

PART C: PLACE

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SECTION 4 – NON-RESIDENTIAL PROVISIONS

C4.1 OBJECTIVES FOR NON-RESIDENTIAL ZONES

Background

Non-residential areas include land zoned B1 Neighbourhood Centre, B2 Local Centre, B7 Business Park, IN1 General Industrial and IN2 Light Industrial under the *Inner West LEP 2022*. The main street centres on the land where this DCP applies are the focus of its walkable neighbourhoods and Council seeks to enhance opportunities for people to connect to each other, to the place itself, to build community capacity for cultural and economic activity and employment, as well as enlivening the arts and cultural life and promoting health and well-being.

Objectives

For the B1 Neighbourhood Centre Zone, B2 Local Centre Zone, B7 Business Park Zone, IN1 General Industrial and the IN2 Light Industrial Zone

- O1 To support the provision and ongoing viability of non-residential buildings and facilities to provide goods, services and facilities that can be readily accessed by the community.
- O2 To respect the values of Heritage Items, including fabric and setting.
- O3 To be responsive to existing site conditions such as topography.
- O4 To achieve sustainable and climatically responsive development that maximises the environmental performance of buildings, facilities and infrastructure.
- O5 To enhance the capacity of the community to meet future changes in resource availability, climate, social, economic and environmental conditions by supporting main street centres which are the focus of the community.
- O6 To be compatible with the character of the neighbourhood, in particular streetscapes in traditional main streets.
- O7 To encourage a strong, attractive sense of place that fosters economic prosperity, creativity and innovation.
- O8 To achieve an appropriate balance between promoting economic prosperity and protecting established residential amenity.
- O9 To achieve a high quality urban environment where buildings make a positive contribution to the function and visual quality of the public domain and streetscape.
- O10 To ensure a sensitive transition to adjoining residential areas at zoning boundaries.
- O11 To promote walking and cycling as an attractive and safe means of travel.

For the B1 Neighbourhood Centre Zone and the B2 Local Centre Zone

- O12 To maintain and enhance the distinct identity of each centre.
- O13 To maintain the primary role and function of centres as locations for business, retail and entertainment.
- O14 To maintain the structure of centres focussed around a traditional main street with distinct boundaries.

C4.2 SITE LAYOUT AND BUILDING DESIGN

Objectives

O1 Development is sited and designed to be compatible with the prevailing character of the neighbourhood whilst not overburdening infrastructure.

O2 Development reinforces the character of the area's Distinctive Neighbourhoods.

Note: Refer to Part C Section 2 – Urban Character within this Development Control Plan

O3 Development provides a balance between enabling the viability of commercial and industrial uses and providing a high level of residential amenity.

Note: Due to their primary role for economic activity and employment generation, whilst entitled to a reasonable level of residential amenity, new residential development in the B1 Neighbourhood Centre Zone, the B2 Local Centre Zone and the B7 Business Park Zone should not expect the same level of residential amenity that is expected in residential zones.

O4 To ensure site facilities are designed as part of the overall development.

Controls

Height

C1 Building height is compatible with the surrounding prevailing street wall height and does not overbear the public domain.

C2 Where adjoining a building that is substantially taller than the prevailing streetscape height, the development achieves a height that provides a transition between the taller building and the prevailing streetscape height.

Note: Exceptions to this control are appropriate where the taller building is a landmark and its' landmark status should be retained due to its contribution to the character of the streetscape.

Note: Refer to Figure C136: Height Transition below

Setbacks

Site Layout and Building Design

C3 Where in the B1 Neighbourhood Centre Zone or B2 Local Centre Zone, the setbacks to the front and side boundaries of the property are to reflect the existing character and prevailing setbacks of the streetscape.

C4 Development is to have a zero setback where existing or neighbouring properties are built to the front or side boundaries; or the street reflects a coherent street wall with minimal separation existing between buildings.

C5 Setbacks from the street frontage greater than zero are only generally acceptable where that setback:

- a. would be part of the fabric of a Heritage Item, or enables greater visual access to a Heritage Item on an adjoining site;

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- b. is for a ground floor non-residential use and the setback is no greater than 3m and allows for a semi-public space such as a courtyard that provides a high level of interaction with the street; and
- c. is for the provision of a new useable public domain such as a plaza.

Note: Refer to Figure C137: Front setbacks and Figure C138: Maintain street wall integrity below.

- C6 Where additional storeys are proposed, the front wall is setback from the existing parapet to minimise its visibility from the street.

