

Department of Planning, Housing and Infrastructure

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# Blackwattle Bay Design Guidelines

May 2025





# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Blackwattle Bay Design Guidelines

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# 1. INTRODUCTION

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## 1.1 Citation

This document may be referred to as the Blackwattle Bay Design Guidelines, or the Design Guidelines.

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## 1.2 Commencement

The Design Guidelines commence on the day on which it is endorsed by the Secretary of the Department of Planning and Environment.

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## 1.3 Purpose of the Design Guidelines

The purpose of the Design Guidelines is to supplement the provisions of Sydney Local Environmental Plan 2012 (SLEP 2012) by providing more detailed provisions to guide development in Blackwattle Bay (refer Figure 1).

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## 1.4 Land to which this plan applies

The Design Guidelines apply to the land identified within the red boundary line on Figure 1 referred to as the Blackwattle Bay Precinct.

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## 1.5 Relationship to Sydney LEP 2012, Sydney DCP 2012 and other policies

The Design Guidelines set out specific guidance to inform future development within the Precinct. Development within the Precinct will need to have regard to the Guidelines as well as the relevant provisions in the SLEP 2012 and other relevant environmental planning instruments.

In the event of an inconsistency between the Design Guidelines and the Sydney Development Control Plan 2012 (SDCP 2012), the Design Guidelines prevail to the extent of the inconsistency.

Where the Design Guidelines refer to terms that are also used in Sydney LEP 2012, these definitions in Sydney LEP 2012 are adopted. All other terms used throughout the Design Guidelines are defined either in Schedule 1 or in Schedule 3 Glossary of Terms in SDCP 2012.

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## 1.6 How to use the Design Guidelines

The Design Guidelines provide design and other guidance for development within the site. It comprises a hierarchy of objectives and provisions to guide future development. Each topic area is structured to provide the user with:

- a. Objectives that describe the desired outcome(s)
- b. Provisions that give advice on how the objectives can be achieved through appropriate design and development responses.

Development needs to demonstrate how it meets the objective and provisions. The provisions set clear measurable benchmarks for how the objectives can be practically achieved. If it is not possible to satisfy the provisions, applications must demonstrate what other responses are proposed to achieve the objectives.

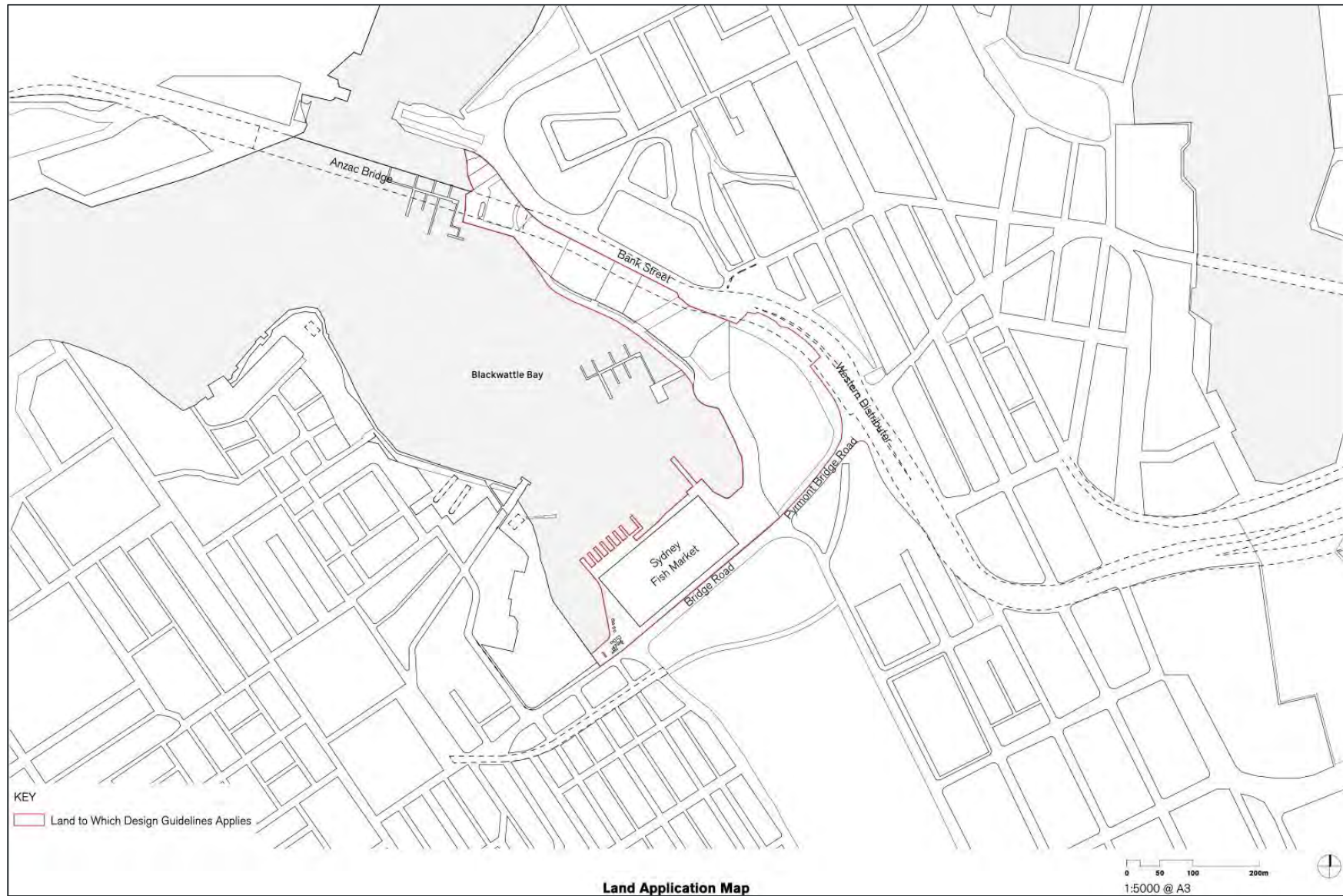


Figure 1 Blackwattle Bay Precinct Land Application Map

# 2 DESIRED FUTURE CHARACTER

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## 2.1 Locality Statement

*This Country is tucoerah/tuggorah, where two waters and their unique environments meet. It is here that nattaigalo (fresh or sweet water) rises from underground springs and travels in streams across the land. Thick forests of Tjerruing (callicoma serratifolia or blackwattle) protect the freshwater as it flows into garigalo (saltwater) Country on the rocky sandstone shorelines of what is now known as Blackwattle Bay. These two diverse environments create the fertile wetlands and swamps of biddigalo (bitter or sour water) that are home to Dahl'wah (casuarina) and the stories of our women.*

*For thousands of generations, this Country has been carefully protected in a reciprocal relationship with eora (local custodians)... We pay our respects to the Ancestors and Elders, past, present and emerging and honour their unique Ancestral connections to Country, story and knowledge.*

*Country here has provided for these local communities in great abundance for countless generations. It will be through honouring the enduring spirit of Country as a provider, healer and vital connection to culture that we can create a future whereby many diverse communities can continue to prosper connected to, and united by, Country.*

Shannon Foster

Registered Sydney Traditional Owner and D'harawal Knowledge Keeper

Blackwattle Bay will be renewed to deliver a mix of community facilities, parks and open spaces, as well as retail, commercial and residential uses. Relocating the current Sydney Fish Market will return the foreshore to the public, enabling the provision of a continuous, accessible and open waterfront promenade enjoyed by locals and visitors for a range of uses that will connect Glebe to Pyrmont and extending to Woolloomooloo Bay

The renewal of Blackwattle Bay will make a significant contribution to employment and housing needs in Pyrmont. Campus-style workplaces, culture and entertainment functions, retail, local services and housing will achieve a balance of uses and complement the broad visitor appeal of the new Sydney Fish Market. Located above the employment uses that frame and activate the streets and public spaces by day and by night, residential apartments will ensure the evening and weekend vibrancy of Blackwattle Bay. Refer to Figure 2 for an Illustrative precinct plan.



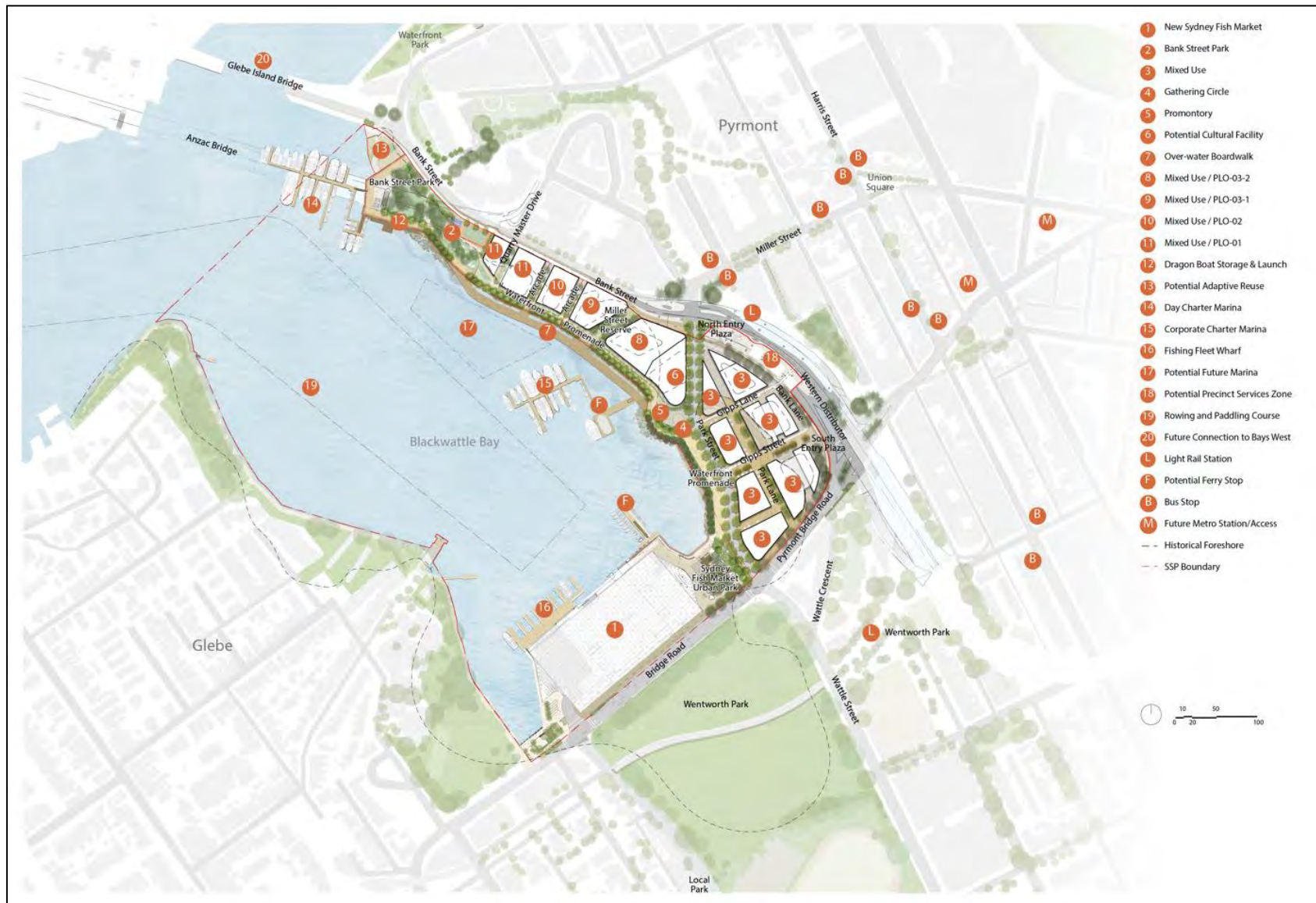


Figure 2 Illustrative Precinct Plan

## 2.2 Principles

The following principles guide development in Blackwattle Bay to realise the desired future character.

Open space and amenity	Principle 1:	Improve access to Blackwattle Bay, the foreshore and water activities for all users.
	Principle 2:	Minimise additional shadowing to Wentworth Park and Glebe Foreshore in mid-winter and create new places with comfortable conditions for people to enjoy.
	Principle 3:	Maintain and enhance water uses and activities.
Sustainability	Principle 4:	Pursue leading edge sustainability outcomes including climate change resilience, improved water quality and restoration of natural
	Principle 5:	Deliver development that is economically, socially, culturally and environmentally viable.
Culture and place	Principle 6:	Adopt “Connecting with Country” <sup>1</sup> design and consultation approaches, acknowledging and respecting Country as well as the social and cultural history of Tjerruing Blackwattle Bay.
	Principle 7:	Expand the range of recreational, community and cultural facilities.
	Principle 8:	Provide for the future community’s education, health, social and cultural needs.
	Principle 9:	Embed and interpret the morphology, heritage and culture of the site to create an authentic and site responsive place.
	Principle 10:	Foster social and cultural understanding and respect to heal and grow relationships.
Transport	Principle 11:	Prioritise movement by walking, cycling and public transport.
	Principle 12:	Balance diverse traffic movement and parking needs for all users.
	Principle 13:	Link the Blackwattle Bay Precinct to the City, Glebe Island and White Bay and other surrounding communities and attractors.
Built form	Principle 14:	Mandate Design Excellence in the public and private domain.
Mixed use precinct	Principle 15:	Integrate employment and retail uses including housing without compromising commercial uses to create a vibrant, walkable, mixed use precinct on the city’s edge.
	Principle 16:	Allow for co-existence and evolution of land uses over time.
	Principle 17:	A place for everyone that is inviting, unique in character, socially inclusive and affordable.

<sup>1</sup> Reference: *Draft Connecting with Country Framework (GANSW, 2020)*

## 2.3 Structure Plan

Development within Blackwattle Bay will be generally in accordance with the Structure Plan illustrated in Figure 3 Structure plan.



Figure 3 Structure Plan

---

## 2.4 Staging and Delivery

### Objectives

- a. Ensure the redevelopment of Blackwattle Bay is planned and delivered in an orderly manner.
- b. Ensure the delivery of supporting public infrastructure, including utilities, parks, streets, public art and community facilities as the population increases.
- c. Ensure stormwater and other services are planned and implemented prior to works for the construction of new buildings so that land is made suitable for its intended use and adjacent areas are not adversely affected.
- d. Ensure that the development of sites can occur independently to the greatest extent possible.
- e. Manage conflicts associated with existing land uses particularly the ongoing operation of the concrete batching plant through development staging.

### Provisions

*Note: Section 5.2 provides further requirements for consultation with and approval of Transport for NSW to confirm intersection design and access arrangements prior to certain stages of development occurring.*

1. New building lots are to be established generally in accordance with Figure 3 to:
  - a. ensure the redevelopment of the precinct is coordinated in an orderly manner;
  - b. considers the need to stage certain land to align with infrastructure delivery;
  - c. ensure activities of adjacent sites are not adversely impacted upon; and
  - d. enable development to occur independently without reliance on infrastructure from adjacent sites.
2. All building lots are to have frontage to, and be accessible from, a public road.
3. Stormwater management solutions and decontamination and remediation works are to be coordinated across each stage of development so that:
  - a. land is suitable for its intended use prior to works commencing; and
  - b. development of a building lot does not unreasonably impact on the ability of other proximate building lots to develop.
4. Development staging is to occur generally in accordance with Figure 4. Alternative staging may be considered where it is demonstrated that:
  - a. development is undertaken in a coordinated and orderly manner;
  - b. the required public infrastructure, facilities and services that are needed to support the alternative staging, including intersection designs approved by Transport for NSW (refer Section 5.2) can be delivered; and
  - c. development is otherwise consistent with these Design Guidelines.
5. Development applications must demonstrate that infrastructure can be provided to support development and transport and access arrangements are satisfactory to Transport for NSW and the consent authority.

6. New streets, street widenings and open space (including the foreshore promenade) on Government sites are to be retained in government ownership and managed by Placemaking NSW.
7. New streets and street widening on privately owned sites are to be constructed and dedicated to Place Management NSW.
8. Any required upgrades to existing streets are to be provided in conjunction with adjacent development.
9. Public open space (including the foreshore promenade) on privately owned sites is to be embellished and dedicated to Place Management NSW. Embellishment of the public open space is to be undertaken to a standard consistent with the Design Guidelines, and in collaboration and agreement with Place Management NSW.
10. Through-site links on private land are to be provided as an easement on title.

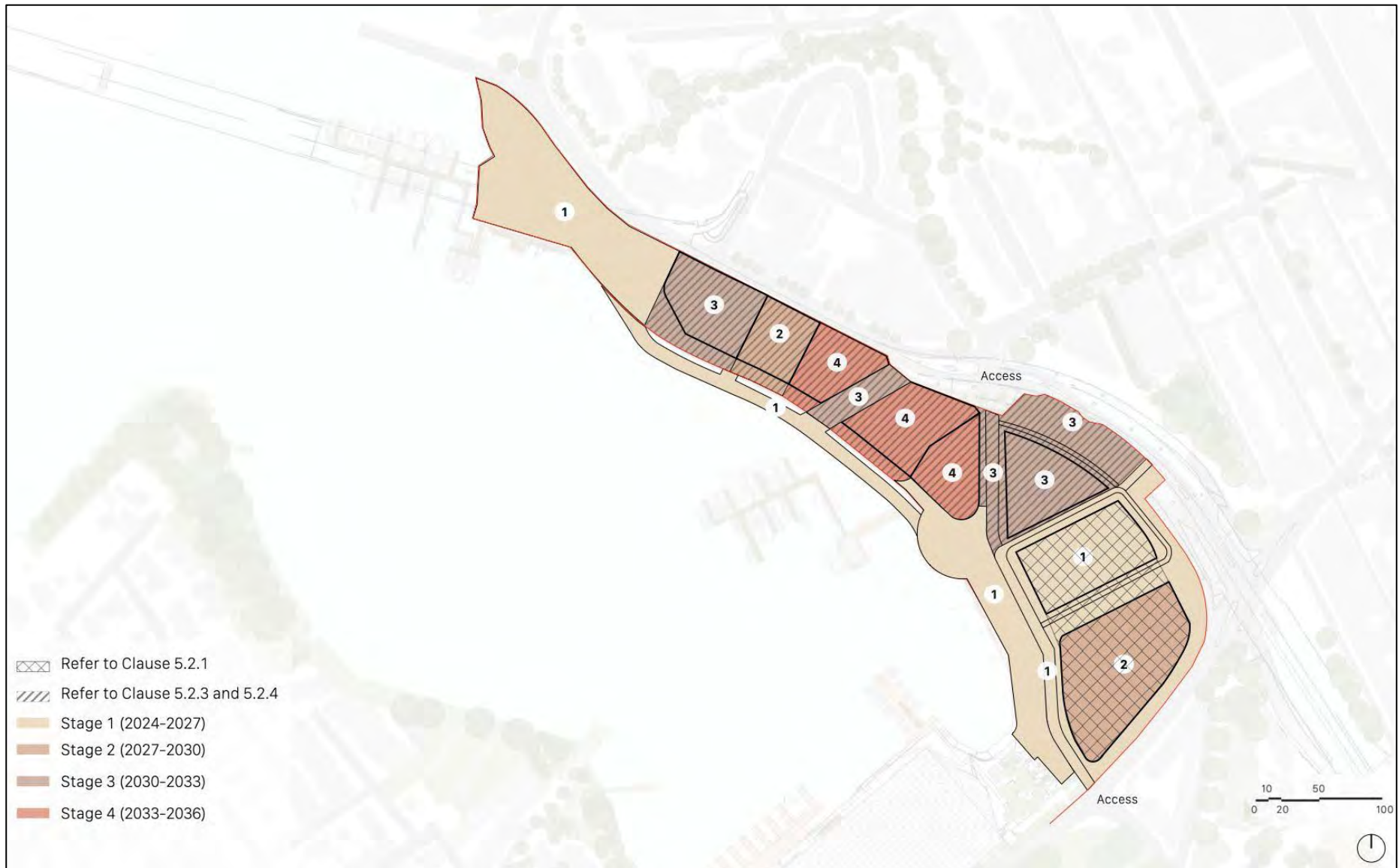


Figure 4 Staging Plan

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## 2.5 Connecting with Country

The *Connecting with Country Framework for Tjerruing Blackwattle Bay*<sup>2</sup> prepared by D'harawal Knowledge Keeper Shannon Foster, Jo Kinniburgh and Roger Miranda Navarro (Bangawarra), establishes the relevance and importance of Connecting with Country to the design process, and insists that this spirit needs to continue into each phase of precinct development, expanding and building upon it at all levels of governance, design and experience. The presence of deep cultural awareness in the planning and design phases has the potential to translate to spatial and place-based experiences, including an enriched sense of connection to place and belonging for the people who live, work, visit and care for this place in the future. Connecting to Country must continue in every phase of development at Tjerruing Blackwattle Bay.

