

Part 6

INDUSTRIAL DEVELOPMENT







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Part 6 Industrial Development

6.1 General Industrial Controls

This part of the DCP supports Inner West Local Environmental Plan 2022 (Inner West LEP 2022) by providing additional objectives and development controls to enhance the function and appearance of the industrial zones. This part generally applies to all land within the IN1 General Industrial zone, IN2 Light Industrial zone and some commercial zones, where industrial activities are permissible, under the provisions of Inner West LEP 2022.

Change of use development applications and development applications for alterations and additions to existing buildings may not comply with all the requirements of Part 6 and requirements elsewhere in this DCP. Those development applications will be considered on their merits.

6.1.1 General objectives

- 01 To implement the objectives of Inner West LEP 2022.
- 02 To ensure that industrial development does not unreasonably impact on residential amenity.
- 03 To encourage energy efficiency and energy conservation in all forms of industrial development.
- 04 To ensure that the effects of development upon drainage, water quality and stormwater management are considered.
- 05 To encourage design that is sustainable and environmentally responsible, and takes into account its social impact on environmental amenity.
- 06 To encourage design that is of a type, scale, height, bulk and character that is compatible with, and will enhance, the streetscape characteristics of the surrounding area.
- 07 To improve the environmental and aesthetic amenity of industrial areas for those who visit and/or work in the areas.
- 08 To encourage the development of cleaner, well-landscaped industrial zoned areas with well maintained industrial buildings and sites.

6.1.2 Built form and character

6.1.2.1 Land title

Land title is important where a number of developments and uses are located over a number of allotments.

Objective

- 09 To ensure site development is consistent with land ownership and to prevent disposal of part of any property that may be integral to the effective functioning of a development and the continued compliance with conditions of consent.

Controls

- C1** Where development or use of a number of existing lots is proposed, the lots must be consolidated into one parcel, and the plan of consolidation lodged with the relevant authority.
- C2** No part of any site is to be separately leased from the remainder of the property for the purpose of a separate occupation or operation from an approved use except where the prior development consent of Council has been sought and obtained to any such lease, occupation or operation.

Council will generally impose a condition of consent requiring the plan of consolidation to be lodged with the Land and Property Information before issue of the Construction Certificate and written notification as to the registration of the plan of consolidation at the Land and Property Information to be received by Council prior to the occupation of the premises or use of the site.

- C3** Where there is to be a strata plan of subdivision, any space for parking or other purposes forming a part of a sole occupancy unit must be included in the same strata lot as the unit. All landscaped and access areas and directory board signs not forming part of an individual unit must be included in any strata plan of subdivision as common property.

NB Refer to Part 3 (Subdivision, Amalgamation and Movement Networks) of this DCP for relevant controls involving the subdivision of land.

6.1.2.2 Site area and frontage

Development must provide adequate area so that all operations can be conducted on site and that any impacts are contained to the site.

Objectives

- O10** To ensure sites for new industrial developments are of a sufficient size to provide a functional and efficient area for building(s), vehicle parking and movement, landscaping and the storage of raw materials, finished products, trade waste and recycling bins.
- O11** To ensure all loading and unloading, turning movements, queuing and parking of vehicles, including delivery vehicles associated with the new development, occurs wholly within the site.
- O12** To encourage the consolidation of small-sized allotments in the established industrial areas so that they can achieve objectives O11 and O12.

Controls

- C4** Allotments to be developed for industrial purposes other than light industries must have a minimum frontage of 20 metres.
- C5** Frontages of allotments to be developed for light industrial purposes (in zones where light industry is a permissible land use under Inner West LEP 2022) will be assessed on factors such as location of the site, access to the site, streetscape and surrounding development.
- C6** Detailed site plans for development for any industrial purpose must demonstrate how the proposed industry, including parking, landscaping and other ancillary facilities, will be wholly accommodated within the site boundaries.



6.1.2.3 Site layout and amenities

The site must provide for a functional, efficient and attractive working environment.

Objectives

- O13** To achieve a coherent site layout that provides a functional, efficient and attractive working environment.
- O14** To minimise any adverse environmental effects on surrounding land uses through planning of the site's layout.
- O15** To ensure that the development is compatible with the streetscape and addresses the public domain.
- O16** To ensure good amenity for people working in those industrial buildings.

Controls

- C7** A site and context analysis plan must be submitted with the development application in accordance with Section 2.3 (Site and Context Analysis) of this DCP.
 - C8** The layout of the site must:
 - i. Consider the site's context, constraints and opportunities;
 - ii. Provide for all the operations of a use wholly on the site;
 - iii. Include landscaped pockets at suitable locations to break any large span of paved surfaces and driveways to improve the aesthetic amenity of the site and streetscape;
 - iv. Prevent emission of odour and noise to adjoining properties;
 - v. Adopt energy efficiency principles; and
 - vi. Consider the width of the road reserve and scale and location of adjoining building forms.
 - C9** Industrial buildings must have an adequate number of openings at each level to allow natural light and ventilation.
 - C10** Each industrial unit within an industrial complex must have a reasonable size window at each level to allow natural light and ventilation.
 - C11** Each industrial building must provide for basic amenities including a designated staff room or area that is:
 - i. Of a reasonable area depending on the size, nature and staffing level of the proposed industry;
 - ii. Adequately furnished for staff; and
 - iii. Provided with attached kitchen/kitchenette with a fridge, microwave, sink and tea/coffee making facilities.
- NB** *Provision of a staff room is generally voluntary for small industries where less than five people work during normal working days.*

6.1.2.4 Building height

Building height plays an important role in the streetscape and can ensure infill development enhances the streetscape.

Objectives

- O17** To ensure new development recognises the environmental constraints of the site and the locality.

- O18** To ensure the form, scale, design and nature of the development enhances the streetscape and visual quality of the industrial area generally.
- O19** To ensure developments do not adversely affect air safety of Sydney Airport.

Controls

- C12** The maximum height of an industrial building must be consistent with the height of other industrial buildings in the immediate vicinity.
- C13** The maximum height of an industrial building must comply with other controls in this DCP relating to urban design, solar access, privacy and residential to industrial interface.
- C14** Parts of the Inner West Local Government Area are affected by obstacle limitation surface (OLS) restrictions as imposed by Air Services Australia. Under Clause 6.6 of MLEP 2011 Council is required to refer development applications for proposed developments which it considers will penetrate the OLS to Air Services Australia. An applicant may choose to contact Air Services Australia directly for their opinion prior to lodging a development application.
- C15** Where the overall heights (including any rooftop or exposed structures in excess of 1.5 metres) of a proposed development are higher than surrounding development, a submission must be lodged with the development application supporting the proposed height. Unless proper planning reasons are presented, heights above those existing in the locality will not be supported by Council.
- C16** All rooftop or exposed structures including lift motor rooms, plant rooms, air-conditioning, ventilation or exhaust systems must be suitably screened and integrated with the building. If the site adjoins residential premises the facilities must be located away from the residential boundary.

