information and education initiatives, and management mechanisms to be introduced as part of the travel plan;
- d. commitment – to the on-going maintenance and adaptation of the action plan to ensure its long term success. If the future occupants of the building are known there should be a letter of commitment, to the travel plan, provided by the future occupants of the development. There should also be a management mechanism introduced which will bind future owners or lessees of the development to the travel plan; and
- e. monitoring and review – shall be conducted in consultation with Council officers.

***Service and Loading Facilities***

C29 Service and delivery areas and loading facilities in new developments are to be provided in accordance with the current RMS “Guide to Traffic Generating Developments”, Australian Standard AS 2890.2 Parking Facilities and Table C4 – General Vehicle Parking Rates.

C30 Service and delivery areas and loading facilities in new developments are to be designed in accordance with the following:

- a. be congruent to the location and layout of service and loading operations relevant to the development and not be used for any other purpose such as the storage of goods and equipment or as parking areas;
- b. be physically separate from areas used for car, pedestrian and bicycle movements;
- c. be located in a manner that will not visually impact on the development, streetscape or adjacent premises;
- d. all vehicles must enter and leave the property in a forward direction; and

- e. access driveways, internal circulation roadways and service areas are to be designed for the largest vehicle anticipated to use the site in accordance with Clause C29 above.

*Note: Retail uses are not permitted to receive deliveries from vehicles which cannot be accommodated at the on-site loading facility unless an existing 'Loading Zone/Truck Zone' is provided on-street outside the property. Such uses are to arrange deliveries to be made by appropriate size vehicles.*

- C31 Service and delivery areas and loading facilities are to be designed to accommodate the largest vehicle anticipated to use the site.

For commercial vehicles, the access driveways, circulation roadways and service areas are to be designed to comply with the relevant requirements of AS 2890.2 Parking Facilities - Off-street commercial vehicle facilities.

For smaller vehicles, including station wagons, utilities, vans and other light commercial vehicles, the design of the access driveways, circulation roadways and service areas are to meet the requirements of a 99th percentile (B99) vehicle as specified in AS 2890.1 Parking facilities – Off-street car parking. A minimum headroom clearance of 2500mm is to be provided within the service area and along the vehicular path of travel to or from the service area. The loading bays are to be a minimum of 0.5m wider than a standard parking space and a minimum of 2.0m longer. The added width may be shared with a footway, parking aisle or other adjacent unobstructed area.

*Note: In some instances development will be approved subject to conditions limiting the size of service vehicles and number of trips for delivery vehicles. Care must be taken to ensure the initial design does not limit the use of the building.*

**Bus/Coach Facilities**

- C32 The potential impacts on the amenity, traffic management and vehicle parking provision in the vicinity of the bus/coach set down and parking areas will be a matter for consideration in assessing any application for bus/coach set down or parking areas.

- C33 Bus/coach set down areas and parking spaces are to be provided in accordance with Table C3: Bus and coach parking rates where private buses or coaches are used to transport people to or from the premises.

**Table C3: Bus and coach parking rates**

Type of development	Minimum requirements
Clubs, Drive-in Takeaway with seating	One (1) bus/coach space per 100 seats up to 200 seats, then one (1) space per 200 seats
Reception premises	One (1) bus/coach space per 200 sqm GFA up to 200 sqm then one (1) space per 400 sqm GFA

**Basement / Underground Car Parking Facilities**

- C34 The design (including materials, locations, scale and relationship to built and landscape elements)of car park access and egress is to:
- a. be integrated into the overall design of the site and building; and
  - b. minimise the visual impact of the driveway, car park access/egress doors and any associated structures.

- c. Address all relevant requirements of Australian Standard AS 2890.1 Parking facilities – off-street car parking relating to location, width, gradient, headroom and sight distance to vehicular traffic and pedestrians.

C35 Basements within close vicinity to the road reserve or adjoining properties must be designed in accordance with the following criteria:

- a. all elements of the basement walls, including the subsoil drainage system and structural elements, shall be fully contained within the property boundaries;
- b. the existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
- c. the basement walls must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment; and
- d. include recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property.

*Notes:*

1. *Any basement proposal must be supported by an Integrated Structural and Geotechnical Engineering report prepared by a practising Civil or Structural Engineer.*
2. *Reference should also be made to the requirements of Part E – Section 1 (Sustainable Water and Risk Management) of this Development Control Plan.*
3. *Any excavation proposed adjacent to a State Road requires the developer to submit detailed geotechnical reports relating to the excavation of the site and support structures to RMS for approval.*

### **Mechanical Devices**

C36 Car lifts, stackers and turntables will only be permitted where there is no viable alternative to accommodate an additional off-street parking space and where provision is made for vehicles to independently enter and exit the device.

C37 Car lifts and car stackers must have a clear internal width of 3000mm to allow for disembarking from all doors of the parked vehicle. The facilities must be located at least 1000mm inside the property boundary to allow for unloading at the rear of the vehicle from within the property boundary

### **Special Events - Traffic and Parking Management**

C38 The applicant is to submit a Traffic, Parking and Transport Arrangements Plan incorporating Traffic Control Plans with the relevant application. The Plan is to outline the following:

- a. the local traffic networks and existing parking arrangements, and an assessment as to how they will cope with the increased demand generated by the event;
- b. additional parking (in accordance with Australian Standard AS1742:11 Parking Controls);
- c. the proposed main access route;

- d. a Traffic Control Plan that conforms to the RMS Traffic Control at Worksites Manual which can be accessed online at:  
[http://www.rta.nsw.gov.au/doingbusinesswithus/downloads/technicalmanuals/tcwsv4\\_dl1.html](http://www.rta.nsw.gov.au/doingbusinesswithus/downloads/technicalmanuals/tcwsv4_dl1.html);
- e. a contingency plan for things such as, but not limited to wet weather, an accident or greater than anticipated attendance;
- f. provisions for the advertisement of traffic changes, for a minimum period of seven days prior to the event;
- g. the detailed location of traffic marshals and traffic controllers e.g. at temporary pedestrian road crossing location;
- h. transport arrangements to and from the event, promoting public transport or group private transport (e.g. car-pooling, event tickets which are inclusive of public transport) where possible;
- i. a Marketing and Promotion Plan which includes promotion of sustainable transport options for the event and information on “best routes”, “best modes” and “best times” to access and egress the site;
- j. access for local residents and emergency vehicles, to be maintained at all times;
- k. heavy vehicle alternate route for the arrival and departure of coaches and equipment trucks;
- l. pedestrian and cycle access and safety provisions; and
- m. loading zones.

- C39 Class 1, 2 and 3 special events under the *Roads Act 1993* will first be referred to the Leichhardt Traffic Committee for their consideration and recommendations prior to determination by Council.
- C40 Suitably qualified traffic marshals (e.g. RMS Accredited Traffic Controllers Certificate) in safety attire are, as a minimum, to be situated at the entrance and exit locations.
- C41 Bus parking and set down areas for passengers are to be provided in a location away from the traffic stream, where safe access and egress can be achieved, and queuing minimised.
- C42 The parking areas are to be laid out and designated in accordance with Australian Standard AS 2890.1 - Parking Facilities, Part 1: Off-street car parking.
- C43 An area of parking in the closest proximity to the venue is to be set aside for disabled parking and appropriately reserved by temporary signage.
- C44 Use of public transport and car-pooling schemes are to be promoted where appropriate.

**Existing Parking Spaces**

- C43 Depending on the nature and extent of the proposal Council may require existing vehicle access and/or parking facilities that do not meet the minimum requirements of Australian Standard AS 2890.1 – Parking facilities, Part 1 Off street car parking to be modified, depending on the degree of non-compliance.

### ***Redundant vehicle crossings***

C44 Depending on the nature and extent of the proposal Council may require existing vehicle crossings within the property's street frontage, which no longer service an off-street parking space, to be closed and replaced with kerb, gutter and footpath.

### ***Residential Development***

#### **Background**

These controls apply to all alterations and additions as well as new development and all types of residential development.

#### ***Visual Impact***

C45 Development is to be consistent with the suburb profiles and desired future character statements within the Distinctive Neighbourhood controls within Part C Section 2: Urban Character of this Development Control Plan.

C46 Where a site has access to a rear lane/road, vehicle parking is to be provided from that rear lane/road only. Access from the primary street frontage will not be supported.

C47 Swept path diagrams indicating vehicle manoeuvring in and out of the off-street parking area under the existing on-street parking arrangements (on public road) must be provided.

C48 Where no rear lane or secondary road access is available, vehicle parking may be provided from the primary street frontage when:

- a. it is located wholly behind the front wall of the main building of the dwelling;
- b. has a single width parking space only;
- c. has one access point per dwelling;
- d. has a maximum vehicle crossing and parking space width less than 50% of the width of the front elevation of the main building on the site; and
- e. is subordinate to the main building.

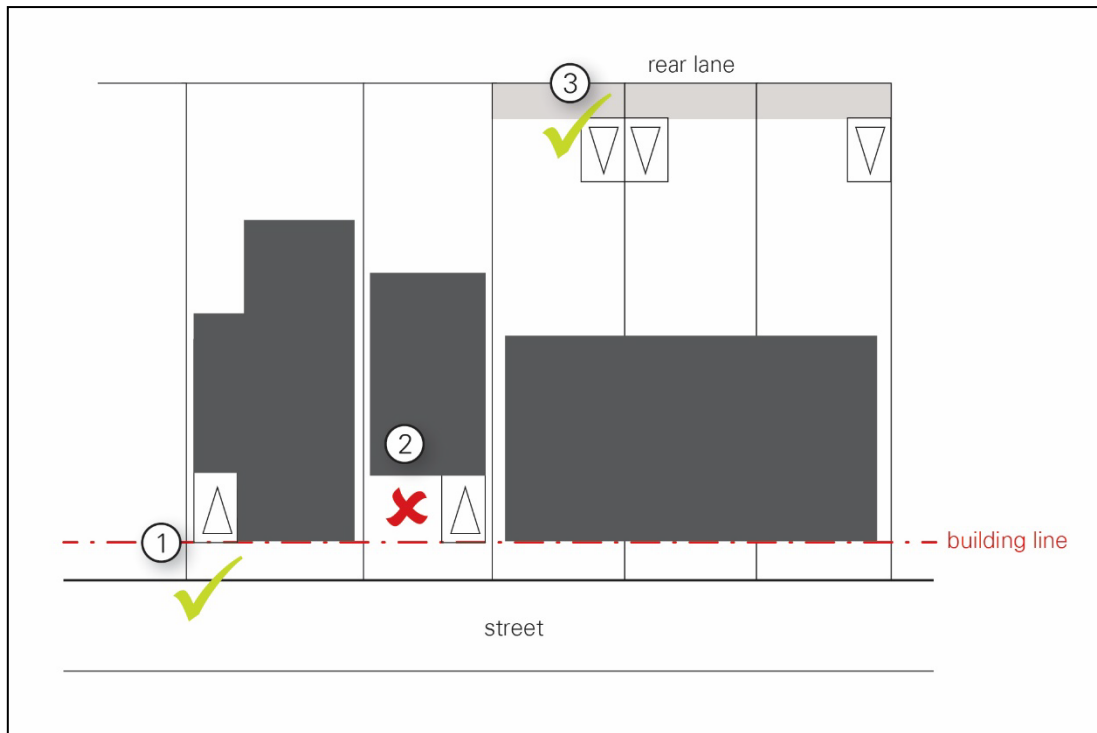


Figure C3: Location of on-site car parking

1. Car parking is recessed behind the main street fronting building wall
2. Car parking should not be located in front of the main street fronting building wall
3. Car parking is located at the rear of the site with access from a rear lane

**Landscaped open space and on-street parking**

C49 Vehicle crossovers do not significantly adversely impact street trees, or on-street parking capacity of the street/lane.

**Materials**

C50 Vehicle access, manoeuvring and parking should be finished in high quality, durable materials that integrate with the building and streetscape. Materials such as porous or open block paving should be considered where appropriate.

**Residential Amenity**

C51 Driveways and garages should be, where possible, located away from doors and windows to bedrooms in adjacent properties.

C52 Where a driveway or parking is to be provided along a side boundary, a landscaped strip with a minimum width of 500mm is to be planted between the side boundary and the vehicle access and/or manoeuvring areas. Where a landscape strip cannot be provided, the design must incorporate landscaping within the front setback that endeavours to soften the impacts of the parking space on the streetscape.