Tjerruing Blackwattle Bay Country has always been cared for and protected by local Aboriginal people. A place where people can come to celebrate the enduring spirit of this Country, its/her features and foods, as well as its/her people and cultures. The layered histories of this place must be acknowledged and remembered. We need to consider how the cruel imbalances and desecration can be rectified and past wrongs to Country and its custodians addressed with what we do.

To correct the colonial record, local Sydney Traditional Owners and their Aboriginal Elders and Knowledge Keepers need to have opportunities to share their deep Ancestral knowledges of this place with all of the peoples who come to Tjerruing Blackwattle Bay to live, work or visit - enriching the identity of this place for everyone both culturally and spatially.

Acknowledgements-of and welcomes-to Tjerruing Blackwattle Bay Country will be inclusive of all peoples of this place, and language naming and storytelling from all of these peoples will proudly permeate the public spaces, streets and places of Tjerruing Blackwattle Bay. This place will acknowledge all of the people of the kinship system, never just one or two.

Tjerruing Blackwattle Bay is a highly modified site given the successive colonial interventions here, but the spirit of Country has endured. As much as possible development at Tjerruing Blackwattle Bay should make positive contributions to caring for Country, augmenting habitats and improving damage that has already been done. In caring for Country, unnecessary further damage or disruption to the established ecologies must be avoided and opportunities for contributing to revitalising the health of Country and to protecting access for ongoing enactment of culture need to be prioritised.

Connecting with Country will be integral to every phase of development at Tjerruing<sup>3</sup> Blackwattle Bay. The presence of deep cultural awareness in the planning and design phases has the potential

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<sup>2</sup> *Connecting with Country Framework for Tjerruing Blackwattle Bay*, Shannon Foster, Jo Kinniburgh, Roger Miranda Navarro (Bangawarra), 9 March 2021

<sup>3</sup> Tjerruing Blackwattle Bay Country is known and named for Tjerruing (*Callicoma Serratifolia*) which grew prolifically along the creekline, and was given the common name 'blackwattle' by British colonists. Despite the English misnomer, Tjerruing is not a wattle. Tjerruing has played an important role in the lives of local Aboriginal peoples for millennia, including providing hard wood for tools and equipment and the blossoms of Tjerruing are a culturally important source of nectar blooming in the season of the Parradowee (October/November).

to translate to spatial and place-based experiences, including an enriched sense of connection to place and belonging for the people who live, work, visit and care for this place in the future.

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

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

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

## Objectives

- a. Provide opportunities for collaboration and co-leadership with Aboriginal and Torres Strait Islander peoples in major development.
- b. Maintain and enhance the social, cultural and economic presence of Aboriginal and Torres Strait Islander peoples, organisations and businesses in the area.
- c. Ensure development maintains and contributes to the Precinct having a place of belonging and pride for Aboriginal and Torres Strait Islander peoples.
- d. Design public spaces to acknowledge Country and create opportunities for local Sydney Traditional Owners to share their stories of Country with visitors.

## Provisions

### 2.5.1 General

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

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

### 2.5.2 Public spaces

1. Public space design is to be informed by the *Connecting with Country Framework for Tjerruing Blackwattle Bay*.
2. The public space is to be designed to create opportunities for local Sydney Traditional Owners to share local stories of Country and culture through interpretation and design in the public space.
3. Languages of Country and Aboriginal names are to be used for streets, parks, promenades, plazas, in consultation with Aboriginal people
4. Interpretive education about Aboriginal Culture is to be incorporated into signage, maps and wayfinding material, where appropriate.
5. Identifiably local Aboriginal visual expressions of culture through public art, graphic design, materiality and the like are to be provided in prominent spaces.
6. The unique stories of Tjerruing Blackwattle Bay as a women's space are to be incorporated into the public space, and opportunities to promote women's activities investigated.
7. Investigate the following opportunities for the public space:
  - a) highlighting outcrops and peninsula highpoints as ceremonial spaces.
  - b) including a Makarrata circle within the Precinct.
  - c) telling stories of Aboriginal involvement in the working harbour and fishing for food.
  - d) incorporating Aboriginal narratives that intersect with geological and topography features.

### 2.5.3 Consultation

1. The approach to Aboriginal stakeholder engagement as set out in the Aboriginal Cultural Advice and Community Engagement Findings Report (Murawin Consulting, March 2020) is to guide all consultation activities with the Aboriginal and Torres Strait Islander communities.
2. Consultation activities are to involve Indigenous-owned consultation advisors or organisations with Indigenous consultation experience.
3. For development of new buildings and open space, targeted consultation with the Aboriginal and Torres Strait Islander community is required to seek community views:
  - a) on whether the proposed development impacts on existing or recent spaces or activities on the site, or on surrounding properties, that are important for Aboriginal and Torres Strait Islander communities
  - b) on whether consider the proposed development impacts on the wider context of the Precinct being a place of belonging and pride for Aboriginal and Torres Strait Islander people

- c) on how the development may best maximise the presence, visibility and celebration of Aboriginal and Torres Strait Islander peoples, organisations, businesses and living cultures.
- 4. Development applications for major development are to include an Aboriginal and Torres Strait Islander consultation report, detailing pre-lodgment consultation activities, the outcomes of consultation, and measures to address issues and concerns raised in consultation. Any ICIP is to be respected and acknowledged in the report.

# 3 PUBLIC SPACE

## Objectives

### General

- a. Provide high quality, integrated, permeable and multifunctional public spaces that cater for movement, recreation and social interaction and that:
  - i. directly connects to the existing foreshore walks in Glebe and Pyrmont along the waterfront via a new foreshore promenade
  - ii. ensures the waterfront is accessible from surrounding streets and public places
  - iii. is safe and accessible for all people
  - iv. seamlessly integrates trees, landscaping, stormwater and water sensitive urban design with provision for walking, cycling and minimal vehicle use
  - v. contains spaces that are flexible and adaptable for a variety of public and community uses, which may include built structures and unenclosed areas for outdoor dining
  - vi. reflects First Nations culture and heritage and provides opportunity to collaborate with First Nations in both programmed and flexible spaces
  - vii. draws inspiration from the existing landscape and Aboriginal knowledge and culture and provides opportunities for heritage interpretation and storytelling
- b. Ensure that public space facilitate the effective future integration of the Precinct with the city and the adjacent areas, particularly connections to the light rail and metro station.
- c. Achieve an adaptable public domain capable of accommodating a broad range of uses and events (including major events), experiences and activities.

### Foreshore promenade

- d. Deliver a high quality and continuous world-class foreshore promenade along the water's edge directly connected to the existing foreshore walks in Glebe and Pyrmont.
- e. Ensure the foreshore promenade connects public spaces, cultural and entertainment destinations and enables a diversity of users and functions around engagement with the water setting of the Pyrmont peninsula.
- f. Ensure the design of the promenade:
  - i. maximises accessibility to and from the surrounding street network and key locations
  - ii. provides space for walking, cycling, dwelling and dining, tree planting and landscaping, including a consistent row of mature trees
  - iii. connects to the former Glebe Island Bridge as a possible future active transport connection to Bays West
  - iv. connects to the existing foreshore walks in Glebe and Pyrmont
  - v. optimises its use by the surrounding community

## **Design quality**

- g. Ensure a consistent and high quality public space design through competitive procurement and/or design processes and community consultation
- h. Encourage variety and character in the urban design and landscape at Blackwattle Bay to provide a fine grain which enriches and enlivens the Precinct's public realm.

## **Sun access**

- i. Protect existing and future open spaces from overshadowing impacts from new development and ensure adequate solar amenity for open spaces.

## **Trees and landscaping**

- j. Ensure development of the Precinct is undertaken in a way that:
  - i. maximises the urban tree canopy
  - ii. connects to concept of place
  - iii. creates an appropriate microclimate
  - iv. adheres to safety by design principles
  - v. considers the Urban Forest Strategy
  - vi. comprises endemic vegetation species wherever practicable and appropriate

## **Open space**

- k. Provide for a variety of open spaces to accommodate a broad range of uses, events, experiences and activities, both active and passive and cater to the community's needs.
- l. Provide for landscaping of open spaces that enhances urban biodiversity and green infrastructure for habitat and ecological health and maximises urban tree canopy.
- m. Achieve desirable public spaces with high levels of amenity addressing safety, climate, activity, circulation, seating and enclosure.
- n. Ensure public space provides a pleasant, comfortable and welcoming environment, with sunlight, greenery and plentiful places to sit and where noise from traffic is minimised.

## **Wayfinding**

- o. Develop a legible public domain that encourages people to walk with comfort and confidence within the Precinct and to connect to key destinations outside the Precinct.
- p. Ensure the wayfinding framework provides for consistent wayfinding components and information to direct people to their desired destinations.

# Provisions

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## 3.1 General

1. Future development of public spaces is to be generally in accordance with the Public Space Plan in Figure 5 and Figure 8, subject to community consultation and competitive procurement and/or design processes (see section 3.2 below).
2. Development of the public space is to showcase 'Connecting with Country' approaches and comply with the provisions detailed in Section 2.5 and 9.1 of the Design Guidelines.
3. The future design of parks is to be developed through a process of community consultation, including providing opportunities for the community to comment on park designs.
4. Pedestrian/bicycle facilities, public open space and public recreation facilities and public space areas are to meet universal access guidelines.
5. A precinct Public Space Plan shall be prepared for:
  - a. the private landowner sites (and including Miller Street Reserve) by Place Management NSW.
  - b. the government owned sites (excluding Bank Street Park) by Infrastructure NSW and/or the developer in consultation with Place Management NSW.
6. The precinct Public Space Plan shall be submitted with the first development application for the respective site. Development is to be consistent with the precinct public space plan.
7. Public Space Plans are to have regard to the public space provisions and objectives of the Design Guidelines and provide further details on:
  - a. trees and other vegetation
  - b. paving and other hard surfaces including materials
  - c. lighting
  - d. seating and street furniture
  - e. bicycle parking spaces for share bikes and visitors
  - f. bins
  - g. signages, including wayfinding signs
  - h. location of public art
8. A Public Space Plan for the private landowner sites must provide detailed design outcomes to ensure consistency in the design and materials used along the foreshore promenade and through site links.



Figure 5 Public space plan

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## 3.2 Design quality for public space

1. The design excellence process for public domain will include:
  - a. two rounds of community consultation;
  - b. a competitive tendering process to require a high quality public space design outcome.
2. Initial embellishment of the public domain will be subject to a statutory planning approval process.

---

## 3.3 Sunlight to public space

1. Buildings must not result in any additional overshadowing of Bank Street Park between 10am and 2pm all year, Sydney Fish Market Urban Park between 12pm and 2pm on 21 June, Wentworth Park between 10am and 2pm all year, or the Glebe foreshore between 9am and 3pm on 21 June.
2. A minimum of two hours sunlight on 21 June is to be provided to the southern foreshore promenade (refer Figure 6).
3. A minimum of two hours sunlight at equinox is to be provided to 70% of the northern foreshore promenade between 8am and 4pm (refer Figure 6) except where greater sunlight can be achieved due to building and tower separation.
4. A minimum of four hours sunlight between 9 am and 3 pm on 21 June is to be provided to 50% of The Promontory (refer Figure 6).
5. Sunlight is to be maximised to streets to enable tree growth and viability and to maximise urban tree canopy with a minimum of two hours targeted.
6. Shade protection ideally in the form of tree canopy within parks from direct sun is to be available on 21 December for a minimum of 20% of the area used for passive recreation.

*Note: Where provision 3 above cannot be achieved for an individual site, applications must demonstrate that the requirement can be achieved, on average across the whole northern foreshore promenade based on the building envelopes contained in the Design Guidelines.*

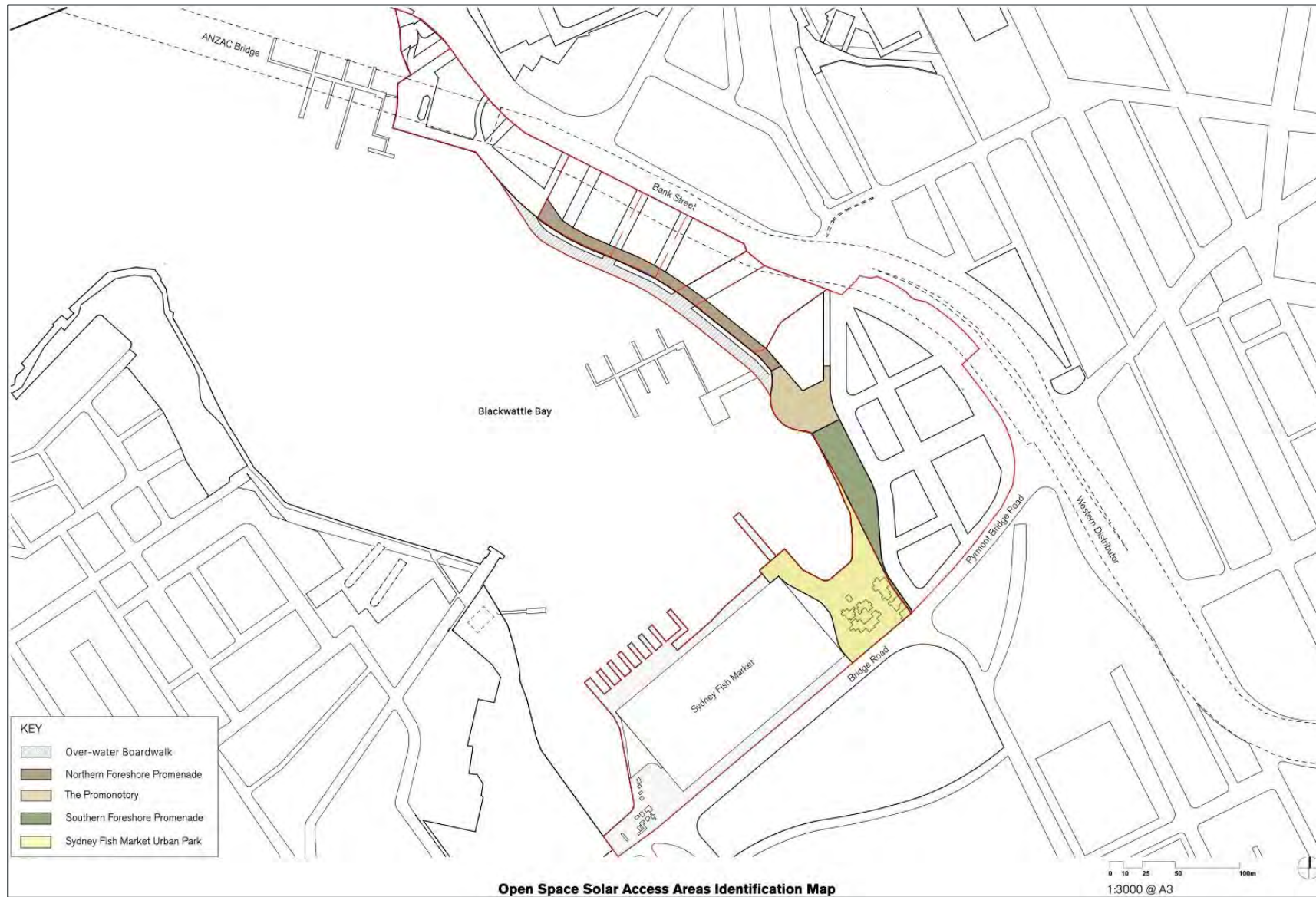


Figure 6 Open Space Solar Identification Map

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## 3.4 Tree canopy, street trees and landscaping

1. Development is to be undertaken in accordance with Figure 7.
2. A minimum canopy cover of 60% to streets, 45% to the foreshore promenade and 30% to parks and 30% to private property is to be achieved.
3. As far as possible, development is to seek to retain existing mature trees in good condition.
4. Street tree planting is to be generally in accordance with the City of Sydney Street Tree Master Plan. Species selection will be subject to expert review during design development and should consider endemic species, where appropriate.
5. When selecting tree species for planting, species that salt-tolerant, resilient to high winds, and have a strong tolerance to future rainfall/drought conditions are to be prioritised. Tree placement can also seek opportunities to provide wind mitigation effects.
6. Where appropriate, new vegetation should consist of species endemic to Blackwattle Bay, especially acknowledging the Tjerruing (*Callicoma serratifolia*) and Dahl'wah (*Causarina glauca*) as important species, in consultation with Aboriginal people.
7. Aboriginal stakeholders are to be included in endemic species selection and landscape management to contribute to health and wellbeing of Country.
8. Tree height, radial crown spread and number of trees to be planted are to generally in accordance with Table 1.
9. Street trees sizing, spacing and soil volumes are to comply with Table 2.
10. Advanced trees are to be used in landscaping wherever practical.
11. Planting pits below pavements are to be linked to form continuous trenches to meet soil volumes set out in Table 2.
12. Tree species that can thrive under the site conditions, particularly having regard to wind conditions, should be selected.
13. Low shrubs and hedges are to be provided along roads (for example, under trees) to help protect pedestrians from vehicle pollution and reduce air pollution entering buildings.
14. Articulation of the public realm design during design development should ensure that landscape elements (such as trees) do not overly obstruct valued sight lines (such as water views).