6.1.2.5 *Building design and appearance*

The types of businesses operating within the industrial areas on where the DCP applies have undergone significant change in recent years, with a decrease in traditional industries such as manufacturing, and an increase in the advanced professional services sector, such as wholesale trades and transport and storage industries.

It is essential to modernise older industrial built stock for wider uses, as spatial needs change. Much of the industrial land in the LGA requires renewal and revitalisation to adequately respond to current trends. Newer buildings should be of superior architectural quality, introducing contemporary design that utilises a variety of materials and decorative colours and finishes. However, where an existing building has significant heritage or character the period industrial building guidelines will apply. Refer to Section 6.7 (Period Industrial Buildings).

Objectives

- O20** To achieve a high standard of development both in terms of design and finish.
- O21** To achieve developments which enhance the streetscape of the locality.
- O22** To encourage adaptive reuse of Federation and Inter-War warehouse and factory buildings.



Controls

- C17** Major interventions in the scale and form of warehouses or factories identified as having a high level of heritage significance are not permitted.
- C18** All development applications involving external building works must be accompanied by a schedule of finishes and a detailed colour scheme for all external walls.
- C19** New buildings must be designed to:
- i. Address the street and highlight any non-industrial aspects (such as the office section) of the development;
 - ii. Avoid long blank walls facing the street and long continuous roof lines;
 - iii. Provide regular modulation to the facade or division of massing;
 - iv. Architecturally express the structure of the building by variation and minimal use of reflective glass;
 - v. Visually reinforce entrances, office components and stair wells of units to create rhythm on long facades and reduce perceived scale;
 - vi. Introduce variation in unit design within building works;
 - vii. Introduce solid surfaces, preferably masonry, and incorporate horizontal and vertical modulation including windows in appropriate proportions and configurations;
 - viii. Address the street to which it presents, with suitable architectural elements;
 - ix. Avoid long expanses of roofs; and
 - x. Avoid bulky roof forms or extensive blank facades in a single material or colour.
- C20** Where blank walls on street frontages are unavoidable in new construction they must be screened by landscaping or treated as sculptural elements incorporating murals reflecting modern architectural design. They must be finished to a high standard and minimise the potential for graffiti or other vandalism.
- C21** External finishes must be robust and graffiti resistant. An anti-graffiti coating may be required where buildings adjoin a public place or accessible from an open area that is not secured by fences.
- C22** New development on corner sites must address both street frontages in terms of facade treatment and articulation of elevations.
- C23** Consideration must be given to the likely impacts of proposed height and configuration of buildings on adjacent sites. Sensitivity to the resultant character of the street must be addressed at the design stage of proposed developments and addressed in the site and context analysis plan. Refer to Section 2.3 (Site and Context Analysis) of this DCP for more details.
- C24** Walls of new development must make use of non reflective colours and materials to avoid glare.
- C25** Where industrial development adjoins any land zoned for residential purposes or any premises used for residential purposes, the external walls abutting such development must be constructed in 230mm or 280mm cavity brickwork. Where such walls adjoin land zoned for residential purposes, construction must be in face brickwork.
- C26** All elevations of a building fronting a public place, or visible from a rail line, public place or proposed road, must be constructed of face

brickwork or other decorative facade treatment to Council's satisfaction. Consideration must be given to installing windows or false windows in the facade to enable surveillance of the adjoining area or to engender a feeling that it is being overlooked.

- C27** All external walls, where located less than 900mm from a side boundary, must be of masonry construction.
- C28** No service plumbing pipes, other than downpipes for the conveyance of roof water, must be external to the building or visible to any public place.

6.1.2.6 Setbacks

Setback defines the overall footprint of a building and the outer extremities of that building in relation to the front, side and rear boundaries. Setbacks enable landscaping and buffers to be provided.

Objectives

- O23** To minimise the impact of development and buildings on the surrounding area.
- O24** To create a pleasant environment within and external to the site.

Controls

- C29** Front setbacks must be consistent with:
- Predominant front setbacks of adjoining industrial buildings;
 - Where a predominant front setback of adjoining industrial buildings cannot be established, 3 metres from the front boundary; or
 - On corner lots, a minimum 1.5 metres setback must be maintained along the secondary frontage.

NB *A predominant front setback is established by checking the existing front setback of a minimum two adjoining industrial properties on either side of the subject property. Where the two adjoining properties are used for non-industrial purposes or they have inconsistent front setbacks, the minimum front setback of the subject property must be 3 metres.*

- C30** Setbacks on corner blocks must enable sufficient sightlines for traffic in accordance with relevant Australian Standards.

Australian Standard AS2890.1- Off street car parking provides standards for such sightlines.

- C31** Where an industrial lot adjoins residential building(s), Council encourages the following design principles to be incorporated into the design of the building:
- A reasonable buffer zone is required between the proposed industrial building and adjoining residential properties. Such a buffer zone may be used for non trafficable landscaped area or other passive uses where it will not compromise the residential amenity of adjoining properties.
 - Any setbacks between the development and adjoining residential properties must be proportionately increased relative to the height of the development to reduce bulk and any overbearance on adjoining properties.



- iii. The internal layout of the buildings must encourage, where possible, noisy activities to be located away from residential properties.

C32 Setbacks for creative industries and residential uses in specified employment areas (live/work) must respond to the specific site context and the streetscape. In general there will be no setback to the primary street frontage to encourage active ground floor uses. Adaptive reuse of buildings will typically retain existing setbacks; however, where there is a mix of residential buildings with front setbacks there maybe a case to setback new development. See the relevant Planning Precinct statement and refer to Section 6.5 (Creative Industries), Section 2.1 (Urban Design) and Section 2.3 (Site and Context Analysis) of this DCP.

6.1.3 Site facilities

Site facilities include mailboxes, waste storage and garbage collection areas, general storage areas, gatehouses, substations, staff recreational facilities, telecommunications, fire hydrants or booster valves and water storage or recycling tanks.

Objectives

- O25** To ensure site facilities are designed as part of the overall development.
- O26** To achieve the safe and aesthetic provision of services.
- O27** To ensure open storage areas are properly screened to minimise adverse visual effects of the development.

Controls

- C33** New site facilities must be designed and/or sited to enhance the development.
- C34** New site facilities must be situated to allow satisfactory vehicular access.
- C35** Development must not be carried out until arrangements satisfactory to Sydney Water have been made for the provision of water and sewerage services.

Proponent s of developments that will affect Sydney Water's water and wastewater systems are required to obtain a Section 73 Compliance Certificate from Sydney Water before development can proceed.

Adjustments to existing Sydney Water systems resulting from developer activity will be charged to the particular developer. Developers are encouraged to engage the services of a water servicing coordinator to obtain the Section 73 Certificate and manage the servicing aspects of their projects.