**Safety**

C53 The design of the vehicle access must provide for clear sight-lines to vehicular traffic and pedestrians when entering and exiting the site.

C54 The design of the vehicle access, manoeuvring and parking must provide for gradients that enable safe universal pedestrian and cycling access.

***Residential Flat Buildings and Mixed Use Development***

C55 Vehicle parking for residential flat buildings and mixed use developments shall be provided underground, unless:

- a. the development meets the objectives of Part C1.11 – Parking and Part C1.0 – General Provisions within this Development Control Plan;
- b. vehicle crossovers and driveways minimise any adverse visual impacts of the vehicle entrance from the streetscape and desired future character of the neighbourhood.

C56 Underground parking should be designed to ensure:

- a. the maximum height of the vehicle parking area that protrudes above ground level (existing) is 500mm;

*Note: Minimal above ground protrusion is particularly important where the end walls are situated on or close to property boundaries or street frontages.*

- b. landscaped areas provided above underground vehicle parking provides for a minimum 600mm soil depth for trees and shrub planting and 300mm for ground cover planting; and
- c. maintains and enhances pedestrian safety.

### C1.11.1 General Vehicle Parking Rates

*Note: When calculating the total number of parking spaces (including car parking spaces required for people with disabilities and bicycle and motor cycle parking spaces) - if the result is not a whole number, it must be rounded **UP or DOWN** to the nearest whole number. For example –*

*2.5 spaces = 3 spaces required*

*4.4 Spaces = 4 spaces required*

**Table C4: General vehicle parking rates**

Parking Rates				
Land Use	Residents		Visitors	
	Minimum	Maximum	Minimum	Maximum
Residential				
Single dwelling house	Nil	2 spaces per dwelling house	Nil	Nil
Bed-sit / Studio	Nil	0.5 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
1 bedroom unit	1 space per 3 dwellings	0.5 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
2 bedroom unit	1 space per 2 dwellings	1 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
3+ bedrooms unit	1 space per dwelling	1.2 spaces per dwelling	1 space per 11 dwellings	0.125 spaces dwelling
Boarding Houses	1 space per resident employee and 0.5 space per boarding room			
Land Use	Staff		Visitors	
	Minimum	Maximum	Minimum	Maximum
Amusement centre	Nil	0.4 spaces per staff	Nil	0.2 spaces per machine plus 1 space per pool/snooker table
Hotel or motel accommodation	1 space per 5 staff	1 space per 4 staff	1 space per 5 bedrooms	1 space per 4 bedrooms
Service station	1 space per 4 vehicle repair bays for staff	1 space per 3 vehicle repair bays	1 space per 80 sqm for ancillary retail	1 space per 50 sqm for ancillary retail
Land Use	Pick up/ drop off (minimum)		Loading zone / visitors (minimum)	Staff parking (minimum)
Child care centre (Refer to Note 1)	2 spaces (Refer to Note 2)		1 space	1 space per 30 children
Land Use	Staff & Visitors Combined			



	Minimum	Maximum
Bulky goods premises	1 space per 125 sqm	1 space per 100 sqm
Business premises	1 space per 100 sqm	1 space per 60 sqm
Office premises	1 space per 100 sqm	1 space per 80 sqm
Health consulting rooms	2 spaces per 3 consulting rooms	2 parking spaces for every consulting room
Medical centre	2 spaces per 3 consulting rooms	2 parking spaces for every consulting room
Licensed Hotel, Pub or registered club	1 space per 6 staff and 1 space per 30 patrons	1 space per 3 staff and 1 space per 10 patrons
Industry	1 space per 250 sqm  Note: Retailing associated with industrial developments will be assessed at the same rate as "shops" (i.e. 1 space per 50 sqm (min) and 1 space per 50 sqm (max))	1 space per 150 sqm
Vehicle sales or hire premises	1 spaces per 300 sqm site area	1 space per 200 sqm site area
Place of public worship	1 space per 50 sqm	1 space per 40 sqm
Small Bars, Restaurants or cafes	1 space per 80 sqm. If the premises are located on a "Recognised Shopping Street" the first 50 sqm are exempt from parking provision. (Refer to note 3)	1 space per 50 sqm
Educational establishment (non-tertiary)	1 space per 4 staff and pickup/drop off facility for parents/carers	1 space per 2 staff and pickup/drop off facility for parents/carers
Educational establishment (tertiary)	1 space per 4 staff for staff + 1 space per 25 full-time students for students	1 space per staff + 1 space per 15 full-time students
Shops / supermarkets	1 space per 50 sqm If the premises are located on a "Recognised Shopping Street" the first 50 sqm are exempt from parking provision (Refer to Note 3)	1 space per 50 sqm

Take away food or drink premises	1 space per 100 sqm If the premises are located on a "Recognised Shopping Street" the first 50 sqm are exempt from parking provision (Refer to Note 3)	1 space per 100 sqm
Warehouse or distribution centre	1 space per 300 sqm	1 space per 250 sqm
Entertainment facility	Car parking will be calculated on the specific characteristics of the facility/venue and hours of operation.	

*Notes in relation to Table C4: General vehicle parking rates*

1. *A parking study is required when more or less parking spaces (than the minimum required number) are proposed;*
2. *Drop-off/pick up facilities for Child Care Centres may be located kerbside subject to appropriately satisfying the following:*
  - a. *suitable kerbside availability at times relevant to the child care centre;*
  - b. *being located immediately adjacent to the child care centre and on the same side of the street as the centre;*
  - c. *a suitable safe footpath is available between the spaces and the centre;*
  - d. *traffic activity on the subject street does not create an unsafe environment for drop-off/pick-up activity;*
  - e. *the spaces represent best practice in parking design and placement including reference to Safety by Design principles including sightlines, accessibility and opportunities for passive surveillance.*
  - f. *spaces may be timed (i.e. 15 minute parking) at peak movement times of the day.*
3. *Several specific land uses within recognised shopping streets have an exemption applied for the first 50 m<sup>2</sup> in the "minimum" category. The exemption is based on an assumption that 50 m<sup>2</sup> represents a minimum basic space in a main street premise, such as a shop or café, and is aimed at recognising the walk-up potential of the locations. Refer to section C1.11.7 within this section of the Development Control Plan.*  
  
*("Recognised shopping streets" are: Norton and Marion Streets Leichhardt, Darling Street and Balmain Road Rozelle, Darling Street Balmain, Johnston and Booth Streets Annandale, Parramatta Road Leichhardt and Annandale).*
4. *The 'maximum' parking rates are provided in Table C4 to provide limits as a move towards reducing private car dependency.*
5. *Occupants of new developments in existing Parking Permit Areas will not be eligible for resident or business parking permits.*
6. *Floor space is calculated as Gross Floor Area (GFA) unless otherwise specified.*
7. *Control C23 above requires 5% of the above requirements to be provided as motor bike parking.*

## C1.11.2 Accessible Car Parking Rates

**Table C5: Accessible car parking space rates**

Building Class to which the car park or car parking area is associated	Accessible Parking Spaces
Class 3 (a) Boarding house, guest house, hostel, lodging housing, backpackers accommodation, or the residential part of a hotel or motel	To be calculated by multiplying the total number of car parking spaces by the – i) percentage of accessible sole-occupancy units to the total number of sole-occupancy units; or ii) percentage of beds to which access for people with disabilities is provided to the total number of beds provided. The calculated number to be taken to the next whole figure.
Class 3 (b) Residential part of a school, accommodation for the aged, disabled or children, residential part of a health –care building which accommodates members of staff or the residential part of a detention centre.	1 space for every 100 parking spaces or part thereof.
Class 5, 7, 8 and 9c	1 space for every 100 car parking spaces or part thereof
Class 6 (a) up to 1000 car parking spaces; and (b) for each additional 100 car parking spaces or part thereof in excess of 1000 car parking spaces.	(a) 1 space for every 50 car parking spaces or part thereof. (b) 1 space
Class 9a (a) a hospital (non-outpatient area)	1 space for every 100 car parking spaces or part thereof.
Class 9a (b) Hospital (outpatient area) (i) up to 1000 car parking spaces; and (ii) for each additional 100 car parking spaces or part thereof in excess of 1000 car parking spaces	(i) 1 space for every 50 car parking spaces or part thereof. (ii) 1 space
Class 9a (c) Nursing home (d) clinic or day surgery not forming part of a hospital	1 space for every 100 car parking spaces or part thereof.
Class 9b (a) school	1 space for every 100 car parking spaces or part thereof.
(b) other assembly building (i) up to 1000 car parking spaces; and (ii) for each additional 100 car parking spaces or part thereof in excess of 1000 car parking spaces.	(i) 1 space for every 50 car parking spaces or part thereof. (ii) 1 space

### C1.11.3 Bicycle Parking Rates and Facilities

**Table C6: Bicycle parking provision rates**

Land use	Residents/staff	Customers/Visitors
Apartments	1 space per 2 dwellings	1 space per 10 dwellings
Backpackers accommodation	1 space per 4 staff	1 space per 10 beds
Group homes/student accommodation	1 space per 6 rooms	1 space per 6 rooms
Home occupation/home industry	1 space per dwelling	1 space per dwelling
Seniors Housing	1 space per 10 staff and 1 per 20 self-contained dwelling units	1 space per 30 dwellings
Serviced apartments	1 space per 10 staff	1 space per 20 rooms
Amusement centre	1 space per 10 staff	2 spaces per centre
Bulky goods Retail	1 space per 10 staff	Nil
Child Care facility	1 space per 10 staff	2 spaces per centre
Clubs	1 space per 10 staff	1 space per 140 sqm GFA
Commercial	1 space per 10 staff	1 space per 400 sqm GFA
Hotels/motels	1 space per 10 staff	1 space per 20 rooms
Industry	1 space per 10 staff	Nil
Motor and retail showrooms	1 space per 10 staff	1 space per 200 sqm GFA
Professional consulting rooms	1 space per 10 staff	1 space per 200 sqm GFA
Restaurants	1 space per 10 staff	2 spaces plus 1 space per 100 sqm over 100sqm GFA
Recreation facility (indoor, outdoor and major)	2 spaces, plus 1 space per 10 staff	2 spaces, plus 1 space per 100 sqm GFA
Service stations	1 space per 10 staff	2 spaces per service station
Shops	1 space per 10 staff	2 spaces, plus 1 space per 100 sqm over 100 sqm GFA
Warehouse	1 space per 10 staff	Nil

#### C1.11.4 Minimum Car Parking Dimensions

The minimum dimensions for a garage or enclosed parking space must be as follows:

**Table C7: Minimum car parking dimensions**

Single		Double		Tandem	
Length	Width	Length	Width	Length	Width
6.0m	3.0m	6.0m	5.4m	11.4m	3.0m

**Notes:**

- 1. For open parking spaces or carports, the above dimensions can be reduced by 300mm for any open side, front or back of the parking space. For example, for a carport with the rear and one side open, the minimum dimensions will be reduced to 5.7 metres by 2.7 metres.*
- 2. Where the parking space is accessed via a narrow roadway, the width of the parking space may need to be increased so that a wider access door can be provided, to allow for manoeuvring in accordance with the following section.*
- 3. Where the parking space is located adjacent to the path of travel to the main pedestrian entry to the building, only 300mm of unobstructed width of a compliant parking space can be allocated to the width of the pedestrian access.*

### C1.11.5 Garage Door Widths

Table C8: Garage door widths

Width (metres)	Minimum dimensions in metres*			
	Single Garage			Double Garage
	Doorway Width	Doorway Setback from boundary	Opening Width at boundary	Doorway Width
> 7.0	2.8	-	-	5.0
6.0	3.0	-	-	5.3
5.0	3.3	-	-	5.6
4.0	4.2	-	-	-
3.5	4.2	0.5**	5.2**	-
3.0	4.2	1.0**	6.5**	-

\* For apron widths other than those specified, or for other than right angled access, detailed plans must be prepared showing the swept path for the B85 vehicle inclusive of 300mm manoeuvring clearances.

\*\* Where the apron width is less than 3.5 metres, the doorway must be set back from the boundary and the driveway widened to the property boundary to the extent of the opening widths specified.