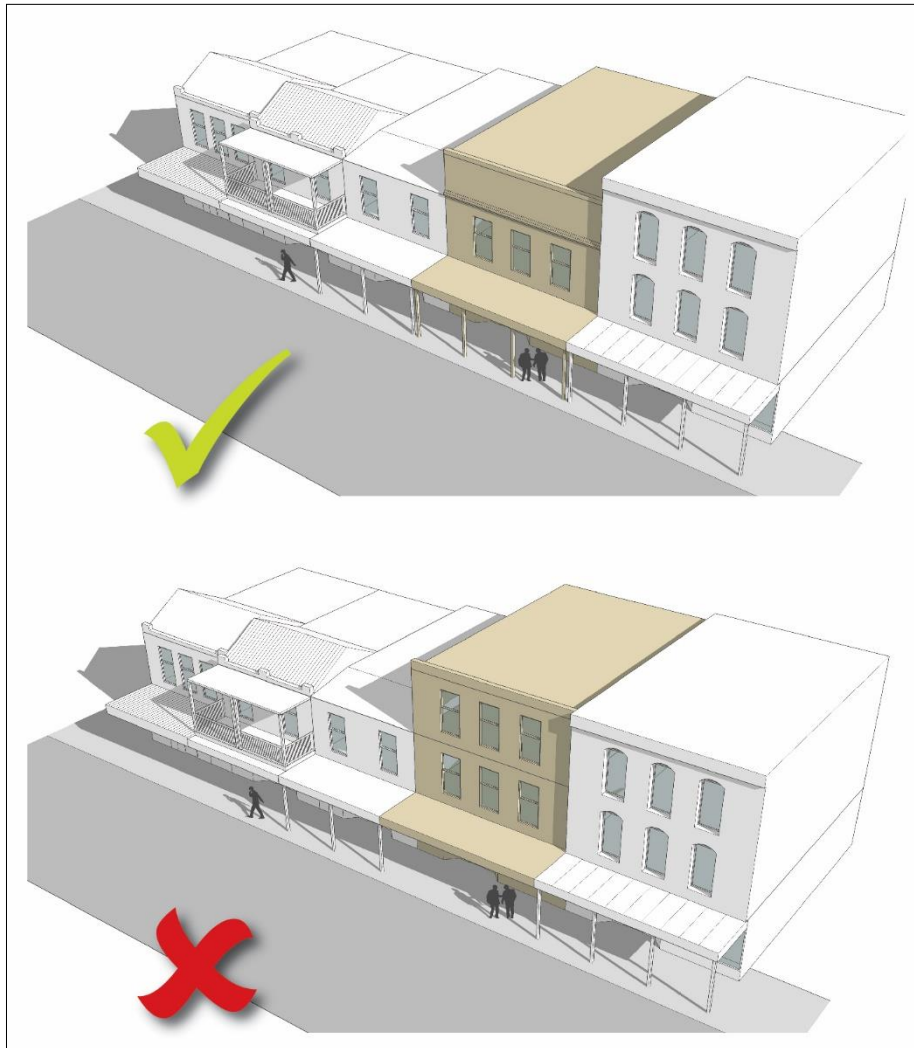


Figure C136: Height transition

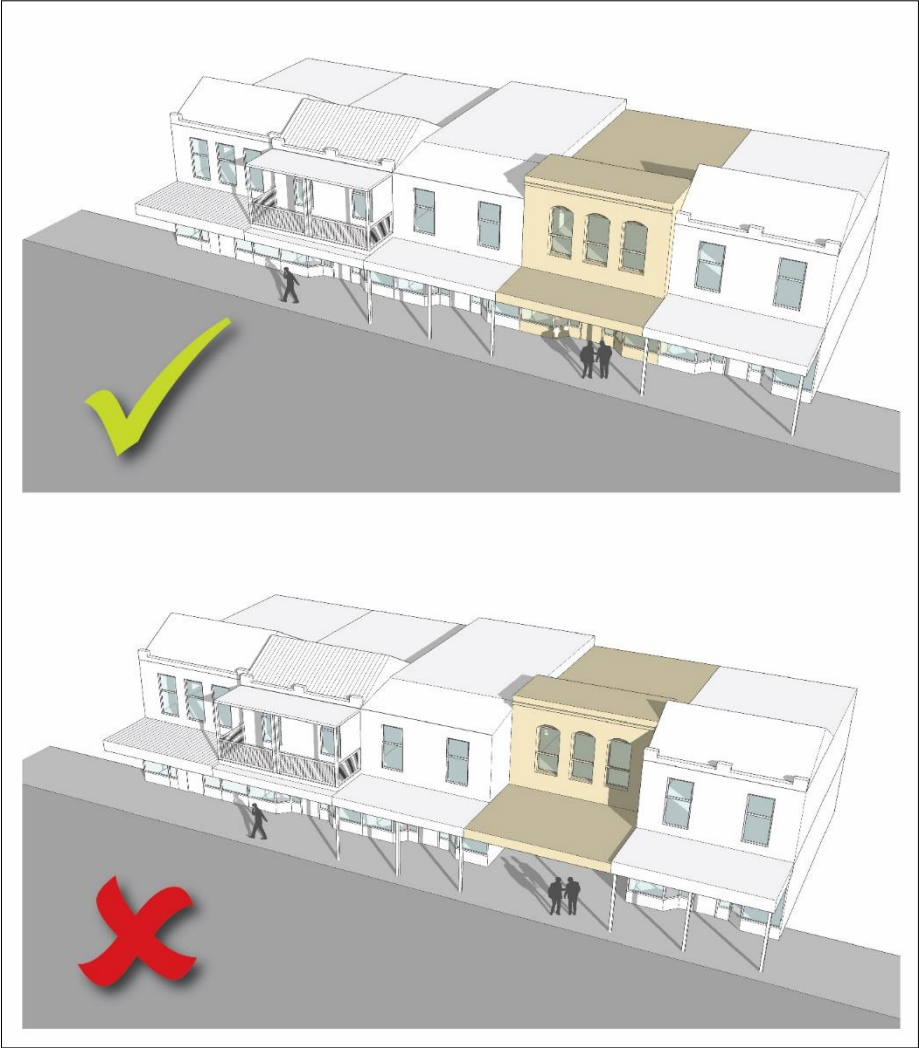


Figure C137: Front setbacks

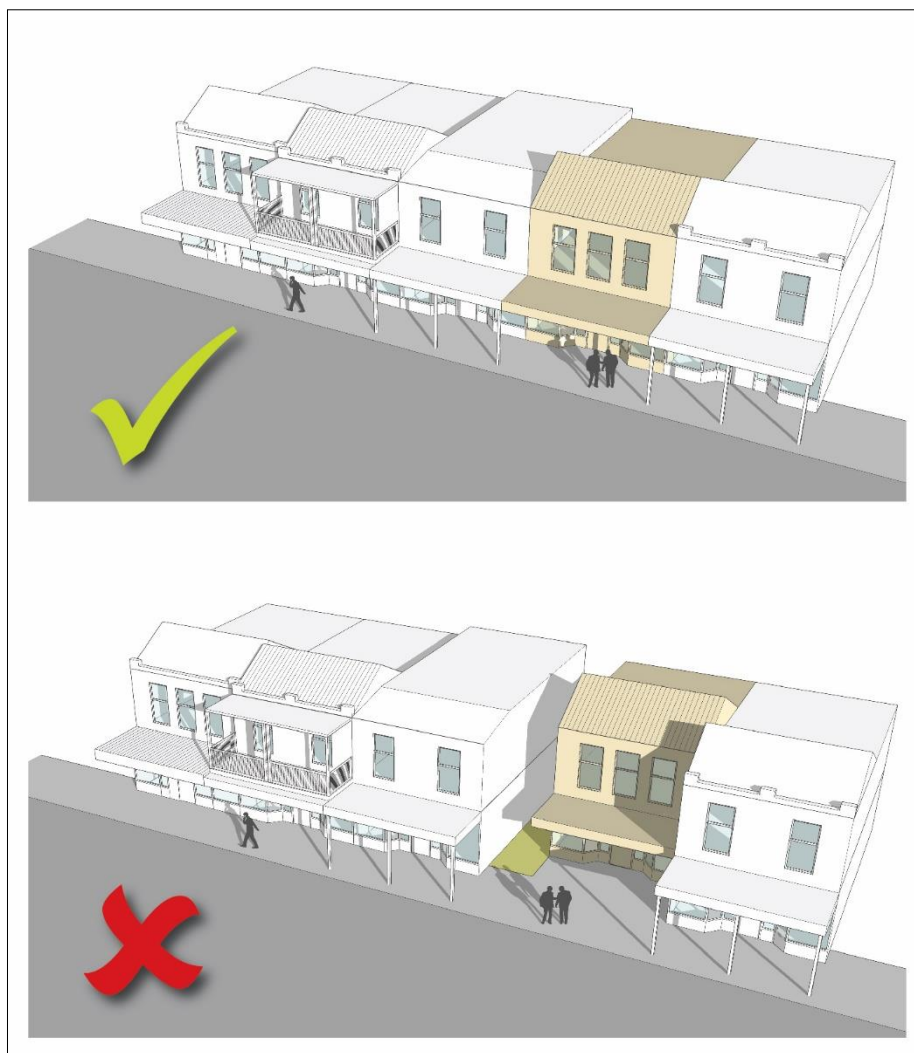


Figure C138: Maintain street wall integrity

Width and depth

- C7 Development bulk is compatible with the prevailing width and depth of buildings within the streetscape.
- C8 Where in the B1 Neighbourhood Centre Zone or B2 Local Centre Zone, buildings are designed to give the appearance of individual, narrow façades.

Note: Refer to Figure C139: Width and depth below.

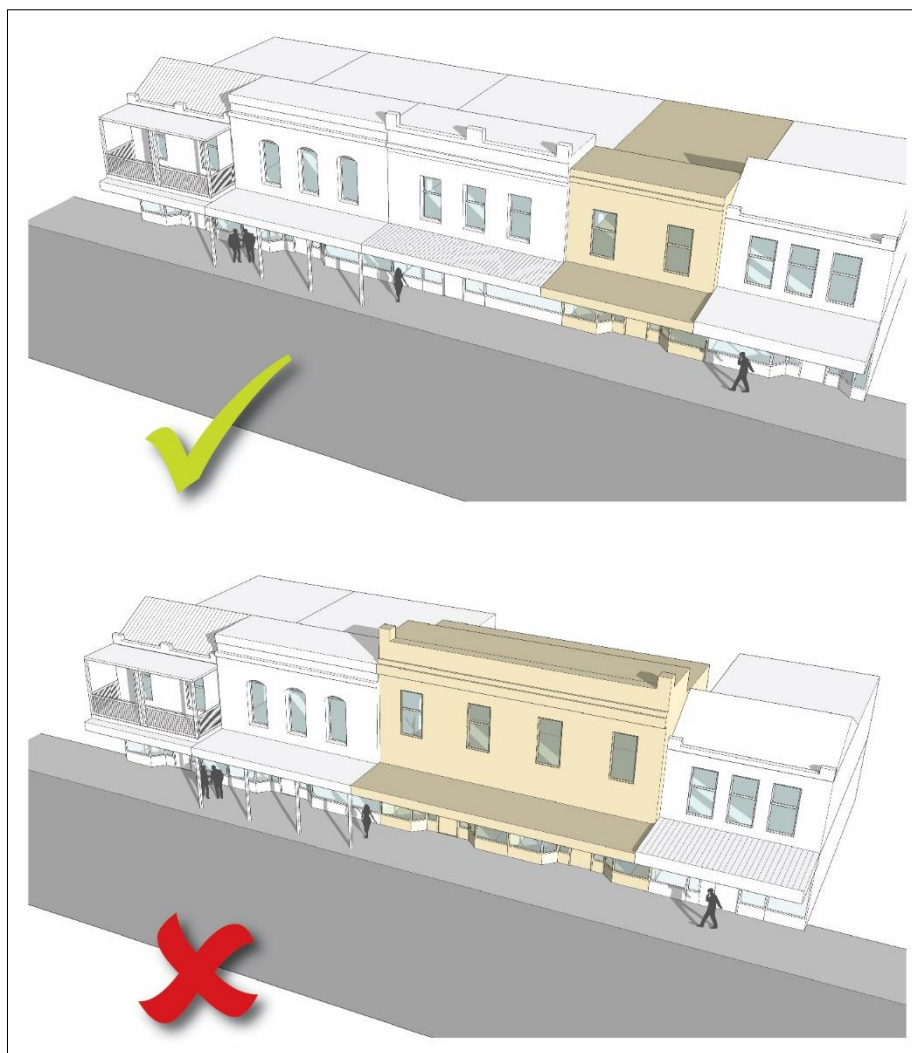


Figure C139: Width and depth

Corner buildings

- C9 Where on corner sites, development reinforces the visual prominence of corner sites by its built form, massing and architectural merit.

Vehicle access, servicing and parking

- C10 Development provides a high level of permeability for vehicles, pedestrians and cyclists by integrating with the existing street network, including extending existing streets into the site where required by Council.
- C11 Vehicle access, servicing and parking is not generally visible from the primary street frontage.
- C12 Where in the B1 – Neighbourhood Centre Zone or B2 – Local Centre Zone, vehicle access and servicing is provided at the rear of the site, and vehicle parking is located underground or behind the street wall.
- C13 Where in the IN1 – General Industrial or IN2 – Light Industrial Zone, vehicle servicing is provided at the rear or side of the site.

Infrastructure

- C14 Development includes water, sewerage and drainage infrastructure to service on-site demand.

Site Facilities

C15 Development will be designed to ensure the incorporation of essential site facilities, such as:

- a. mailboxes;
- b. air conditioning equipment;
- c. waste storage and garbage collection areas;
- d. general storage areas;
- e. gatehouses, substations;
- f. staff recreational facilities, telecommunications;
- g. fire hydrants or booster valves; and
- h. water storage or recycling tanks.

C4.3 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Background

Council seeks to maximise the environmental performance of buildings and facilities within the municipality and encourages applicants to exceed minimum required standards specified under the Building Code of Australia (BCA).

Objectives

- O1 Development achieves a high level of environmental performance by:
- a. minimising energy, water and materials consumption in the construction and operation of buildings and facilities;
 - b. incorporating water sensitive urban design to reduce stormwater quantity, improve stormwater quality and optimise the use of rainwater on site;
 - c. providing good indoor environmental quality;
 - d. building resilience to climate change, including to the increased frequency and severity of hazards;
 - e. adopting design solutions that are compatible with the streetscape and character of the neighbourhood.

Controls

Water

- C1 Development includes rainwater tanks that are:
- a. located at the rear or side of the site;
 - b. of sufficient capacity to enable the watering of on-site landscaping areas, toilet flushing and vehicle washing;
 - c. connected to the roof of the main building;
 - d. connected to a suitable system for the watering of soft landscaping areas and where appropriate, toilet and vehicle washing systems.
- C2 Development does not expose soil where it can be eroded.
- C3 Where able to accommodate usage loads, development maximises the use of paving surfaces such as porous concrete or interlocking modular pavers.
- Note: Areas with high traffic volumes or with regular heavy vehicle traffic are not generally suitable for permeable paving.*
- C4 Development incorporates stormwater quality improvement devices.

Sunlight

- C5 Where compatible with streetscape alignment, buildings are sited to maximise exposure to the north and minimise exposure to the east and west.
- C6 Northern façades incorporate large areas of transparent glass that enable sunlight access and minimises direct glare entering workspaces.

PLACE

C7 Where for new office development, a minimum of 50% of workspaces are located within 6m of a window.

Note: Courtyards, atria and light wells can be used to break up larger floor plates to provide access to windows and sunlight.

C8 Elevations that face east or west incorporate deep balconies, eaves or other projections that reduce direct sunlight penetration of indoor spaces.

C9 Windows that face north, east or west incorporate moveable external shading devices that provide architectural interest to the building.

Materials and insulation

C10 Building materials have a high thermal mass such as masonry, brick, concrete and stone.

C11 Bulk insulation and reflective insulation is used in walls, ceilings and roofs to achieve a combined 'R' value of:

a. R2.5 for roofs and ceilings;

b. R1.5 for walls.

C12 The use of recyclable and reusable materials is maximised.

C13 Lighter colours are used for external walls.

C14 Façades or roofs do not incorporate large areas of highly reflective materials such as reflective glass or aluminium.

C15 Where timber is used as a building material, ensure that it is:

a. sourced from Forest Stewardship Council (FSC) certified plantation or regrowth areas;

b. grown in Australia;

c. recycled; or

d. not sourced from rainforests or old growth forests.

and

The use of building materials from renewable resources is maximised where thermal mass is not deemed to be critical.

Note: Forest Stewardship Council of Australia (FSC) certification should be obtained for all timber used.

Ventilation

C16 Buildings are designed to minimise reliance on mechanical ventilation and cooling system through cross ventilation or the stack effect by:

a. the maximum internal dimension between façade openings such as windows, doors and other devices is 14m;

b. openings such as windows, doors and other devices have a minimum combined area of 5% of the floor area;

c. openings on opposite sides of rooms are located in line with each other and have a low level inlet and high level outlet;

PLACE

- d. development maximises the number of rooms with more than one aspect;
- e. development includes naturally ventilated courtyards or atria connected by breezeways to outside areas.

C17 Where involving the erection of a new building and where mechanical ventilation systems are used:

- a. ceiling fans are provided in habitable rooms;
- b. air-conditioning minimises air recirculation and maximises fresh air penetration.

Other devices

C18 Buildings incorporate a range of other energy efficiency measures such as:

- a. wall and roof insulation;
- b. solar panels; and
- c. low energy artificial lighting devices.

For new office buildings with a lettable area over 2000sqm and new business hotels

C19 Buildings achieve a National Australian Built Environment Rating System (NABERS) Energy Rating performance standard of 5 stars.

Note: Post-occupancy performance verification is required one year after full occupancy of an approved development.

Green roofs and walls

C20 Development is encouraged to incorporate green roofs and walls that comprise of durable, fire resistant and low maintenance vegetation.

C4.4 ELEVATION AND MATERIALS

Background

Building elevation and materials make a significant contribution to the quality of streetscapes and neighbourhoods. Neighbourhoods are generally coherent, human scale and fine grain streetscapes characterised by distinct horizontal and vertical rhythms. Rhythms are largely created by buildings having façades that are broken into narrow bays and clearly delineated storeys, with main façade elements such as windows frequently being aligned on the building and between buildings. In recognition of the importance of this structuring, this Development Control Plan uses vertical and horizontal control lines to ensure development is compatible with the existing character of the streetscape.