Details are available from any Sydney Water Customer Centre on 13 20 92 or www.sydneywater.com.au.

- C36** New utility services associated with the development of the site - such as fire hydrant booster valves, substations, water storage tanks and so on - must not be incorporated into proposed landscaping works.
- C37** Any open storage areas must be delineated to be screened effectively, harmonise with existing or proposed landscaping and prevent the land being viewed from a public road, nearby public reserve or adjoining

residential property. Specific details of the materials to be stored external to the building must be lodged with the development application. The storage areas must not be located within the landscaped areas.



6.2 Industrial/Residential Interface

The area on where the DCP applies contains a variety of land uses. In some cases, the historical development of land has led to residential and industrial uses occurring in close proximity to each other.

Assessing the impacts of industrial activities on nearby residential land uses in the area forms an essential part of Council's consideration of any development application for industrial development. Failure to identify and mitigate potential amenity impacts can lead to ongoing conflict between industrial and residential land users.

Interface amenity controls are important for the operational aspects of industrial developments. They apply to all new development and impose a high standard of control to protect the amenity of residential and other sensitive land uses.

In assessing the impacts of industrial development on nearby residential amenity Council will take into account a number of considerations including the following:

- Proposed hours of operation;
- Type of uses proposed on site to enable an assessment of the potential of the development to cause noise, vibration or pollution which may affect residential areas, and any mitigation measures proposed;
- Traffic movements to and from the proposed development site, including all proposed deliveries;
- Proposed use of parking areas, for example for customers and staff, to ensure the proposed development does not unduly impact on off-street parking demand in nearby residential areas;
- Proposed measures for garbage collection, including location of bins, frequency of collection and timing of collection; and
- Security and safety measures for example, in the case of an emergency on site.

Details will need to be provided within a Plan of Management (POM) required for any premises which have the potential to negatively impact on the amenity of nearby residential properties. More detail regarding POMs is provided below.

6.2.1 Plan of Management

For the purpose of this DCP, a Plan of Management is a written document which describes how the ongoing operation of industrial premises will be managed to reduce its impact upon the amenity of surrounding properties.

A POM is generally required for premises that, if poorly managed, may have an unacceptably adverse impact upon the amenity of surrounding properties.

A POM allows Council to exercise control over the ongoing operation of a premises by requiring, as a condition of consent, that the premises operate in accordance with the POM. A condition of consent may require that a POM be regularly revised and submitted to Council.

Additional information on potential amenity issues for industrial land uses can be found in the following sections.

NB Refer to A.2.6 (Plan of Management) in the Development Application Guidelines Section of this DCP for further information regarding requirements for Plans of Management.

Objectives

O28 To ensure industrial premises operate in the most efficient way without unreasonable amenity impacts on nearby residential land uses.

Controls

C38 A POM will be required when an industrial activity, is proposed in proximity of a residential land use.

NB For the purpose of this control 'in proximity' may include sites adjoining, abutting or adjacent to residential land use, or as determined by Council.

NB For the purpose of this control a residential land use may include a dwelling house, a residential flat building, seniors housing, a boarding house and the like.

C39 A POM must provide all details relevant to the operation of the premises. As a minimum the following must be included in a POM:

- i. Title;
- ii. Objectives;
- iii. Operational details;
- iv. Hours of operation;
- v. Staffing details;
- vi. Guidelines for staff for using the site facilities and equipment;
- vii. Deliveries and loading/unloading;
- viii. Managing customers or patrons;
- ix. Security details;
- x. Complaint recording and handling process;
- xi. Clean-up procedures, and proposed training for staff in procedures, for situations where pollutants may escape from the site for industries likely to handle significant quantities of potential pollutants;
- xii. The review process to continuously improve the POM; and
- xiii. Any other matters specified by Council.

C40 The traffic movements, hours of deliveries, use of parking areas and garbage collection must be managed through the POM where industrial sites are close to residential premises.

C41 Loading and unloading must not detract from the amenity of nearby residential areas or residentially zoned land. Where loading and unloading movements are likely to affect residential areas or residentially zoned land, schedules of vehicle movements and their routes must be provided in the POM and may be regulated through conditions of consent.

6.2.2 Noise and vibration generation

The quality of life enjoyed by residents and people engaged in business and community pursuits must not be hampered by excessively noisy activities.



Logical design of efficient business premises can minimise the use of equipment, movements per site and number of vehicle movements per site per day.

Developments can incorporate sound proofing for machinery or activities considered likely to create a noise nuisance during the design of the development.

The noise and vibration impact of transport operations can be ameliorated by using appropriate paving or track mounting and installing acoustic barriers as required to meet the EPA standards on neighbouring uses.

Objectives

- O29** To reduce, if not eliminate, land use conflicts and anomalies between industrial areas and residential areas.
- O30** To minimise the impact of noise and vibration of proposed operations with the subject development and on surrounding developments.

The NSW Government has set standards in relation to acceptable noise levels for all operations and land uses through the Environment Protection Authority's Environmental Noise Control Manual. Those standards apply in all cases.

Controls

- C42** All development must comply with the relevant noise control guidelines.

The Environmental Noise Control Manual sets out the acceptable noise levels for different kinds of uses in different areas and takes account of background noise and its measurement. A qualified acoustics consultant may be required to verify techniques and the methodology for assessing the proposal's possible noise generation and compliance with the Manual.

- C43** New development must be designed so that noise producing activity is remote from the interface boundary.
- C44** Where sites adjoin a residential area, the number of hours and times at which mechanical plant and equipment is used should be limited in conjunction with sound proofing measures.
- C45** Other sources of noise such as garbage collection, deliveries, parking areas and air-conditioning plants are to be sited away from adjoining properties, where practicable, and be screened by walls or other acoustic treatment if necessary.
- C46** Sites with a road frontage to residential areas should locate any new offices to the residential areas with restricted access points onto the residential fronted road. Similarly, the warehouse/factory functions of the new development must be located away from residential areas.
- C47** All applications for noise generating uses adjacent to or located in a building containing a residential use must be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standard can be met.

The following land uses are generally associated with excessive noise: amusement centres, animal boarding or training establishments, specialised retail premises, car parks, community facilities, freight transport facilities, function centres, heavy industries, industries, light industries, markets, nightclubs, passenger transport facilities, place of public entertainment, place of public worship, recreation facilities (indoor and outdoor), registered clubs, resource recovery facilities, retail premises, service stations, swimming pools, tourist and visitor accommodation, transport depots, truck depots, vehicle body repair workshops, vehicle repair stations, vehicle sales or hire premises, warehouse or distribution centres, waste or resource management facilities and wholesale supplies.

- C48** Where significant amounts of traffic are likely to be generated which could affect residential areas or residential zoned land, schedules of vehicle movements and their routes must be provided and may be regulated in any conditions of consent.