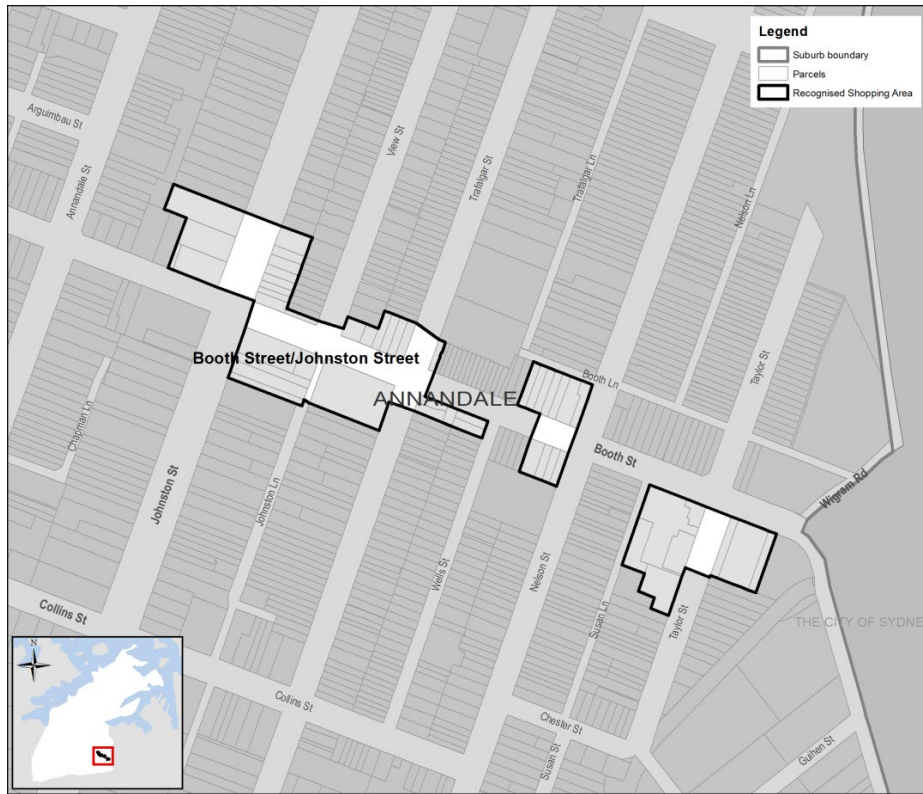
### C1.11.6 Bike Parking Dimensions

The minimum dimensions for envelope clearances for bike parking must be as follows.

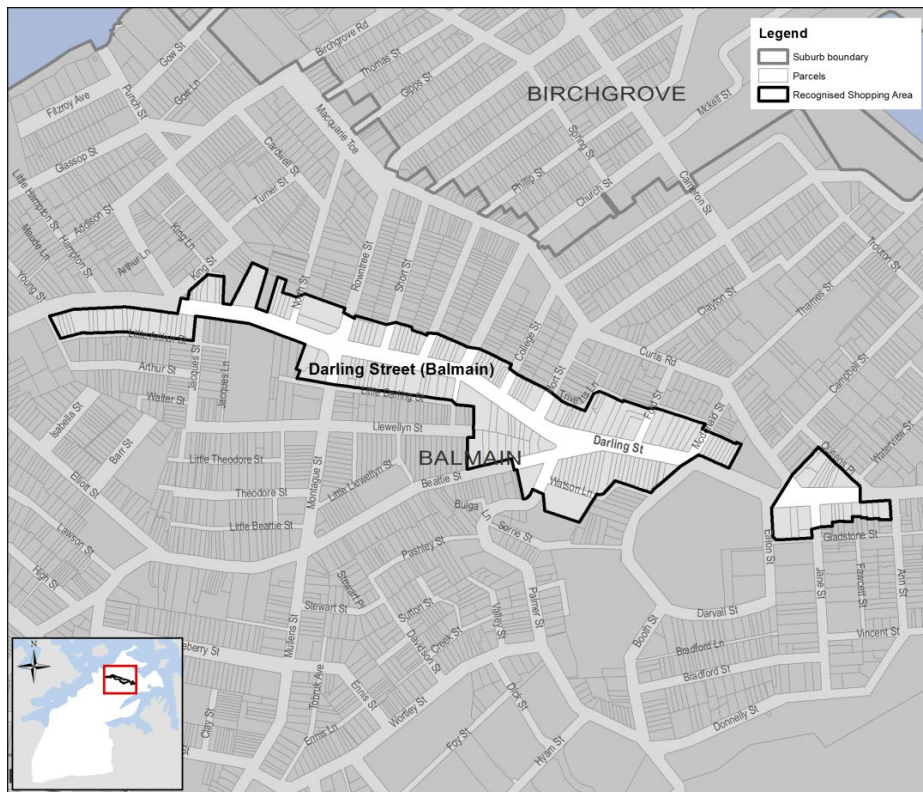
**Table C9: Minimum bicycle parking dimensions**

Storage dimensions	
Standard bicycle dimensions	
Handlebar height	750mm-1100mm
Handlebar width	Up to 750mm
Bicycle length	1500mm-1800mm
Minimum storage dimensions	
One standard bicycle	1200mm
Height	1200mm
Depth	2000mm
Door Aperture	780mm
Two standard bicycles	
Height	1200mm
Width	1500mm
Depth	2000mm
Door Aperture	780mm

**C1.11.7 Recognised shopping streets**



**Figure C4: Booth Street / Johnston Street recognised shopping street**



**Figure C5: Darling Street Balmain recognised shopping street**



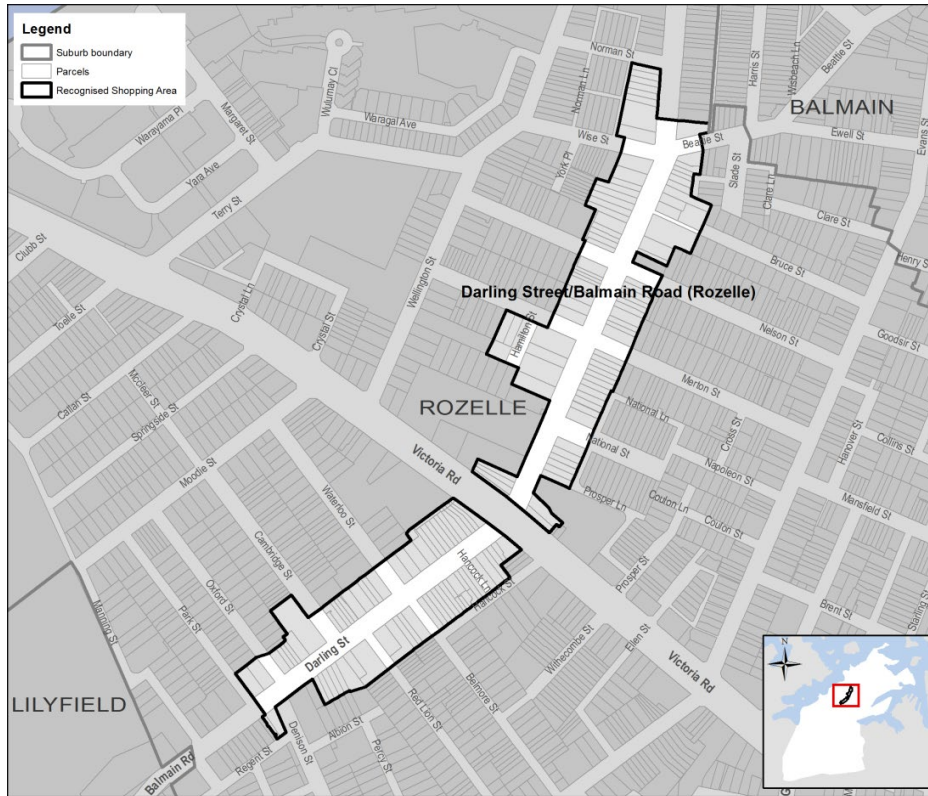


Figure C6: Balmain Road / Darling Street Rozelle recognised shopping street

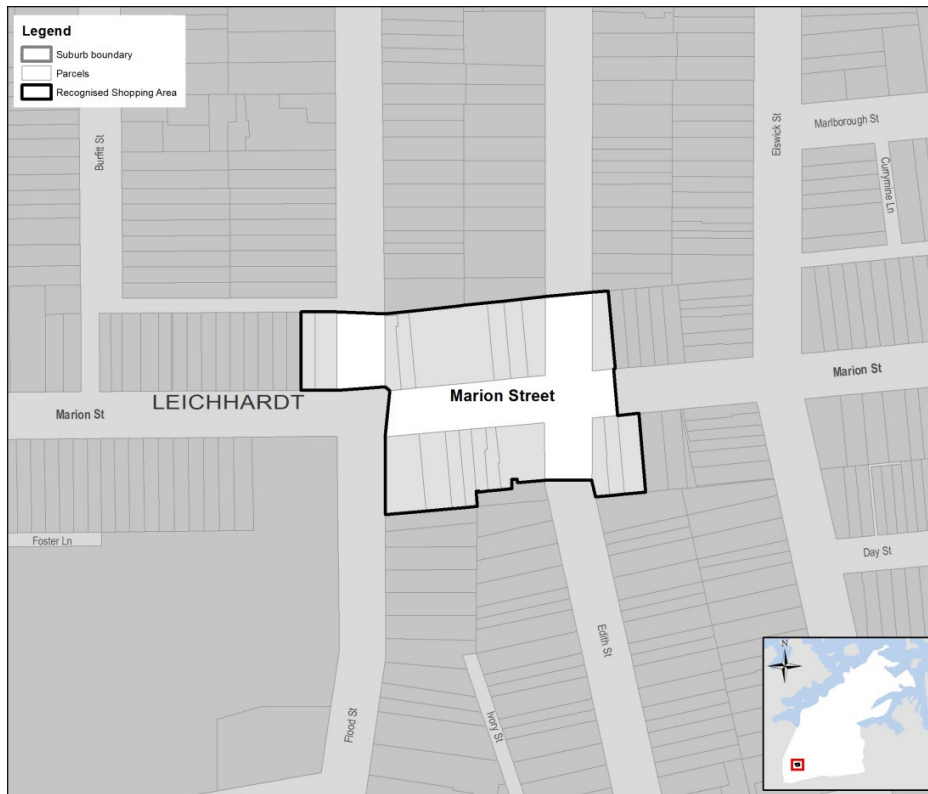


Figure C7: Marion Street recognised shopping street

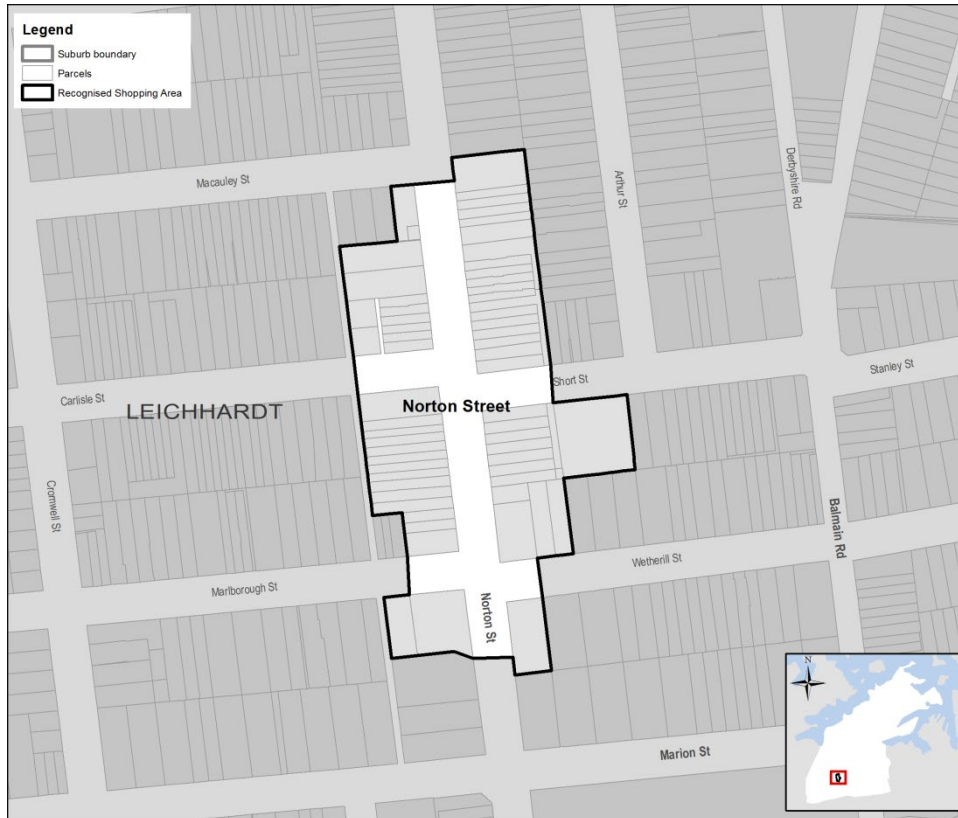


Figure C8: Norton Street recognised shopping street



Figure C9: Norton Street and Parramatta Road recognised shopping street

## **C1.12 LANDSCAPING**

### **Background**

Landscaping performs a number of important functions, including enhancing environmental performance through microclimate modification, enhancing the character of a streetscape and its neighbourhood as well as the visual appeal of a development and the Inner West.