Materials are generally masonry, stone and brick, with elements that articulate the façade and provide visual interest such as awnings and balconies constructed from more lightweight materials such as timber and metal.

Development is also required to have regard for other elevation and material considerations such as shape, texture and colour to ensure compatibility with the existing streetscape.

Objectives

- O1 To ensure that development incorporates building elevations and materials that:
- a. complement the prevailing character of the neighbourhood, in particular responding to the vertical and horizontal rhythm of the streetscape;
 - b. achieve a balanced composition and human site facilities proportion;
 - c. provide a high level of architectural quality, visual interest and articulation; and
 - d. provide a high level of engagement between the public and private realm, in particular activating the street level public realm.

Controls

Character

- C1 Building façades:
- a. are divided into vertical bays consistent with the dimensions established by elements on adjoining development such as party walls and windows;
 - b. are divided into horizontal bandings that clearly delineate each storey and align with elements on adjoining development such as cornices, balconies and roofs;
 - c. provide visual interest by including recesses, projections and other modulation; and
 - d. have a co-ordinated pattern of fenestration.
- C2 Where alterations or additions are proposed, incompatible façade elements are removed.
- C3 Where for a development in a Heritage Conservation Area, development maintains or restores primary defining elements such as:
- a. parapets profiles and details;
 - b. window patterns, proportions and details;

PLACE

- c. bay windows;
- d. recessed balconies;
- e. awning alignment, stays, fasciae and soffits;
- f. shopfronts;
- g. pressed metal and patterned awning soffits;
- h. doors and windows, larger at ground floor;
- i. wall tiles;
- j. traditional signs, applied or painted;
- k. decorative render and joinery.

Visual interest

- C4 Building elevations includes elements of a finer and more lightweight scale than the main structural framing of the building such as metal, timber and glass.
- C5 Buildings are designed to provide a high level of architectural and visual presentation to all elevations, avoiding blank, unarticulated side and rear elevations.

Colour

- C6 Colour schemes are compatible with those prevailing in the street.

Note: In most centres the prevailing colour scheme is comprised of neutral tones.

Materials

- C7 Materials and finishes are compatible with those prevailing in the streetscape.

Public realm engagement

- C8 The ground floor is used for active uses.
- C9 Foyers do not occupy the entire building frontage.
- C10 Restaurants and cafes orient activity towards the street, and include indoor/ outdoor spaces such as balconies, decks and patios.
- C11 Building façades incorporate large, transparent windows that enable indoor activity to be seen from the street.

Note: The traditional façades of some heritage and character buildings do not feature large, transparent windows. In such situations, Council may vary this requirement provided sufficient street engagement is demonstrated.

- C12 The main building entrance is directly accessible from the street level.

C4.5 INTERFACE AMENITY

Background

Largely due to its historical pattern of growth, existing commercial and industrial areas on land where this DCP applies often have significant boundaries with residential areas and zones. This is particularly acute for traditional, linear main streets such as Norton Street or Darling Street. It is critical that non-residential uses are located, sited, designed and operated to protect residential amenity.

Objectives

- O1 To ensure that development does not impact the surrounding area or cause unreasonable nuisance to any other use by way of:
- a. noise;
 - b. odour;
 - c. vibration;
 - d. overshadowing; and
 - e. overly bulky or overbearing development that significantly reduces outlook or privacy.

Controls

General

- C1 Development complies with the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- C2 Where a site adjoins land in a residential zone:
- a. minimum rear building setback at the ground floor is 3m;
 - b. minimum rear building setback at first floor and above is 6m; and
 - c. maximum building height is compatible with the height of existing or approved buildings.
- C3 Where for new buildings adjoining land in a residential zone, the appearance of building bulk should be reduced by:
- a. increased setbacks above the ground floor;
 - b. wall modulation in the form of recesses and projections; and
 - c. elements of a finer scale to the main structural framing.

Noise

- C4 Noise generating activities are located within buildings.
- C5 Noise generating activities are located and oriented away from residential uses or other sensitive receiving environments.
- C6 Noise generating activities are screened from residential uses or other sensitive receiving environments by acoustic barriers such as solid walls or acoustic fencing.

PLACE

Note: Noise generating activities have the potential to cause adverse amenity impacts, and include activities such as vehicle access and servicing, mechanical plant and equipment and areas where people congregate.

Development is consistent with the industrial noise criteria of the *NSW Environment Protection Authority (EPA) Industrial Noise Policy*.

Landscaping

C7 Where a site adjoins land in a residential zone, development includes a continuous landscaped strip planted with vegetation of sufficient height and dimensions to soften the development as viewed from the residential use.

Note: Refer to Figures C140 and C141: Interface amenity between residential and non-residential uses below.

Solar access

C8 Where the site adjoins residential development, the overshadowing impacts of the development comply with the provisions of Part C3.9 – Solar Access within this Development Control Plan.

Energy efficiency

C9 Development complies with the provisions of Part D1.0 – Energy Management within this Development Control Plan.

Air pollution

C10 Development does not cause air particles to be a hazard or nuisance for adjoining residential uses.

Light spill

C11 Development does not result in light spill in habitable rooms, including bedrooms or private open space of adjoining residential uses in the R1 Residential Zone.

Views

C12 Development complies with Part C3.10 – Views within this Development Control Plan.

Site facilities

C13 Site facilities are located at the rear or under buildings.

C14 Site facilities are screened from view from the street.

Privacy

C15 Where adjoining land in a residential zone:

- a. new windows or other openings facing side and rear boundaries are located or designed to minimise the potential for direct overlooking of windows of habitable rooms and private open space of dwellings;
- b. where additions or extensions will result in a greater number of employees or customers being present on the premises, existing windows that directly overlook adjoining dwellings are screened to prevent overlooking; and
- c. places where people gather in an outdoor environment, such as a patio, deck or balcony, that directly overlook adjoining dwellings are screened to prevent overlooking.

Note: Refer to Figure C140 and C141: Interface amenity between residential and non-residential uses below.

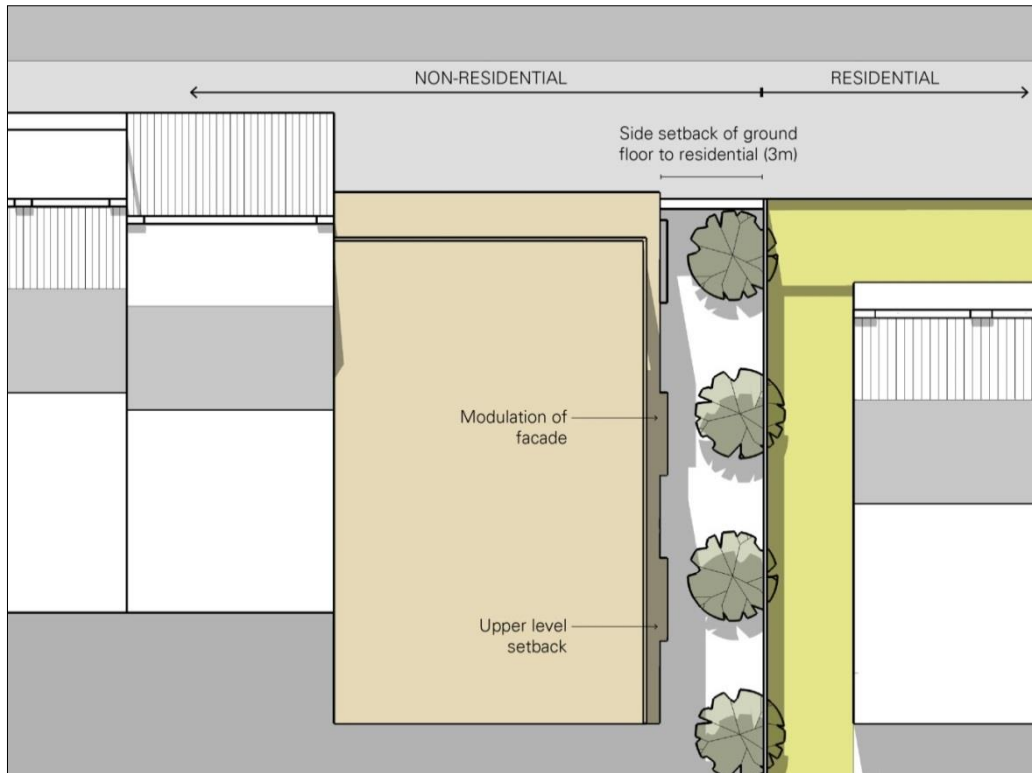


Figure C140: Interface amenity between residential and non residential uses



Figure C141: Interface amenity between residential and non residential uses

C4.6 SHOPFRONTS

Objectives

- O1 To ensure that shopfront development:
- a. is compatible with the scale and proportion of the building and streetscape;
 - b. retains and enhances the heritage character and sense of place and setting within the streetscape;
 - c. enhances the vibrancy of the public domain; and
 - d. is universally accessible.

Controls

Design

- C1 Where a building is within a Heritage Conservation Area, development retains / restores / reconstructs and enhances the original shopfront, including style, form, details and materials.
- C2 Development:
- a. compatible with the scale, form and elevation proportions of the streetscape;
 - b. complements the character of the building; and
 - c. provides a 'frame' for the shopfront that is generally formed by pilasters, fascia and stall board.
- C3 The shopfront provides a high level of visual interaction between the indoor and outdoor environments
- Note: Consideration should be given to the appropriate amount, placement and design of windows on street frontages to achieve this control*
- C4 Where proposed, non-transparent security devices such as shutters are located behind display windows.
- C5 Corner shopfronts address both street frontages.
- Note: Blocking or reducing the transparency of existing windows on corner shopfronts significantly reduces engagement between buildings and the public domain and is not supported.*
- C6 Development includes a clearly identifiable pedestrian entry.
- C7 Development enables safe and convenient universal access for all persons, in particular those with reduced mobility.
- Note: Refer to Figure C142: Shopfronts below.*



Figure C142: Shopfronts

C4.7 SPECIALISED RETAIL PREMISES

Background

Council requires any development of specialised retail premises to be compatible with the scale, character and amenity of the adjacent and nearby land uses.

Objectives

- O1 To ensure that development for the purpose of specialised retail premises:
- a. does not detract from the commercial viability of centres;
 - b. is compatible with the character of the streetscape and neighbourhood;
 - c. achieves a high standard of design that makes a positive contribution to the streetscape and public domain;
 - d. does not cause a significant adverse amenity impact on the neighbourhood, in particular through parking and traffic, loading and unloading; and
 - e. has a high level of pedestrian access, amenity and security.

Controls

Function and size

- C1 Food and drink premises within the footprint of the specialised retail premises are ancillary and subordinate to the primary use of the premises for specialised retail premises.

Design

- C2 Development incorporates high quality architecture, materials and finishes.
- C3 Street elevations include variations in plan form and detailing that provide architectural interest, particularly at visually prominent building locations.
- C4 Development addresses and activates street frontages.
- C5 Development has large display windows facing the street.
- C6 Development enhances pedestrian and cycle linkages to surrounding areas.
- C7 Development has a clearly identifiable and dedicated pedestrian access to the building from the primary street frontage.