6.2.3 Environmental protection

This section addresses the potential for pollution (including odour) from development and seeks to minimise any adverse environmental effects of development. Council seeks to reduce industrial pollution through best practice in developing processes and the use of machinery that minimises it.

Restricting the hours of operation may assist in reducing emissions to an acceptable level.

Objectives

- O31** To ensure development takes account of and minimises any adverse effects upon the environment.
- O32** To minimise air (including odour), groundwater, soil and surface water pollution caused by new development.

Controls

- C49** All development must comply with the provisions of the relevant air quality acts and regulations.

The Clean Air Act 1961 associated regulations and the Protection of the Environment Operations Act 1997 provide air quality standards to be met by various activities.

- C50** Industrial developments likely to emit air pollutants (including odour) must demonstrate the best practicable means of control of air pollutants (and odour) that will be applied to the proposed development. The applicant must outline the type, quantity and quality of air pollutants likely to be emitted, the collection and treatment proposed prior to discharge and methods to be employed to minimise fugitive emissions.

For best management practices for odour control refer to the NSW EPA's Draft Policy Assessment and Management of Odour from Stationary Sources in NSW (January 2001).

- C51** Industrial land uses that may handle significant quantities of potential pollutants are to develop clean-up procedures in case the materials escape from the site.



- C52** Operators and occupiers are to train staff in clean-up procedures.
- C53** Machinery and operations are to be designed to minimise the emission of air impurities, including minimising vehicular movements to and from the site.

6.2.4 Hours of operation

Where residential and industrial uses are located in close proximity, there is potential for activities associated with the industrial and business uses to have a detrimental impact on the amenity of the neighbouring residents.

The determination of suitable hours of operation will depend on the type of uses proposed, its location in relation to residential properties and the impact of operating hours on the occupiers of those properties.

Council will seek to ensure that the hours of operation of businesses, places of work, commercial premises and industrial premises are compatible with the type of activities carried out on the premises and the relationship with neighbouring residential occupiers.

Objective

- O33** To ensure the operations of the proposed development will not cause nuisance to residents during opening hours.

Controls

- C54** Hours of operation for the use of a site will be restricted by Council if it is likely that the use will cause an impact on any nearby residential or other sensitive use.
- C55** All excavation, demolition, construction and deliveries to the site necessary for the carrying out of the development is to be restricted to between 7.00am to 5.30 Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work is to be carried out on any Saturday that falls adjacent to a Public Holiday.

6.3 Multi Unit Industrial Development

This section of the DCP provides additional guidelines and controls for new multi-unit industrial development containing two or more industrial units. All multi-unit industrial development must comply with the following controls as well as the relevant controls in Sections 6.1, 6.2, 6.4 and 6.5.

Objectives

- O34** To ensure industrial unit development has a consistent character and built form within the estate.
- O35** To introduce genuine architectural interest within the built form which responds to the position and form of the buildings on adjoining sites and to the topography and position of the site within the estate and the locality.
- O36** To ensure the size and shape of the industrial unit is appropriate for the range of industrial uses permissible in the zone.

6.3.1 Building form and finishes

The following design guidelines are intended to assist the design/assessment of development, but do not form part of the adopted DCP.

Design guidelines

1. *Each building within the estate, whether positioned on its own site or within a multi-unit development, must be provided with a clearly delineated entry way to make it clear where the exact location of the entrance to each building is.*
2. *Each building within the estate must be designed to address the public or private road to which it presents, with suitable architectural elements.*
3. *Corner allotments must contain buildings which also address the corner of the site with an accentuated building form to help denote the entry to the estate.*
4. *Large expansive walls with no architectural interest or relief will not be permitted. Architectural elements or variations to colours, textures and or materials must be utilised in these circumstances.*
5. *The bulk of large expansive buildings must have their bulk visually reduced by variations to the placement of the vertical walls of the buildings. Minor modulations to the height of the buildings may also reduce visual bulk.*
6. *Consideration must be given to the proposed likely height and configuration of buildings on adjacent sites. Sensitivity to the resultant character of the street must be addressed at the design stage of each development proposal.*

6.3.2 Setbacks

Design guidelines

1. *In addition to the setback requirements contained in Section 6.1.2.7 of this DCP, individual site proposals should be designed with regard to the actual or likely positioning of buildings on rear and side boundaries to ensure optimal utilisation of manoeuvring and landscaping areas occurs within the estate, for example:*
 - i. *To obtain access to a landscaped area located at the rear of the site it would be appropriate to have a reasonable side boundary setback on at least one side of the site.*



- ii. *To share a proposed vehicular turning area, it may be appropriate to have a zero side setback between two industrial buildings within the estate.*

6.3.3 Paving

Controls

- C56** Large expanses of bland concrete paving are not permitted. A contrast of paving materials – such as, unit paver and concrete - must be provided throughout the development.
- C57** Council may require the majority of car spaces to be paved with interlocking unit pavers.
- C58** Extensive use of asphalt is not permitted.

6.3.4 Size of industrial units

Controls

- C59** Industrial units must be of a size to accommodate uses permissible within the zoning. Council may require evidence of market demand and the type of potential industrial uses where sizes of proposed units are less than 100m².
- C60** The applicant must demonstrate that the potential use and associated operations, including the storage of raw materials, finished products, trade wastes and recycling bins, are contained wholly within the industrial unit.
- C61** The applicant must demonstrate that all vehicle parking and loading and unloading, including movements, can be contained within the site.

6.4 Controls for Specific Land Uses

In addition to the generic controls in this DCP, the following land use based controls are applicable to specific land uses.

6.4.1 Vehicle body repair workshops and vehicle repair stations

Objectives

- O37** To minimise any environmental problems, including the emission of odours, noise, material storage, overspray and liquid spillage.
- O38** To ensure adequate provision for employee and customer car parking and vehicle storage requirements.
- O39** To adopt best environmental practices.

Controls

- C62** No vehicles waiting to be serviced, repaired or collected must stand, or otherwise be stored, on any adjoining road.
- C63** Where spray painting is proposed, spray painting booths must be provided in accordance with the relevant Australian Standards.
- C64** Spray painting must be exhaust-ventilated to avoid odour.

NB A development application is required for any spray booth.

Australian Standards AS 4114 Spray painting booths, designated spray painting areas and paint mixing rooms provides relevant standards and controls for spray painting.

Prior to the construction and installation of a spray booth, the approval of the Workcover Authority must be obtained.

NB A spray painting booth is classified as a workbay for the purposes of calculating car parking provision.

The EPA's Guidelines for Spray Booths – EPA – Environment Protection Manual for Authorised Officers Spray Painting and Surface Coating (December 1995) states: "Spray with solvent-based coating should be done at the premises at least 100 metres away from sensitive receptors (such as private homes, schools, kindergartens and hospitals) and should be located in a special trades or general zone."