Due to the variety of settings in which non-residential development is located in Inner West, landscaping needs to be context appropriate. For example, in industrial areas where contemporary development occurs, the landscaping response may include a landscaped setback and the planting of trees that will grow to large heights to soften the visual impact of the development when viewed from the street. However, in traditional main streets, landscaping may be used to provide increased amenity and visual interest to the use, such as in rear courtyards.

In residential developments landscaping is used to; shade private open space, grow food, assist in providing privacy, recreation, keep domestic animals and increase native fauna and flora.

Landscaping includes both 'soft' landscaping in the form of planted and grassed areas and 'hard' landscaping in the form of paving, outdoor furniture and similar constructed elements. To achieve a high level of environmental performance, 'soft' landscaping is preferred in most situations.

### **Objectives**

#### ***Residential Development***

- O1 Development includes on-site landscaped open space that:
- a. enhances the visual setting of buildings;
  - b. contributes to the distinct landscape character within the neighbourhoods and preserves, retains and encourages vegetation and wildlife that is indigenous to the Inner West and Sydney;
  - c. preserves or retains natural features such as rock outcrops that contribute to the landscape of the area;
  - d. conserves water resources by reducing the need for irrigation;
  - e. maximises vegetation to regulate and increase rainwater infiltration, thereby increasing nutrient recycling and reducing surface runoff;
  - f. is compatible with the heritage significance of the place;
  - g. contributes to the amenity of the residents and visitors;
  - h. where involving new plantings, benefit the building's energy efficiency;
  - i. protects and retains existing trees on the subject and surrounding sites, including the street verge; and
  - j. is designed to encourage the retention and enhancement of green corridors.

#### ***Non-Residential Development***

- O2 To ensure that landscaping:

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- a. complements the character of the surrounding area and reinforces local character;
- b. ensures a high level of visual attractiveness when viewed from the street;
- c. softens the visual impact of development, particularly on adjoining and nearby residential uses;
- d. contributes to the amenity of the residents and visitors;
- e. provides adequate on-site recreation space for workers; and
- f. increases the environmental performance of a development.

O3 To encourage green roofs and green walls particularly for large scale developments.

## Controls

### ***Documentation (Residential and Non Residential)***

- C1 A landscape plan prepared by a suitably qualified and experienced professional is submitted for:
- a. all new dwelling house, semi-attached, attached houses, multi-unit and Residential Flat Buildings; or
  - b. all non-residential development that provides landscaped open space; and
  - c. all mixed use development;
- C2 The landscape plan must include information as required by Council's specifications for development application documentation and demonstrate the achievement of appropriate objectives and controls. Landscape plans must take into consideration sight lines for vehicle egress and access.

### ***Residential Controls***

- C3 Trees that contribute to the character and quality of the area are retained and protected and additional trees compatible with the existing character are provided.
- C4 Provide for the retention of existing and/or planting of additional canopy trees.
- C5 A minimum of 85% of plantings for new residential areas are indigenous to the local or Sydney area.
- C6 Natural rocky outcrops shall be preserved in their existing form and integrated into site landscaping.
- C7 Existing trees on the site and on adjoining sites are protected from root damage and substantial canopy pruning.
- C8 Structures are to be designed to accommodate existing and future root growth.
- C9 Semi-mature trees and vegetation that are capable of contributing to landscape amenity are provided in open space along boundaries adjacent to neighbouring open space.
- C10 New dwellings, single or multi-unit, shall be planted with tree(s) capable of achieving a mature height and form appropriate to the setting of the site and the proposed development.

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*Note: Council will assess the reasonableness of the mature height of trees in conjunction with the development proposal. Tree selection and landscape design should be undertaken with site characteristics and environmental outcomes in mind.*

- C11 Landscaping does not include toxic plants.
- C12 Properties that exceed 300sqm shall have a minimum of two (2) trees. The trees will be capable of achieving a mature height and form appropriate for the setting and the development.

*Note: Council will assess the reasonableness of the mature height of the tree in conjunction with the development proposal.*

- C13 Front gardens/setbacks are of soft landscaping with the exception of pathways.
- C14 Landscaping shall be provided between a swimming pool and the property boundary, where the landscape area is capable of contributing to the landscape amenity of the subject and adjoining properties.

### **Secondary dwellings**

- C15 A minimum 4m wide landscaped area must be provided between the detached secondary dwelling and the principal dwelling house when they are located in tandem style.
- C16 A minimum 1.8m wide landscaped area must be provided between the detached secondary dwelling and the principal dwelling house where the detached secondary dwelling is located beside the principal dwelling house.

### **Landscaped areas over podiums or basement car parking areas (Residential, Non-Residential and Mixed use development)**

- C17 Where landscaping over the roof of underground parking areas is proposed, it must support soil of sufficient depth, contain appropriate irrigation devices and have drainage connected to the stormwater system that supports the growth of medium sized plants species (up to 2m) with details shown on the landscaping plan.

### **Non-Residential Controls**

- C18 The design of a landscaped area must consider:
- a. existing buildings and any proposed developments;
  - b. the requirement to landscape sections of the site not built upon with trees, shrubs and ground cover;
  - c. how site landscaping can complement and reinforce the locality in terms of plant selection or choice of materials by accounting for the role of the street, solar access, soils and existing services;
  - d. where a strong landscape theme exists, the need to complement and reinforce any existing theme;
  - e. how to reduce the visual impact of development, both to the street and to adjoining development;
  - f. making paved areas:
    - i. semi-porous to maximise on-site infiltration of stormwater;

- ii. complementary materials and colours; and
  - iii. with non-slip finishes and with gradients and dimensions suitable for use by people with disabilities; and
- g. varying the alignment of paved areas and driveways to create opportunities for landscaping.
- C19 Landscaped areas at suitable locations shall be integrated in the design of the site to improve the aesthetic amenity of the site and streetscape and the extent of pervious surfaces.
- C20 Landscaping will be provided between the front building line and the street frontage where this is consistent with the existing streetscape or the desired future streetscape.
- C21 Landscaping reflects the dominant character of trees and vegetation in the surrounding neighbourhood, including height, spread and type.
- C22 Plants will be chosen which are predominantly native to the local area and Sydney.
- C23 Landscaping will be predominantly soft landscaping to maximise rainwater infiltration.
- C24 Stormwater from the site is directed to landscaping areas that include stormwater quality management devices such as drainage swales.

***Safety (residential and non-residential development)***

- C25 All proposed landscaping must demonstrate consistency with the provisions within Part C1.9 Safety by Design of this Development Control Plan.

***Tree Removal (residential and non-residential development)***

- C26 An arborist report is to be submitted where the proposed development is within the Tree Protection Zone (TPZ - as defined in Australian Standard AS 4970 – ‘*Protection of trees on development sites*’) of a tree on an adjacent site.

***Notes:***

1. *Proposed excavation or fill, retaining walls or landscape structures must also be shown on the architectural plans.*
2. *Reference should be made to Section C1.14 – Tree Management of this Development Control Plan in regard to matters relating to exempt species, or standalone pruning and removal controls.*
3. *Information relating to the required content of Landscape Plans and Arborist Reports is available in Council’s Specifications for DA Documentation and Tree Management Technical Manual – Trees on Private Property.*

## **C1.13 OPEN SPACE DESIGN WITHIN THE PUBLIC DOMAIN**

### **Background**

The public domain includes all areas of open space that are publicly accessible, including parks, plazas, forecourts, streets and footpaths. The public domain provides a range of community benefits, including enhancing community cohesiveness by providing places for informal community gathering and interaction and promoting the economic vibrancy of centres.

### **Objectives**

- O1 To ensure that open space within the public domain:
  - a. has a high standard of urban and landscape design;
  - b. is visually attractive and enhances the character of the neighbourhood;
  - c. integrates with other parts of the public domain and links pedestrian and cyclist networks;
  - d. facilitates the comfortable gathering and movement of people;
  - e. integrates with parklands where applicable;
  - f. is provided and constructed in a timely manner;
  - g. is accessible; and
  - h. prioritises sustainable transport modes.
- O2 To ensure that environmental performance measures including water sensitive urban design initiatives are integrated into the space.
- O3 To ensure that indigenous vegetation species are used.
- O4 To facilitate the use of Safety by Design principles and visual surveillance measures into the space.
- O5 To encourage public art to be incorporated into the space.
- O6 To encourage the integration of safe, stimulating and educational playgrounds into residential and business areas.
- O7 Open space within the public domain is open to the general public, shall not be gated or used exclusively by local residents.

### **Controls**

#### ***General - Open space design within the public domain***

- C1 The location, layout and design of open space within the public domain is to maximise:
  - a. solar access;
  - b. protection from wind;
  - c. protection from traffic noise;
  - d. useability;
  - e. accessibility;

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- f. connections to and within the movement network and other areas of existing or planned open space including those specifically identified in Council's Developer Contributions Plan No 1 Open Space;
  - g. security and surveillance of the site through the implementation of Crime Prevention Through Environmental Design (CPTED) principles;
  - h. retention of existing elements of the natural environment including vegetation and water flows;
  - i. enhancing recreation opportunities for the community; and
  - j. sustainable transport.
- C2 Open space is to be located where its use will not be constrained by contaminated land restrictions.
- C3 Open space is generally to be of a regular square or rectangular shape to allow for a range of recreational opportunities.
- C4 When the open space is proposed to function as a link to unite two larger areas of open spaces within the public domain, the linear park will have a minimum width of 10m and include provision for both walking and cycling.

### **Playgrounds**

- C5 Playgrounds shall comply with Safety by Design principles as outlined within Part C1.9 Safety by Design of this Development Control Plan.
- C6 Design and construction of all playground equipment must comply with Australian Standard 1924.2-81 (Playground Equipment for Parks, Schools and Domestic Use - Design and Construction - Safety Aspects) as amended.
- C7 Playground equipment shall comply with the NSW Standards and licencing requirements.

### **For sites in the B1 Neighbourhood Centre Zone and B2 Local Centre Zone that are less than 3000sqm in area**

- C8 Development shall make a positive contribution to existing public domain by providing:
- a. a pathway of adequate width to accommodate comfortable pedestrian movement;
  - b. street frontage landscaping, including paving and lighting, compatible with the character of the neighbourhood that enhances the functional and visual quality of the street; and
  - c. awnings and/or other shelter.

### **For sites in the B1 Neighbourhood Centre Zone and B2 Local Centre Zone that are 3000sqm in area or greater:**

- C9 Development shall provide a new area of public domain that:
- a. has a minimum area of 10% of the site and a minimum dimension of 10m;
  - b. includes trees, seating, lighting and shelter;
  - c. is lined with active commercial uses;
  - d. has an entry that is highly visible and directly accessible from an existing street;



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- e. is public accessible for 24 hours a day;
- f. is universally accessible; and
- g. is open to the sky for a minimum of 80% of its area.

### ***For development in the RE1 Public Recreation Zone***

- C10 Development shall be of a scale, form, material, use and colour that maintains and enhances the function of the public open space and minimises visual impact on the natural landscape.

### ***Foreshore reserve sites***

- C11 Where a development application is made in relation to a property which is:

- a. located adjacent to the foreshore; and
- b. where it is proposed to generate new residents or new employees.