Table 1 Recommended tree size and distribution

	Radial crown spread	Height	Distribution
10 years to maturity			
Small	<4m	3-5m	10%
Medium	4-7m	5-10m	45%
Large	7-15m	10-20m	35%
Extra large	15m+	20m+	10%

Table 2 Street tree specifications

Typology	Tree size	Nominal radial crown width	Spacings	Soil volume
Promenade	Medium	4.5m	8.5m	35m <sup>3</sup>
Gipps Lane	Medium	4m	8.5m	35m <sup>3</sup>
	Large	7m		80m <sup>3</sup>
Gipps Street	Large	7m	12.7m	80m <sup>3</sup>
	Medium	4m		35m <sup>3</sup>
Bank Lane	Medium	4m	8.5m	35m <sup>3</sup>
Park Street	Medium	4m	8.5m	35m <sup>3</sup>
	Large	7m	13.5m	80m <sup>3</sup> +

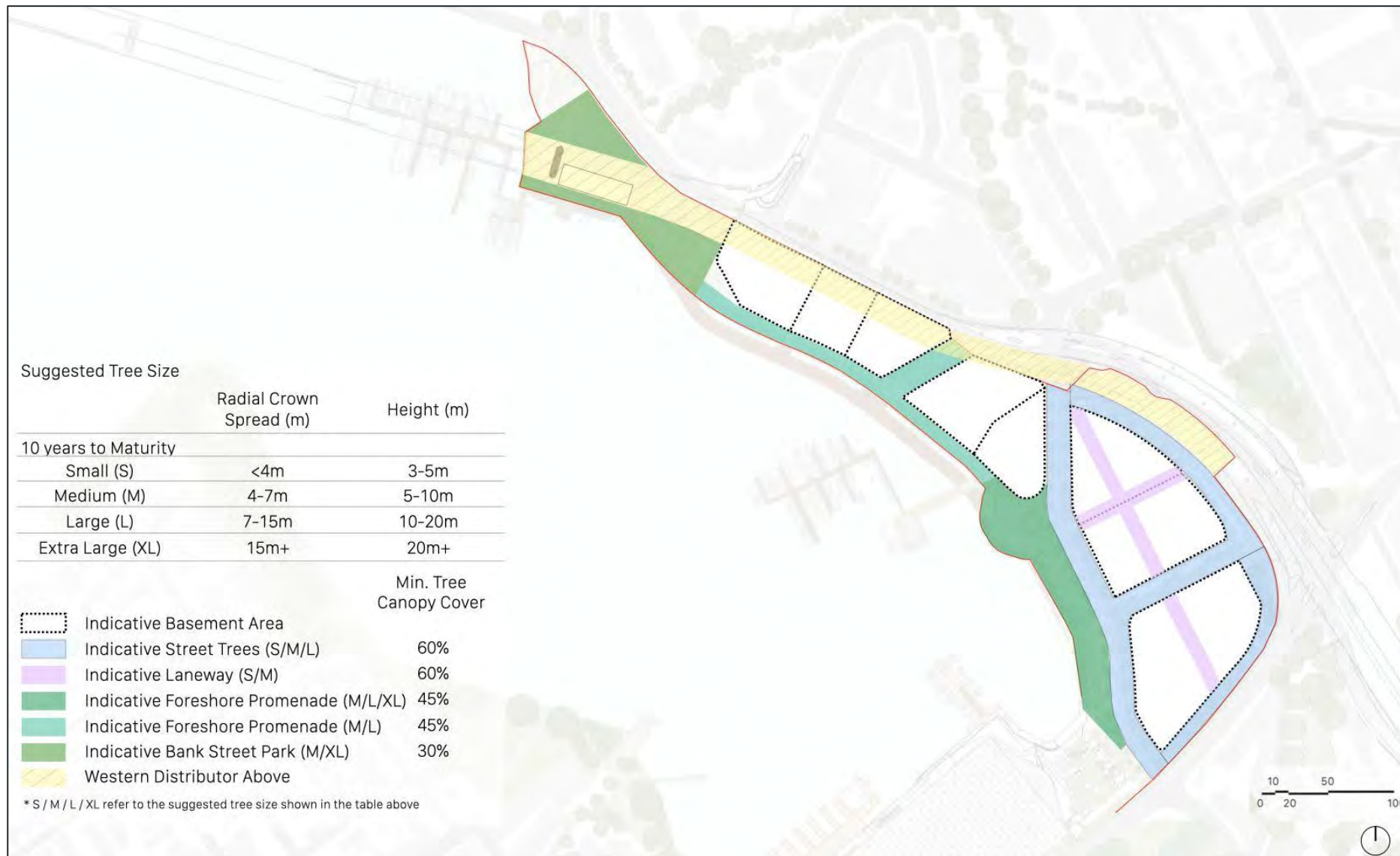


Figure 7 Urban Forest Strategy

Note: land below the Western Distributor is included in the canopy cover controls

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## 3.5 Open space

1. Future development of the open space network is to be in accordance with the Open Space Plan in Figure 8.
2. Landscaping and design of public open space is to be of high quality, creating interest, consistency and character through thoughtful site planning, adaptable spaces, generous amenities, extensive canopy tree planting, biodiverse planting, well integrated public art, and quality materials and furniture.
3. Landscape design is to acknowledge the original foreshore and integrate First Nations perspectives and connection to the landscape in the design (see Sections 2.5 and 9.1).
4. Public open space is to be designed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). In particular, the design should provide for:
  - a. open sightlines and landscaping that allows high levels of public surveillance
  - b. a clear distinction between private and public open space
  - c. lighting in accordance with the City of Sydney's *Lighting Design Code* and designs out any potential 'hiding spots'
  - d. legible entrances to encourage public use of the open space.
5. Open space is to provide for deep soil planting and must not have car parking or basement located underneath, except as per s7.2.2(3).
6. Shading and seating arrangements are to consider climate change projections, particularly those related to extreme heat and the number of hot days.
7. Public open space design must consider flood impact and sea level rise considerations informed by flood modelling, including assessment of impacts and any mitigation required.



Figure 8 Open space plan

### 3.5.1 Foreshore promenade

1. Provide a high quality, world class foreshore promenade with a minimum width of 30 m along the water's edge for the length of the Blackwattle Bay precinct comprising:
  - a. a minimum 30 m wide promenade across northern foreshore promenade (refer Figure 6) consisting of a 10 m wide on-land promenade, 10 m wide colonnade and 10 m wide over water boardwalk designed in accordance with Figure 9 and Figure 11.
  - b. a minimum 30 m wide promenade across southern foreshore promenade (refer Figure 6) designed in accordance with Figure 10, 12 and 13.
2. The design of the promenade is to:
  - a. maximise accessibility from surrounding streets and be accessible for all people
  - b. provide space for the planting of a continuous row of mature trees
  - c. provide space for walking, cycling, running, strolling and be capable of supporting events, such as fun runs, cycle and school sports
  - d. provide space for dwelling, including dedicated areas or space for sitting and rest with appropriate street furniture and infrastructure with consideration of sunlight in winter and shade in summer
  - e. dining and retail activity, including seating for cafes, restaurants and shops within the 10 m colonnade zone on private land
3. The over water boardwalk referred to in 1 above is to be designed to:
  - a. be located for the length of privately-owned land
  - b. have regular connections to the on-land promenade
  - c. provide opportunities for movement and dwelling
  - d. be designed and located to avoid and minimise impacts to foreshore ecology
  - e. consider opportunities to provide habitat or improved environment for marine species
  1. be set at a height that has considered the potential risks associated with estuarine and catchment flooding and sea level rise and may be informed by the precinct-wide Flood Risk and Impact assessment required in Section 4.6.
4. The design and delivery of the foreshore promenade is to include opportunities to acknowledge and celebrate Aboriginal cultural heritage and working harbour history of the Pyrmont Peninsula and Blackwattle Bay.
5. The foreshore promenade at the water's edge should include naturalised edges to support marine ecology, manage stormwater and flooding and respond to sea level rise.
6. The Environmentally Friendly Seawalls guide prepared by Department of Environment and Climate Change and the Sydney Metropolitan Catchment Management Authority is to be considered in the design of any new and reconstruction of any existing seawalls.
7. Existing seawalls should be retro-fitted with appropriate environmentally friendly features.
8. Where possible, artificial reef or underwater statues should be fitted to the base of seawalls to improve fish habitat quality.

9. Any over-water structures should be designed with light penetration features to allow light to start food-chain ecology under hard structures.



Figure 9 Foreshore promenade (adjacent to private landowner sites) – preliminary design and character statement

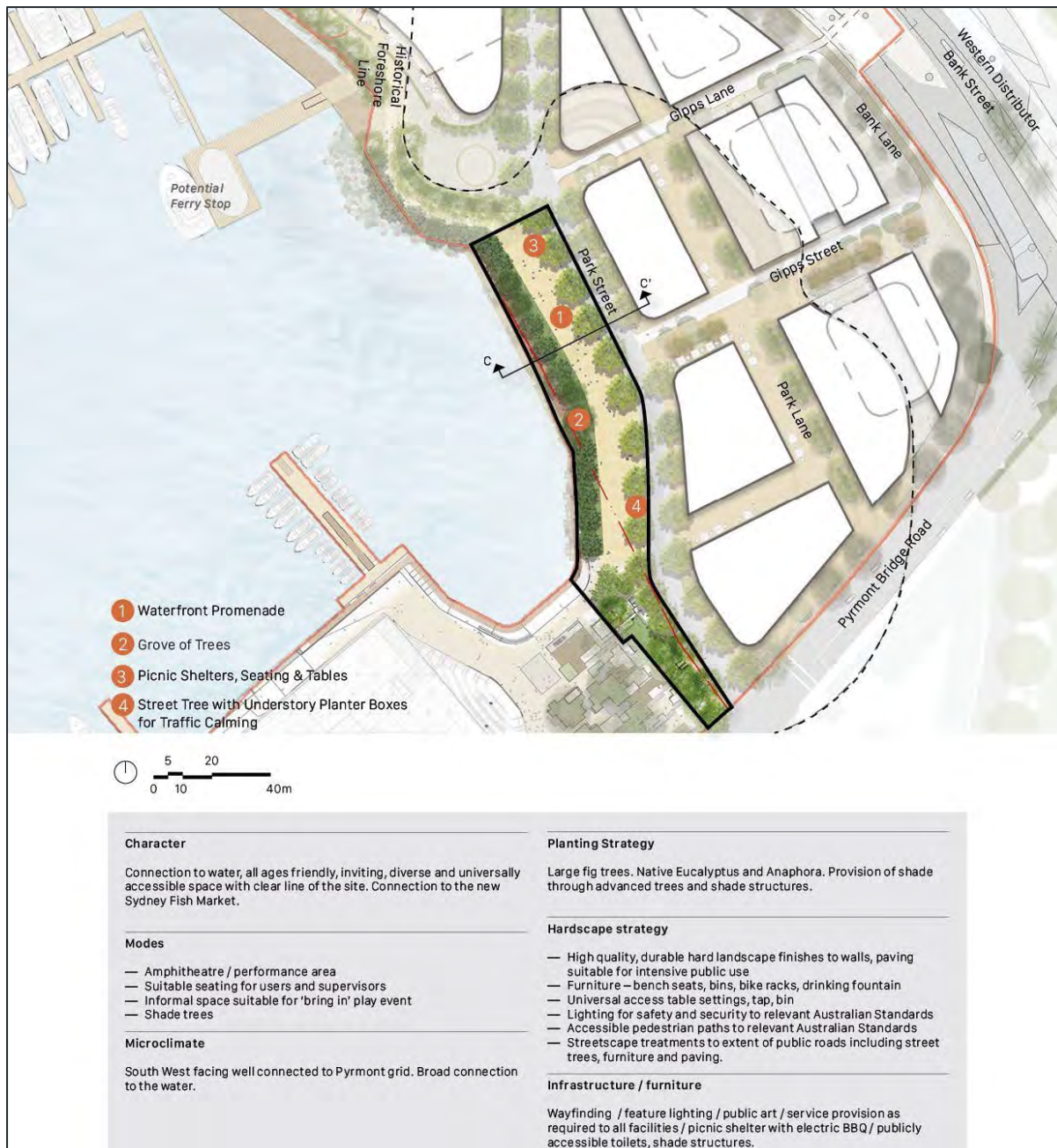


Figure 10 Foreshore promenade (south) – preliminary design and character statement

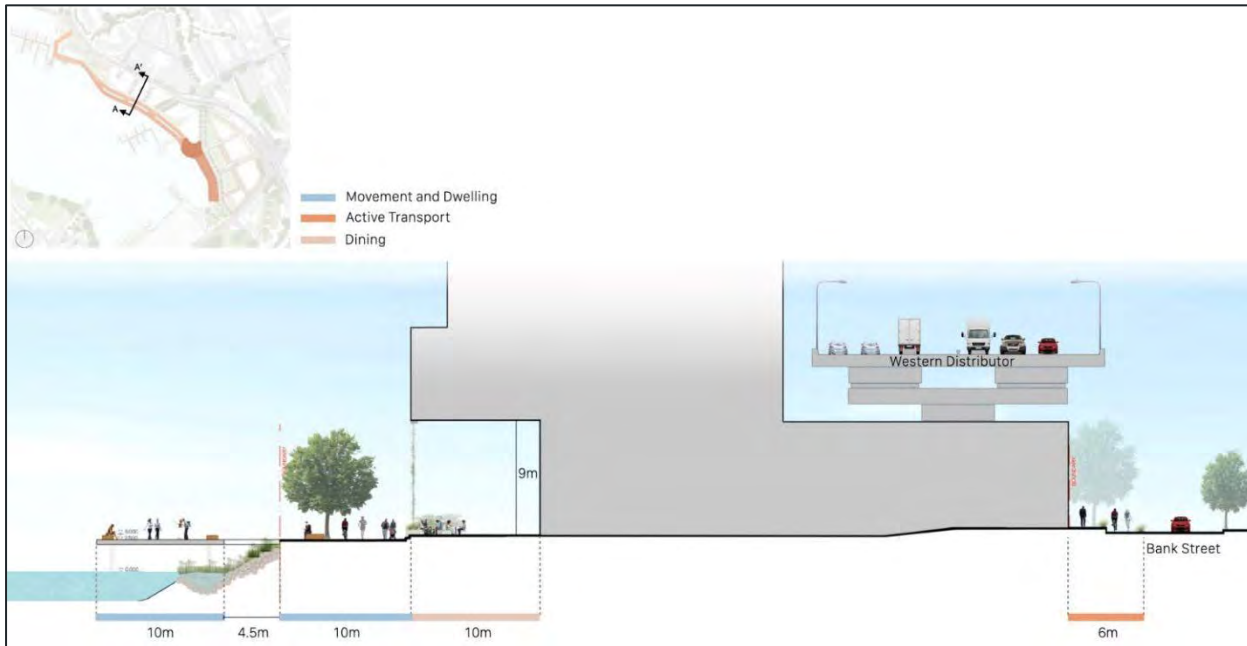


Figure 11 Section showing foreshore promenade adjacent to private landowner sites and Bank St

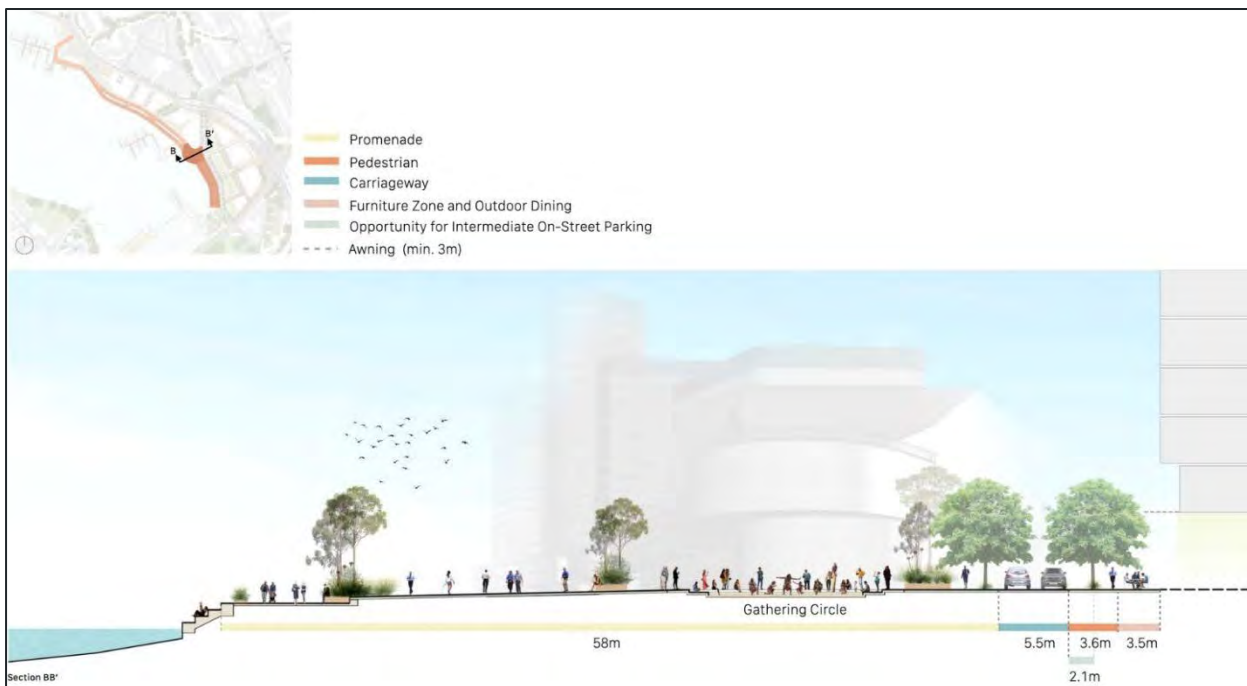


Figure 12 Section of foreshore promenade in vicinity of the Promontory open space