- C65** Storage bins for scrap body panels and motor parts must be provided and must be fully screened from public view. Documentation must demonstrate that the bins will be regularly emptied.
- C66** All work must be confined to within the building. No work is to be carried out on cars in the car parking spaces or in the street.
- C67** Dangerous goods storage for paints and other items must be provided on site in accordance with the relevant Australian Standards.
- C68** When tow vehicles operate outside normal business hours, adequate on-site facilities must be provided for the storage of damaged vehicles.



C69 Vehicles, including tow trucks, must enter and leave the site in a forward direction so as not to disrupt the flow of on-street traffic.

C70 Appropriate oil spill equipment must be kept on the premises and maintained at all times.

6.4.2 Freight transport facilities

Objective

O40 To ensure container terminals and other freight transport facilities are compatible with the surrounding land uses and cause minimum disruption to local traffic.

Controls

C71 The details submitted with a development application for a container terminal must include:

- Areas clearly marked for storage of containers, vehicular circulation areas, loading/unloading zones, administration areas and other site facilities;
- The number of containers to be stacked on top of each other including maximum height above finished surface level;
- Details of surface treatment; and
- A site management plan describing means for suppression of dust and noise and protection of all paved areas.

NB *All driveways and storage areas must be sealed.*

C72 A traffic report must accompany all applications for container terminals and must include full details of the proposed operation, proposed vehicular access, parking, vehicular movement and manoeuvrability, truck routes to and from the site, and the effects on traffic and the road system.

6.4.3 Conversion of existing non-residential buildings in residential zones

Objectives

O41 To provide for the adaptive reuse of existing industrial buildings and warehouse buildings to residential flat buildings, multi dwelling housing, business premises, office premises, restaurants or cafes, shops, small bars, or take away food and drink premises.

O42 To ensure that the impact of the conversion on the amenity of existing and future residents is considered in assessing the development.

Controls

C73 Before granting consent for development referred to in this section Council must take into consideration such of the following matters as are of relevance to the proposed development:

NB *Other sections of this DCP provide more details and controls to assist in achieving compliance with the following controls.*

- i. The impact of the proposal on the scale and streetscape of the surrounding locality;
- ii. The impact on surrounding properties, particularly in respect to overshadowing, loss of privacy, and visual intrusion;
- iii. The impact on the future residents of the building, caused by surrounding properties, from dust, odour and noise;
- iv. Noise attenuation of the building to comply with the relevant Australian Standards;
- v. The appropriateness of requiring, as a condition of any consent, provision of landscaping or a private recreation area in the form of balconies and terraces;
- vi. The heritage aspects of the existing building;
- vii. Sources of potential contamination;
- viii. The building's suitability for conversion;
- ix. The structural adequacy of the retained factory or warehouse building and the impacts of any demolition works proposed, and any engineering works required during demolition and construction to ensure the retention of the retained sections of the building;
- x. The proximity and accessibility of the building to public transport;
- xi. The degree of modification of the footprint, facade and height of the building;
- xii. The impact on employment opportunities in the area;
- xiii. The size and mix of dwellings; and
- xiv. The impact on traffic and parking and the nature of the surrounding streets.



6.5 Creative Industries

A key direction of the *Our Inner West 2036* is to support creative and innovative industries in the LGA which have the potential to increase local employment opportunities.

'Creative industries' include the visual and performing arts, new media or multimedia including film and television, broadcasting, computer animation, web design and music. They also comprise other sectors like architecture and urban design, industrial design, designer fashion, writing and publishing.

Those industries are often micro businesses or small to medium sized enterprises that focus on local markets. They are best understood as businesses focused on individual creativity, skill and talent. They have the potential to generate sustained wealth and job creation through the generation, use and commercialisation of their intellectual property.¹

The development of creative industries can counteract declining industrial sectors. Around the world such areas are undergoing large scale redevelopment into creative industry precincts while others are developing in a grassroots fashion encouraged by land use zoning.²

Creative industries can help revitalise the areas in which they are permitted, encourage live-work enterprises in specified areas, maintain active street frontages and where possible adaptively reuse existing buildings.

Creative industries are an appropriate land use buffer between industrial and residential development and are suited to light industrial areas in the LGA. Managing external impacts such as noise, traffic and parking remain relevant considerations.

Inner West LEP 2022 has provided an opportunity for underused industrial space to be used for creative industries by permitting business and office uses in the IN2 - Light Industrial zone. Inner West LEP 2022 also permits creative industries as part of live/work developments within the B7 Business Park zone. To promote the emerging arts, graphic and design culture in the LGA, the types of business and office uses permitted in the IN2 - Light Industrial zone and B7 - Business Park zone are only those that fit the definition of creative industries.

Objectives

- O43** To support creative industries in the area where this DCP applies.
- O44** To clarify the types of uses most suited to the light industrial areas.
- O45** To encourage the adaptive reuse of existing character buildings wherever possible.
- O46** To manage mixed use activities and their impacts so as to minimise land use conflicts.
- O47** To encourage active streetscapes by promoting ground floor employment generating uses and new public domain works.
- O48** To provide a buffer between traditional industrial land uses and residential zones.

¹ Marrickville Employment Lands Study 2008

² 'ibid'

6.5.1 Creative industries definition

Inner West LEP 2022 makes permissible, in the IN2 Light Industrial zone and B7 Business Park zone, small scale business and office premises for certain creative industries. Additionally, Inner West LEP 2022 also makes those uses permissible as part of a mixed use development that include business premises or office premises on the ground floor. The broad definition of creativity enables a wide spread of potential uses under the broad categories of the arts, technology, production and design sectors.

Table 1 below, and the following list indicate the types of uses which may be labelled "creative industries":

1. Audiovisual, media and digital media;
2. Advertising;
3. Craft, visual arts and indigenous arts;
4. Design (including architecture, fashion, and graphic, urban, industrial and interior design);
5. Film and television;
6. Music;
7. Publishing;
8. Performing arts; or
9. Cultural heritage institutions.

Creative industries are attracted to a variety of spaces, especially if affordable and accessible. The retention of the IN2 Light Industrial zone with a mix of building types and activities may attract and retain creative industries and provide clusters of activity. The permissibility of creative industries with limited residential development in the B7 - Business Park zone aims to encourage and provide for live/work opportunities within suitable areas of the Inner West LGA.

Table 1 is a guide to creative industries supported in the Marrickville LGA and is not exhaustive.