Adaptability

- C8 Design is flexible to cater for different future land uses by providing high ceilings and adaptable open planning for the ground floor.

Traffic and transport

- C9 Where for the erection of a new building for specialised retail premises, parking is provided underground or wholly screened from view from the street.
- C10 The visual impact of car parking on the streetscape is mitigated by:
- a. locating car parking underground; or
 - b. landscaping, tree planting and high quality paving treatments.

PLACE

- C11 Customer goods pick up areas are provided to the site.
- C12 The development provides sufficient manoeuvring areas on site to accommodate truck movements, frequency of servicing and high turnover of customer vehicles, as appropriate to the proposed use.
- C13 A traffic report prepared by a suitably qualified professional must be submitted with a development application for a specialised retail premises that demonstrates compliance with this part and Part C1.11 Parking within this Development Control Plan, including:
 - a. number of trips forecast to be generated by the proposal;
 - b. site access for cars and trucks;
 - c. site circulation for cars and trucks;
 - d. car parking, manoeuvring and servicing; and
 - e. measures to ensure safety by separating pedestrian paths from cars and trucks.

C4.8 CHILD CARE CENTRES

Background

Child care centres need to be safe, healthy and stimulating environments so that children are provided with the best possible place for play, development and growth when care outside of the home is sought.

Objectives

- O1 To ensure that development for the purpose of a child care centre:
- a. provides a best practice, safe, healthy and stimulating environment so that children are provided with the best possible place for education, play, development and growth when care outside of the home is sought;
 - b. does not cause any unreasonable adverse impact on residential amenity, in particular through noise or parking and traffic;
 - c. is compatible with the streetscape and character of the neighbourhood;
 - d. provides a high level of accessibility; and
 - e. is provided to support the provision of child care places.

Controls

National Regulations

- C1 All development is to be compliant with Education and Care Services National Regulations as amended.

Number of Children

- C2 Child care centres do not exceed 90 places.

Allocation of child care places

- C3 Child care centres will be encouraged to provide places for 0 – 5 year olds.
- C4 A minimum of 33% of places are for under 2 year olds.

Urban form

- C5 The scale, form, material and colour of the development are compatible with the character of the surrounding area.

Location

- C6 The design should ensure that there is sufficient separation from busy roads and rail corridors to avoid adverse noise and air quality impacts.
- C7 Child care centres are not permitted in close proximity to cooling towers.
- C8 Child care centres are not permitted within 300m of a source of significant electromagnetic radiation.
- C9 Child care centres are not permitted adjacent to car park exhaust systems.
- C10 Child care centres are not permitted within sight of sex services premises, drug clinics and other such uses.

PLACE

- C11 The site will be of sufficient size and dimensions to accommodate the development, including buildings and structures, outdoor play areas, staff and landscaping.
- C12 Development is located:
- a. in easy walking distance of public transport;
 - b. where there is outdoor space available;
 - c. where emergency access and egress points are suitable;
 - d. adjoining compatible uses or users such as public open space or community uses such as schools; and
 - e. so that it reduces the potential for adverse impacts on residential amenity.
- C13 In deciding whether to grant consent to any child care centre, Council will take into account the impact that surrounding land uses would have on the health and well-being of children who use the centre, in particular whether the site is:
- a. on a busy road;
 - b. adjacent to a rail corridor;
 - c. adjoining an industrial zone;
 - d. on contaminated land;
 - e. on steep land;
 - f. on land subject to a high level of noise, including from aircraft noise; or
 - g. on land subject to emissions that adversely affect the air quality of the site.

Security and safety

- C14 Public entry to child care centres is to be limited to one secure point at the front of the site which is:
- a. located to ensure ease of access;
 - b. signposted and well lit;
 - c. located away from vehicle access;
 - d. visible from the street or within a foyer if within mixed development;
 - e. of a suitable size to prevent congestion (i.e. consider the appropriateness given the size of the centre);
 - f. monitored through either natural or camera surveillance; and
 - g. not the only point of emergency egress.
- C15 Appropriate emergency egress must be provided in accordance with the Building Code of Australia.
- C16 Entry into child care centres must be limited to authorised persons only. Consideration of mechanisms for provision of entry must be detailed at the development application stage.
- C17 Windows on the front façade will be provided for passive surveillance.

PLACE

- C18 Development will include the following fencing:
- a. 1.8m high fencing will be provided along the entire side and rear boundary of the site;
 - b. where child gathering areas are not proposed at the front of the site, fencing within the street frontage will taper to 1.2m in front of the main building line; and
 - c. where there is no other alternative, and child gathering areas are located at the front of the property, a 1.8m high palisade fence is required and be lined with clear acoustic panels (where necessary for acoustic measures) and vegetation.
- C19 Gates are to be self-closing and child proof.
- C20 Double catchment gate system is to be provided where entry/exit locations front a road.

Landscaping

- C21 Plant species are to be considered to prevent potential danger to children, in particular through toxicity, choking or skin penetration.

Outdoor play areas

- C22 Outdoor play areas will:
- a. comply with all relevant Australian Standard requirements (i.e. play equipment dropfall zones, equipment heights, soft fall surfaces etc.);
 - b. provide space for active play;
 - c. be directly accessible from indoor areas;
 - d. provide a minimum of 7sqm of usable outdoor space per child;
 - e. enable clear lines of sight to enable staff to supervise effectively;
 - f. provide at least 3 hours of solar access to 50% of the required outdoor area between 9am and 3pm at the winter solstice;
 - g. be located away from areas where objects can be dropped into the play area from above the play area;
 - h. be secure from public access, except to permit emergency evacuation or maintenance requirements (i.e. landscaping or sandpits etc.);
 - i. comply with best practice shade requirements;
 - j. be located away from car parking areas, vehicle circulation areas, existing noise and environmental pollution sources; and
 - k. be located away from adjoining residential uses or other sensitive receiving environments, or are to be suitably screened to minimise noise transmission.

Parking Layout

- C23 Vehicle access, parking and manoeuvring areas are to be physically separated from areas used by children by measures such as fencing.
- C24 Vehicles and pedestrians access points are to be appropriately marked and sign posted.

PLACE

- C25 Where parking spaces are within a mixed use development, the parking spaces for the child care centre are to be grouped together and conveniently located near the access points (i.e. doors or lifts) of the centre.

Internal Layout

- C26 Centre layout will be child friendly and include limited stairs. Laundries and kitchens will not be accessible from rooms which are accessible to children.
- C27 Adequate pram storage will be provided near the main entrance
- C28 Single storey child care centres are preferred over multistorey centres, to assist in addressing evacuation requirements.
- C29 Two storey centres are to locate children's areas on the ground floor and staff/ancillary and office uses on the second floor.

Note: Where above ground levels are proposed to be used for children, ramps (in addition to/or to replace stairs) must be considered in the design of the building to assist with emergency procedures. Rooms and facilities for babies (0-1 years) must remain on ground level.

Indoor Areas – Including Play Areas

- C30 Indoor Areas, including play areas will:
- a. be of best practice design and incorporate construction features which maximise:
 - i. line of sight and supervision; and
 - ii. natural light and ventilation;
 - b. provide a minimum of 3.25sqm of usable indoor space per child;
 - c. ensure practical location of children's bathrooms with immediate proximity to indoor and outdoor play spaces;
 - d. ensure nappy change and craft areas are not to be located adjoining or adjacent to the kitchen or bottle preparation areas; and
 - e. ensure all emergency evacuation routes are to be practically located, designed and constructed to accommodate emergency evacuation of babies and toddlers in emergency cots.
- C31 Balconies above ground level are not to be used as space for children's activities.

Within Mixed Use

- C32 Child care centres which are co-located with residential developments and/or mixed use developments are to have a separate, well-lit and accessible entry and exit points.

Located Above Ground Floor

- C33 A child care centre may only be located above ground where it is not possible to locate it at ground floor.
- C34 A child care centre may be located above the ground floor when:
- a. The child care centre is provided with either a safe haven or an emergency lift within the centre.
 - b. The safe haven is to:

PLACE

- i. be centrally located within the child care centre, and open directly onto a dedicated fire-isolated stair; and
 - ii. have a floor area calculated at a rate of 0.25sqm per person for the capacity of the child care centre, including staff.
- c. Indoor areas are to be well proportioned to provide flexibility of uses and should be uninterrupted by internal features such as columns.
- d. The design and location of the required outdoor space is to:
 - i. include measures that will protect users of the space from adverse wind and climatic conditions; and
 - ii. incorporate fencing that:
 1. is unable to be climbed over, under or through by children;
 2. includes a safety zone and alarm system;
 3. prevents objects being thrown over the edge where outdoor areas are elevated;
 4. allows egress in the event of an emergency evacuation by the Fire Brigade or others, consistent with the required Emergency Evacuation Plan; and
- e. be integrated with the building design.

Operation and Management

C35 Hours of operation are limited to 6:30am to 7pm Monday to Friday, except public holidays.

Note: Extended hours of operation may be supported by Council where the development application is supported by a detailed Plan of Management that shows compliance with the objectives of this part, in particular related to the protection of residential amenity. In general, the number of children that can be catered for in extended hours of operation will be reduced, and additional requirements aimed at reducing noise transmission may be required.

Noise

C36 An acoustic report prepared by a suitably qualified professional must be submitted with a development application for a child care centre that addresses:

- a. assessment of the existing acoustic environment at surrounding residential uses;
- b. identification of noise that is likely to be generated from the child care centre;
- c. prediction of resultant noise at surrounding residential uses;
- d. noise attenuation measures, including physical measures such as fencing, and operational measures such as a Plan of Management, to ensure that noise generated from the child care centre will not result in an 'offensive noise' (as defined in the *Protection of the Environment Operations Act 1997*) at any surrounding residential premises.

Traffic

C37 An off-street drop-off zone/area for the centre is to be provided. The off-street drop off zone is to be designed and located in conjunction with Council officers and constructed in accordance with Council requirements.

Note: Drop-off zones are to be addressed in the traffic report and will address the appropriate management and operation of the zone as so to prevent traffic nuisance or hazard.

C38 A traffic report prepared by a suitably qualified professional must be submitted with a development application for a child care centre that demonstrates compliance with this part and Part C1.11 Parking of this Development Control Plan, including:

- a. number of trips forecast to be generated by the proposal;
- b. site access;
- c. site circulation;
- d. car parking, manoeuvring and servicing; and
- e. measures to ensure child safety by separating pedestrian paths from cars.

C4.9 HOME BASED BUSINESS

Background

Under the State Environmental Planning Policy – Exempt and Complying Development Codes, Home business is exempt development where satisfying the Standard Instrument definition. The definition includes criterion such as number of employees, and the requirements of the State Environmental Planning Policy, and refers back to Clauses 5.4 (2) and (3) of *Inner West LEP 2022* which covers change of use and maximum floor area.

The controls within this DCP would apply when a home based business is proposed and cannot be achieved under the State Environmental Planning Policy – Exempt and Complying Development Codes

Objectives

- O1 To ensure that development for the purpose of a Home Based Business facilitates the establishment of small scale businesses which:
- a. operate from home;
 - b. are compatible with neighbourhood character; and
 - c. do not have an adverse impact upon residential amenity.

Controls

Location

- C1 The home based business is conducted within a fully enclosed part of the dwelling or ancillary building.
- C2 The home based business only operates between 8am and 6pm Monday – Saturday.
- C3 A maximum of one on-site car parking space is provided for customers.
- C4 The amenity of adjoining residential uses or the neighbourhood is not adversely affected by:
- a. noise;
 - b. the number of visitors; and
 - c. the number of deliveries and type of delivery vehicle.
- C5 Not more than one customer should be present on the premises at any one time, and the maximum number of customers per day should not exceed ten.