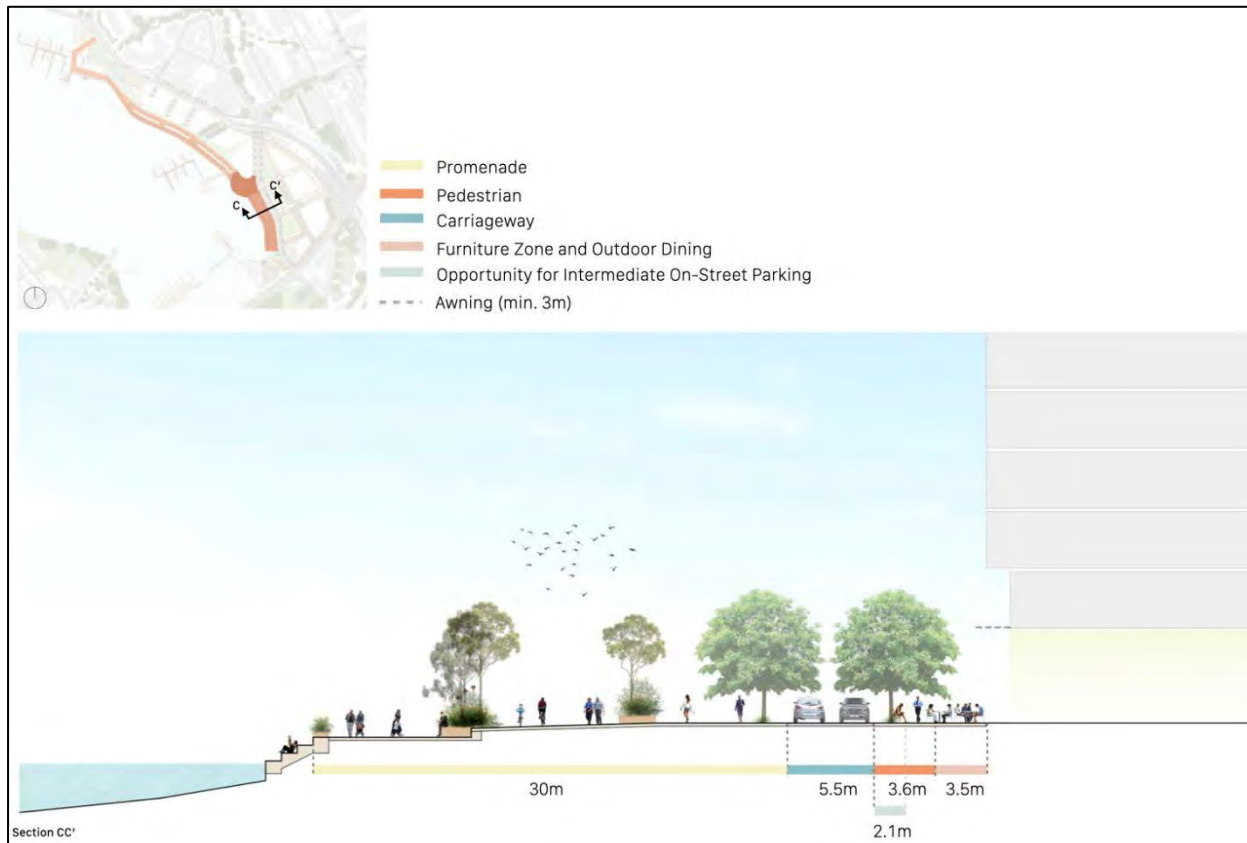


Figure 13 Section of foreshore promenade south

### 3.5.2 Parks, plazas and reserves

- The design of the parks, plazas and reserves considers the preliminary designs and character statements in Figures 14 to 17 and refined in subsequent planning, design and public consultation processes. The primary parks, plazas and reserves are:
  - Bank Street Park (incorporating 1-3 Bank Street)
  - Miller Street Reserve
  - Promontory Open Space
  - North Entry Plaza
- The buildings at 1 to 3 Bank Street may be redeveloped for uses permitted in the RE1 Public Recreation zone such as community and/or cultural facilities and will be subject to the appropriate planning approvals.



Figure 14 Bank Street Park



Figure 15 Miller Street Reserve

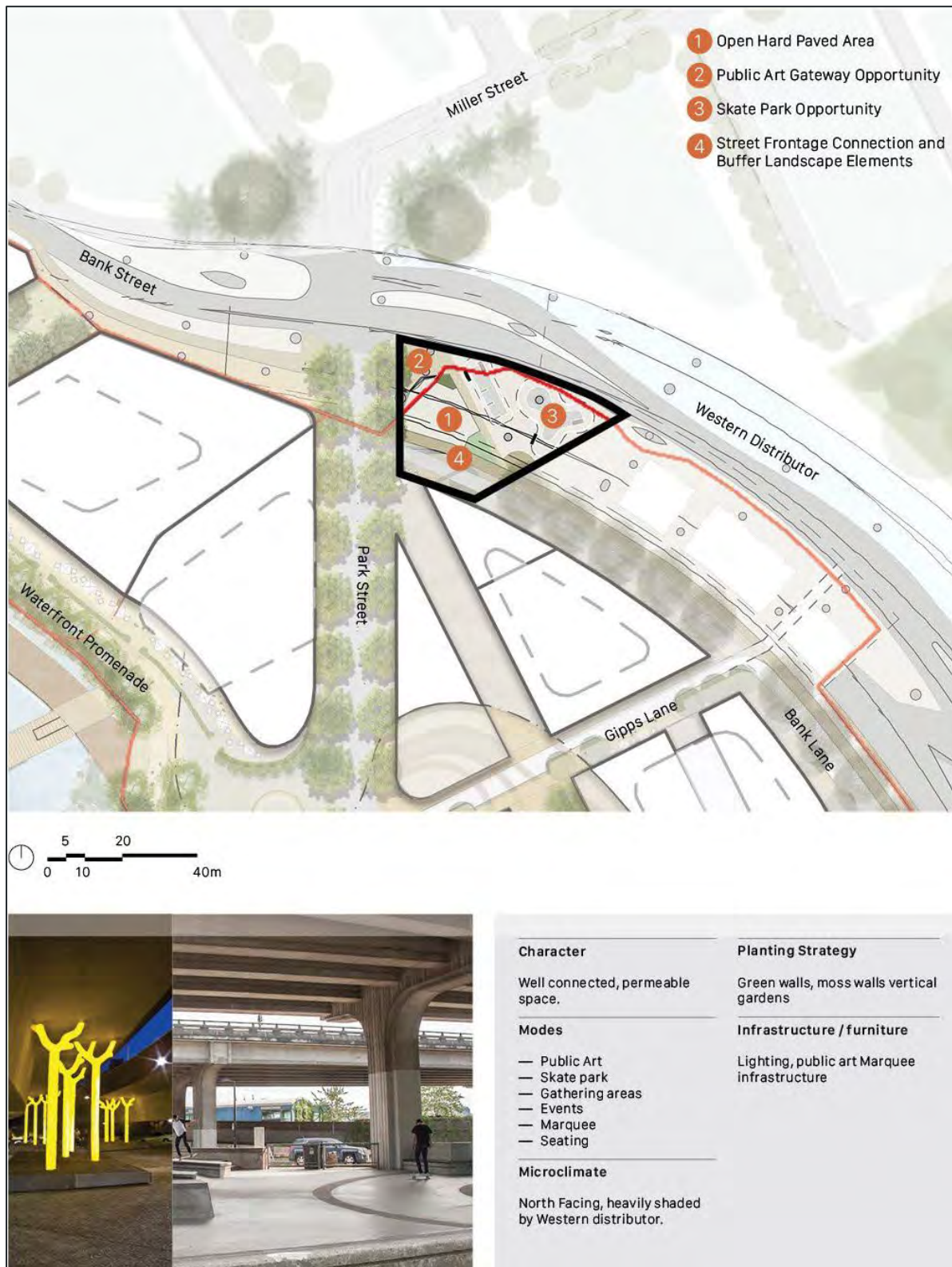


Figure 16 North Entry Plaza



Figure 17 Promontory OpenSpace

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## 3.6 Events in the public spaces

1. A Blackwattle Bay Outdoor Events Policy is to be prepared by Place Management NSW prior to the lodgement of the first DA for residential or commercial buildings on Government owned land in the precinct, to provide guidance on the use, care, operation and management of temporary events in the public domain.
2. The Events Policy is to have regard to best practice measures to minimise noise impacts on surrounding receptors, including existing and future residential receivers.
3. Public space design considers:
  - a. accommodate a range of experiences and activities including space for outdoor performances, events and temporary art installations
  - b. include design elements, furniture and fixtures to facilitate temporary events, both small and large scale.

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## 3.7 Wayfinding

1. A Precinct-wide wayfinding strategy is to be prepared by Infrastructure NSW with the lodgement of the first development application on Government owned land in the precinct which:
  - a. ensures connectivity and legibility for visitors, residents and workers
  - b. provides a flexible and future-proofed wayfinding framework centred on a cohesive information system with a clear relationship to recognisable elements in the public realm
  - c. co-ordinates with the wayfinding systems of the City of Sydney
  - d. integrates with wayfinding initiatives being developed for Pyrmont as outlined in the Pyrmont Peninsula Place Strategy.
2. The wayfinding strategy is to provide clear guidance for visitors to connect to the New Sydney Fish Market, Foreshore Promenade and public transport, including the Pyrmont Metro Station and Light Rail station and other key destinations outside the Precinct. This should include signage generally in accordance with Figure 31 – Public Transport.
3. The wayfinding strategy should not only relate to signage but also consider other elements such as public art, digital information, environmental graphics and buildings.
4. Interpretive education about Aboriginal Culture is to be incorporated into signage, maps and wayfinding material, where appropriate.

# 4 ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY

## Objectives

### Energy and carbon

- a. Establish benchmarks to help deliver a net-zero carbon precinct by 2041
- b. Maximise on-site renewable energy generation
- c. Reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.

### Water management

- d. Reduce potable water use and incorporate rainwater use and water recycling
- e. Ensure an integrated approach to water management through the use of water sensitive urban design principles.
- f. Manage stormwater to minimise flooding and reduce the effects of stormwater pollution on receiving waterways.
- g. Ensure that development above the flood planning level as defined in the SLEP 2012 will minimise the impact of stormwater and flooding on other developments and the public domain both during the event and after the event.
- h. Ensure that flood risk management addresses public safety and protection from flooding.

### Waste

- i. Minimise waste generation
- j. Set high standards and targets for waste diversion from landfill and commence the path towards a circular economy.

### Climate change and sea level rise

- k. Mitigate identified risks of climate change and sea level rise
- l. Ensure the health, safety and comfort of people in streets and buildings by minimising the heat island effect from buildings
- m. Ensure development and infrastructure design is resilient to the effects of climate change.

### Ecology and landscape

- n. Ensure that the amenity of residents, workers and visitors is enhanced by high quality, biodiverse landscaping, and private and common open space

- o. Encourage green roofs and podiums in developments to improve amenity and aesthetic quality of the urban environment as well as ambient air temperature and bird habitat
- p. Enhance terrestrial and marine ecology within the Precinct.

## Contamination

- q. Ensure that the Precinct can be made suitable for the range of intended uses as proposed and that the risks posed by contamination can be managed in such a way as to be adequately protective of human health and the environment.

## Provisions

### 4.1 ESD targets and net zero pathway

1. Buildings are to incorporate sustainability measures and initiatives that contribute to achieving net zero emissions by being highly efficient and maximising on-site renewal energy generation.
2. Development is to be designed, constructed and operated to meet the targets set out in Table 3.
3. Buildings should aim to meet the stretch targets in Table 3.

Table 3 Sustainability targets for Precinct

Target	Minimum goal	Stretch target		Comment (where required)
Green Star Communities precinct rating	5 star			Version 1.1
Green Star Buildings (1,500m <sup>2</sup> or greater)	5 star			Version 1
<b>BASIX energy targets</b>				
• Mid rise (4-5 storeys above the ground)	61%	67%		BASIX targets are expressed as a percentage reduction over NSW benchmarks
• High rise (6-20 storeys above the ground)	60%	66%		
• High rise (21 storeys or more above ground)	63%	69%		

Target	Minimum goal	Stretch target		Comment (where required)
NABERS energy rating for office ((1,000m <sup>2</sup> NLA or greater): base building energy use	Maximum 45 kWh/yr/m <sup>2</sup> of GFA or 5.5 Star NABERS Energy CA + 25 or certified Green Star Buildings rating with a “credit achievement” in Credit 22: Energy Use or equivalent			
NABERS energy rating for Shopping Centres (5,000m <sup>2</sup> GLAR or greater): basebuilding energy use	Maximum 45kWh/yr/m <sup>2</sup> of GFA or 5 Star NABERS Energy CA or Certified Green Star Buildings rating with a ‘exceptional performance’ in Credit 22: Energy Use Or equivalent			
Office and retail buildings: Renewable energy procurement	Equivalent to ‘net zero energy’ or a maximum of 45 kWh/yr/m <sup>2</sup> of GFA			To be demonstrated on a building-by-building basis or through participation in a precinct-wide initiative.

Target	Minimum goal	Stretch target		Comment (where required)
Hotels (100 rooms or more): whole building energy use	Maximum 240 kWh/yr/m <sup>2</sup> or 4 star NABERS Energy CA +10% or Certified Green Star Buildings rating with a 'credit achievement' in Credit 22: Energy Use or Equivalent			To be demonstrated on a building-by-building basis or through participation in a precinct-wide initiative.
Hotels: Renewable energy procurement	Equivalent to 'net zero emissions from energy' or a maximum of 240 kWh/yr/m <sup>2</sup> of GFA			
Net zero carbon precinct	100% by 2041			
Precinct powered by renewable energy	100%			% of total estimated demand provided by renewable energy from off-site and/or on-site sources
NABERS water rating for office (1,000m <sup>2</sup> NLA or greater)	5 star			
NABERS water rating for shopping centre (5,000m <sup>2</sup> GLAR or greater) buildings	4.5 star	5 star		
BASIX water targets <ul style="list-style-type: none"> <li>for all residential buildings</li> </ul>	40%	60%		BASIX targets are expressed as a percentage reduction over NSW benchmarks

Target	Minimum goal	Stretch target		Comment (where required)
Public open space	Irrigation 100% recycled water			To be demonstrated on a standalone basis or through participation in a precinct-wide initiative.

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## 4.2 Precinct scale utilities

1. Investigations are to be undertaken into potential precinct-scale facilities, to determine how they can be included in the precinct prior to lodgement of the first development application on Government-owned land:
  - a. Microgrid and grid-scale battery storage
  - b. water recycling system.
  - c. food organic waste facilities.
  - d. precinct parking (decoupled, unbundled and/or consolidated)
  - e. electric vehicle charging, grid-scale battery storage.

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## 4.3 Urban and marine ecology

1. The consent authority may require the preparation of an impact assessment (Biodiversity Assessment Report (BDAR) and Marine Impact Assessment) where terrestrial and/or marine ecology is likely to be adversely affected by development. The impact assessment should measure loss and calculate biodiversity offsets and include targeted micro-bat surveys around built structures.
2. Aquatic habitat enhancement opportunities, summarised in Table 4, should be considered during the detailed design of the public domain.
3. Terrestrial habitat features are to be incorporated into landscape plans and building designs. This should aim to provide both micro-habitats, stratified habitats and improve connectivity along existing or broken habitat corridors wherever practicable.

Table 4 Aquatic habitat enhancement opportunities

Location/environment	Opportunity
Subtidal sand (>2 m depth)	<ul style="list-style-type: none"><li>▪ Install 'oyster reefs' to provide colonisation and refuge for marine fauna.</li></ul>
Subtidal sand (1-2 m depth)	<ul style="list-style-type: none"><li>▪ Subject to boat safety considerations, install scattered rubble to connect macroalgae habitat.</li></ul>
Macroalgae (dense <i>Sargassum linearifolium</i> )	<ul style="list-style-type: none"><li>▪ Plant/transplant native macroalgae and/or increase rocky rubble to improve continuity and width.</li></ul>
Intertidal rocky rubble seawalls	<ul style="list-style-type: none"><li>▪ Construct water retaining features and increase structural complexity of intertidal or subtidal zones of seawalls.</li></ul>
Vertical and sloped smooth seawalls	<ul style="list-style-type: none"><li>▪ Replace with gentle grade wall and/or retrofit with horizontal features like flowerpots, water retaining features and complex hard surfaces.</li></ul>

Location/environment	Opportunity
Vertical rough seawalls	<ul style="list-style-type: none"> <li>Retrofit with horizontal features like flowerpots.</li> </ul>
Sloped stepped seawalls	<ul style="list-style-type: none"> <li>Increase macroalgae habitat at base through planting and/or additional rubble.</li> </ul>
Future boardwalks, wharves and jetties	<ul style="list-style-type: none"> <li>Design to allow light penetration to water and suspend fish aggregation devices.</li> </ul>
Future floating boardwalks (temporary)	<ul style="list-style-type: none"> <li>Add benthic habitat features to improve fish shelter and connectivity.</li> </ul>
Piles	<ul style="list-style-type: none"> <li>Select products with rough surface and/or attach rough material for macroalgae attachment.</li> </ul>

## 4.4 Waste management

- Waste management systems for developments are to be designed in accordance with:
  - NSW EPA *Better practice guide for resource recovery in residential developments*.
  - City of Sydney's *Guidelines for Waste Management in New Developments*.
  - NSW Government's *Waste and Sustainable Materials Strategy 2041*.
- Design waste management systems for public spaces in accordance with the NSW Government Better Practice Guide for Public Place Recycling.
- Construction and demolition waste is to be managed in accordance with the City of Sydney's Guidelines for Waste Management in New Developments.
- Circular economy principles are to be applied to material selection, waste management plans, and waste system design, including the waste management hierarchy – *reduce, re-use, recycle, recover, disposal*.
- Waste management systems are to demonstrate how the targets set out in Table 5 are to be achieved. Where feasible, waste management systems should aim to meet the stretch targets set out in Table 5.
- Investigate the feasibility of precinct-scale waste facilities having regard to:
  - the City of Sydney's existing food scraps recycling services
  - future plans for community gardens within Blackwattle Bay
  - NSW EPA resource recovery orders and exemptions.

Table 5 Waste targets

Waste type	Target	Stretch target
Construction and demolition waste	80% construction and demolition waste diverted from landfill	

Waste type	Target	Stretch target
Operational waste	80% operational waste diverted from landfill	90% operational waste diverted from landfill
Food and organic waste	All households to be provided with access to food and organic waste recycling.	