Council may seek dedication of part of a development application site adjacent to the foreshore if the proposed development could achieve any of the *Inner West LEP 2022* Clause 6.7(1) and / or to reflect Clause C.4 of Council's Developer Contributions Plan No. 1 Open Space.

- C12 The width of the foreshore reserve that is required to be dedicated to Council will vary depending on the subject site. In determining the extent of the foreshore reserve Council will have regard to the following:

- a. nature of the topography;
- b. potential for inundation and erosion;
- c. cultural, heritage, environmental and landscape significance;
- d. area required to practically implement foreshore access for pedestrians and cyclists and maintenance requirements; and
- e. linkages and connectivity to other areas of open space and/or cycle pedestrian links.

### ***Development proposed adjacent to open space within the public domain***

- C13 The layout and design of any development adjacent to open space is to maximise accessibility, implementation of Safety by Design principles and visual surveillance of the space.

- C14 Open space that is provided as part of a Masterplan development or any other development that requires the provision of open space is to have a street or approved shared zone on at least 75% of its perimeter, and the development shall:

- a. make provision for a street or approved shared zone adjacent to the public open space; and
- b. ensure building frontages address the street and the public open space.

- C15 Where a street or approved shared zone will not be located adjacent to open space, a shared path is to be provided at the interface of the development and the open space.

***Development adjacent to the GreenWay***

- C16 Where development is proposed adjacent to the GreenWay, the development shall complement and contribute to the environmental and social qualities of the GreenWay by way of:
- a. ensuring that buildings are oriented towards the GreenWay, and are stepped back to avoid having an overbearing effect on the GreenWay;
  - b. providing active links between the development and the pedestrian and cycle pathways of the GreenWay;
  - c. maximising additional, permanent, publicly accessible cycling and walking links between the GreenWay and surrounding areas;
  - d. utilising Safety by Design principles and visual surveillance of the space (e.g.: through establishing new view corridors);
  - e. ensuring accessibility at all times between the development site, the GreenWay and the light rail stops;
  - f. including attractive, durable and safe street furniture, public art, lighting and landscaping which is compatible with the visual, social and environmental qualities of the GreenWay;
  - g. vegetating the spaces with indigenous plant species, with reference to the most recent GreenWay Revegetation and Bushcare Plan(s);
  - h. incorporating best practice water sensitive urban design and flood mitigation; and
  - i. maximising opportunities for native fauna to safely move to and from the GreenWay from adjacent areas (e.g. via native vegetation links, appropriate swales and the like).

## C1.14 TREE MANAGEMENT

### General Provisions

#### Purpose

This Tree Management Development Control Plan has been made in accordance with the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and prescribes the vegetation to which the SEPP applies and the applicable consent process.

The vegetation described in this Development Control Plan is vegetation to which Chapter 1 and 2 of the vegetation SEPP applies as amended from time to time.

Council has adopted canopy targets for the Inner West Local Government Area (LGA) based on the zoning of the land. Those canopy targets are derived from the Premiers Priorities 2017- Greening our city and Greening public places, Greater Sydney Commission - District Plans and Greener Places - Urban Tree Canopy Guide and are as follows:

Zone	Canopy Target
R1 General Residential	40%
R2 Low Density Residential	
R3 Medium Density Residential	25%
R4 High Density Residential	
B1 Neighbourhood Centre	25%
B2 Local Centre	
B4 Mixed Use	15%
B5 Business Development	
B6 Enterprise Corridor	
B7 Business Park	
IN1 General Industrial	25%
IN2 Light Industrial	

#### Objectives

The following objectives guide the protection and management of trees within the Inner West LGA:

- O1 To establish a coordinated approach to the assessment and management of trees.
- O2 To consider the safety of the community, private property, and public infrastructure assets.
- O3 To protect trees within and adjacent to development sites and to ensure that all new development provides an opportunity for existing and new trees to grow.
- O4 To manage the urban landscape so trees continue to make a significant contribution to its quality, character, and amenity.
- O5 To maintain and enhance the amenity of the Inner West Local Government Area through the preservation of appropriate trees and vegetation.
- O6 Ensure private property owners' plant new trees and replace trees in order to meet Council's tree canopy targets.

### Outline of the Processes for Tree Removal or Pruning

- No consent is required for some works (see Control C6 and C7)
- Development Consent is required for pruning more than 10% of the canopy or removal of trees on properties with heritage significance (see Control C4)
- A Tree Works Permit is required for all other works (see Control C5)

## Controls

C1 Council consent is required before any clearing of vegetation (removal or pruning of prescribed *tree/s*) is carried out unless the work complies with C6 of this DCP.

C2 For the purposes of this DCP, a **prescribed tree** is:

- i. any tree with a height equal to or greater than 4 metres above ground level (existing) or
- ii. any tree that is under 4 metres in height that has a trunk diameter of more than 150mm at Diameter at Breast Height (DBH at 1.4m) or
- iii. any tree with a canopy spread equal to or greater than 2 metres or any palm tree or tree fern with a clean stem length equal to or greater than 4 metres above ground level (existing).

C3 Applications for consent to remove or prune a tree/s will be assessed and determined via a:

- i. Development Application (as set out in Control C4) or
- ii. Tree Works Permit Application (as set out in Control C5).

C4 Submit a development application for pruning of more than 10% of a tree/s canopy or removal of a prescribed tree/s located on a property which is a heritage item, forms part of a heritage item, is listed in the heritage trees list, is located in a heritage conservation area or where the tree forms part of an Aboriginal object or is located within an Aboriginal place of heritage significance.

C5 Submit a Tree Works Permit for the following activities:

- i. Prune a prescribed tree by more than 10% of the canopy;
- ii. Tree root pruning;
- iii. Remove or prune a prescribed tree except where Control C4 requires a development application to be submitted or Control C6 where tree works can occur without prior approval.

Note: A Tree Works Permit may be submitted to remove a *prescribed tree* to facilitate a Complying Development Certificate.

C6 The following works do not require Council consent (unless the criteria outlined in Control C7 are relevant to the subject tree), provided the work is carried out in accordance with AS 4373 -2007 Pruning of amenity trees and the Safe Work Australia Code of Practice Guide to Managing Risks of Tree Trimming and Removal Work 2016:

- C6.1 Canopy lifting to 2.5 metres above ground level;
- C6.2 Pruning of branches with a diameter of less than 100mm to a maximum of 10% of the canopy annually;
- C6.3 The pruning of deadwood that does not have hollows or provide habitat for native fauna;
- C6.4 Works to trees owned by, or under the care, control and management of Inner West Council and undertaken by delegated Council staff or their authorised contractors;

Note: Controls C6.1 to C6.4 apply to all properties within Inner West whereas Controls C6.5 and C6.6 do not apply to trees listed in the heritage trees list, or located on a property that is a heritage item, or located in a heritage conservation area.

- C6.5 Removal of a tree, including a prescribed tree, located within 1 metre of the wall of a residential dwelling located on the same lot. The 1 metre distance is measured from the centre of the tree at breast height (DBH 1.4m) to the wall of the residential dwelling;
- C6.6 The trees on the exempt species list below are not deemed to be prescribed trees unless such trees are located in a Heritage Conservation Area or are listed as part of a Heritage Item within the Council's Local Environmental Plan.

Species Name	Common Name
<i>Acer negundo</i>	Box Elder
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus jorrullensis</i>	Evergreen Alder
<i>Bambusa spp. Phyllostachys spp.</i>	Bamboo species
<i>Cotoneaster spp.</i>	Cotoneaster
<i>Erythrina x sykesii</i>	Coral Tree
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Lagunaria patersonia</i>	Norfolk Island Hibiscus
<i>Ligustrum lucidum</i>	Broad Leaved Privet
<i>Ligustrum sinense</i>	Small Leaved Privet
<i>Nerium oleander</i>	Oleander
<i>Robinia pseudoacacia</i>	False Acacia/Black Locust
<i>Salix spp.</i>	Willow
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Syagrus romanzoffianum</i>	Cocos Palm
<i>Tamarix aphylla</i>	Athel Tree
<i>Toxicodendron succedaneum</i>	Rhus Tree
Department of Primary Industry Priority Weeds List of the Greater Sydney (Inner West)	see the <a href="#">NSW Weedwise website</a> for list

C7 The exemptions in Control C6 do not apply to:

- i. Tree/s that are required to be retained by a condition of development consent;

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- ii. Tree/s required to be planted as a condition of development consent or as a compensatory planting condition in a permit;
- iii. Threatened species or land that contains native vegetation (including dead trees) which is habitat for threatened species, populations or ecological communities listed in Schedule 1 and 2 of the Biodiversity Conservation Act 2016 and other protected matters listed under the Commonwealth Environment Protection Biodiversity Conservation Act 1999;
- iv. Land that is a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016;
- v. Land declared critical habitat under Part 7A of the Fisheries Management Act 1994;
- vi. Any native prescribed tree located within a wildlife corridor as shown on the Biodiversity Map in Part 2.13 - Biodiversity of Marrickville DCP 2011 – Appendix 3;
- vii. Pruning more than 10% of the canopy, or proposed removal of a prescribed tree that is a heritage item, forms part of a heritage item, or is listed in the heritage trees list, or located in a heritage conservation area.

### **Neighbouring trees**

Speak to your neighbour to get consent before you prune their trees.

Pruning consistent with AS4373—*Pruning of amenity trees* and Control C1 of this DCP does not need Council consent.

Council does not mediate works to neighbouring trees.

## Application Assessment Criteria

Note: Section 4.15 of the *Environmental Planning and Assessment Act 1979* outlines the matters for consideration when determining a development application. These matters include but are not limited to the matters outlined in C8 below.

C8 The following matters will be considered when determining an application to remove or prune a prescribed tree:

### i. Danger/Safety Risk Assessment

Danger is assessed based on a number of factors including;

- The potential/likelihood of a tree or tree part to fail
- A history of previous branch failure
- The size of the defective part of the tree
- The use and occupancy of the area that may be struck by a defective part

A high risk of danger will be given significant weight when determining an application, noting that dangerous tree assessments are based on the safety risk posed by a tree in normal weather conditions;

### ii. Property Damage

The likelihood of the tree causing property damage. This includes trees renowned for having extensive root systems, which cause damage to footings of houses or, trees that may cause blockages to domestic sewer and drainage lines;

### iii. Condition / health of the tree

The structural integrity of the tree will be assessed for any visible signs of decay or deterioration; this is usually indicated by a lack of foliage, dead branches evident in the canopy, presence of fungal fruiting bodies, excessive sap being exuded from the trunk and/or evidence of insect attack, particularly borer damage;

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### iv. Tree species

The likelihood of branch failure / limb fall prevalent for the species. The species' susceptibility to environmental changes, which may affect the longevity of the species' survival in its current location. This would include changes in soil level, excessive root damage caused during construction works, changes in water availability, competition for other vegetation (particularly climbing vines), and compaction of soil (particularly in high usage areas such as car parking areas);

### v. Significance within the Landscape and/or Streetscape

An assessment of the visual environment and the significance the specimen plays within the streetscape;

### vi. Termites

Each case of termite infestation will be investigated on its merit;

### vii. Other criteria

Other criteria would include if the tree is an endangered or rare species, is of historical significance or, the link the tree provides between bushland and reserves (the connectivity of habitat).

#### **Trees that are considered an imminent risk to human life or property**

If a tree on your property is suspected to be an imminent risk to human life or property you must first contact Council detailing why the tree is considered to be a risk based on industry risk assessment methodologies – Tree Risk Assessment Qualification (TRAQ) or Quantified Tree Risk Assessment (QTRA). Evidence must be provided to Council in writing by photographic evidence and written evidence by a Qualified Arborist (AQF5)

Council will issue expedited consent in writing to allow removal of an imminently dangerous tree under the provisions of Biodiversity and conservation SEPP 2021. If Council is not satisfied that the tree is a risk to human life or property you will be advised to lodge the relevant application.