Table 1: Guide to creative industries

Creative sector	LEP definitions that could apply	Range of potential creative activities ³
Design	Office, business, light industry	Studios or offices for specialised design services such as architecture, landscape architect, fashion, visual arts, graphic design, jewellery design, urban design, illustrating, interior design, industrial design. Other sectors are advertising, marketing, writing and media.
Art	Office, business, light industry	Painting, sculpting or pottery, welding, craft, visual arts and Indigenous art artist studios, photography (but not a photographic shop).
Technology	Office, business, light industry	Computers and software, digital technology (including content), radio broadcasting, audiovisual, media and digital media (including games developers), visual effects creators, web designers and components for the film and television production and post production activity.
Production	Entertainment facility, theatre, cinema, music, concert or dance studio	Performing arts, dance, music performance, human circus, experimental theatre, drama. Writing, printing and publishing, film or theatre set production, computer assembly, music composition, production and publishing (includes studios), reproduction of recorded media.
	Filming	TV, film and video production and broadcasting.
	Light industry	Any industry, not hazardous or offensive and not interfering with the amenity of the neighbourhood, including antiques and collectables restoration; manufacture of jewellery, clothing, music, sport, electronic or photographic equipment.
	Industrial retail outlets	Used in conjunction with an industry and for the sale or display of only those goods manufactured on the land on which the industry is located. Not a warehouse or distribution centre.
	Educational establishments	Music, arts and dance teaching (only those that fit the definition of educational establishment), research and development.
	Markets	Intermittent or occasional activity by independent stall holders.

To ensure those areas do not compete with businesses in established business zones and retail or shopping centres, direct and regular service to day to day customers, such as the financial (banking, taxation or financial planning services), business (real estates, accountant or lawyers) or government sectors are not considered creative industries.

³ This list was compiled using two primary sources – The 2005 report into Creative Industries in South Australia and the ARC Centre of Excellence for Creative Industries and Innovation (CCI) Technical Report, 2007 Australia's creative economy: Basic evidence on size, growth, income and employment.

PART 6: INDUSTRIAL DEVELOPMENT

There is need for improvements in the public realm for industrial areas generally throughout the LGA. Good urban design will be employed to improve streetscapes, pedestrian and public spaces.

NB *This section does not contain all the relevant controls for development. Refer to other sections of the DCP which maybe applicable such as car parking, access or landscaping.*

Controls

- C74** The types of office and business uses that can be undertaken in the IN2 - Light Industrial and B7 - Business Park zones are only those in the arts, technology, production and design sectors.
- C75** Development must respond to the character of the area with a bulk, scale and height that responds to the desired future character of the area and minimises impacts on residents.
- C76** The area of the premises used for small scale creative industries must not exceed 300m² of gross floor area.
- C77** Where smaller artist studios/workshops are provided close to public transport more sustainable parking options must be considered in accordance with Council's car parking policy. The design of work spaces must provide for an on-site common delivery/loading or service vehicle area.
- C78** To maintain active street frontages and streetscape design, vehicle access points must be:
- i. Provided from rear lanes in the first instance or where they do not exist; and
 - ii. Designed as narrow as possible (width of driveway must not exceed 6 metres) on street frontages.
- C79** Buildings must be retained and reused wherever possible and practical. This may result in flexible spaces to accommodate varying uses.
- C80** Development must improve pedestrian amenity by incorporating awnings, street furniture or art in any design concept. Blending of the private and public domain at the street interface is encouraged to create a vibrant and accessible place.
- C81** The display of creative industry products and services is encouraged.
- C82** To promote the creative industries hours of operation may be varied to accommodate quarterly forums or exhibition openings that may occur in the evening.

Office and business uses (such as banks, real estate agents, accountants, lawyers and the like) and that are typically located in a retail strip are not supported within the light industrial zone.

Currently, retail and standalone bars or cafes are not permitted in the IN2 - Light Industrial zone where creative uses are being fostered. However, industrial retail outlets which comply with the definition in MLEP 2011 and the area controls of Clause 5.4(4) of Inner West LEP 2022 are permissible with consent.

It is likely that a growing mix of land uses over the years will help to diversify the economic base of the area. Managing development within a range of land uses must create a liveable environment with good urban form and public domain works.



Development proposals should refer to the desired future character located with the relevant planning precinct, where completed.

6.6 Residential Uses in Specified Employment Areas (Live/work)

Inner West LEP 2022 provides for genuine small-scale live/work enterprises to help revitalise certain business zones by encouraging residential development in conjunction with ground floor employment uses that activate the street.

The B7 - Business Park zone has been applied to those locations identified for live/work opportunities. These areas of former light industrial land are limited and in many cases provide a buffer between industrial/business uses and residential uses.

6.6.1 Residential development and employment uses

Inner West LEP 2022 permits limited residential development in the B7 Business Park zone provided it is carried out in association with ground floor permissible uses. These residences may also fit well with certain creative industries (see Section 6.5 (Creative Industries)).

Specific ownership and subdivision controls protect light industrial activity from potential residential conflict and promote genuine small scale live/work enterprises by requiring the residential dwelling/s to be in the same ownership as the commercial/industrial use most commonly occurring at ground floor level.

Subdivision, including strata and community title schemes, is not permitted. This restriction promotes the reuse and redevelopment of the small lots in the subject areas while avoiding the construction of larger buildings which would function predominantly as residential flat buildings. This restriction also enables better management of mixed uses.

Council supports the recycling of buildings and their adaptive reuse. The existing dwelling houses or redundant industrial sites in these specified areas could provide a more active, attractive frontage to revitalise the areas while providing on-site employment opportunities for home owners close to similar activities.

The development could take several forms, for example:

1. Employment/industry uses at ground floor with a residence above;
2. Employment/industry uses at ground floor with live/work studios above with a clearly delineated area for creative industries with living space incorporated; or
3. Creative or employment/industry and residential or live/work at ground floor for single storey buildings.

Given the restriction on subdivision it is likely only one or two residences may be created above a ground floor employment generating permissible use (in accordance with the zone), while a greater number of live/work studios could be provided. In all cases residential accommodation is not the primary use of the land.

Notwithstanding this, all development must consider:

1. Whether existing buildings can be adaptively reused;
2. The incorporation of suitable measures to control noise and vibration from activities permissible in the zone;
3. The provision of active street frontages at the ground floor level; and



4. The design and configuration of the ground floor to support ongoing employment uses and mitigate against its replacement by residential functions.