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## 4.5 Urban heat management and reflectivity

- Urban heat island effects are to be reduced through:
  - meeting canopy coverage targets in Section 3.4 of these Design Guidelines.
  - introducing water sensitive urban design features into landscape and streetscape where practical
  - providing shading and arranging seating to allow visitors to seek respite from heat during hot weather
  - providing shade to active transport routes and public transport connections.
- Shading and seating arrangements are to consider climate change projections, particularly those related to extreme heat and the number of hot days.
- A Reflectivity Report that analyses potential solar glare from the proposed building design is to be provided with development applications for new buildings.
- Light reflectivity from building materials used on facades is not to exceed 20%
- All new buildings are to be designed to incorporate suitable self-shading elements to minimise undesirable summer afternoon solar gain and improve the passive sustainability performance of buildings.
- Building materials are to be selected having regard to minimising urban heat island effect.
- Road carriageway widths and other hardstand in the street are to be minimised.
- Use pavements and other materials which are permeable (where appropriate), light coloured, reflective or “cool”.
- The selection of building equipment and materials is to cater to higher operating temperatures and extreme heat events to reduce local occurrence of utilities interruptions.

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## 4.6 Flood planning and sea level rise

- A precinct-wide Flood Risk and Impact Assessment is to be prepared by Infrastructure NSW prior to the lodgement of the first Development Application in the precinct. The study should:
  - be prepared in accordance with the *NSW Flood Prone Land Policy*, the principles of the *Floodplain Development Manual 2005*, the *Considering flooding in land use planning guidelines 2021* and any adopted floor study and/or floodplain risk management plan prepared by the City of Sydney Council
  - to identify precinct-wide flood and risk mitigation for individual sites, public and open space

- c. consider additional duration frequency flood events
- d. consider emergency response and consultation with the SES
- e. be prepared in consultation with Environment and Heritage Group

*Note: the design and delivery of public space should be informed by the precinct-wide Flood Risk and Impact Assessment.*

2. Development, including public and open spaces such as roads and parks are to be designed to comply with:
  - a. any site-specific recommendations from the Flood Risk and Impact Assessment required in 1 above
  - b. ensure there is no net loss in flood storage or floodway area because of the development
  - c. all floor levels are to be at or above the Flood Planning Level identified in an adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 as adopted by the relevant Council, or as otherwise determined through a site-specific flood study prepared in consultation with Environment and Heritage Group
  - d. notwithstanding 2b above, consideration may be provided to some or all of the non-residential floor levels having a freeboard of less than 500 mm above the 1% AEP flood level provided that satisfactory flood proofing is achievable to the Flood Planning Level. All entrances and evacuation routes servicing any residential components must be above the Flood Planning Level.
  - e. Basement car parking must have all access and potential water entry points above the Flood Planning Level and provide a clearly signposted flood free pedestrian evacuation route from the basement area separate to the vehicle access ramps
  - f. Where access to the water is to occur, a suitable edge treatment such as a stepped naturalised embankment between the promenade and water is to be provided to ensure access to water is maintained regardless of sea level.
3. Potential flooding at Bank Street is to be mitigated to ensure no increase in off site flooding due to the development in the precinct. These measures may include, but are not limited to:
  - a. upgrading existing and/or new drainage to carry flows from the impacted area on Bank Street to the discharge outlet across the proposed Miller Street reserve
  - b. providing overland flow path at the rear of proposed development adjoining the impacted area on Bank Street to the discharge outlet across the proposed Miller Street reserve
  - c. revisions to building layout to allow floodwaters to flow around the buildings to mitigate any predicted off-site impacts
  - d. regarding Bank Street to introduce a flow path that connects the proposed flow path on the proposed Miller Street Reserve
  - e. a combination of these measures, or other measures
  - f. Flood mitigation and modification works must ensure they do not have an adverse impact on any surrounding property. The final mitigation design option is to be informed by consultation with Environment and Heritage Group and City of Sydney Council.

4. Development applications for new buildings are to be subject to a site-specific flood study prepared in accordance with the NSW Floodplain Development Manual 2005, the NSW Coastal Planning Guideline: Adapting to Sea Level Rise, NSW Coastal Risk Management Guide: Incorporating Sea Level Rise Benchmarks in Coastal Risk Assessments and the NSW Flood Risk management Guide: Incorporating Sea Level Rise Benchmarks in Flood Risk Assessments. The study is to include, but not limited to:
  - a. a detailed topographical survey that defines flow paths, storage areas and hydraulic controls;
  - b. flood modelling that uses appropriate hydrological and hydraulic techniques and incorporates boundary conditions
  - c. relevant recommendations and/or mitigations from the precinct-wide Flood Risk and Impact Assessment required in 1 above

The site-specific flood study is to show pre-development and post-development scenarios, and at a minimum is to include water surface contours, velocity vectors, velocity and depth product contours, delineation of flood risk precincts and flood profiles for the full range of events for total development including all structures and works.

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## 4.7 Water management

1. A water sensitive urban design (WSUD) Strategy is to be prepared for the Precinct by Infrastructure NSW or the developer prior to the lodgement of the first development application for residential or commercial development on Government-owned land, and be generally in accordance with Figure 18 to deliver:
  - a. Best practice quality / quantity targets including specifically a total area of 3,100m<sup>2</sup> for bio retention. Water quality treatment measures are to be incorporated into the development to meet this bio filtration area requirement noting that this area could be reduced/ substituted / offset during detailed design where additional measures such as green roofs, stormwater harvesting etc. are pursued.
  - b. A reduction in post-development baseline (i.e. proposed development without any water quality treatment) annual pollutant loads of:
    - o Gross Pollutants (GP) (litter and vegetation >5 mm) 90%
    - o Total Suspended Solids (TSS) 85%
    - o Total Phosphorus (TP) 65%, and
    - o Total Nitrogen (TN) 45%.
2. WSUD measures are to include:
  - a. Filtration devices such as cartridge systems within building footprints, tree pits within road reserves, small raingardens in road reserves or open spaces, larger bioretention basins in open spaces
  - b. gross pollutant traps (GPTs) as end of pipe systems
  - c. potential harvesting of rainwater from roofs for potable or non-potable purposes within buildings
  - d. potential harvesting of stormwater to reuse for irrigation or other non-potable purposes.

3. WSUD measures are to be incorporated into streets where practicable.
4. Public open space is to be irrigated with recycled water.
5. On-site water capture and reuse is to be provided in all developments and used to water vegetation in parks and public spaces.
6. Opportunities to reuse water in the landscape through WSUD are to be maximised.
7. New development is to consider recycled water initiatives as part of integrated water management and, at a minimum, make provision for dual plumbing in all new development to allow the precinct to connect in future centralised non-potable water systems, such as recycled water.
8. Local drainage management plans prepared in accordance with Sydney DCP 2012 and in consultation with City of Sydney Council are required for new development.

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## 4.8 Contamination

1. The processes outlined in the *Site Wide Remedial Concept Plan – Blackwattle Bay Study Area*, (JBS&G Australia Pty Ltd, 12 January 2021) are to be implemented, including:
  - a. a Remediation Environmental Management Plan (REMP), to document the monitoring and management measures required to control the environmental impacts of the works and ensure the validation protocols are being addressed
  - b. a Work Health and Safety Management Plan (WHSP) to document the procedures to be followed to manage the risks posed to the health of the remediation workforce.
2. A REMP must be provided by the applicant as a separate document for each remediation works stage. A WHSP is to be developed prior to the commencement of remediation works.
3. Each REMP and WHSP should address the potential for a range of chemical contaminant conditions in soil in addition to groundwater, ground gas/vapour and sediment in various areas of the Precinct, in addition to the potential occurrence and storage / handling of asbestos contaminated soils on the Precinct.
4. Upon completion of the works, validation reports and on-going Environmental Management Plans (EMPs) for residual impacted materials as may be retained beneath the specific area footprints will be required to be submitted to the consent authority documenting that the applicable footprint is considered suitable for the proposed use(s), subject (where applicable) to implementation of the relevant ongoing EMP.
5. Any development is not to activate polluted sediments by disturbance.
6. Strategies for extraction, capture and disposal are to be developed for the most polluted sediments (close to existing stormwater outfalls) to ensure that the local marine ecosystem improves in line with well-established biodiversity conservation principles and obligations. Continued engagement of a NSW EPA accredited site auditor/s is required, where necessary, to help any consent authority be satisfied that the specific parcels of land are suitable for all the purposes for which it is permitted to be used.



Figure 18 WSUD Strategy

# 5 TRANSPORT, MOVEMENT AND PARKING

## Objectives

- a. Ensure that the demand for transport generated by development is managed in a sustainable manner by:
  - i. prioritising safe and comfortable access and movement of people
  - ii. minimising through traffic and impacts of vehicle access and servicing in public spaces
  - iii. delivering the precinct that makes walking the preferred mode
  - iv. promoting a walkable urban environment with access for all abilities
  - v. encouraging access by public and active transport (walking and cycling) to reduce car dependency.
- b. Provide a legible network of pedestrian and cycle links and new streets that prioritises public and active transport as a mode of transport over private motor vehicles.
- c. Ensure the streets are enhanced by transport and have the appropriate space allocation to move people and goods safely and efficiently and connect places together.
- d. Ensure legible pedestrian access to the future Pyrmont Metro Station, Wentworth Park and Fish Market light rail stations, and bus stops, with through-block permeability, active frontages on key pedestrian routes, sight-lines and wayfinding.
- e. Ensure bike parking is delivered in all developments with end of trip facilities such as change rooms, showers in non-residential development and secure areas for bike parking in all development.
- f. Ensure through-site links are publicly accessible, being safe, well lit, highly accessible and pleasant.
- g. Design vehicle access and basement layouts and levels to maximise pedestrian safety and create level interfaces between buildings and the public space.
- h. Car parking design is to enable future adaptive re-use and incorporate provisions for electric vehicle charging facilities
- i. Ensure the demand for freight movement in the Precinct is accommodated within the development and does not rely on on-street loading and servicing, and the street network is able to accommodate the required level of access.
- j. Provide for a connection to a future pedestrian and cycling connection at the Glebe Island Bridge.

# Provisions

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## 5.1 Street network

1. Streets are to be designed in accordance with:
  - a. Figure 19 and Figure 20
  - b. the standards set out in Table 6.
  - c. the indicative street cross-sections at Figures 21 to 28
  - d. the City of Sydney Public Domain Manual (or any replacement of that document)
  - e. the City of Sydney Streets Design Code and Technical Specifications as they apply from time to time.
2. Each street and pedestrian thoroughfare should be designed to ensure a comfortable and safe wind environment.

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## 5.2 Street intersections

*Note: Early consultation with Transport for NSW is required to confirm assessment requirements and as part of a future State Significant Development Applications to resolve intersection design and access.*

### Wattle Street and Bridge Road intersection

1. An intersection design at Wattle Street and Bridge Road intersection (refer 'B' in Figure 19) must be approved by Transport for NSW prior to the determination of any new development in Stages 1 or 2 that rely on this intersection for road access. The intersection design must demonstrate through further assessment and analysis:
  - a. the safety, reliability, performance and access to the network for all users, or other requirements of Transport for NSW
  - b. accommodate the different servicing requirements for all service, freight, private vehicles and active transport using this intersection to support development in stages 1 and 2 until the Bank and Miller Street intersection is resolved (see 4 below)
  - c. no right turn into the precinct from Pyrmont Bridge Road to avoid potential for queuing unless otherwise agreed by Transport for NSW.
2. Development in all stages must also demonstrate flood free access for evacuation is available (refer Section 4.6).

### Bank and Miller Street intersection

3. An intersection design at Bank and Miller Street (refer 'C' in Figure 19) must be approved by Transport for NSW prior to the determination of any new development in Stages 3 and 4 that relies on this intersection for road access. The intersection design must demonstrate through further assessment and analysis:
  - a. the safety, reliability, performance and access to the network for all users, including the Hymix concrete batching plant, if operational and

- b. any other requirements of Transport for NSW
- 4. Until 3 above is resolved, development should occur in accordance with the Staging Plan (refer Figure 4) where:
  - a. development in stages 1 and 2 that rely on and can be serviced via the proposed intersection at Wattle Street and Pyrmont Bridge Road can proceed, subject to the intersection design being approved by Transport for NSW
  - b. development in stages 3 and 4 that rely on access and servicing via the proposed intersection at Bank and Miller Street do not proceed, until there is an intersection design approved by Transport for NSW
  - c. development on the privately owned sites that have direct access via Bank Street and do not rely on new intersections may proceed generally in line with the staging plan.
- 5. Notwithstanding 1 and 3 above, access may occur via Bank and Miller Street intersection after the existing Sydney Fish Market relocates to its new building (in or around 2024), subject to demonstrating to Transport for NSW that safe access for all intersection users can be provided.

*Note: The provision in 5 above recognises that once the existing Sydney Fish Markets relocates into its new building at the head of Blackwattle Bay that there will be a reduction in vehicle traffic accessing the site, which may make it possible for safe interim access at this intersection until an approved intersection design required by 3 above is resolved.*



Figure 19 Road hierarchy



Figure 20 Street alignment

Table 6 Indicative street specifications

Street Name	Street Type	Reservation width	Traffic direction	Primary traffic lane width	Public Domain Furniture Zone	Continuous Accessible Path of Travel
Park Street*	Main street	12.6m	1 lane, both directions	2 x 2.75m	Min. 1.25m	Min. 3.0m
Gipps Street*	Local (mid-high activity street)	20m	1 lane, one direction	3.0m	Min. 1.25m	Min. 2.3m
Gipps Lane*	Local (low-mid activity street)	12.5	1 lane, one direction or 1 lane both directions	3.0m one direction, or 2 x 2.75m both directions	Min. 0.6m	Min. 1.6m + 0.6m passing zone
Bank Lane North	Shared zone	14m	1 lane, one direction	-	Min. 1.25m	Min. 2.8m
Bank Lane South*	Local (low-mid activity street)	14m	1 lane, one direction	3.0m	Min. 0.6m	Min. 1.6m + 0.6m passing zone