C4.10 INDUSTRIAL DEVELOPMENT

Background

Whilst largely used for light industry uses, industrial precincts also include a range of other related uses, including vital residential service functions such as motor vehicle repair stations. Furthermore, in response to the strategic objectives identified in Council's adopted Community and Cultural Plan, Council has expanded the range of uses permissible with consent in the IN2 Light Industrial Zone to encourage the arts and creative industry sector.

This Development Control Plan seeks to enhance the long term viability of industrial lands as employment generators and to accommodate the provision of goods and services needed by the community both now and in the future.

Building the capacity of the community to meet the opportunities and challenges presented by changes in resource availability, climate, environment and the economy requires Council to protect the integrity of non-residential lands. This means that Council needs to limit sensitive land uses to ensure that future generations have sufficient non-residential land to meet their needs. Council is mindful that the community may need non-residential land to accommodate processes and uses which include infrastructure, goods and services that support distributed energy and water management close to the places where they are harvested, recycled or produced.

Given its historic development pattern, many of the area's industrial areas adjoin or are located close to residential areas. Protecting residential amenity is a key issue for industrial areas.

Council acknowledges that a proportion of industrial development will occur in the form of alterations or additions to existing buildings, and that due to existing characteristics, not all of the controls in this section may be able to be reasonably satisfied. In such situations, and in the interests of encouraging economic development, it will be Council policy to exercise discretion in the application of controls, provided that it can be demonstrated by the applicant that the objectives of this part can be achieved.

Objectives

- O1 To ensure that development for the purpose of industry:
- a. protects the viability of industrial areas;
 - b. protects residential amenity for adjoining and nearby residential uses within residential zones;
 - c. is compatible with the character of the neighbourhood;
 - d. makes a positive contribution to the visual character of the streetscape;
 - e. promotes the arts, technology production and design sectors;
 - f. achieves a high level of environmental performance.

Controls

Viability

- C1 The site has a sufficient area and dimensions to accommodate the development, including buildings and structures, vehicle servicing, loading and unloading, parking and manoeuvring and landscaping. Parking shall be in accordance with Part C1.11 – Parking of this Development Control Plan.

PLACE

- C2 Where an office or shop is ancillary to the main industrial purpose on the site, the ancillary portion shall be no greater than 10% of the floor space of the premise.

Note: For development that relates to creative purposes refer to Part C4.21 – Creative Industries within this Development Control Plan.

Siting and design

- C3 Development should be generally carried out in accordance with the Distinctive Neighbourhood controls contained in Part C Section 2.0 – Urban Character of this Development Control Plan.
- C4 Buildings are setback from the street frontage in accordance with the setback prevailing in the streetscape.
- C5 The front boundary setback is only used for landscaping and vehicle parking.
- C6 Building façades are constructed of high quality materials such as brick or painted concrete.
- C7 The main building entrance:
- a. is designed as an architectural feature that breaks up the façade of the building; and
 - b. faces and is directly accessible from the street frontage.
- C8 Vehicle servicing and outdoor storage is located at the side or rear of the site or located so it does not visually dominate the streetscape.
- C9 All external areas are landscaped or sealed in a high quality, durable pavement such as brick or concrete.
- C10 Fences greater than 1.2m in height are not provided along the street frontage.
- C11 Where adjoining land is a residential zone or land approved for use for a residential purpose:
- a. buildings are setback a minimum of 3m from that boundary;
 - b. a continuous landscaped setback is provided along that boundary;
 - c. the setback is planted with vegetation of a suitable height and dimension to screen most of the development from the adjoining site;
 - d. site access, parking and manoeuvring areas are not located within 3m of that boundary; and
 - e. solar access to residential development shall comply with Part C3.9 – Solar Access within this Development Control Plan.

Landscaping

- C12 Landscaping softens the visual impact of buildings and structures on the environment.
- C13 Where practicable, existing healthy mature trees are retained.
- C14 Development complies with the provisions within Part C1.12 - Landscaping within this Development Control Plan.

Site facilities

- C15 Storage areas are located within the building, or are screened from view from the public domain.

PLACE

- C16 Each industrial building must provide for basic amenities including a designated staff room or area that is:
- of a reasonable area depending on the size, nature and staffing level of the proposed industry;
 - adequately furnished for staff; and
 - provided with attached kitchen/kitchenette with a fridge, microwave, sink and tea/coffee making facilities.

Note: In the case of small industries where less than five people work during normal working days, a reasonable approach to amenities will be taken by Council in considering / applying this provision.

Amenity

- C17 The use does not have an adverse impact on the amenity of adjoining uses or the neighbourhood by:
- excessive overshadowing, particularly of the main living and private outdoor recreation area of adjoining or nearby residential uses;
 - overbearing development that unreasonably reduces privacy for adjoining and nearby uses;
 - noise generation; and
 - traffic generation.
- C18 Noise generating activities are located inside, away from adjoining residential zones or other sensitive receiving environments or screened by noise mitigation devices.
- C19 Industrial buildings must have an adequate number of openings at each level to allow natural light and ventilation.

Hours of operation

- C20 Where adjoining land in a residential zone or land approved for use for a residential purpose, hours of operation are limited to between 7am and 7pm Monday to Friday, and 7am and 3pm Saturdays excluding public holidays.

Access and egress

- C21 Industrial sites with frontage to classified roads must consult with the relevant NSW State Government department as to the appropriate access and egress.

Carparking

- C22 Development complies with the provisions of Part C1.11 – Parking within this Development Control Plan.

Waste Management

- C23 Development complies with the provisions of Part D Section 2 – Resource Recovery and Waste Management of this Development Control Plan.

Environmental performance

- C24 Development maximises sunlight and breeze access, particularly to office or shop components.

PLACE

- C25 Activities that may cause stormwater pollution are located inside or under roofs, are contained within bunds and stormwater is treated by an appropriate method prior to off-site discharge.

C4.11 LICENSED PREMISES

Background

This section applies to all development that is licensed premises under the *Liquor Act 2007*, including a Pub, licenced Hotel with a bar area, Registered Club, Small Bar or Restaurant or Café in the area to which the Leichhardt Development Control Plan 2013 applies. Licensed premises are split into "low impact" premises and those that are not low impact.

The term 'low impact premises' refers to:

- a) a hotel within the meaning of the *Liquor Act 2007* that has a capacity of 120 patrons or less and is designated as a general bar licence;
- b) premises that have a capacity of 120 patrons or less where the primary purpose is the sale or supply of liquor for consumption on the premises;
- c) a development with an on-premise (restaurant) liquor licence (with primary service authorisation) within the meaning of the *Liquor Act 2007*;

Objectives

- O1 To ensure that development, including the cumulative impact of development:
- a. is compatible with the distinct village character of the area's centres;
 - b. is of a scale, form and design that is compatible with the character of the neighbourhood;
 - c. ensures a high level of safety and security;
 - d. does not have significant adverse amenity impacts on the neighbourhood, considering:
 - i. location and context of the premises, including proximity to sensitive and residential land uses;
 - ii. primary and secondary uses of the premises and the proposed hours of operation;
 - iii. surrounding business uses and the predominant business hours of the area;
 - iv. size and capacity of the premises;
 - v. operation of the premises during day time hours;
 - vi. strength of the plan of management and its ability to manage potential impacts on surrounding areas;
 - vii. safety, security and crime prevention measures; and
 - viii. public transport arrangements.
 - e. ensures large venues are not concentrated; and
 - f. provides for the development of innovative small bars in appropriate locations that enhance the area's vibrancy and night-time economy and promote the area's centres as unique, innovative, culturally diverse and low impact entertainment destinations of choice.

Controls

Amenity

- C1 To ensure that the use does not have significant adverse impacts on the amenity of adjoining sensitive and residential uses by:
- a) keeping all doors and windows on premise's building elevations that face sensitive or residential uses closed after 10pm, other than to allow entry and exit.
 - b) if premises have entrances on more than one street frontage only those on the main frontage should be used after 10pm.
 - c) ensuring that the premises can be adequately ventilated and provided with the appropriate emergency access in accordance with the Building Code of Australia when restrictions under Parts C1 (a) & (b) above are operational.

Plans of Management for Low Impact Premises

- C2 Any development application for low impact premises that will operate after 10pm must be accompanied by a Plan of Management that demonstrates compliance with the objectives of this part and includes the following information.
- a) site
 - i. location of the site;
 - ii. all primary and secondary uses of the premises;
 - iii. summary of surrounding premises that operate up until or beyond midnight;
 - iv. plans that show the location of external doors, windows and other openings.
 - v. any other relevant site details as determined by Council.
 - b) operational:
 - i. type and number of staff that will be employed on premises;
 - ii. the procedures for minimising and managing waste that is generated on site and how and when waste will be collected.
 - iii. a description of measures taken to attenuate smell, fumes, vapour, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
 - iv. a description of any other measures taken to attenuate possible impacts on amenity that may arise from the operation of the premises.
 - c) security and safety
 - i. details of the measures that are to be employed to ensure the safety of patrons.
 - ii. details of measures to manage patron behaviour after 10pm when leaving the premises, and for managing customers in and outside the premises at all times.

d) trading Hours

- i. details of the proposed opening hours for each day of the week;

e) noise

- i. a description of all measures taken to attenuate noise and vibration impacts on adjoining properties and of how such measures will be implemented.
- ii. Identification of 'active areas' adjacent to, but outside the boundaries of the premises used for associated activities such as outdoor seating, footway dining, patron queuing and parking;
- iii. Identification of the primary pedestrian routes to and from the premises.
- iv. Transfer of waste, particularly glass, to outdoor garbage/recycling facilities must not occur after 10pm if the premises are within 50m of residential or sensitive land uses.

Plans of Management for Non-low Impact Premises

C3 A development application for a licensed premises which is not defined as a 'low impact premises' is to be supported by a Plan of Management that demonstrates compliance with the objectives of this part and includes the following information:

a. site

- i. location of the site;
- ii. all primary and secondary uses of the premises;
- iii. summary of surrounding premises that operate up until or beyond midnight;
- iv. plans that show the location of external doors, windows and other openings.
- v. any other relevant site details as determined by Council.

b. operational

- i. the number and type of staff that will be employed on the premises;
- ii. methods employed to meet responsible service of alcohol (RSA) requirements as set by the Office of Liquor, Gaming and Racing;
- iii. a copy of a house policy that describes the measures to minimise harm associated with alcohol consumption to ensure the responsible service of alcohol;
- iv. description of appropriate signage to be erected, including an external sign with a 24 hour contact number for management for the use of members of the public concerned about operation of the premises;
- v. food service arrangements;
- vi. waste management procedures, including location of all *waste storage* and disposal areas, hours of cleaning and similar activities.
- vii. description of any cleaning and other after hours activities.
- viii. identification of 'active areas' adjacent to, but outside the boundaries of the premises used for associated activities such as outdoor seating, footway dining, patron queuing and parking; and

- ix. identification of the primary pedestrian routes to and from the premises.
 - c. security and safety
 - i. details of the measures that are to be employed to ensure the safety of patrons and methods to ensure the orderly behaviour of patrons both in and outside the subject premises, including:
 - o crowd control procedures;
 - o emergency procedures;
 - o monitoring of patrons;
 - o security patrol routes;
 - o security lighting details;
 - o surveillance;
 - o queue locations and management procedures;
 - o 'wind down' and closure procedures, including procedures for closure of outdoor areas; and
 - o any other relevant security or safety procedures or measures;
 - I. number and location of security personnel to be employed;
 - II. the designation of a member of staff to be responsible for security at all times; and
 - III. details of where an Incident Book will be kept and how and when it will be filled out.
 - d. trading hours
 - i. details of the proposed opening hours for each day of the week; and
 - ii. for existing premises, details of current trading hours for each day of the week.
 - e. noise
 - i. details of all measures used to attenuate noise and vibration created as a result of operation of the premises including:
 - o a noise complaints process and noise control strategies that will be implemented to minimise the potential for complaints (for example liaison arrangements with neighbours and local police, maintaining a complaint register etc)
 - o for minimising noise from outdoor areas such as rooftops, courtyards, balconies; and
 - o for noise limiting devices to be installed.
- Note that L10 may be taken as the average maximum deflection on a sound level meter.*
- f. transport

- i. details of measures to be taken to ensure the availability of public transport or other alternative modes of transport to patrons leaving the premises at closing times.