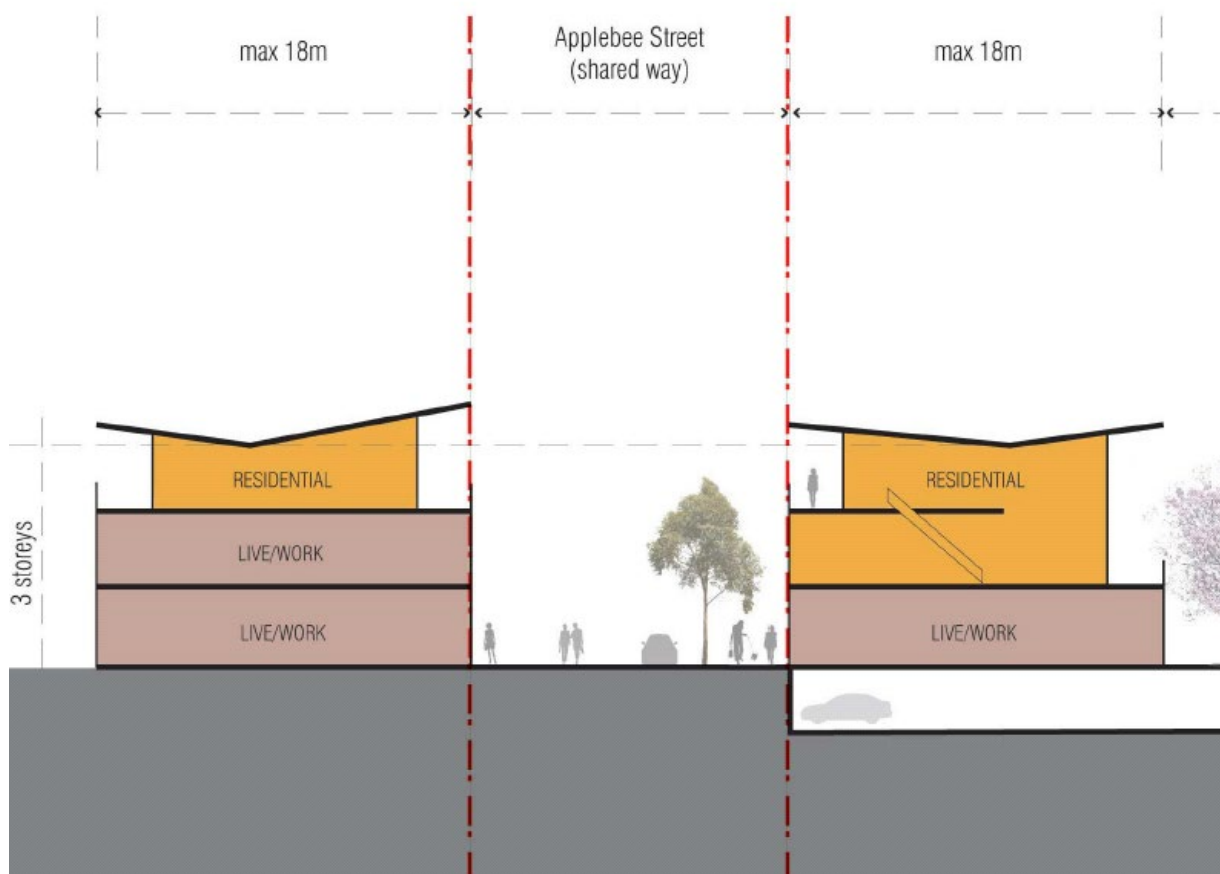
NB *This section does not contain all the relevant controls for development. Refer to other parts and sections of the DCP such as car parking or waste management that may be applicable.*

Objectives

- O49** To encourage well designed residential development in conjunction with permissible ground floor uses to support employment.
- O50** To minimise and manage land use conflict to provide a safe and liveable urban environment.
- O51** To support limited residential development within the B7 - Business Park zone for genuine small-scale live/work enterprises.

Controls

- C83** A site and context analysis must be undertaken in accordance with Section 2.3 Site and Context Analysis of this DCP and the future character/context of the locality identified in the relevant planning precinct statement.
 - C84** Land in these former industrial areas must be assessed for contamination from past or present uses (Refer to Section 2.24 Contaminated Land). Where land is contaminated a preliminary site investigation report must be prepared as part of the development application.
 - C85** Dwellings (including live/work studios) must not be an individual lot in a strata plan or community title scheme.
 - C86** A minimum of 60% of the total gross floor area must be used for non-residential purposes.
 - C87** The design and configuration of the ground floor must support ongoing employment activities and mitigate against their replacement by residential functions.
- NB** *In adapting existing industrial buildings with large openings, the ongoing use of roller/shutter doors necessary for the operation of the business are permitted with a general preference for these to remain open during business hours to present an active frontage to the street.*
- C88** Heights of new development must generally be up to three storeys or to fit the site's constraints and the desired future character of the precinct as a mixed use area.
 - C89** Development must be consistent with the FSR controls on the Inner West LEP 2022 Floor Space Ratio Map.



- C90** Developments must have minimum ceiling heights, measured from finished floor level to finished ceiling level, of:
- i. 3.3 metre minimum for ground floor;
 - ii. for any other floors incorporating residential accommodation:
 - a. in general, 2.7 metre minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25 metres is permitted;
 - b. for two storey units, 2.4 metre minimum for second storey if 50 percent or more of the apartment has 2.7 metre minimum ceiling heights;
 - c. for two-storey units with a two storey void space, 2.4 metre minimum ceiling heights
 - d. attic spaces, 1.5 metre minimum wall height at edge of room with a 30 degree minimum ceiling slope.

NB *These are minimums only and do not preclude higher ceilings, if desired.*

C91 Buildings must be retained and reused wherever possible. This may result in flexible live/work spaces that provide separate kitchens, bathrooms and stores, with open plan working and living/sleeping areas. As a guide, live/work spaces or studios can vary between 45m² and 90m².

C92 Suitable visual and acoustic privacy measures must be incorporated to protect the amenity of neighbours and residents.

C93 Ground floor uses must provide an open, active building/shop front during the day to provide interest and activity within the locality.



- C94** The building must have at least one entrance and at least one door or window on the front building facade.
- C95** To maintain active street frontages and streetscape design, vehicle access points must be provided from rear lanes in the first instance or, where they do not exist, designed to be as narrow as possible (width of driveway should not exceed 6 metres) on street frontages.
- C96** Consideration must be given to the provision of a loading or unloading bay (depending on type and size of operation) and its shared use by all employment occupancies in the building.
- C97** A Plan of Management detailing how the business/industry will operate and manage its impacts particularly on residential uses must be submitted with the development application.
- C98** Where residential occupancies exist in a building, hours of operation will generally be limited to 8.30am to 5.30pm Mondays to Fridays and 8.30am to 1.00pm Saturdays. Allowance can be made for longer hours where there will be no impact or where there are no sensitive land uses. Some uses which are periodic, for example, an exhibition or gallery opening, may be permitted at times most suited to the event (such as evening openings).
- NB** *Sale of goods produced on the premises is permitted where consent is obtained for an industrial retail outlet. Size restrictions apply and are set out in Clause 5.4 (4) of MLEP 2011.*
- NB** *Given the area is a mix of industrial, creative and residential uses the exhibition of works is encouraged, including incorporation of art work into the public domain.*

6.7 Period Industrial Buildings

The industrial heritage of parts of Inner West LGA is well represented by warehouses and factories, markedly contrasting in scale compared to the residential development. Some, like the Globe Worsted Mills, are large enough to occupy a whole street block. Manufacturing and wholesaling activities have moved further out into the metropolitan area leaving these robust structures vacant. With large floor areas and multiple levels up to five or six storeys, several of these buildings have been adapted for residential use and are also adaptable to use as commercial offices.