\*if proposed, on-street parking to be no wider than 2.1m



Figure 21 Park Street North

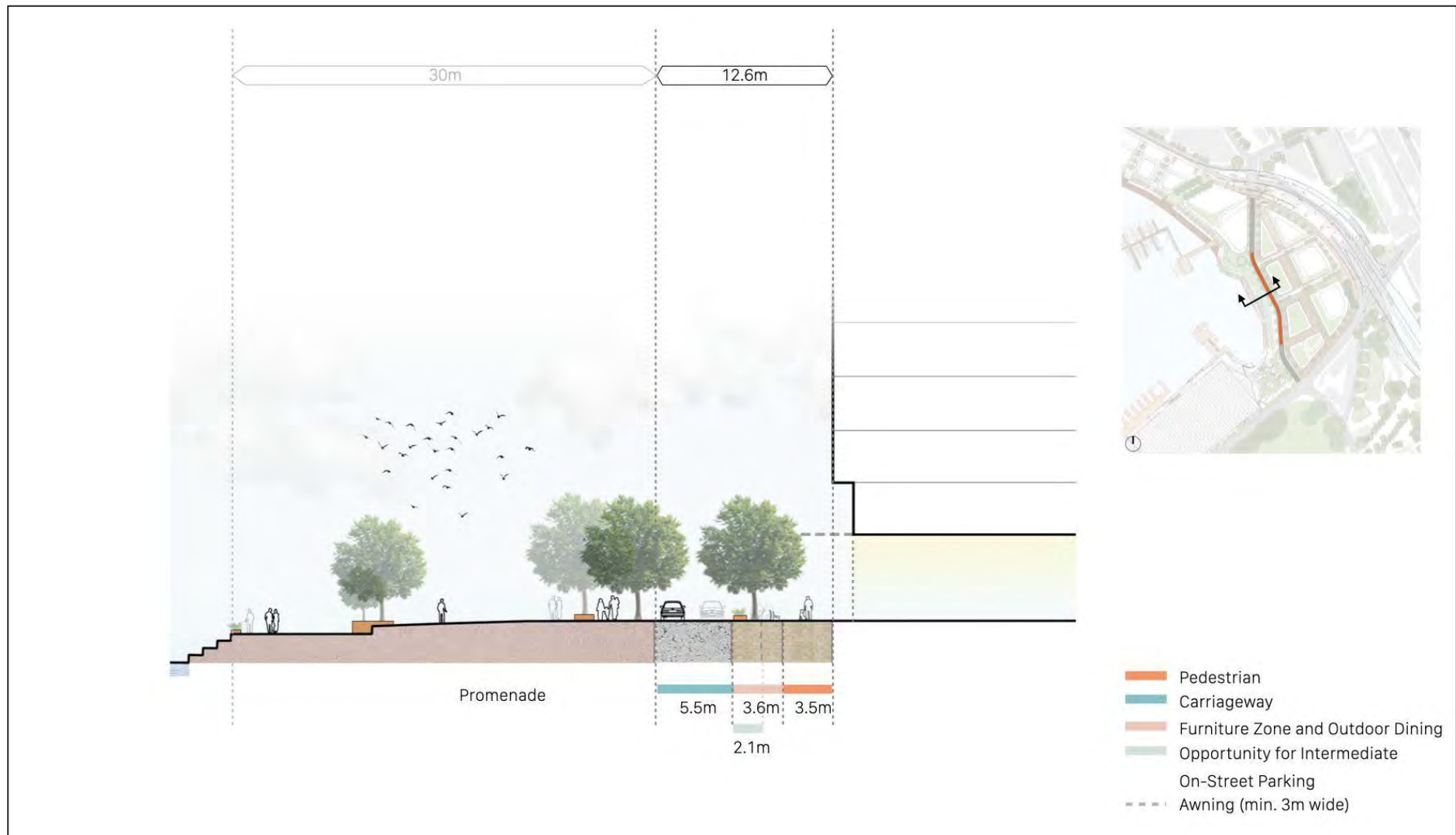


Figure 22 Park Street South



Figure 23 Bank Lane North



Figure 24 Bank Lane South



Figure 25 Pyrmont Bridge Road

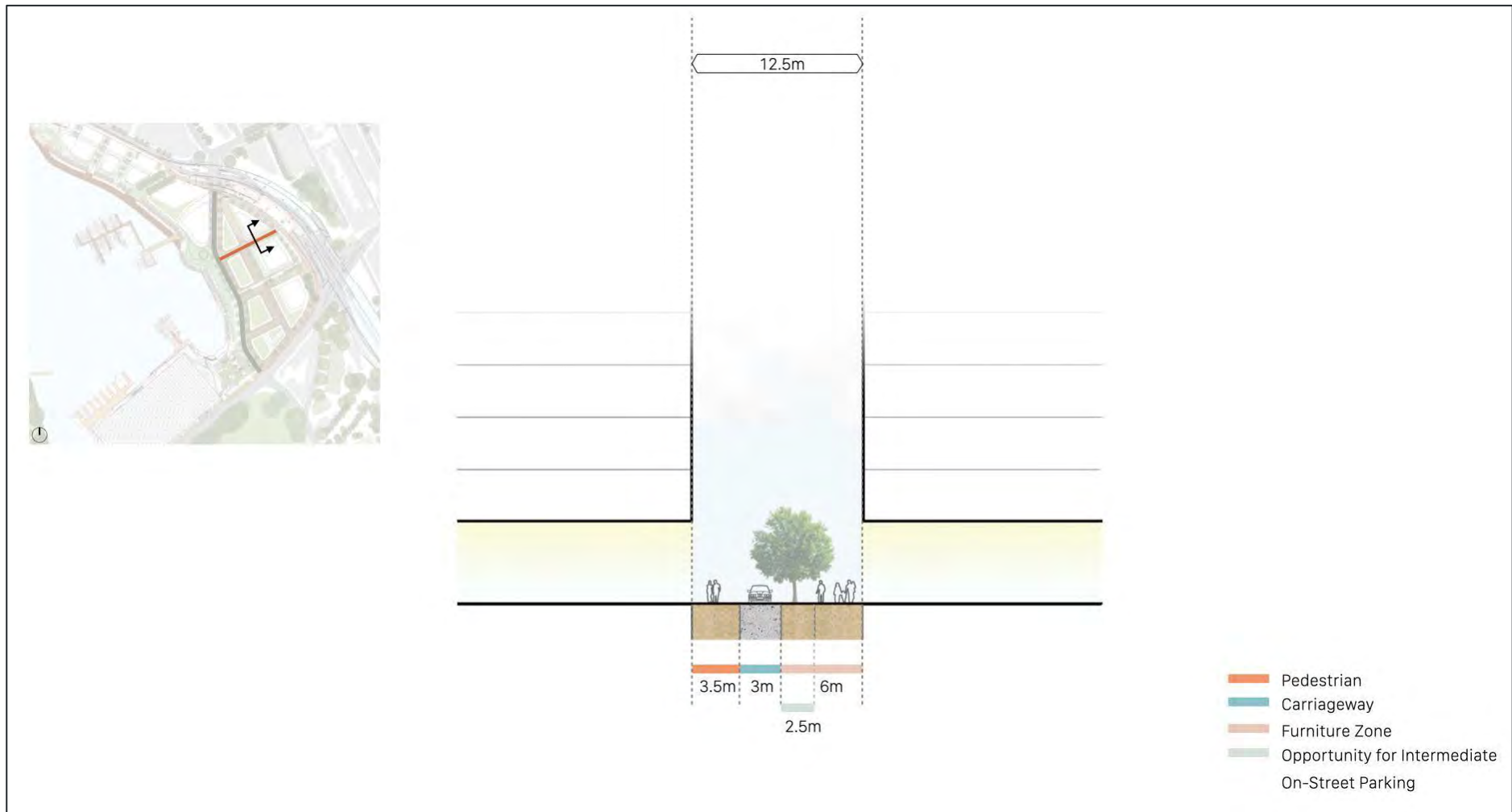


Figure 26 Gipps Lane

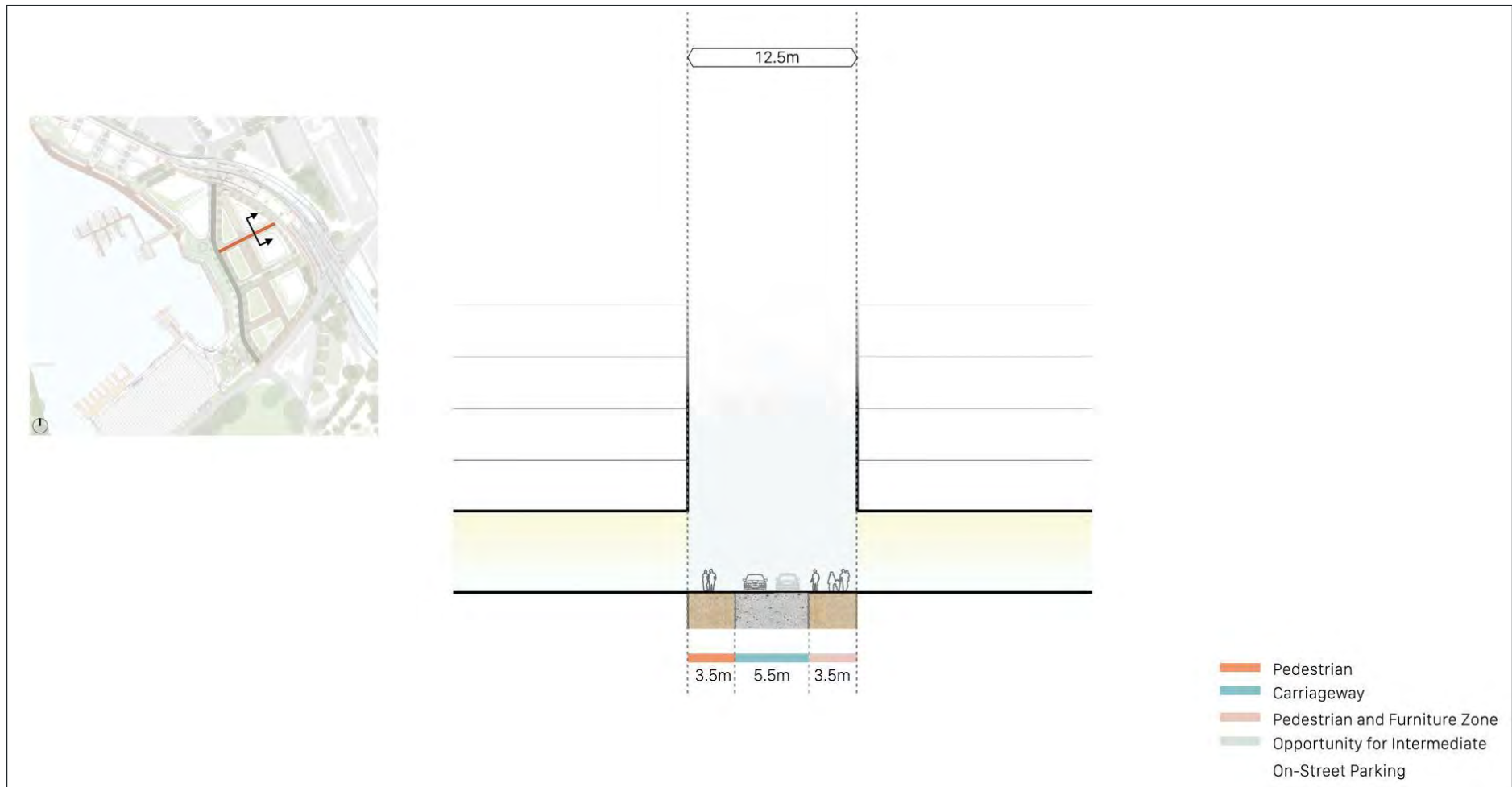


Figure 27 Gipps Lane – two way

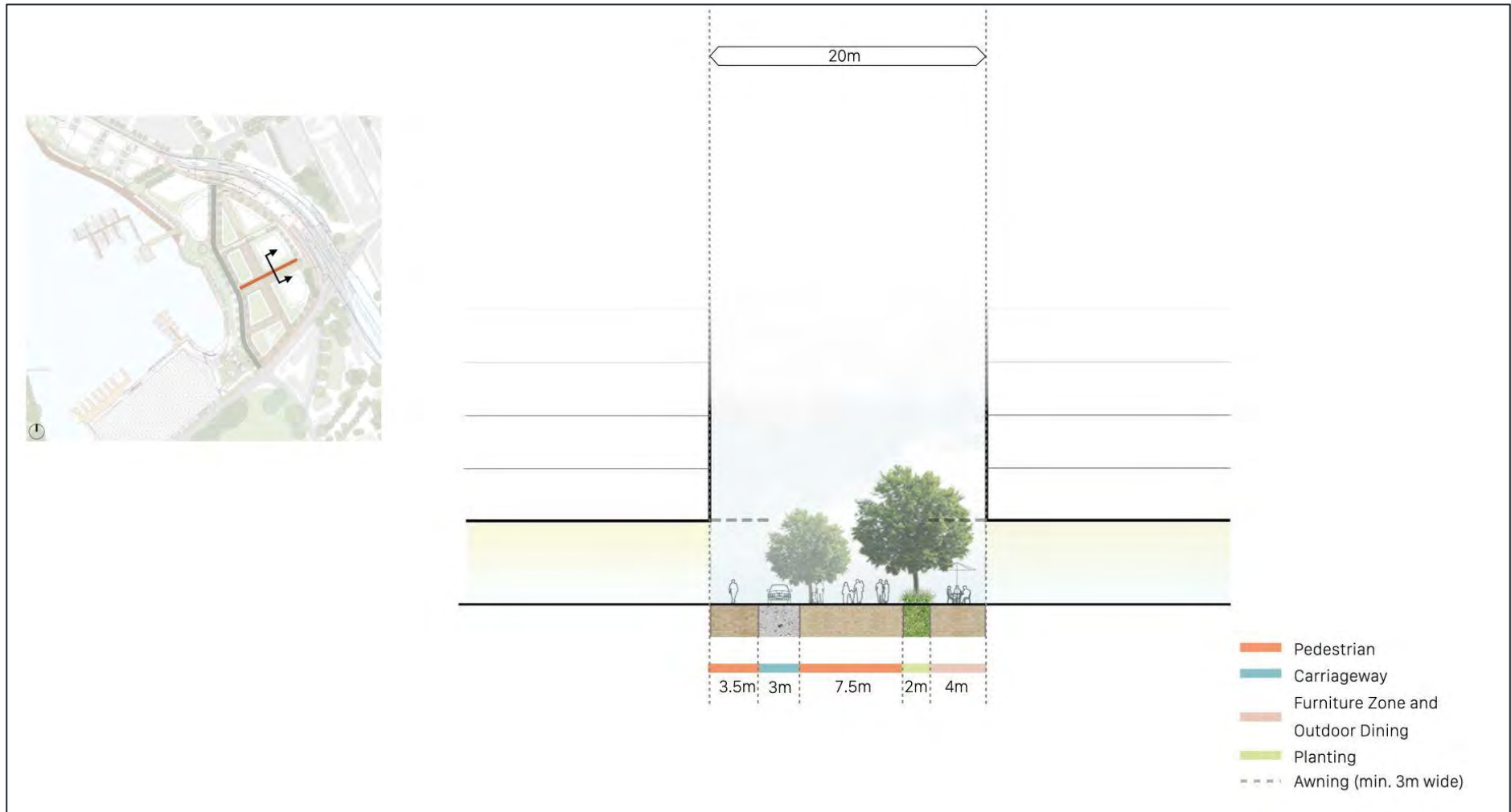


Figure 28 Gipps Street

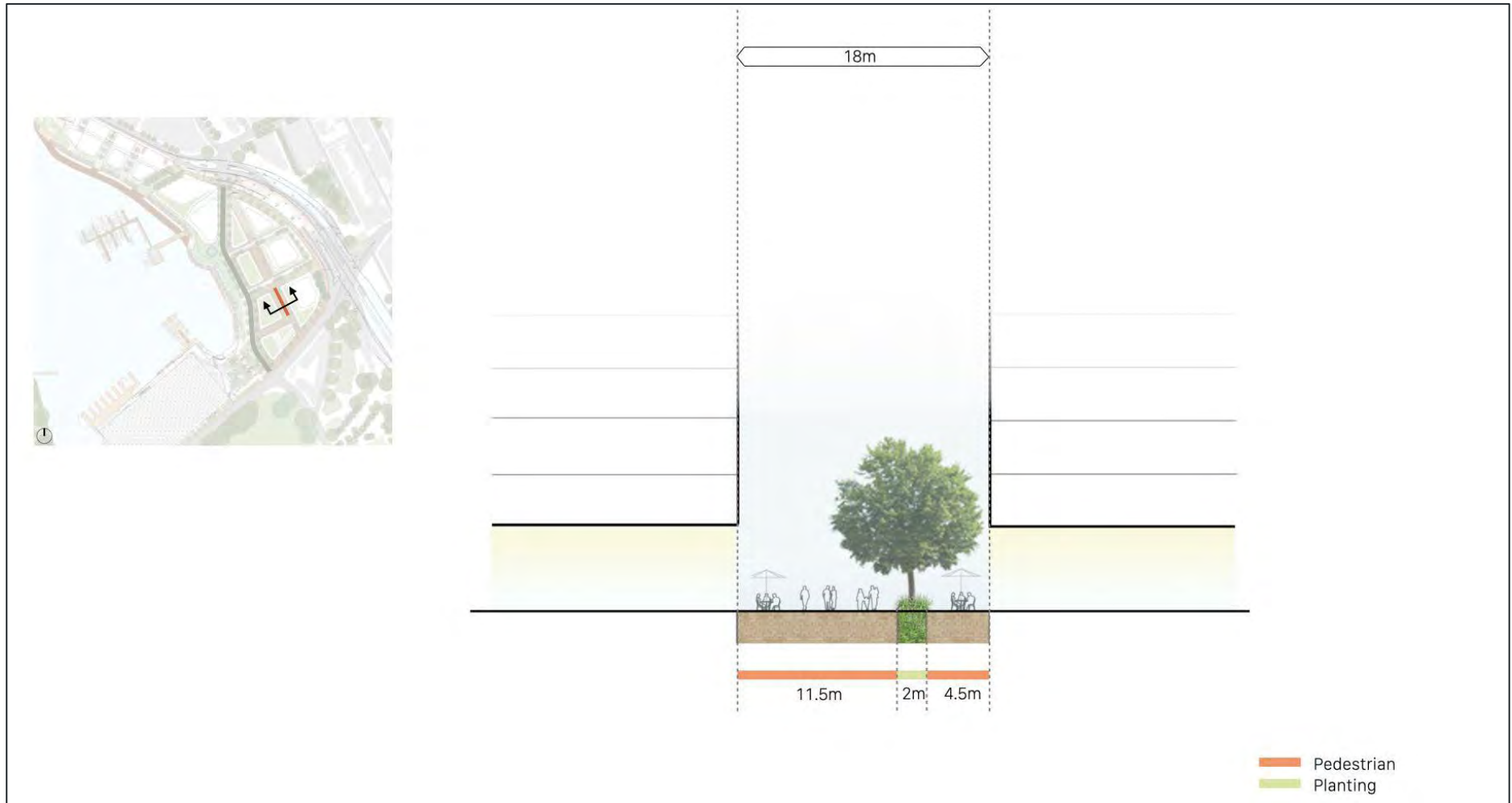


Figure 29 Park Lane

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## 5.3 Pedestrian footpaths, walkways and crossings

1. The pedestrian network is to be designed in accordance with Figure 30 and the following principles:
  - a. *Easy to cross* – facilities which make it easy for pedestrians of all abilities and ages to cross roads
  - b. *Shade and shelter* – ample urban greening provides cover along pathways to ensure good amenity and comfortable use in all seasons
  - c. *Places to stop and rest* – shaded spaces for pedestrian to stop during journeys, in particular for people with restricted mobility
  - d. *Not too noisy* – pedestrians can hold conversations while walking on footpaths adjacent to roads
  - e. *People feel safe* – the environment is and feels safe for pedestrians to ensure all users, including those of different ages and mobility levels, feel able to walk comfortably at all times
  - f. *Quick and direct* – pedestrian access to and from locations is uninterrupted to ensure timely travel over shorter distances
  - g. *Ample provision of space and distance between pedestrians on footpaths* – wide enough to accommodate all users at a safe distance
  - h. *Variety* – the walking environment is interesting for pedestrians through the presence of urban greenery, active frontages and activated places
2. The design of pedestrian footpaths, walkways and crossings are to consider the following Transport for NSW Guidelines:
  - a. Urban Freight and Servicing Last Mile
  - b. Future Transport Strategy
  - c. Movement and Place
  - d. Cycleway Design Toolbox
  - e. Walking Space Guideline
  - f. Beyond the Pavement
3. Footpath layout, design and width is to cater for the anticipated high pedestrian flows within and to and from the Precinct.
4. Low shrubs and hedges to reduce air pollution should be considered along roads (for example, under trees) to help protect pedestrians from vehicle pollution and reduce air pollution entering buildings.
5. Existing intersections at Bridge Road & Wattle Street and Bank Street & Miller Street are to be upgraded and reconfigured to optimise pedestrian, and where relevant, cyclist crossing legibility and safety. These works are to be undertaken by Infrastructure NSW or a developer prior to the completion of development of the southern government owned lands.
6. A series of access points to the water are to be provided from Bank Street through arcades and lanes between built form generally aligned to the Pyrmont grid to optimise visual connections.



Figure 30 Active transport

## 5.4 Bicycle network and infrastructure

1. The cycle network within the Precinct is to be generally in accordance with Figure 30.
2. Deliver bicycle infrastructure that accommodates and separates recreational and commuter users with appropriate infrastructure. Bicycle connections should align with surrounding existing and planned bicycle network to support accessibility to and from the site and surrounding areas.
3. Public bicycle parking facilities are to be provided in the public domain with convenient access to commuter and recreational cycleways in the Precinct.
4. All development is to provide on-site bike parking designed in accordance with the relevant Australian Standards for the design criteria of bike parking facilities.
5. Bike parking spaces for new developments are to be provided in accordance with the rates set out in Table 7, except where:
  - a. an apartment in a residential building has a basement storage area on title that is large enough to accommodate a bike and is no smaller than a Class 1 bike locker, then additional bike parking for that apartment is not required; and
  - b. a proposed use is not included in Table 3.5 On-site bike parking rates, an applicant is to provide bike facilities to accommodate Council's mode share target for trips by bike as described in the City of Sydney Cycle Strategy and Action Plan 2007-2017.

Note: The minimum number of bike parking spaces is to be rounded up to the nearest whole number if it is not a whole number.