C9 Tree removal is the final option where the impacts can be directly attributed to a tree and all other avenues to rectify the impact have been investigated. The following criteria are generally not considered justification for tree removal or pruning:

- i. The dropping of leaves, flowers, fruit, sap, seeds or small elements of deadwood (or other natural processes);
- ii. Insect/animal nuisance;
- iii. Providing solar access for renewable energy system infrastructure (i.e. solar panels, solar hot water systems, wind turbines or data receivers);
- iv. Increase general natural light or reduce shade created by a tree;
- v. Enhance view corridors;
- vi. Minor lifting of driveways, paths and paving or minor damage to outbuildings, garden structures, walls or landscape structures;
- vii. Damage to underground services (such as sewer lines, water services) where there are feasible alternatives to mitigate or solve problems and retain the tree. Alternatives to tree removal include replacement of damaged pipes, relining, relocation or encasement of pipes;
- viii. Pruning to reduce height, except pruning to reduce the height of hedge(s);

- ix. To facilitate the construction of structures (such as a driveway, swimming pool, or dwelling) in the event other suitable locations are available (see Controls C13-C17 for controls relating to trees on development sites).

**Procedural review**

A request for procedural review of the process undertaken must be lodged within 28 days of the determination date (as per the *Local Government Act 1993*).

**Tree Permits**

An applicant for a tree permit may appeal to the NSW Land and Environment Court against a refusal by Council to grant the permit. The appeal must be made within three months of the date on the determination.

**Development Applications**

An applicant for a development application may seek an appeal in the following ways:

- [Section 8.7](#) of the *Environmental Planning and Assessment Act 1979* (the Act) gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in Section 8.10 of the Act.
- [Section 8.2](#) of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request Council to review the determination. Section 8.2 does not apply to, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that has already been the subject of a Section 8.2 review.

Tree Planting Requirements

C10 A replacement tree/s must be planted to replace any prescribed tree approved for removal. This will enable Council to effectively retain and maintain the urban forest canopy across the Inner West. Replacement trees are to be located on the same site as the tree removal, as determined by Council.

Note: there may be circumstances when Council determines that there is no suitable location on site. In such circumstances a financial contribution can be paid to support public tree planting in lieu of on-site replacement planting. Fees are set out in Council's fees and charges schedule.

C11 Replacement tree/s must be maintained in a healthy and vigorous condition until they meet the requirements of a prescribed tree and are protected in accordance with this DCP Chapter (Control C2).

Note: A person must not fail to plant, protect or care for a replacement tree which is required to be established as a condition of consent issued by Council.

C12 The following minimum tree planting requirements are required for any sites:

Property Size:	Number of trees to be planted
Less than 300m <sup>2</sup>	minimum of one (1) tree.
exceed 300m <sup>2</sup>	minimum of two (2) trees

Tree container size and mature tree height will be determined by Council and will generally be based on available land space and land zoning canopy targets, a preference is placed on advanced container sizes. The tree(s) must not be planted within 1 metre of a proposed building, swimming pool or property boundary.



### **Trees on Development Sites**

- C13 All development proposals must be designed to maintain or improve the urban forest values of the site by minimising the impact on tree/s and planting replacement tree/s for tree/s that are proposed for removal. This requirement applies to Council owned trees as well as trees on private or other property and adjoining land.
- C14 The design of buildings or alterations and additions to buildings must provide sufficient distance from existing trees (whether on the site or on adjoining land), in accordance with AS4970-Protection of trees on development sites (AS4970), to ensure the tree/s' practical retention.
- C15 Trees on public land must be protected during demolition, excavation, the erection of hoarding and construction works as set out in Section 4 of AS4970. Council will require the payment of a security deposit in relation to a tree on public land if:
- Development is proposed within the Tree Protection Zone of that tree or
  - Council determines that the development may adversely affect the roots or crown of the tree
- C16 Developments in zones other than R1 – General Residential or R2 – Low Density Residential must allow for any existing overhead electrical lines to be converted into aerial bundled cabling or redirected underground to reduce the impact upon surrounding trees.
- C17 New awnings that encroach into public land must be designed to accommodate existing and proposed street trees.

## Definitions

In this Part:

**Amenity** a desirable or useful feature, or facility of a building or place.

**Clear Vegetation** includes

- a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
- b) lop or otherwise remove a substantial part of the vegetation (including roots).

**Dead** means no green cambium (tissue) and no green foliage and that the tree is no longer capable of performing any living functions.

**Diameter at Breast Height (DBH)**. The diameter of a tree at 1.4 metres above the natural ground level.

**Dying** means a tree in a state of decline where it is unlikely to recover. Generally, this may be represented by only ≤ 20% live canopy.

**Foreseeable future** means the next 12 months.

**Imminently dangerous** includes but is not restricted to obvious instability of the root system, evidence of soil heave or cracking, loss of structural roots, root decay, storm damage and structural defects that are imminently hazardous, such as splitting branches. Evidence must be provided to Council in writing by photographic evidence or written evidence by a Qualified Arborist (AQF5).

**Risk to human life or property** is where a tree presents an unacceptable level of risk to life or property as per an industry risk assessment methodologies -TRAQ or QTRA. Evidence must be provided to Council in writing by photographic evidence and written evidence by a Qualified Arborist (AQF5).

**Tree** means any perennial plant with at least one self-supporting woody, fibrous stem, whether native or exotic.

**Priority Weed Species for the Greater Sydney Region** means those species listed by NSW Department of Primary Industries on their website for the Inner West Council local government area. View at <https://weeds.dpi.nsw.gov.au/WeedBiosecurities?Areald=72>

**Project Arborist** means the arborist appointed to monitor the vitality and condition, throughout the construction process, of trees being retained on the site (and any trees on adjoining private land and trees on public land where the development encroaches into the TPZ of those trees).

**Residential Dwellings** are buildings approved and defined as:

- **dwelling house** means a building containing only one dwelling.
- **dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).
- **multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.
- **residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.  
Note: this apply to the residential dwellings only not ancillary development such as detached garages, carports, swimming pools etc.

**Tree Protection Zone (TPZ)** means the area around a tree required to protect the tree's crown and roots during the construction process. The tree protection zone must be calculated in accordance with AS4970.

**Urban Forest** means all trees and vegetation (both naturally occurring and planted) that occur within or near urban areas.

## C1.15 SIGNS AND OUTDOOR ADVERTISING

### Background

Signs and outdoor advertising are important elements of vibrant urban places. They are part of the landscape, especially in commercial, mixed use and industrial settings. Signs can be important for communication and to convey messages that help us identify buildings, shops, products and services.

However, signs can easily dominate and clutter the landscape. This section encourages signs that are responsive to their setting and suitable to their location. Signs that are visually dominant or poorly located are discouraged.

### Other planning documents and policies

a. *Inner West LEP 2022*;

Some signs do not require development consent. Check Schedule 2 of the *Inner West LEP 2022* for details, Division 2 – Advertising and Signage Exempt Development Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; and

b. *State Environmental Planning Policy 64 – Advertising and Signage* contains additional controls that may be relevant to applications for signs and outdoor advertising.

### Objectives

#### Sign Types



Figure C10 Signs and advertising types

The expectations for signs vary depending on the site context and surrounding land uses. Table C10 below gives an indication of the expectations for different areas on land where this DCP applies.

Note that *State Environmental Planning Policy 64 – Advertising and Signage* prohibits all signs other than business identification and building identification signs in residential areas and in Heritage Conservation Areas.

**Table C10: Signs and advertising within varying land uses**

Location	Description	Expectations
Residential zones	Surrounding land uses are residential and the street has a predominantly residential character.	Signs that relate to the use within the premises. Discrete signs that respect residential character and are not visually dominant in the streetscape. No internal illumination.
Business zones	Retail precincts, business areas and areas where surrounding land uses include shops and commercial uses. Locations where non-residential uses are within the vicinity of residential buildings.	Signs support the commercial activity and contribute to a lively character without cluttering or dominating. Signs respect building form and architectural features, and are compatible with adjoining and nearby buildings. Signs are related to the uses of the building or site and assist in wayfinding and locating premises.
Industrial zones	Surrounding land uses are industrial or include buildings/uses that are typical of an industrial location.	Signs contribute to the functioning and viability of businesses without detracting from visual amenity Signs assist in wayfinding and locating premises. Signs are coordinated across tenancies and multiple premises on the one site.
Open space and recreation	Public parks and recreational areas	Signs that are appropriate to the amenity and use of public space. Wayfinding and signs that satisfy a public benefit test.
Other land uses		Signs are ancillary to lawfully established uses Signs are appropriate to the setting/context and do not adversely affect nearby or adjoining land uses.
Heritage Items and Heritage Conservation Areas		Signs respect heritage significance by minimising interference with significant fabric and features. Signs are sensitively designed and sited, and are compatible with the setting and heritage significance of the Heritage Item or Heritage Conservation Area. Signs that use tones and colours appropriate to the Heritage Item or Heritage Conservation Area.

- O1 Ensure that the design and siting of signs or advertising is compatible with the character of the area and the characteristics of the building or structure on which the sign or advertising is to be placed.

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- O2 Encourage appropriate use of outdoor advertising opportunities so that signs add to the urban and streetscape character and complement the architectural style and use of buildings.
- O3 Avoid visual clutter and adverse amenity outcomes from proliferation of signs and advertising.
- O4 Discourage poorly positioned signs, particularly signs placed above awnings, at the roof or parapet line or along walking or cycling routes.
- O5 Protect Heritage Items, buildings within Heritage Conservation Areas and other visually or environmentally sensitive areas from inappropriate and visually intrusive signs.

## Controls

### *Location, size and design*

- C1 The sign is to relate to an approved or lawful use of the building or site.
- C2 The design, scale and siting of signs is to be visually interesting and relate to the building or structure on which the sign is to be located. The sign is to:
  - a. be compatible with the architectural style or period of the building;
  - b. fit within the opportunities of the façade as determined by the lines of awnings, windows, doors and parapet;
  - c. be compatible with, and not dominate, the setting of the building or site;
  - d. in the case of new buildings, be integrated into the façade design;
  - e. retain and not cover or otherwise obscure decorative features of façades;
  - f. not obscure pedestrian, cycling or vehicle sight lines, especially near intersections, traffic control devices or driveways;
  - g. not interfere with landscaping in the public or private domain;
  - h. respect the viewing rights of other advertisers;
  - i. not cause significant overshadowing;
  - j. have a minimal depth in size;
  - k. allow sufficient light and ventilation of the building; and
  - l. where located within the vicinity of a Heritage Conservation Area or Heritage Item, take into account the controls specified under the heading “Signs on Heritage Items and in Heritage Conservation Areas” of this section.
- C3 The main facade of buildings above awning height is to remain free from signs and advertising, unless it can be demonstrated that the sign or advertising will have minimal impacts on the desired future character of the area and is appropriate for the building typology.
- C4 Lettering, materials and colours are to complement the existing building and be compatible with surrounding buildings and the setting.

***New technologies***

- C5 Innovative proposals for signs not envisaged by these controls will be considered on their merits taking into account the location, characteristics of adjoining and nearby land uses and the objectives of this section.

***Illumination***

- C6 Illuminated signs will be considered taking into account potential impacts on amenity. Timing limitations for illuminated signs may be considered appropriate.
- C7 Light spill from illumination is not to affect nearby residential properties.

***Temporary signs and banners***

- C8 Temporary signs and banners are to provide details about community fairs and activities. Product images and corporate branding are not to exceed 5% of the sign's display area.
- C9 The size of the banner is to be appropriate to the location and scale of activity proposed.
- C10 Temporary banners and signs are subject to a limited consent period of three (3) months. The signs are to be located in the areas that have been designated for street banners:
- a. Victoria Road amenities block, corner Darling Street, Rozelle;
  - b. Norton Plaza, Leichhardt;
  - c. Norton Street, Leichhardt between Wetherill and Short Streets;
  - d. Balmain Town Hall, Darling Street, Balmain.

***Signs that are generally not supported on land where this DCP applies***

- C11 The following sign types are generally not supported on land where this DCP applies:
- a. projecting roof signs and signs that protrude above the parapet or eaves;
  - b. illuminated signs in residential zones;
  - c. flashing and moving signs except in appropriate areas such as main roads;
  - d. above awning signs;
  - e. roof signs.

***Signs in Residential Zones***

- C12 Only one business identification or building identification sign can be considered per property.
- C13 New business identification and building identification signs are to be designed as a nameplate, discrete in size and designed and located to respect the residential setting.