Trading hours and trial periods for all licensed premises

C4 Development applications will be considered against the provisions in Council's Live Music Venues Good Neighbour Policy.

C5 Trading hours outside 'late night trading areas' as identified in Appendix F – Late night trading maps of this Development Control Plan are limited to the following:

a. for restaurants and cafes:

- 8am till 10pm. Trading outside these hours will be considered on their merits.

b. for all other licenced venues:

- 10am till 10pm. Trading outside these hours will be considered on their merits,

Note: Liquor licensing requirements may specify more stringent or lenient trading hours. Restrictions on liquor licenses do not override trading hours outlined on Development Consents issued by Council.

C6 Trading hours within '**late night trading areas**' as identified in Appendix F – Late night trading maps of this Development Control Plan are limited to the following:

a. for restaurants and cafes:

- 7am to 12 midnight, Thursday, Friday and Saturday;
- 7am till 11pm Sunday, Monday, Tuesday and Wednesday;
- Trading outside these hours will be considered on their merits.

b. for all other licenced venues:

- 10am to 12 midnight, Monday, Tuesday, Wednesday and Sunday;
- 10am to 1am (the following morning), Thursday, Friday and Saturday;
- Trading outside these hours will be considered on their merits.

Note: Liquor licensing requirements may specify more stringent or lenient trading hours. Restrictions on liquor licenses do not override trading hours outlined on Development Consents issued by Council.

C7 Where premises are within 50m of residential properties, any outdoor seating area should cease trading and use by 10pm except where the seating is fronting a main commercial street. Outdoor seating areas should not be used for functions at any time and music, live or amplified should not be audible outside the premises.

C8 Council may consider extended trading hours beyond the times specified in C5 and C6 above on Thursday, Friday and Saturday nights where it is demonstrated the proposed hours will not have an adverse impact on the amenity of the surrounding area.

C9 Licensed premises seeking extended trading hours will be subject to a trial period of 12 months, after which a further application is required to be submitted to Council to assess whether extended trading hours can be approved for a five year period, for a further trial or are not supported.

PLACE

- C10 If Council determines a trial period to be satisfactory, the licensed premises must lodge a DA every 5 years to renew the extended trading hours.
- C11 If Council determines a trial period to be unsatisfactory, trading hours for the licensed premises will revert back to the trading hours specified in C5 and C6 of this part (depending on the sites location), or the trading hours approved for the premises prior to the commencement of this Development Control Plan.
- C12 A renewal or extension of extended trading hours will only be permitted if Council is satisfied that the Licensed premises has complied with a Plan of Management and has demonstrated satisfactory management and safety practices following the completion of a trial period.

C4.12 B7 BUSINESS PARK ZONE

Background

This control relates to the B7 Business Park Zone in the *Inner West LEP 2022*. Premises in this zone have the potential to provide a range of environmental, social and economic benefits, including reducing the commuter use of motor vehicles, providing an increased level of casual surveillance and safety in industrial areas and reducing costs associated with renting space for a business.

To ensure these benefits can be achieved, it is critical that the location, siting and design of live/work premises achieves a balance between residential amenity and business viability and does not reduce the capacity of the land to accommodate non-residential uses.

Objectives

- O1 To ensure that development within a B7 Business Park zone:
- a. enables the co-location of appropriate business and supporting residential uses, in particular for the creative industries;
 - b. is compatible with the character of the neighbourhood;
 - c. makes a positive contribution to the visual character of the streetscape;
 - d. promotes the arts, technology production and design sectors;
 - e. achieves a high level of environmental performance; and
 - f. provides an acceptable level of residential amenity.

Controls

General

- C1 The predominant use of the premises is for employment generating uses.
- C2 Each development is used for a single business.
- C3 Only one dwelling may be attached per tenancy as ancillary to the primary use; they are to be linked by internal stairs.
- C4 The dwelling is located above or behind the workspace.
- C5 The non-residential and residential uses on the site will not be separately occupied.

Amenity

- C6 Development does not cause noise, odour, vibration or other emissions to be experienced in the residential parts of the use or other tenancies.
- C7 The hours of operation where the business component of the property is open to the public is limited to 8:00am – 6:00pm Monday – Friday and 9:00am – 1:00pm Saturday.

Note: Where the proposal is able to demonstrate that it will have minimal impact on the amenity of the surrounding area, an extension in operating hours to 6pm on Saturdays may be considered by Council.

Note: General exceptions to allow extended hours may be considered by Council where the use includes an activity that requires longer trading hours on an infrequent basis, such as for an exhibition or gallery opening.

PLACE

- C8 The residential component of this use provides acceptable levels of amenity through providing cross ventilation of living areas and meeting the provision of Part C3.9 – Solar Access within this Development Control Plan.

Design

- C9 Development achieves a high standard of architectural design and visual quality, including:
- a. façade modulation in the form of balconies, eaves and other recesses and projections;
 - b. variations in roof form;
 - c. high quality materials, including variation in texture and colour;
 - d. landscaping within the front boundary setback; and
 - e. vehicle access, parking and manoeuvring not being visually dominant when viewed from the street.
- C10 Development activates the street through including large, transparent windows on the street elevation that enable perception of indoor activity to be obtained from the public domain.

Environmental Performance

- C11 Development is to comply with the provisions of Part D1.0 – Energy Management within this Development Control Plan.

Arts and creative industries

- C12 Internal layout, design and roof to ceiling heights are high enough to accommodate the requirements of the arts and creative industries where applicable.

C4.13 MARKETS

Background

Markets have the potential to provide an affordable, well located venue for local business, in particular those in the arts and creative industries, to showcase their products.

Objectives

- O1 To ensure that development for the purpose of markets:
- a. does not have a significant adverse impact on the functioning or amenity of the neighbourhood in terms of noise, appearance, traffic generation and car parking;
 - b. promotes the arts and creative industries in a manner that is compatible with the character and amenity of the neighbourhood;
 - c. contributes to the vibrancy of the public realm and provides a safe, healthy environment for community interaction;
 - d. makes a positive contribution to the local economy; and
 - e. stall layout ensures safe and accessible space for pedestrians.

Controls

Documentation

- C1 A plan of the market is required with each development application. The plan shall detail:
- a. proposed layout of stalls;
 - b. accessible access through the stalls and all emergency access points;
 - c. site context and adjacent surroundings;
 - d. access to toilets;
 - e. loading and unloading facilities for the set up and removal of stalls and goods; and
 - f. parking for stall holders.
- C2 The development application must include a Plan of Management that details the following:
- a. sources of noise, nearby sensitive receiving environments and measures to mitigate the transmission of noise to these sensitive receiving environments;
 - b. hours of operation. These are to be limited to between 7am and 5pm, including set up and dismantling;
Note: Council may consider extended hours for evening markets or specific activities where it can be demonstrated that the objectives of this part will be satisfied.
 - c. number of trading days per month;
Note: The number of trading days per month and/or year will be limited and at the discretion of Council.
 - d. adequate waste disposal, storage and collection is provided to cater for forecast demand;
 - e. toilet facilities adequate to cater for projected demand are provided on site; and

PLACE

- f. emergency exits and procedures for emergencies.

Amenity

- C3 Where the market occurs on public land, the land is returned to its pre-existing condition immediately following the cessation of each occurrence of the market.
- C4 Development does not involve the establishment of new permanent buildings or structures.
- C5 Development does not obstruct the physical access to or operation of existing nearby businesses and residences.
- C6 The market stalls will not prohibit pedestrian circulation and pathways within and around stalls will have a minimum width of 2m and be kept free of obstruction.
- C7 Where the market is located adjoining a public road a minimum 1.2m wide clearance is provided between the kerb and any structure.

C4.14 MEDICAL CENTRES

Objectives

- O1 To ensure that development for the purpose of medical centres:
- a. does not have a significant adverse amenity impact on the amenity of the neighbourhood, in particular through hours of operation and traffic generation or parking; and
 - b. makes a positive contribution to streetscape quality.

Controls

Amenity

- C1 Development does not disturb the amenity of the neighbourhood or create a nuisance by way of noise, odour, vibration or any other emission.
- C2 Hours of operation are limited to between 8am and 6pm.
- Note: Council may consider extended hours, including allowing 24hr medical centres, where it can be demonstrated that the objectives of this part will be satisfied and the operation of the medical centre will not have a negative impact on surrounding residential uses.*
- C3 Adequate car and bicycle parking is provided on site in accordance with the provisions of Part C1.11 Parking within this Development Control Plan.
- C4 Where practical, provision is to be made on site for the access and parking of an ambulance.

C4.15 MIXED USE

Background

Mixed use development is an appropriate use within most centres where this DCP applies, particularly along Norton Street and Darling Street. Mixed use development can have a number of benefits, including localising life, improving safety, reducing car dependence and improving the vibrancy, vitality and viability of centres.

Established commercial areas on land where this DCP applies are vibrant places for business and community interaction. Associated with this role is a higher level of noise and other emissions. Therefore, whilst new and prospective residents are entitled to enjoy a reasonable level of amenity, they should not expect the same level of residential amenity in other, more suburban locations or residential zones.

Many existing buildings in the area are potentially suitable for adaptive reuse to mixed use buildings. Due to existing built form, it is not possible to comply with all controls in this part. However, Council will require that dwellings are provided with an acceptable level of amenity.

Objectives

- O1 To ensure that development for the purpose of mixed use:
- a. enhances the vibrancy of centres;
 - b. ensures that residential uses are complementary to the primary role of centres for commercial activity;
 - c. provides an acceptable level of residential amenity;
 - d. provides for a wide range of housing types; and
 - e. improves environmental performance by locating jobs close to homes.

Controls

General

- C1 The ground floor street frontage is used for small scale, active commercial uses.
- C2 Residential uses are provided above the ground floor of the building.
- C3 Facilities that have the potential to adversely affect residential amenity, including ventilation flues, are located away from residential uses.
- C4 Buildings incorporate construction methods and materials that insulate residential uses from noise transmission from non-residential uses.
- C5 Separate areas for business and resident access may be required for new development and where practical for:
- a. vehicle parking;
 - b. building entries;
 - c. stairs and lifts; and
 - d. waste.

PLACE

Note: Waste requirements are provided in Part D Section 2 – Resource Recovery and Waste Management of this Development Control Plan.