Table 7 On site bike parking rates

Proposed use	Residents/Employees	Customer/Visitors
Residential		
Residential accommodation	1 per dwelling	1 per 10 dwellings
Tourist and Visitor Accommodation		
Hotel or motel accommodation or serviced apartment	1 per 4 staff	1 per 20 rooms
Backpackers accommodation	1 per 4 staff	1 per 10 beds
Commercial		
Office premises or business premises	1 per 150sqm GFA 1 per 400sqm GFA	
Bulky goods premises	1 per 600sqm GFA	1 per 1,000sqm GFA
Shop, Restaurant or cafe	1 per 250sqm area 2 plus	1 per 100sqm over 100sqm GFA
Shopping centre	1 per 200sqm GFA	1 per 300sqm sales GFA

Proposed use	Residents/Employees	Customer/Visitors
Pub	1 per 100sqm GFA	1 per 100sqm GFA
Entertainment facility	-	Greater of 1 per 15 seats or 1 per 40sqm GFA
Place of public worship	-	Greater of 1 per 15 seats or 1 per 40sqm GFA
Industry		
Industry or warehouse or distribution centre	1 per 10 staff	-
Community		
Child care centre	1 per 10 staff	2 per centre
Medical centre, Health Consulting rooms	1 per 5 practitioners / professionals	1 per 200sqm GFA
Tertiary educational institution	1 per 10 staff and 1 per 10 students	-
Swimming pool	1 per 10 staff	2 per 20sqm of pool area
Library	1 per 10 staff	2 plus 1 per 200sqm GFA
Art gallery or museum	1 per 1000sqm GFA	1 per 200sqm

6. Secure bike parking facilities are to be provided in accordance with the following:
  - a. Class 1 bike lockers for occupants of residential buildings;
  - b. Class 2 bike facilities for staff/employees of any land use; and
  - c. Class 3 bike rails for visitors of any land use.
7. Where bike parking for tenants is provided in a basement, it is to be located:
  - a. on the uppermost level of the basement;
  - b. close to entry/exit points; and
  - c. subject to security camera surveillance where such security systems exist.
8. A safe path of travel from bike parking areas to entry/exit points is to be marked.
9. Access to bike parking areas are to be:
  - a. a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each other and may be shared with vehicles within buildings and at entries to buildings);
  - b. accessible via a ramp;
  - c. clearly identified by signage; and
  - d. accessible via appropriate security or intercom systems.

10. Bike parking for visitors is to be provided in an accessible on-grade location near a major public entrance to the development and is to be signposted.
11. For non-residential uses, the following facilities for bike parking are to be provided at the following rates:
  - a. 1 personal locker for each bike parking space;
  - b. 1 shower and change cubicle for up to 10 bike parking spaces;
  - c. 2 shower and change cubicles for 11 to 20 or more bike parking spaces are provided;
  - d. 2 additional showers and cubicles for each additional 20 bike parking spaces or part thereof;
  - e. showers and change facilities may be provided in the form of shower and change cubicles in a unisex area in both female and male change rooms; and
  - f. locker, change room and shower facilities are to be located close to the bike parking area, entry and exit points and within an area of security camera surveillance where there are such building security systems.

## 5.5 Public transport

1. Development is to be designed to facilitate easy, efficient and safe connectivity to existing and proposed public transport (Figure 31). Transport for NSW is to be consulted during the design development stage in this regard.
2. Transport for NSW is to be consulted regarding any proposals to provide for a ferry wharf in Blackwattle Bay.



Figure 31 Public transport

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## 5.6 Vehicle parking and access

### 5.6.1 General

1. Provisions relating to 'Transport and parking' can be found in Appendix A.

*Note: Provisions for Transport and Parking contained in Appendix A have been adapted from Section 3.11 Transport and Parking and Schedule 7 Transport, Parking and Access of Sydney Development Control Plan 2012.*

### 5.6.2 Vehicle parking and access

1. The rate of car parking provision for residential development is to include one accessible parking space per adaptable dwelling.
2. Accessible parking is not required where a parking service is provided and direct access to any of the car parking spaces is not available to the general public or occupants.
3. Minimised provision of parking for all land uses is encouraged to capitalise on the proximity of Blackwattle Bay to the Light Rail, the proposed Pymont Metro Station and active transport opportunities provided by improved pedestrian and cyclist networks.
4. Private car parking is to be provided at basement level.
5. Pedestrian access to residential apartments is to be separated from the commercial/retail uses.
6. The provision of car parking (including driveways and ramps) is not to impact soil requirements to the public domain in Sections 3.4 and 3.5 of these Guidelines.
7. Vehicle driveway widths are to be minimised while ensuring they are able to accommodate the required freight and servicing vehicles. They are to be designed to give priority to pedestrians and cyclists by continuing the type of footpath material and grade (i.e. continuous footpath pavement at all car park basement entry points).
8. Buildings are to be equipped with sufficient electricity supply to enable future electric vehicle charging for all vehicle parking in the development. New development is to provide electric vehicle charging.
9. Opportunities for decoupled and/or unbundled parking should be considered where feasible.

### 5.6.3 Freight management

1. The feasibility of a combined freight management, loading dock and shared infrastructure for the Precinct (excluding the new Sydney Fish Market) which services residential, commercial and retail uses is to be investigated by Infrastructure NSW during the detail design of the first development application for residential or commercial uses on the existing Sydney Fish Market site.
2. Separate parking spaces for service vehicles are to be provided in accordance with 5.6.3.4-5.6.3.6, below, and are not to be shared with parking provided for any other purpose. Service vehicle parking spaces, including spaces for bike couriers are to be:

- a. located near vehicle entry points and nearlifts;
  - b. clearly designated and signposted for service vehicles only;
  - c. screened from the street where possible; and
  - d. located completely within the boundary of the site, clear of parked vehicles; and clear of through traffic
3. Parking spaces for service vehicles are not to be used for other purposes such as storage of goods and equipment.
  4. The following minimum requirements for service vehicle parking apply to new development for:
    - a. Residential buildings and serviced apartments:
      - i. 1 space for the first 50 dwellings or serviced apartments; plus
      - ii. 0.5 spaces for every 50 dwellings/serviced apartments or part thereafter.
    - b. Commercial premises:
      - i. 1 space per 3,300sqm GFA, or part thereof, for the first 50,000sqm; plus
      - ii. 1 space per 6,600sqm, or part thereof, for additional floor area over 50,000sqm and under 100,000sqm; plus
      - iii. 1 space per 13,200sqm, or part thereof, for additional floor area over 100,000sqm.
    - c. Shops, shopping centres:
      - i. 1 space per 350sqm GFA, or part thereof, up to 2,000sqm; then
      - ii. 1 space per 8,00sqm GFA thereafter.
    - d. Hotels:
      - i. 1 space per 50 hotel bedrooms, or part thereof, up to 100 bedrooms; then
      - ii. 1 space per 100 hotel bedrooms; plus
      - iii. 1 space per 400sqm of reception, lounge, bar and restaurant area GFA, or part thereof, for the first 2,000sqm; then
      - iv. 1 space per 8000sqm of reception, lounge, bar and restaurant area GFA thereafter.
    - e. Industry, warehouse, distribution centre:
      - i. 1 space per 700sqm GFA, or part thereof.
    - f. Other uses:
      - i. 1 space for 1,750sqm GFA, or part thereof, or to meet needs.
  5. For mixed use developments, the total number of service vehicle spaces is to be calculated on a pro rata basis of spaces required for the relative proportions of different uses within the building.
  6. The total requirement identified in (1) above may be reduced for developments with GFAs in excess of 50,000sqm where it can be demonstrated to the satisfaction of the consent authority that:

- a. the proposed uses are complementary in terms of servicing demand; and
- b. at least one space per tenancy for business owners is provided.

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## 5.7 Through site links and publicly accessible rights of way

1. Through-site links are to be provided as an easement for public right of way as per Figure 32.
2. Through-site links are to:
  - a. be accessible to pedestrians 24 hours a day
  - b. be designed to ensure pedestrian safety through the limiting of vehicular access (other than temporary maintenance or emergency vehicles) and by bollards (which may be retractable) at intersections with public roads
  - c. provide a safe environment, including appropriate lighting and clear straight sightlines (Safer by Design principles)
  - d. provide a legible, unobstructed pedestrian footway for their entire length without fencing or gates that restrict pedestrian access
  - e. allow sufficient space for users to move around each other comfortably and safely, with a preferred pathway width of at least 3 metres and an absolute minimum at any point of 1.8 metres
  - f. be activated and surveyed through the design of the ground floor and upper levels of adjoining buildings. This can be achieved through active uses, retail frontages and entries, communal courtyards and apartment entries, egress paths that draw people through the through site link, and windows and balconies overlooking the through site link;
  - g. be designed to be accessible for people of all abilities
  - h. be open to the sky.

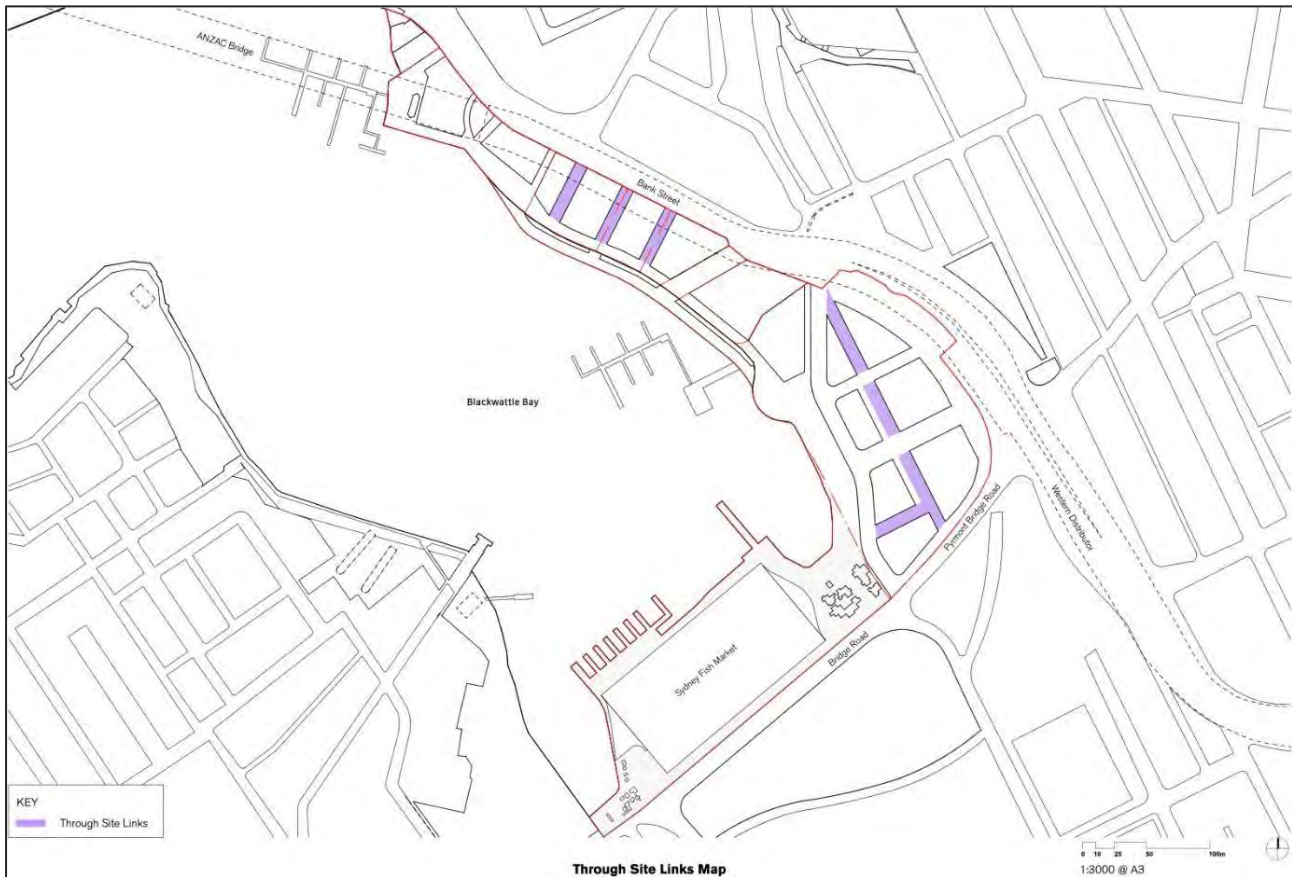


Figure 32 Through-site links

## 5.8 Awnings and colonnades

1. Awnings and colonnades are to be provided in accordance with Figure 33.
2. The floor-to-ceiling height of the colonnade is to be 9m and designed to integrate across buildings and land parcels to facilitate safe, comfortable and convenient pedestrian access, and enable dining and retail. Details are to be established in a Public Domain Plan. The colonnade is to be publicly accessible 24 hours a day.

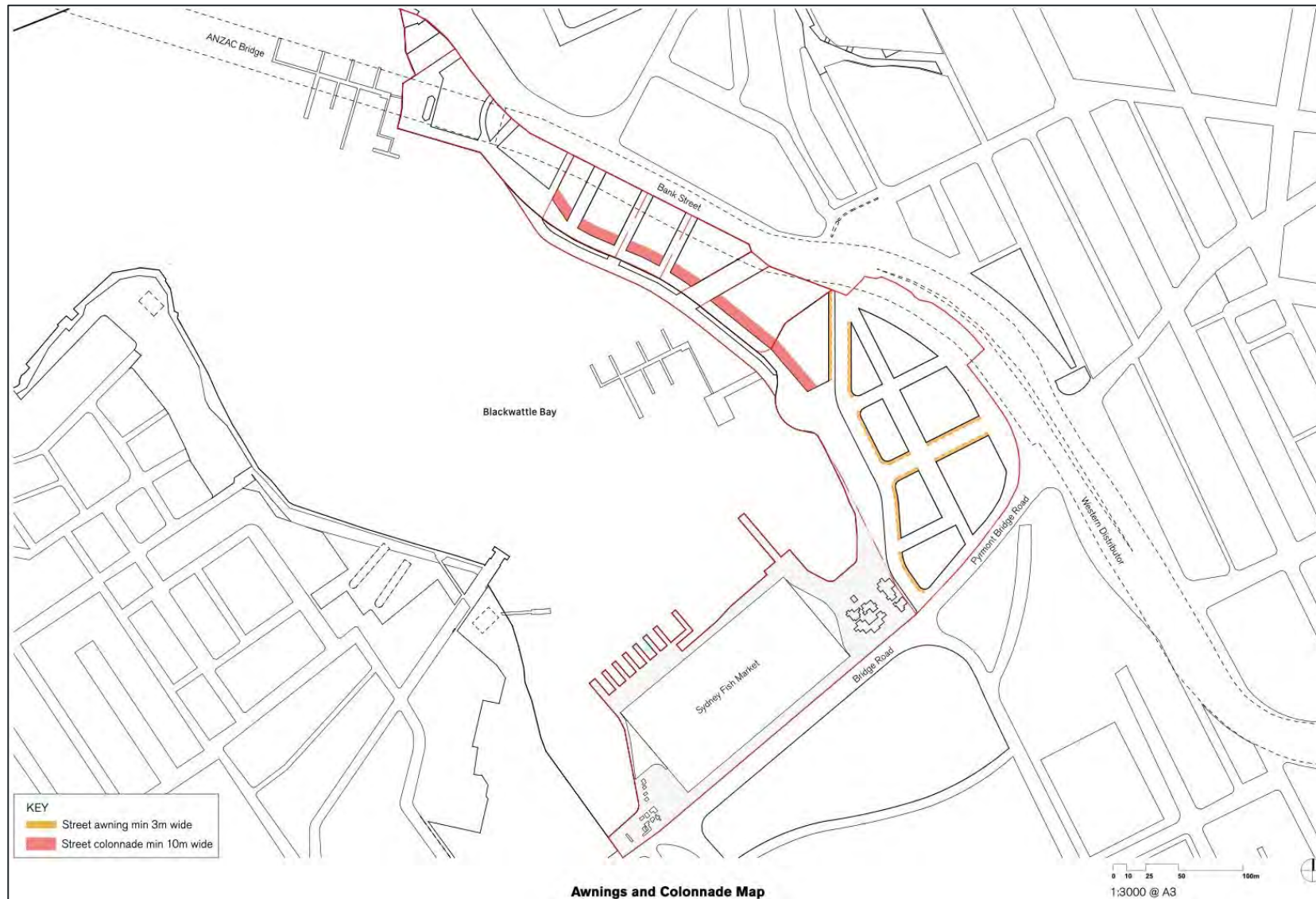


Figure 33 Awnings and colonnades

## 5.8.1 Awnings

### Objective

- a. Encourage footpath awnings to enhance pedestrian amenity and provide weather protection.

### Provisions

1. An awning over the footpath is to be provided in the locations nominated on Figure 33.
2. New awnings are to be compatible with the scale of host and adjacent buildings and the architectural features of the host building.
3. Where an awning is to be provided, it is to be provided along the full extent of the street frontage of the building or for the part along the main entry or with ground floor retail or commercial uses.
4. Awnings where provided are to be located between the ground and first floors to maximise weather protection. The height of an awning may vary between 3.2m and 4.2m above the footpath. The height of the awning must ensure continuity in appearance with adjacent awnings and to relate to any distinctive features of the building.
5. An awning may be introduced where it reinstates a previous awning.
6. Where there is no existing continuity of awnings on buildings within the same block on the same side of the street, or there would be a major adverse impact on the consistency of development within a heritage conservation area, awnings are not permitted.
7. Awnings on corner buildings are to wrap around the corner.
8. Lighting fixtures are to be recessed into the awning. All wiring and conduits are to be concealed.
9. Where signs are to be included on the awning they are to be consistent with the overall design of the awning.
10. Gutters are to be concealed from the footpath. Downpipes are to be fully concealed within or recessed into the ground floor frontage of the building.
11. Generally, awnings are to be cantilevered, non-trafficable and consistent with either Figure 34 and/or Figure 35.
12. On sloping streets awnings are to be stepped in height with a maximum difference of 700mm between each section of the awning.
13. Awning width is to be between 2m and 3.6m with the final width being determined to:
  - a. maximise weather protection;
  - b. match adjoining awnings;
  - c. give a minimum setback of:
    - (i) 1m from the face of the kerb to accommodate smartpoles utility poles and vehicles in the kerbside lane; and

(ii) 1.5m from the face of the kerb to accommodate street trees.

14. Cut out segments in awnings are not acceptable.
15. The depth of the fascia is not to exceed 700mm with the preferred depth less than 350mm.
16. Awnings are to have a maximum slope of 5 degrees for roofs and soffits and a roof slope towards the building so that gutters and downpipes are not required at the street edge.
17. The conversion of awnings to verandahs or balconies is generally not permitted.
18. Steeply sloped, arched or barrel vaulted awnings are not permitted.