***Signs in Business Zones***

- C14 Signs are to be visually interesting and contribute to the character of the local centre.
- C15 Signs are not to obscure shop fronts or cover more than 25% of the window surface. Elevations of proposed window signs are required with the application.
- C16 Only one sign is normally permitted on the building façade of one tenancy, excluding suspended awning signs.

- C17 The total combined area of signs is not to exceed 1m<sup>2</sup> for each 4m or part thereof, of a frontage of that tenancy to the public road of the building. Where the site has a frontage to two streets the same factor will apply to the second frontage.

***Signs in Industrial Zones***

- C18 Signs are to be visually interesting and contribute to the character of the locality.
- C19 For multi-tenanted sites, one free standing sign or directory board can be located at or near the entrance. The sign is to be integrated into site landscaping.
- C20 Directory Board signs are to be located within the property boundary away from any vehicular crossings, and not obstruct pedestrian paths, and the like.

***Signs on Heritage Items and in Heritage Conservation Areas***

- C21 Signs are to be designed, sized and located to:
- a. minimise interference with significant fabric and features of Heritage Items. The method of installation to the Heritage Item should not result in irreversible damage to significant fabric;
  - b. respect the heritage qualities of the Heritage Conservation Area including significant streetscape elements;
  - c. use compatible materials, colours, style and lettering to ensure compatibility with heritage significance;
  - d. not obscure any opening on a building;
  - e. not protrude above any parapet or eave of the building.
- C22 In residential zones, signs are not to be internally illuminated or have audio components.
- C23 Original signs and signs that are part of the history and heritage significance of the Heritage Item or Heritage Conservation Area are to be retained.

***Controls for Particular Sign Types***

- C24 Projecting wall signs:
- a. no more than one sign for each 3 metres of length of the premises;
  - b. not to protrude more than 300mm from the wall to which it is attached;
  - c. maximum size 2.5m x 0.5m;
  - d. must be at least 2.6m above the ground;
  - e. must be erected at a right angle to the wall of the building to which it is attached; and
  - f. not to add to visual clutter, particularly where there are other existing signs on the façade.
- C25 Freestanding advertisements:
- a. relate to the business on the property of which the sign is located;
  - b. limited to one sign per street frontage of the site;
  - c. to be considered on merit in accordance with Control C2; and

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- d. must not obstruct walking or cycling access ways

C26 Building wrap advertisements on scaffolding/hoardings:

- a. advertisements on scaffolding are to be in association with the construction of an approved new building;
- b. building wrap advertisements can only be considered where they contain a community message or an image (at scale) of the proposed works under construction or existing building; and
- c. must not obstruct walking or cycling access ways



**Figure C11: Building wrap sign**



## **C1.16 STRUCTURES IN OR OVER THE PUBLIC DOMAIN: BALCONIES, VERANDAHS AND AWNINGS**

### **Background**

Distinctive elements in streets within Inner West are the balconies, verandahs and awnings at first floor level which are over the public footpath. Such built form makes a positive contribution to urban design as they assist in spatial definition of the area between the building frontage and the roadway, provide amenity for pedestrians and inhabitants of the adjacent buildings and create visual interest and diversity. Balconies, verandahs and awnings in the public domain on land where this DCP applies,:

- enhance public use and amenity, and private use and amenity of the occupants of the building to which the permanent protective structure is attached, including shade, shelter, comfort, egress and safety;
- enhance the appearance of the building and streetscape; and
- provide other benefits such as improved public open space or private commercial opportunities such as outdoor dining providing these do not compromise the public interest.

A first or higher floor balcony or verandah over the public footpath provides additional amenity and open space for the occupants of the adjacent building which opens to the balcony or verandah, as well as capital increase in the value of that building. The private land owner with the benefit of the public space should pay for the use of that public space.

### **Objectives**

- O1 To provide permanent protective structures such as balconies, verandahs or awnings in the public domain, including in Council airspace which promote:
- a. urban design which is consistent with the desired future character statement for the neighbourhood;
  - b. streetscape amenity including shading and shelter;
  - c. management of Heritage Items and Heritage Conservation Areas through the following methods:
    - i. preservation; or
    - i. conservation; or
    - ii. restoration; or
    - iii. reconstruction.
  - d. enhanced environmental performance of buildings.
- O2 To make provision for lease agreements under s.149 of the *Roads Act 1993*, between Council and the owner of a building, which provides for payment of rent and facilitates the use of Council airspace, where appropriate, for the purpose of a permanent protective structure which provides private useable space to the building owner or occupant (that is verandahs and balconies, but not awnings).
- O3 To provide for maintenance and liability in respect of permanent protective structures.

**Controls**

- C1 Buildings within a Business zone are, in most instances, required to incorporate a permanent protective structure in the form of a balcony, verandah or awning at first floor level.
- C2 Exceptions to C1 may be granted where a balcony, verandah or awning would not be compatible with the heritage or urban design values of the building. Such buildings may include early churches, banks or civic buildings.
- C3 The setback from the kerb of all permanent protective structures is to be a minimum of 300mm and may be up to 600mm to provide for vehicle movements within the road.
- C4 Balconies, verandahs or awnings on existing buildings with frontage to a Business zone and which are listed as Heritage Items or are within a Heritage Conservation Area in the *Inner West LEP 2022* are to be preserved, conserved, restored or reconstructed as follows:
- a. in accordance with the Principles of the Burra Charter;
  - b. preservation including the maintenance and retardation of further deterioration of the fabric of an existing balcony, verandah or awning should occur in the first instance;
  - c. restoration of the original form of any balcony, verandah or awning should be undertaken on the basis of known evidence, preferably photographic, and by an examination of the existing structure and surrounds which is to be researched, documented and certified by a heritage architect;
  - d. reconstruction may be considered where there is sufficient evidence that a balcony, verandah or awning previously existed or where the existing structure cannot be restored.
  - e. reconstruction should be based on details of photographic evidence, examination of the structure, comparable examples in terms of form, period and style **or** should adopt a simplified form and be designed by a suitably qualified heritage architect;
  - f. structural members of balconies, verandahs in the airspace over the public domain are, generally, to be unlined so that the underside of the upper floor and/or roof is exposed;
  - g. enclosure of a balcony, verandah or awning will not be supported
- C5 Permanent protective structures for existing or new buildings in the public domain, which are not Heritage Items, but have frontage to a Business zone:
- a. are to be complementary to the building and streetscape in terms of materials, detailing and form and may be one of the following:
    - i. cantilevered awning;
    - ii. cantilevered balcony;
    - iii. posted single storey verandah;
    - iv. posted multi-storey verandah; and
  - b. may be constructed of materials such as steel and other metals, or timber;
- C6 A minimum of 50% of the vertical sides of first floor or above balconies or verandahs are to be open, including the balustrading and returns against the building.
- C7 Above ground balconies and/or verandahs shall include balustrading and returns against the building which area at least 50% open or able to be opened.

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- C8 Side screens, which are required for privacy reasons, shall be made from durable materials, and have a maximum transparency of 30%.
- C9 Post supported structures:
  - a. are to be certified by a Structural Engineer; and
  - b. must be designed and constructed to remain standing in the event of inadvertent removal of either one or both corner posts, with respect to a street corner.
- C10 A Lease Agreement which sets out mutual responsibility must be executed by the building owner for all structures over public land which provides useable open space for the building occupants (e.g. balconies and verandahs) before a Construction Certificate can be issued (for other structures over roads and footpaths, obligations will be set out as on-going conditions of consent).



**Figure C12: Protective awnings and structures in the public domain**

## **C1.17 MINOR ARCHITECTURAL DETAILS**

### **Background**

The Inner West has a rich cultural heritage expressed in its architecture. Many existing buildings incorporate minor architectural features such as cornices, pediments, window sills and steps which encroach on or over roads, footpaths and lanes. In developing new places and spaces in the Inner West its heritage should inform and inspire expression of contemporary society. As such, Council may wish to support minor encroachments over public land where those minor architectural details will enhance the existing character of the streetscape.

### **Objectives**

- O1 To ensure that minor encroachments onto Council land (or airspace) do not result in any loss of public amenity or safety and do not compromise future plans for road realignment or footpaths and stormwater drainage.
- O2 To enable new urban design to be responsive to the character of existing built forms and streetscapes, particularly where the character of the existing built form incorporates minor architectural details which encroach on Council airspace and where not enabling such encroachments would have an adverse impact on the surrounding area.
- O3 To establish principles in relation to the assessment of a development application that proposes minor architectural details that will encroach onto Council land (including air space above a road).
- O4 To ensure that where an encroachment is created that there is an appropriate condition of consent, lease or other agreement with Council to ensure that public liability issues are addressed.

### **Controls**

- C1 Minor encroachments by a minor architectural detail on Council roads or footways or in the airspace over Council roads and footways may be supported by Council where that minor encroachment:
  - a. is limited to a minor architectural detail;
  - b. is proposed as part of a restoration of an existing building which:
    - i. is built to the property boundary; or
    - ii. is a proposed building where Council considers it is not appropriate to set the building in from the boundary;
  - c. will be consistent with the urban character of the surrounding streetscape;
  - d. will make a positive contribution to the streetscape and public domain; and
  - e. is otherwise in the public interest.
- C2 The following are not permitted:
  - a. encroachment onto Council roads or footways or in the airspace over Council roads and footways by features such as entry stairs, platforms, ramps and footings which are proposed as part of a new building or where those elements currently do not exist;

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- b. encroachments onto or in the airspace over any part of a road (or lane) which is or may be used as a thoroughfare by vehicles;
- c. encroachments onto Council roads or footways or into the airspace over Council roads and footways by the wall of a building is not a minor encroachment and will not be supported; and
- d. encroachments onto Council roads or into the airspace that increases the floor space of a building as a result of the construction, addition or reconstruction of a balcony, verandah, awning, window or upper level room. These are not minor encroachments and will be assessed in accordance with:
  - i. Section C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings within this Development Control Plan; and
  - ii. Section C4.20 Outdoor Dining Areas within this Development Control Plan.

## **C1.18 LANEWAYS**

### **Background**

This section applies to the portion of development that is immediately adjacent to a laneway boundary, or that is visible from, or within close proximity to a laneway.

### **Objectives**

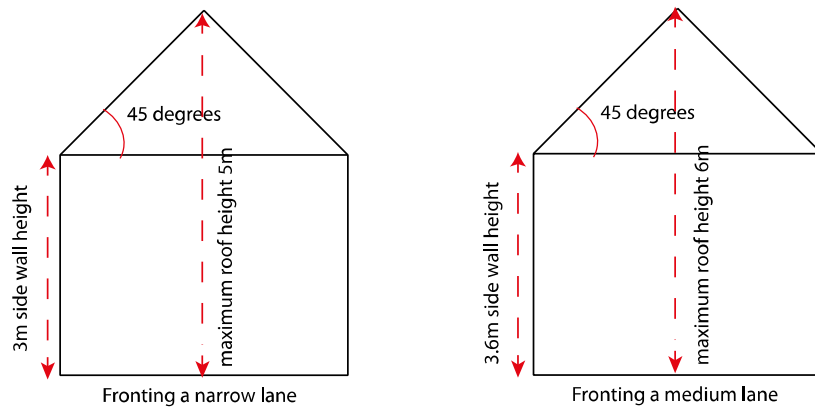
- O1 Development:
- a. respects the existing and desired future use, form and character of the laneway consistent with the laneway hierarchy as shown in Table C11 Laneway hierarchy;
  - b. achieves an appropriate level of amenity, access, security and landscaping; and
  - c. enhances the permeability of the neighbourhood by providing direct, safe and attractive pathways for vehicles, pedestrians and cyclists.

### **Controls**

- C1 If development is adjacent to a Pedestrian or Service Lane (refer to Table C11 Laneway hierarchy) which has a width of less than 2.5m or is a Narrow Lane (refer to Table C11 Laneway hierarchy) which has a width of 2.5 – 5m:
- a. additional lane fronting dwellings are not permitted; and
  - b. the service function and character of the lane is to be protected and enhanced.
- C2 If development is adjacent to a Medium Lane (refer to Table C11 Laneway hierarchy) which has a width of 5.1 – 8m:
- a. additional lane fronting dwellings may be provided where other lane fronting dwellings are located within 15m of the boundaries of the proposed dwelling, and if safe pedestrian access can be provided; and
  - b. the service function and character of the lane is to be protected and enhanced.
- C3 If development is adjacent to a Wide Lane (refer to Table C11 Laneway hierarchy), which has a width of 8.1m or greater, an additional dwelling fronting the laneway may be permitted.