- C6 Subject to suitable design, operational management and security arrangements being available, the use of business car parking for residential uses in the same building after normal business hours is encouraged.
- C7 Where possible, access to the residential part of the development is from the main street frontage where:
- a. it is compatible with the streetscape and any heritage conservation considerations;
 - b. pedestrian entries to residential uses are separate from the entry to the commercial part of the building; and
 - c. the access is not visually dominant in the building façade.
- C8 Dwellings are provided with an acceptable level of residential amenity in terms of:
- a. access to sunlight to main living areas and adjoining main areas of private outdoor recreation space such as courtyards and balconies;
 - b. access to daylight to all habitable rooms;
 - c. natural ventilation either in the form of cross ventilation or the stack effect; and
 - d. obtaining visual privacy.
 - e. Compliance with Part C3.8 – Private open space, C3.9 – Solar access, C3.10 – Views, C3.11 – Visual privacy and C3.12 – Acoustic privacy of this Development Control Plan.
- Note: Where natural ventilation is not practicable, devices that move air such as fans are preferred over air-conditioning for internal cooling purposes*
- C9 Living areas such as living rooms, dining rooms and bedrooms will face and overlook the street for passive surveillance.
- C10 The building form of a mixed use development must comply with the provisions of, C4.2 – Site layout and building design, C4.4 – Elevation and material, and C4.5 – Interface amenity of this Development Control Plan.

C4.16 RECREATIONAL FACILITY

Background

This section relates to recreational facilities including indoor, outdoor or major as defined in the *Inner West LEP 2022*.

Objectives

- O1 To ensure that development for a recreational facility:
 - a. does not have a significant adverse amenity impacts on the neighbourhood; and
 - b. makes a positive contribution to streetscape quality.
- O2 Encourage use of sustainable transport modes.

Controls

General

- C1 Development does not significantly impact the amenity of the neighbourhood or create a nuisance by way of car parking, traffic generation, noise, vibration or any other emission.
- C2 Hours of operation will be established considering the following:
 - a. proximity to the R1 Residential Zone;
 - b. impacts on amenity of surrounding areas, including noise and light;
 - c. intensity of the proposed use; and
 - d. accessibility, traffic and parking considerations.

Note: Council may consider extended hours, including for 24hr gyms, where it can be demonstrated that the objectives of this part will be satisfied, in particular that the impacts of the use are consistent with reasonable expectations for amenity in the neighbourhood.
- C3 Adequate car and bicycle parking is provided on site in accordance with the provisions within Part C1.11 – Parking in this Development Control Plan.
- C4 Where an application is made for development for the purpose of a Recreation Facility (Outdoors) or for any Recreation Facility with extended hours of operation, a detailed Plan of Management (POM) is to be submitted. The POM shall address at a minimum the following:
 - a. proposed hours and days of operation;
 - b. provisions or management to reduce impacts on amenity of surrounding areas, including noise and light;
 - c. intensity of the proposed use;
 - d. numbers of patrons and numbers of staff, including maximum numbers;
 - e. accessibility, traffic and parking considerations;
 - f. proposed facilities (e.g. toilets) to be used; and
 - g. emergency procedures.

PLACE

- C5 Where for a Recreation Facility (Outdoors), lights incorporate measures to ensure that light spill does not occur on adjoining or nearby land in a residential zone.
- C6 Where otherwise prohibited, food and drink premises and retail premises are ancillary and subordinate to the primary use of the site for recreational activities.
- C7 The floor area of the premises which can be used for food and drink premises or retail premises shall be no more than 5% of the gross floor area.

C4.17 SEX SERVICES PREMISES

Background

Sex services premises cover a range of business uses that involve the sale of sex or involve sex related activities. These uses include:

- a. brothels;
- b. adult entertainment venues and strip clubs; and
- c. massage premises where sex acts are involved.

Objectives

- O1 To ensure that development for the purpose of sex service premises:
- a. does not cause a significant adverse impact on residential amenity, in particular through hours of operation or parking and traffic;
 - b. is compatible with the character of the neighbourhood;
 - c. is visually unobtrusive when viewed from the street;
 - d. does not result in a concentration of sex services premises in one location;
 - e. is not located close to residential zones or other sensitive uses;
 - f. provides a high level of patron and worker safety; and
 - g. is accessible.

Controls

Siting and design

- C1 Development for the purpose of a sex services premises is not located:
- a. within 200m of another sex services premises; and
 - b. within proximity to schools, churches or other community facilities.
- C2 Development does not adversely affect the amenity of the neighbourhood through hours of operation.
- Note: Specific hours of operation are not set by the Development Control Plan. Rather, when assessing a development application for Sex Services Premises, Council will consider the nature of surrounding uses and their hours of operation, and whether the proposed use is incompatible with these uses or will create or exacerbate an existing amenity issue such as traffic or noise.*
- C3 The scale, form, materials and colour of the development is compatible with the character of the surrounding area.
- C4 Entries are not visible from residential areas.
- C5 The development will be designed in accordance with Crime Prevention through Environmental Design (CPTED) principles outlined in Part C1.9 – Safety by Design of this Development Control Plan.

PLACE

C6 Access for all patrons and employees is provided in accordance with CPTED principles.

Note: Refer to Part C1.9 – Safety by Design of this Development Control Plan for CPTED principles.

Social impact statement

C7 A Social Impact Assessment is required for development applications in accordance with Part B3.1 – Social Impact Assessment of this Development Control Plan.

Plan of Management

C8 Plan of Management (POM) is required for development applications for new sex services premises or alteration or additions to an existing sex services premises. The POM will demonstrate compliance with the objectives of this part and includes the following information:

- a. location of the site;
- b. summary of surrounding premises and operation hours;
- c. the number of staff that will be employed on the premises;
- d. waste management procedures, including location of all waste storage and disposal areas, hours of cleaning and similar activities;
- e. details of the measures that are to be employed to ensure the safety of staff and patrons. Measures are to be in accordance with the principles of Crime Prevention Through Environmental Design (CPTED) outlined in Section C1.9 – Safety by Design of this Development Control Plan;
 - i. emergency procedures;
 - i. monitoring of patrons;
 - ii. security lighting and alarm details;
 - iii. surveillance; and
 - iv. any other relevant security or safety procedures or measures;
- f. details of the methods to ensure the orderly behaviour of patrons;
 - i. details of the proposed opening hours for each day of the week;
 - i. for existing premises, details of current trading hours for each day of the week;
 - ii. details of all measures used to attenuate noise created as a result of operation of the premises;
 - iii. details of the potential impacts on local parking and traffic networks as a result of the proposal;
 - iv. details of any actions to be taken to mitigate any potential traffic and parking impacts;
 - v. details of measures to be taken to ensure the availability of public transport or other alternative modes of transport to patrons leaving the premises at closing times; and
 - vi. any other relevant site details as determined by Council.

C4.18 VEHICLE SALES OR HIRE PREMISES AND SERVICE STATIONS

Objectives

- O1 To ensure that development for the purpose of vehicle sales or hire premises or service stations:
- a. is compatible with the character of the streetscape and neighbourhood;
 - b. does not cause a significant adverse amenity impact on residential amenity;
 - c. achieves a high standard of safety;
 - d. makes a positive contribution to the visual quality of the street;
 - e. provides efficient vehicles access and circulation and does not cause a traffic nuisance or danger;
 - f. does not cause environmental harm; and
 - g. maximises environmental performance of buildings and operations.

Controls

General

- C1 Development is to meet the objectives and controls within Part C1.11 – Parking within this Development Control Plan.
- C2 No spray painting or panel beating is to be carried out on site.
- C3 Plan of Management (POM) is required for development applications for new service stations or new car sales or hire premises. The POM shall outline how the ongoing operation of the premises will be managed to reduce its impact upon the amenity of surrounding properties in line with the objectives of this section and include the following information:
- a. site operational issues;
 - b. water quality;
 - c. noise pollution;
 - d. traffic;
 - e. landscaping;
 - f. waste management;
 - g. staff numbers;
 - h. trade waste discharges; and
 - i. emergency management.
- C4 The development must not adversely affect the amenity of the neighbourhood by noise, odour, fumes or other emission.
- C5 All components that have the potential to contaminate water systems are roofed and enclosed in bunds, with discharge treated prior to entering the stormwater system.
- C6 Vehicle crossovers do not dominate the streetscape.

Service Stations

- C7 An Odour Impact Assessment shall be submitted for new developments.
- C8 A raised landscaped strip is provided along the street frontage of the site, except for site access points, to reduce the visual impact of building and paving when viewed from the street.
- Note: In general, a maximum of 2 vehicle crossovers should be provided per site.*
- C9 The site is not located in a streetscape where the dominant setback pattern is built to the front boundary or setback less than 6m from the street frontage.
- C10 The following site facilities are located a sufficient distance from roads and residential uses so as not to present a hazard or risk or cause noise, odour or fumes to be experienced outside the site:
- a. petrol pumps;
 - b. pump islands;
 - c. storage tanks;
 - d. ventilation flues; and
 - e. vehicle washing and tyre pump facilities.
- C11 Restaurants, cafés, and take-away food and drink premises ancillary to the primary use of the premises for sale by retail for fuel and lubricants for motor vehicles:
- a. do not occupy more than 10% of floor area;
 - b. provide only for convenience needs;
 - c. do not include a drive through take-away food and drink premises; and
 - d. are not a separate tenancy to the service station.

Where for Vehicle Sales or Hire

- C12 Development makes a positive contribution to the quality of the streetscape.
- C13 Motor vehicle display areas are to be located on site to provide visual interest and enable engagement and activation of the street.
- C14 Motor vehicles are displayed to be visible from the street.
- C15 Where setback from the street frontage, a landscaped setback is provided along the entire street frontage, except for vehicle access points.
- C16 To maximise engagement with the street, the majority of the front elevation is constructed from transparent glass.

C4.19 VEHICLE REPAIR STATION

Objectives

- O1 To ensure that development for the purpose of a vehicle repair station or similar:
- a. is compatible with the character of the streetscape and neighbourhood;
 - b. does not cause a significant adverse amenity impact on residential amenity;
 - c. achieves a high standard of safety;
 - d. makes a positive contribution to the visual quality of the street;
 - e. provides efficient vehicle access and circulation and does not cause a traffic nuisance or danger;
 - f. does not cause environmental harm; and
 - g. maximises environmental performance of buildings and operations.

Controls

General

- C1 Development is to meet the objectives and controls within Part C1.11 – Parking within this Development Control Plan.
- C2 All workspaces must be contained within a building, appropriately ventilated.
- C3 All client vehicles must be kept on-site at all times.
- C4 The development must not adversely affect the amenity of the neighbourhood by noise, odour, fumes or other emission.
- C5 An Odour Impact Assessment shall be submitted for new developments.
- C6 Vehicle crossovers do not dominate the streetscape.

C4.20 OUTDOOR DINING AREAS

Background

This element outlines objectives and controls that should be met to obtain Development Consent for the use of footways in association with restaurants or cafes and food shops within the road reserve (public domain). Once Development Consent is obtained, Council may, under the *Roads Act 1993*, issue a licence for the use of a footway for such purposes. Concurrence of NSW Roads and Maritime Services must be obtained where the footway is within the reserve of a classified road.

Kerb-side outdoor dining areas are preferred on land where this DCP applies as they allow a clear path of travel along the building line. However, all applications are considered in relation to the width of the footpath, presence of other street furniture and infrastructure and the location of any established adjacent outdoor seating.