6.7.1 Period

Victorian (c1840 - c1890), Federation (c1890 - c1915) and Inter War (c1915 - c1940).

6.7.2 Characteristics

1. Buildings generally range from two storeys to five storeys with high floor to ceiling heights and open floor plans. Traditional warehouses, on residentially zoned land, have been, and can be, converted to residential use. Commercial office use is also compatible with the characteristics of this building type.
2. Building forms are simple and rectangular, often built up to property boundaries.
3. Buildings are predominantly face brick walls with large rectangular window openings and limited ornamentation, usually confined to brickwork detailing at openings and structural bays expressed by attached piers.
4. Roofs are either hidden behind a masonry parapet or simple gable forms or sawtooth in corrugated iron or corrugated asbestos.

Objectives

- O52** To ensure alterations and additions to warehouse/factory buildings do not compromise their structural integrity or robust architectural character.
- O53** To retain significant fabric and some ability to interpret original spatial qualities (for example, at the entrance area and in wider than usual circulation spaces).
- O54** To maintain the contribution warehouses and factories make to an area's character through their characteristic form, massing, scale, proportions and materials.

Controls

- C99** In the case of warehouses or factories of lower levels of heritage significance, lightweight balconies, canopies and sun shading devices may be affixed to the facades as long as there is a clear distinction between the original solid masonry fabric, the contemporary attachment and the robust masonry character, and the regular pattern of openings remains dominant.
- C100** Major warehouses or factories not assessed as having heritage significance can accept a greater degree of physical intervention internally and externally.
- C101** The rhythm of openings must be respected. For main entries and vertical circulation it may be possible to combine two smaller openings with careful design so long as there is no removal of, or awkward relationships with, original significant fabric and structure.



Federation period warehouse



Federation period warehouse



- C102** Vertical additions are only possible for flat roofed buildings, set behind a parapet and with a horizontal profile in keeping with the simple building form and strong parapet line. Decorative elements that would undermine the strong horizontal parapet line must not be used. Sawtooth roof profiles must not be altered.
- C103** Existing floor levels must be maintained except where:
- Floor to ceiling heights allow for mezzanine or loft levels to be inserted;
 - Additional floors can be inserted into the building envelope while preserving the original facade proportions which do not adversely impact on windows (new floor plates must not be visible from the street or external spaces); and
 - New floor construction satisfies the above conditions and complies with the Building Code of Australia.
- C104** Large gable spaces may accommodate mezzanine or loft spaces provided the roof trusses remain visible and the main roof structure is not altered. Light and air may be admitted through the use of shallow type dormers or skylights in the roof plane spaced well apart so they do not become dominant elements in the roof form.
- C105** Existing painted signs that enable interpretation of the building's historic use and contribute to the streetscape character must be retained.
- C106** Exterior face brick walls and decorative details must not be painted.
- C107** Whenever possible original timber frame windows must be retained.
- C108** Car parking or garage areas at sub-basement or lower ground floor levels must be designed to minimise adverse visual and amenity impacts (from fumes, noise and lights) to the footpath or open spaces. Car parking visible through original openings is discouraged.
- C109** Older buildings must not be imitated in new structures as this draws attention away from the older buildings' architectural value and obscures interpretation of their historic meaning.

6.7.3 Design guidelines

These design guidelines are intended to assist the design/assessment of development, but do not form part of the adopted DCP.

The diagrams in Figure 1 represent possible design solutions for works to a period industrial building in the LGA.

- New enlarged openings may be made sparingly and must respect the rhythm and horizontal datum lines of existing openings in the building (that is, their width must be equal to two windows plus the space between them (A) and the overall solidity of the building must be reinforced, as there is still a high proportion of solid wall to openings). Wider window openings may be adapted as recessed balconies.
- Small scale lightweight balconies may be added to the sides and rear of a warehouse building when it is adapted for residential or commercial uses, so long as the original overall form of the building is dominant and its important structural and facade elements can be readily seen (B).
- Subject to the level of heritage significance, windows may be converted to recessed balconies provided at least two thirds of all windows in the facade are retained (C). Louvre screens can be used to provide sun control and privacy at

recessed balconies. An additional penthouse level set well back from the parapet provides a unique form of residential accommodation with generous terraces (D) whilst preserving the effect of the solid masonry mass of the building and the skyline of the parapet as seen from the street.

4. A Juliet balcony may be introduced at existing openings for moving goods.
5. Large gabled roof spaces may accommodate a loft or mezzanine floor to apartments. The integrity of the roof form and surface is important but could accommodate simple skillion dormers set well below the ridge line and subsidiary in scale or roof lights in the plane of the roof. New spaces within roof volumes should be set between trusses and trusses should remain visible as an interior feature.

Any encroachment over the road, for example by adding a new balcony would require an airspace lease under Section 149 of the Roads Act and an approval by the Secretary of the Department of Planning and Environment.

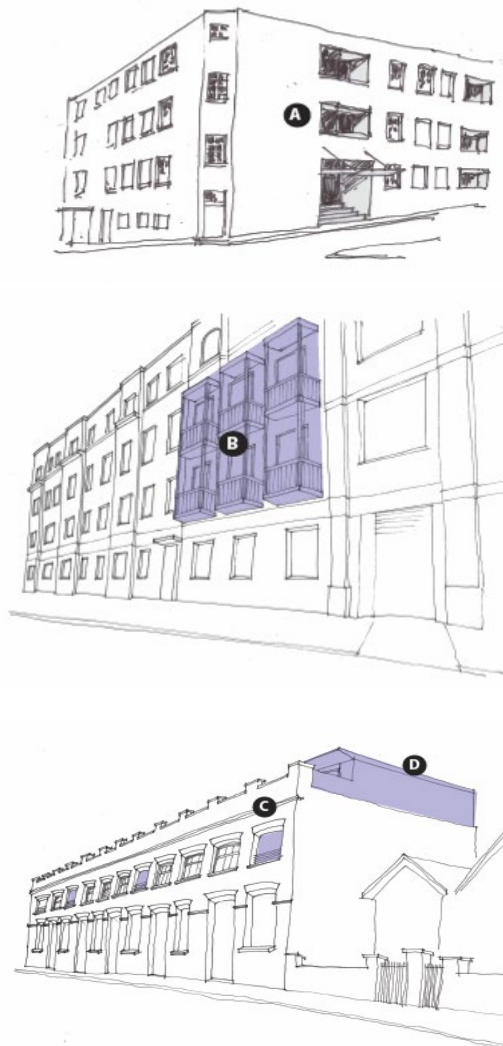


Figure 1: Possible design solutions for works to a period industrial building.