### **Urban form**

- C4 Buildings adjacent to a laneway have a simple form and minimal façade detailing.
- C5 Where fronting a Narrow Lane, (refer to Table C11 Laneway hierarchy) development shall comply with a laneway envelope that has:
- a. a maximum side wall height of 3m;
  - b. a 45° building envelope taken from the top of the side wall; and
  - c. a maximum roof height of 5m (refer to Figure C14 Laneway envelope for development fronting a Narrow Lane).



**Figure C13: Laneway envelope for development fronting a Narrow Lane**

- C6 Where fronting a Medium Lane, (refer to Table C11 Laneway hierarchy) development shall comply with a laneway envelope that has:
- a maximum side wall height of 3.6m;
  - a 45° building envelope taken from the top of the side wall; and
  - a maximum roof height of 6m.
- C7 Where fronting a Wide Lane, (refer to Table C11 Laneway hierarchy) development shall comply with a laneway envelope that has:
- height that is consistent with the prevailing height of existing development fronting the lane.
- C8 Development is not visible from the primary street frontage.
- C9 The bulk and scale of development does not significantly diminish the dominance of the primary building on the same lot.
- C10 Buildings are generally built to the laneway alignment.
- C11 Dwellings provide an active interface with the laneway.
- C12 External walls are constructed in high quality materials and finishes which are compatible with fabric of the surrounding neighbourhood.
- C13 Roof forms are either hipped roofs, gabled roofs pitched from the sides or skillion roofs located behind parapets where such development meets the laneway control envelope.
- C14 Roofs materials are corrugated iron, slate or terracotta tile.
- C15 Roof openings are flush to the roof.

#### **Access / Parking**

- C16 Development does not result in increased laneway parking or remove on street parking.

*Note: Swept path assessment is to be used to demonstrate that any on street parking has been retained and sufficient building offset has been provided to allow this manoeuvring.*

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C17 Sufficient on-site parking and manoeuvring space is provided without compromising the prevailing character, building form and setback of the laneway.

C18 The development is consistent with the provisions of Part C1.11 – Parking within this Development Control Plan

### **Pedestrian/Bicycle Access**

C19 Where an additional lane fronting a dwelling is provided, a separate pedestrian door is provided directly from the lane and safe pedestrian and bicycle access is provided along the laneway on a footpath or kerb to a road or along a 10km/h shared zone if provided.

### **Security**

C20 Entrances to dwellings are provided with overhead lighting within property boundaries.

C21 Windows from habitable rooms directly overlook the lane to enhance casual surveillance opportunities.

C22 The development is consistent with the provisions of Part C1.9 – Safety By Design within this Development Control Plan

### **Landscaping**

C23 Trees more than 6m in height, natural rock outcrops and rock cuttings that make a significant contribution to the character of the laneway are retained.

**Table C11: Laneway hierarchy**

Type	Characteristics	Width of carriageway
Pedestrian / service	Pedestrian movement or service character	< 2.5m
Narrow lane	<ul style="list-style-type: none"> <li>• Service character</li> <li>• Garages</li> <li>• Wide enough for a single car to drive through and access garages</li> <li>• No Parking</li> <li>• Garbage collection</li> </ul>	2.5 – 5m
Medium lane	<ul style="list-style-type: none"> <li>• Service character</li> <li>• Garages</li> <li>• Some dwellings</li> <li>• Parking to one side of the lane with one travel lane, or parking on both sides of the lane with one centre travel lane (subject to road width).</li> <li>• Garbage collection</li> </ul>	5.1 – 8.1m
Wide lane	<ul style="list-style-type: none"> <li>• Garages</li> <li>• Dwellings</li> <li>• Parking both sides</li> <li>• Two way traffic</li> <li>• Garbage collection</li> </ul>	>8.1m



## **C1.19 ROCK FACES, ROCKY OUTCROPS, CLIFF FACES, STEEP SLOPES AND ROCK WALLS**

### **Background**

Rock faces, rocky outcrops, escarpments, cliff faces or steep slopes are important elements of the landscape as they contribute to the character of a place, are historical reminders of the natural landform and promote biodiversity and visual interest. Development in proximity to such elements needs to be sensitively planned and designed to ensure that the spatial, physical, environmental, visual context and character of the place is maintained and/or enhanced.

### **Objectives**

- O1 To conserve those parts of the landscape such as rocky outcrops, cliff faces, steep slopes, escarpments or rock walls which, because of their unique features contribute to the quality of the place, its setting, cultural significance and the functioning of the site in terms of water flow.
- O2 To ensure that rock faces, rocky outcrops, escarpments, cliff faces and steep slopes are protected from inappropriate development.

### **Controls**

- C1 Development in proximity to rock faces, rocky outcrops, escarpments, cliff faces or steep slopes is to be sympathetic to those landscape elements and the setting in terms of colour, texture, materials, form and character and is to:
  - a. minimise on-site disturbance;
  - b. locate buildings where the rock features are not located;
  - c. utilise construction methods which limit impacts on rock features;
  - d. use materials that complement the sites' (or adjacent) rock features;
  - e. implement a Soil and Water Management Plan to limit impacts;
  - f. avoid filling the site in any way that would obscure the rock features; and
  - g. incorporate plant species that are endemic to the area to encourage fauna to utilise the rock features as habitat.
- C2 The excavation of rock faces, rocky outcrops, escarpments, cliff faces or steep slopes may only be granted development consent in the following circumstances where:
  - a. other openings in the rock exist in close proximity to the proposal and the additional opening would not detract from the setting; or
  - b. excavation will not adversely affect the setting of the landscape element, including when viewed from the Harbour or from areas of the public domain such as public reserves and the street environment; or
  - c. the excavation is required for the ongoing maintenance or restoration of a rock face, rocky outcrop, escarpment, cliff face, steep slope or rock wall.
- C3 Reconstruction of rock walls and openings in a rock face, outcrop, escarpment, cliff face or steep slope may be undertaken where the reconstruction is required to ensure safety and serviceability.

## C1.20 FORESHORE LAND

### Background

The foreshores of Sydney Harbour and Parramatta River constitute valuable natural and cultural resources. The foreshores provide significant natural scenic features, are important transport corridors, are culturally rich and vibrant places for people and are vital flora and fauna habitats. They are public assets and resources for existing and future generations.

#### ***The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, and the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005***

*The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (The Sydney Harbour REP) requires that certain matters be considered when proposing any development on land within a 'foreshores and waterways area'. Land within this area is identified on maps contained in the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (The Sydney Harbour Development Control Plan).*

### Objectives

- O1 Development shall:
- a. ensure that assets of heritage significance are retained and maintained;
  - b. not lead to visual congestion of the foreshore;
  - c. be set within a landscape setting and be compatible with surrounding landscapes and streetscapes;
  - d. foster healthy sustainable environments on land and water;
  - e. be in the public interest for existing and future generations;
  - f. be of high quality and be ecologically sustainable;
  - g. ensure an effective transport corridor;
  - h. foster culturally rich and vibrant places for people;
  - i. ensure accessibility; and
  - j. ensure that the foreshore areas are recognised, protected, enhanced and maintained and rehabilitation is undertaken where necessary.

### Controls

- C1 Development shall be considered in accordance with Clause 6.7 – Development on the foreshore must ensure access within the *Inner West LEP 2022*.
- C2 Development shall be considered in accordance with Clause 6.6 – Limited development on foreshore area within the *Inner West LEP 2022*.
- C3 Development on land adjacent to the foreshore must be designed with regard to the provisions of *SREP (Sydney Harbour Catchment) 2005* and *Sydney Harbour Foreshores and Waterways Area DCP (2005)*.
- C4 Buildings or structures must respect the topographical features of the site. Buildings are not cantilevering, but follow the topography.

## **C1.21 GREEN ROOFS AND GREEN LIVING WALLS**

### **C1.21.1 Green Roofs**

#### **Background**

A green roof is vegetation on a rooftop which includes a vegetated layer, a growing medium, and a waterproof membrane.

#### **Objectives**

- O1 To maximise the opportunity for food production, improve building insulation and to increase sustainable fauna and flora microclimates.
- O2 To minimise the buildings impact on the environment in an economically viable way.
- O3 To ensure green roofs are not de-facto private open spaces, entertainment or recreation spaces, rooms or meeting places.
- O4 To ensure the spaces are structurally sound and waterproof.
- O5 To ensure high standards of finish and design, that is visually appealing for adjoining properties, without adversely impacting amenity.
- O6 To ensure high standards of design so that the space is inviting for various species of flora and fauna.
- O7 To protect the heritage significance of Heritage Items and Heritage Conservation Areas where proposed.
- O8 To ensure the roof can be maintained.

#### **Controls**

- C1 Green roofs are to be accessible from the building for maintenance purposes.
- C2 A maintenance report will be submitted, prepared by a suitably qualified person, outlining the care and maintenance strategy for the first two (2) years of the green roof and will include (at a minimum) the following detail:
  - a. strategy for any leaks or weaknesses in the membrane;
  - b. watering in dry periods (if an irrigation system has not been connected to a water supply);
  - c. removal of weeds;
  - d. light fertilization with slow release complete fertilizers; and
  - e. the replacement of dead plants.
- C3 Installers of green roofs will have experience with green roof systems.
- C4 Must be structurally sound and able to be appropriately waterproofed. Evidence of this in documentation from a qualified Structural Engineer and waterproofing specialist may be requested by Council during assessment.
- C5 Preferable materials will be hardy and long lasting in external environments so minimal upkeep is required, and materials should also be environmentally friendly with respect to the amount of energy and water consumed.

- C6 Will not detract from the heritage significance of a building that is a Heritage Item or part of a Heritage Item.

### **C1.21.2 Green Living Walls**

#### **Background**

A green wall is either free-standing or part of a building that is partially or completely covered with vegetation. The wall may incorporate soil and/or inorganic material as its growing medium.

#### **Objectives**

- O1 To provide for green facades, green walls or hybrid living walls for use of vertical urban agriculture (i.e. food production), increasing biodiversity and habitat and mitigate against urban heat island effects.
- O2 To make a positive contribution to urban environments, including retention of stormwater, mitigation of the urban heat island effect, insulation of buildings and increases in habitat and biodiversity.
- O3 To ensure that green living walls do not unduly reduce required solar access within the dwelling.

#### **Controls**

- C1 A maintenance report will be submitted, prepared by a suitably qualified person, outlining the care and maintenance strategy for the first two (2) years of the green wall and will include (at a minimum) the following detail:
- a. strategy for any leaks or weaknesses;
  - b. watering in dry periods (if an irrigation system has not been connected to a water supply);
  - c. removal of weeds;
  - d. light fertilization with slow release complete fertilizers; and
  - e. the replacement of dead plants.
- C2 Installers will have experience with green/living walls systems.
- C3 Must be structurally sound and meet *Building Code of Australia* requirements. Evidence of this in documentation from a qualified Structural Engineer may be requested by Council during assessment.
- C4 Preferable materials will be hardy and long lasting in external environments so minimal upkeep is required, and materials should also be environmentally friendly with respect to the amount of energy and water consumed.
- C5 Will not detract from the heritage significance of a building that is a Heritage Item or within a Heritage Conservation Area.

#### *Notes:*

- a) *Green façade: This type of living wall system has climbing plants or cascading ground covers supported on specially designed structures or cables. These plants are either grown in the ground or in elevated containers where they are watered and fertilised.*

- b) *Green wall: This type of system is constructed from modular pre-vegetated panels/boxes or planted blankets (vegetated mat wall) that are fixed to a structural framework or to a wall. These modular pre-vegetated panels have a growing medium of lightweight soil or inorganic recycled material. Water and fertiliser is delivered by drip irrigation to each module.*
- c) *Hybrid living wall: This system has been developed for use on multi-storey building facades and as 1-2 storey high panels. It is a combination of green wall and green façade. The green wall section supports plant growth with climbers planted in the top of the green wall modules, allowing the climbers to spread over a green façade of wires or mesh to allow daylight to penetrate through the building windows. Water and fertiliser is delivered by drip irrigation. Current trials have shown that this hybrid system is the most water wise of living wall systems.*