Approval process

The approval process for outdoor dining areas includes:

- a. checking the exempt and complying schedule within *Inner West LEP 2022* as to whether a development application is required;
- b. submitting a development application and obtaining development consent (*Environmental Planning and Assessment Act 1979*);
- c. obtaining approval under the *Roads Act 1993* through an 'Application for Outdoor Dining & Footpath Trading Licence' Form. This is available from the Inner West Council website; and
- d. determining whether additional permits, approvals or requirements under the *Roads Act 1993*, the *Local Government Act 1993*, or *AUSTROADS Guide to Road Design Part 6A – Pedestrian and Cyclist Paths* may be required. There may also be additional requirements for development on classified roads.

Objectives

- O1 Ensure comfortable, attractive and safe pedestrian environments.
- O2 Ensure footpath uses are positive elements in the streetscape.
- O3 Ensure footpath uses enrich the social function and community enjoyment of streets but do not unreasonably prejudice accessibility.
- O4 Protect pedestrians and patrons of footpath eating areas from traffic and vehicle dangers.
- O5 Ensure principles of crime prevention underpin the design of these uses within public footpaths and road reserves.

Controls

Location and accessibility

- C1 Outdoor dining areas should be located in accordance with any relevant, adopted Council streetscape or urban design Masterplan (where prepared).
- C2 Outdoor dining areas should be located beside the kerb unless there is insufficient space or footpath width, the site is adjacent to a bus stop, taxi stand or disabled parking space or where the location would adversely impact on the continuous path of travel.

PLACE

C3 Building line dining areas may be considered where site specific conditions preclude kerbside dining areas.

Notes:

1. Streets with narrow footpaths or very high pedestrian volumes may not be suitable for outdoor dining areas.
2. Street trees, furniture, bus stops and the like may affect the ability to use a footpath for outdoor dining.

C4 Areas are required to be licensed by Council. Applicants shall be required to obtain a license for any proposed kerb-side, footpath or Council owned outdoor dining area from Council pursuant to the provisions of the *Roads Act 1993* before carrying out development for the purpose of outdoor dining in that area.

C5 Licensed areas are to be delineated by neat and unobtrusive markings that do not pose a safety hazard. Options include corner marking in the pavement, landscape features such as trees or bollards, or corner markings fixed to an existing or proposed awning directly above the area.

Kerb-side dining areas

C6 A 600mm setback is required to the kerb to allow for passengers alighting from cars and the like.

C7 A 1.5m wide clear path of travel (free of obstruction) is required between any street furniture, public infrastructure or outdoor eating area and the building line.

C8 Street furniture, public infrastructure and outdoor dining areas are not to present an unreasonable hazard to pedestrians (including those that use mobility aids), diners or vehicular traffic.

Note: Refer to Figure C143: Outdoor dining along the kerbside below.

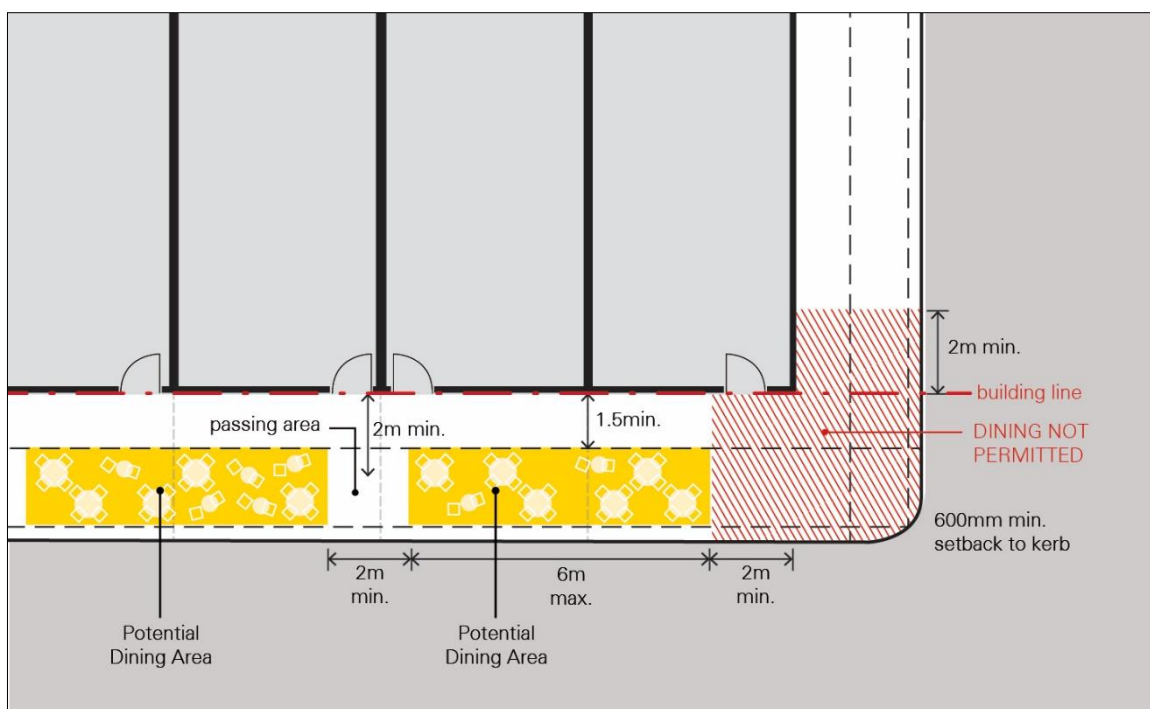


Figure C143: Outdoor dining along the kerbside

Building line dining areas

- C9 Dining areas on Council owned land may be considered adjacent to the building line where a 1.5m wide unobstructed path of travel can be maintained between the edge of the proposed licence area and the kerb.

Note: Refer to Figure C144: Outdoor dining at the building line below.

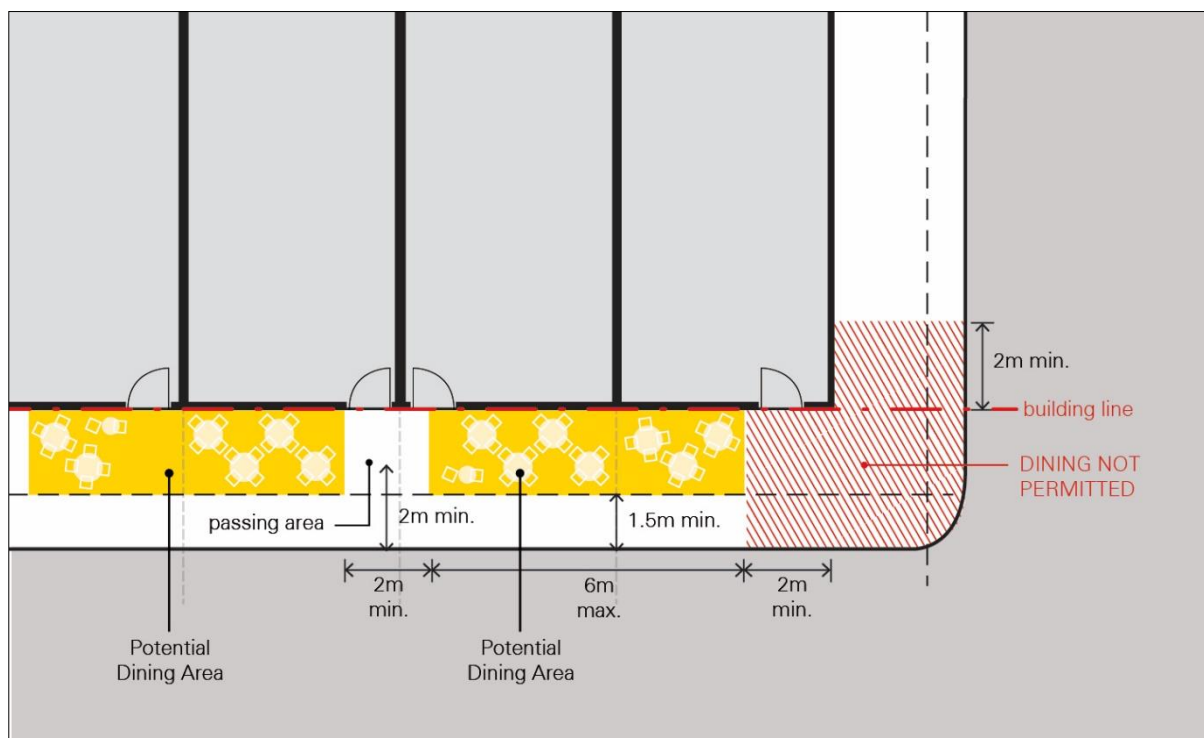


Figure C144: Outdoor dining at the building line

All outside dining areas on the footpath

- C10 Tables and chairs are to be located directly in front of the premises. Use of an adjoining footpath area requires ongoing consent from the land owner and tenant/s of the affected premises.
- C11 Passing areas are required at 6m intervals (minimum) where the clear path of travel is less than 1.8m wide. Passing areas are to be at least 2m in width and depth to be suitable for wheelchairs.
- C12 Corner sites require a setback of 2m along the faces of the building from the corner of the building for outdoor seating. No seating will be permissible between this setback and the roadway. This setback may be required to be increased on major or classified roads.

Outdoor furniture

- C13 Outdoor dining areas are to be sensitive to, and enhance urban character, heritage and streetscape qualities.
- C14 Tables and chairs are required to be of commercial grade, clean, undamaged, level, safe and sturdy and a suitable size in relation to the available area.
- C15 Freestanding umbrellas are to be safely anchored and secured for stability and have a clearance height of 2.1m to the footpath.

PLACE

- C16 Outdoor dining areas can use vertical barriers in conjunction with planter boxes provided they are not higher than 900mm, do not pose a trip hazard to pedestrians or clutter the streetscape. Screens including blinds are not to be permanent or to enclose the public space.
- C17 Consideration will only be given to umbrellas and other such temporary structures where the awning does not extend to the kerb.

Public safety and crime prevention

- C18 Clear sight lines are to be maintained from the indoor premises across the outdoor dining area.

Temporary footpath signs

- C19 Signs associated with outdoor dining areas are not to be illuminated or attached to moveable items such as chairs or tables.
- C20 Signs are to be safely anchored and secured and not be an obstacle for pedestrian movements, particularly for the mobility impaired.

C4.21 CREATIVE INDUSTRIES

Background

Creative industries include uses such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes.

These industries have the potential to generate local employment opportunities within the municipality, through the generation and use of intellectual property.

Often these businesses are micro or small to medium sized and are an appropriate buffer between industrial and residential development. Managing external impacts such as noise, traffic and parking remain relevant considerations.

Objectives

- O1 To support creative industries in Inner West LGA.
- O2 To encourage the adaptive reuse of existing buildings wherever possible.
- O3 To manage the activities of creative industries and their impacts so as to minimise land use conflicts.
- O4 To encourage active streetscapes.
- O5 To provide a buffer between traditional industrial land uses and residential areas.

Controls

- C1 The development shall not have more than 300sqm of gross floor area.
- C2 Development must respond to the desired future character of the area with regard to bulk and scale.
- C3 Development shall have minimal amenity impact on any surrounding residential development.
- C4 Existing buildings must be retained and reused wherever possible and practical to promote flexible spaces which accommodate varying uses.
- C5 The street interface between private and public domains are encouraged to be vibrant and accessible places.
- C6 The display of creative industry products and services is encouraged.