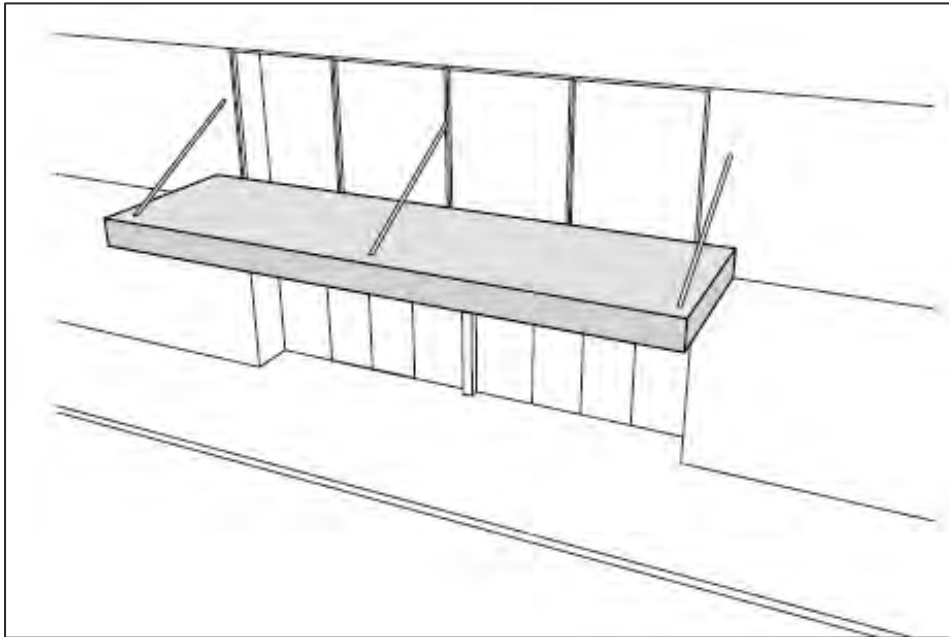


Figure 34 Traditional awning design

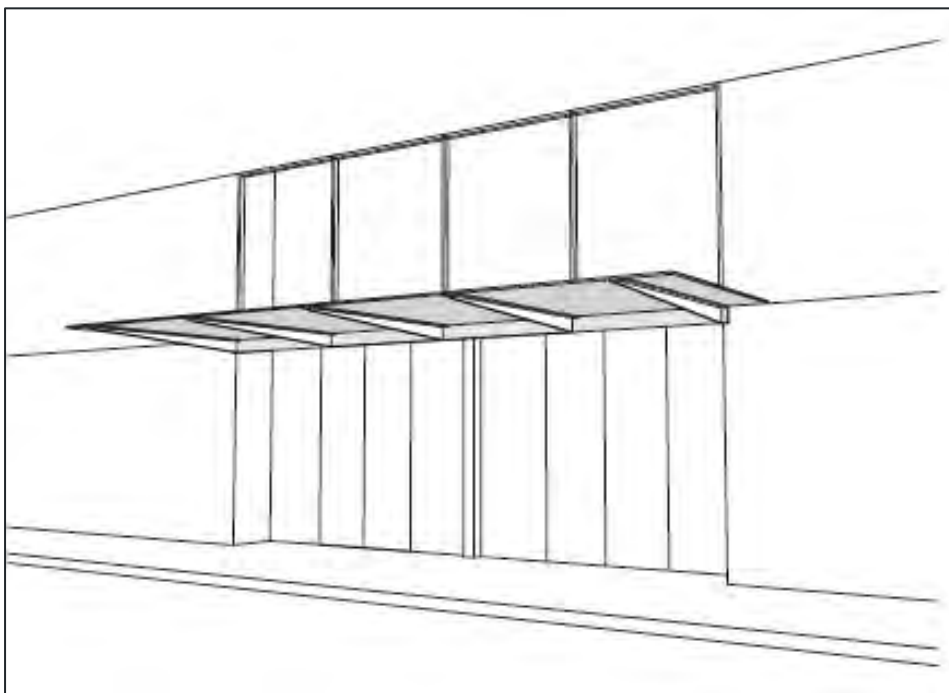


Figure 35 Contemporary awning design

### 5.8.1.2 Other awning types

1. Fabric canopies (including retractable canopies) may be acceptable:
  - a. for cafes, food outlets and hotels where awnings are not required or in streets without a consistent awning line, particularly in areas adjacent to parks and public spaces; and
  - b. on heritage buildings originally designed without awnings provided there is no impact on the heritage significance of that building.
2. Skylights within fixed awnings:
  - a. are to be less than one third of the awning width;
  - b. are to be glass;
  - c. are to be clear or very lightly tinted or patterned in a durable finish, such as a fritted or seraphic glass finish, to mask dirt, dust and wind blown debris; and
  - d. are not required to be continuous. The length of glazed portions is to correspond to the architectural design of the ground floor by aligning skylights with ground floor entries, windows or columns.
3. Fully glazed awnings are generally not acceptable.

# 6 LAND USE

## Objectives

### Land use mix

- a. Redevelop Blackwattle Bay into a vibrant new urban quarter focused on knowledge-based jobs, cultural and entertainment, visitor and tourism, retail and residential uses, connected to public transport, including the Pyrmont Metro station and anchored by the new Sydney FishMarket.
- b. Provide for a minimum quantum of non-residential land use for jobs and industries of the future as well as other non-residential uses, whilst retaining flexibility for increased commercial uses should market demand support higher levels of workplace accommodation.
- c. Provide residential development without compromising commercial development and the attractiveness of Blackwattle Bay for cultural, entertainment, arts and leisure activities supporting a diverse and vibrant 24-hour economy.

### Commercial uses

- d. Deliver a range of workplace building typologies including different sized floorplates.
- e. Encourage clustering of commercial office uses to create commercial activity in a core.
- f. Encourage diverse retail and services to meet the needs of residents, workers and visitors.
- g. Create opportunities for a range of complementary active uses on the ground level - such as food and beverage, outdoor dining and retail that will enhance and activate public spaces.
- h. Encourage a broad mix of night time uses that reflect the diverse entertainment and recreational needs of people who work and live in Blackwattle Bay as well as people who visit the Precinct.
- i. Encourage premises with extended trading hours that are of a type that do not operate exclusively during late night hours and may be patronised both day and night.
- j. Encourage a diversity of night time activity by incentivising performance, creative or cultural uses in licensed premises and dedicated performance venues.
- k. Ensure that a commitment is made by operators of late night trading premises to good management through the monitoring and implementation of robust plans of management.

### Residential uses

- l. Ensure a mix of dwelling sizes and tenures are provided, and that housing is flexible, encourages diversity, and caters for the needs of the existing and future resident population.
- m. Deliver housing close to amenity, transport, services and jobs.
- n. Ensure new residential development is sited and designed to provide adequate amenity.

## Community uses

- o. Provide community facilities and spaces that cater for the needs of the future Blackwattle Bay community and encourage social interaction and cohesion.

## Waterway uses

- p. Ensure that access to and from the water in Blackwattle Bay is improved and maintained for public recreational purposes.
- q. Make provision for public boating facilities along the waterfront.
- r. Allow for future water-based public transport (such as ferries).
- s. Ensure a prosperous working harbour and maintain an effective maritime transport corridor.
- t. Ensure the safe coordination of commercial and recreational vessels within the bay.

## Land use conflicts

- u. Ensure new development is located to avoid, minimise and mitigate land use conflicts with existing industrial uses and transport infrastructure.
- v. Ensure new residential development is designed to minimise amenity impacts from events and activation in public space.
- w. Ensure that new non-residential development is located and designed to avoid, minimise and mitigate land use conflicts with residential development.
- x. Ensure that occupiers of future residential apartments and non-residential tenancies are made aware regarding noisy activities in the public space.
- y. Ensure that late night trading premises are managed to have regard to the amenity of residential or other sensitive land uses.

## Active frontages

- z. Ensure ground floor frontages are pedestrian oriented, of high design quality to add vitality to streets and public space and to encourage outdoor dining and activation both day and night.
- aa. Allow for active frontages in other non-identified locations to contribute to the amenity of the streetscape.
- bb. Encourage frequent building entries that face and open towards the street and provide safe access.

## Signage

- cc. Encourage well designed and suitably located signs which:
  - i. achieve a high level of design quality;
  - ii. complement the architectural design and use of buildings, and the character of streetscapes;
  - iii. do not contribute to a cumulative visual clutter on and around buildings; and
  - iv. do not detrimentally impact on streetscape and residential amenity.

- dd. Require an integrated approach for multiple signs on new buildings

## Provisions

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### 6.1 Location of land uses

1. Land uses within the Precinct are to have consideration to site constraints, harness the opportunities for outlook and amenity in the upper portions of the built form and maximise activation of the public domain.
2. The podiums of the PLO1-1, PLO1-2, PLO2, PLO3-1 and PLO3-2 sites are to be non-residential uses.
3. The ground floor of buildings are to contain uses such as retail, food and beverage, cultural and entertainment uses that contribute to the activation of the streets and lanes.

### 6.2 Retail, commercial and other non-residential uses

1. Large, flexible commercial floorplates of 1,800-2,500 sqm should be provided in workplace buildings where possible.
2. Smaller commercial floorplates of 800-1,200 sqm should be provided to attract a mix of commercial and business activities.
3. Consideration should be given to tightly clustering commercial office uses in close proximity to public transport and services.
4. Buildings are to be designed to enable flexibility in future commercial land use mix.
5. A variety of uses should be provided at street level, which contributes positively to economic and social vitality.
6. Proposals are to provide an assessment to demonstrate there is adequate provision of childcare facilities to support the development.
7. Notwithstanding the above provisions, development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate are not permitted in the precinct.

### 6.3 Residential and mixed use development

#### 6.3.1 Dwelling mix

1. Development of 20 dwellings or more is to provide dwellings within the following proportional ranges:

- a. Studio dwellings - 5 to 10% of total dwellings
  - b. 1-bedroom dwellings - 10 to 30% of total dwellings
  - c. 2-bedroom dwellings - 40 to 75% of total dwellings
  - d. 3-bedroom dwellings or larger - 10 to 30% of total dwellings.
2. The maximum percentage of 1 bedroom dwellings may be increased above 30% provided the numbers of studio dwellings and 1 bedroom dwellings combined does not exceed 40% of the total dwellings proposed.
  3. Dwelling mix should consider population projections and the need to provide homes for different life stages, such as larger apartments with ground level private open space for families.
  4. Despite 1 above, dwelling mix of any affordable housing provided in the Precinct should reflect housing need.

### 6.3.2 Flexible design and adaptable housing

1. New development is to include a variety of internal designs that will allow adaptation to different uses over time by:
  - a. providing internal walls that can easily be removed without affecting structural integrity;
  - b. locating services so that they do not impede the future conversion of the unit into a different configuration; and
  - c. incorporating the ability to separately occupy parts of individual dwellings.
2. Dwellings comprising two or more bedrooms may be configured as two adjacent apartments provided:
  - a. both apartments are accessed from a shared private lobby or have dual-key access; and
  - b. where a strata plan exists, both apartments are contained within a single strata unit.
3. Communal rooms and creative live-work spaces are encouraged in new residential developments.
4. 20 per cent of the total apartments are to incorporate the Liveable Housing Guideline's silver level universal design features.
5. Adaptable dwellings are to be spread amongst all unit sizes to accommodate various household sizes.
6. Adaptable dwellings are to be provided in all new development in accordance with the rates in Table 8.

Table 8 Provision of adaptable dwellings

Total number of dwellings	Number of adaptable dwellings to be provided
Between 0 and 7	Nil
Between 8 and 14	1 dwellings
Between 15 and 21	2 dwellings
Between 21 and 29	3 dwellings
30 or more	15% of total dwellings

*Note: Adaptable housing is designed to enable easy modification in the future for occupation and visitation by people with a disability or people who may acquire a disability gradually as they age. Design criteria for adaptable housing are set out in the relevant Australian Standards. Modifications should generally not require demolition in order to enable accessible occupation.*

### 6.3.3 Affordable housing

1. Any on-site affordable housing provided is to be generally in accordance with the following principles:
  - a. affordable housing is to be provided so that a socially diverse residential population, representative of all income groups, is created
  - b. affordable housing is to be made available to a mix of households on very low to moderate incomes and rented at no more than 30% of gross household income
  - c. affordable housing is to be used for affordable rental housing in perpetuity
  - d. residents of affordable housing are to have equal access to shared facilities as residents of other dwellings, such as communal open space
  - e. affordable housing is to provide a high level of amenity for residents and be constructed to a standard which, in the opinion of the Consent Authority, is consistent with other dwellings in the Precinct
  - f. affordable housing is to be owned and/or managed by government or a Tier 1 or Tier 2 community housing provider.
2. Where built by a developer, other than that which will be the end owner and/or manager of the social or affordable housing, the end owner and/or manager is to be consulted in the design of the building and preparation of any development application.
3. Where required by any end owner and/or manager of affordable housing, the following is to be incorporated:
  - a. communal space for resident meetings, training and events and the like
  - b. office space for the housing provider
  - c. any other non-residential space that may be required.

*Note: These provisions apply to any proposal for on-site affordable housing. Under the City of Sydney's Affordable Housing Program, the provision of affordable housing in new development can be satisfied by dedication of dwellings (on-site provision) or making an equivalent monetary contribution.*

### 6.3.4 Housing for Aboriginal and Torres Strait Islander peoples

1. For any affordable housing provided on site, 10% or more of the total number of affordable housing dwellings is to be provided for Aboriginal and Torres Strait Islander housing.
2. Aboriginal and Torres Strait Islander housing is to be culturally appropriate housing<sup>4</sup>.
3. The design of Aboriginal and Torres Strait Islander housing is to be informed by an Aboriginal or Torres Strait Islander architect with experience in designing culturally appropriate housing in consultation with the Aboriginal Housing Office and local Aboriginal community.

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## 6.4 Community and cultural uses

1. Development is to include floorspace that is suitable for community facilities as follows:
  - a. approximately 1,200 square metres (GFA) of space for cultural and creative uses which may include meeting rooms, indoor recreation facilities/ amenities and the like.
  - b. a community centre space of a minimum of 400 square metres (GFA) in a location that enables its use as a boat house/club house, such as Bank Street Park. The facility should accommodate existing dragon boat, kayak and canoe paddlers as well as be available for use as general multipurpose community meeting and activity space.
2. Future community and/or cultural facilities may be located in 1-3 Bank Street and/or Building 1, based on the outcomes of more detailed investigations and stakeholder engagement.
3. Place Management NSW is to be consulted on the design and development of cultural and creative spaces.
4. The location and siting of community and cultural uses must not result in the location of sensitive land uses in areas that can not effectively evacuate in the event of flooding.

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## 6.5 Waterway uses and management

1. Infrastructure for recreational boat launching and storage is to be provided in the Bank Street open space.
2. Any future proposals to increase the existing number of vessels will be subject to assessment to ensure recreational uses are not impacted.
3. A Marine Traffic Management Plan is to be submitted with any development application (DA) involving changes in marine traffic. The Marine Traffic Management Plan is to be submitted to and approved by Transport for NSW and the Harbour Master.
4. A Navigation Impact Analysis is to be submitted with any development application for any new maritime structure, such as a wharf or jetty.

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<sup>4</sup> Culturally appropriate housing is housing that is designed in consultation with the occupier/s so that it is suited to their specific needs.

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## 6.6 Land use conflicts

### 6.6.1 Future residential development

1. New residential developments are to be adequately separated from noise and air pollution sources including busy roads, noise-generating industry, lower floor active uses and events within the public domain to help reduce the likelihood of noise disturbance.
2. New residential development within 100 m of existing or planned entertainment venues within the Precinct should assess noise from the venue and design and build the development to manage the noise, including with consideration to low-frequency noise.
3. Design of new residential development is to consider opportunities to avoid, minimise and mitigate potential for amenity impacts to new residents through measures such as suitable facade attenuation in all future residential developments within the Precinct.
4. New development for residential uses must be designed in accordance with the recommendations of a noise, vibration and air quality impact assessment prepared in accordance with section 8.3(1) of these guidelines.
5. Prospective purchasers and occupiers of future residential apartments and non-residential tenancies are to be made aware that:
  - a. the development is in a vibrant entertainment and recreation precinct that will be subject to cultural and community events
  - b. events in the precinct may result in noise, light emissions, vibration and temporary changes to access arrangements over multiple 24 hour cycles throughout the year.
6. Future Development Application(s) for residential within the precinct must include details of strategies and/or mechanisms which can be secured through the development consent or other legal agreement to ensure prospective purchasers and occupiers are made aware of the matters outlined incl. 6.6.1(5) above.

### 6.6.2 Development in the vicinity of existing industrial uses

1. Development must demonstrate consideration of existing industrial operations and impacts on the proposed development
2. Cumulative noise impacts must be considered within the Precinct, taking into account the contribution of existing (and making allowance for future) industrial and commercial noise sources.
3. Should residual noise impacts be experienced at residential land uses adjacent to the existing industrial uses, consideration should be given to controlling noise at the source, where reasonable and feasible.
4. Measures such as buffers and barriers, as well as other measures detailed in Section 8.3 Noise of these Guidelines, are to be implemented to ensure that residences or other sensitive receiving environments are not adversely affected by noise, dust, odour, chemicals, or the like from existing operations.

5. New development is to be designed to minimise impact on existing industrial traffic movements, having particular regard to avoiding conflicts between industrial traffic and pedestrians/cyclists.

### 6.6.3 Noise generating land uses

1. A noise management plan is required for all noise-generating development in the Precinct and provide a framework for setting noise limits for each noise-generating use within the development to ensure noise criteria at sensitive receivers, particularly residential development maintain acoustic amenity.
2. Late night trading venues are to comply with the provisions set out in Section 6.3 of these Design Guidelines.
3. High noise-generating uses (such as licensed premises) are to be located together and away from residential receptors. Cumulative impacts from these uses are to be considered.
4. Non-residential development should be positioned to shield residential areas from noise wherever practicable.

### 6.6.4 Late night trading

1. Provisions relating to 'Late Night Trading' are found in Appendix B. The Blackwattle Bay Precinct is categorised as a 'City Living Area' for the purposes of applying the late night trading provisions.

*Note: Provisions for Late Night Trading contained in Appendix B have been adapted from Section 3.15 Late Night Trading Management and Schedule 3 Late Night Trading of Sydney Development Control Plan 2012.*

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## 6.7 Active frontages

1. Retail and commercial active frontages are to be provided as indicated in with Figure 36. The frontages may include entries or display windows to shops and/or food and drink premises or other uses, customer service areas and activities (including entertainment) which provide pedestrian interest and interaction.
2. For the purposes of this control, an active street frontage is not required for any part of a building to be used for any of the following:
  - a. entrances and lobbies (including as part of mixed use development),
  - b. access for fire services,
  - c. vehicular access.
3. Loading access should generally not occur where active frontages are nominated.

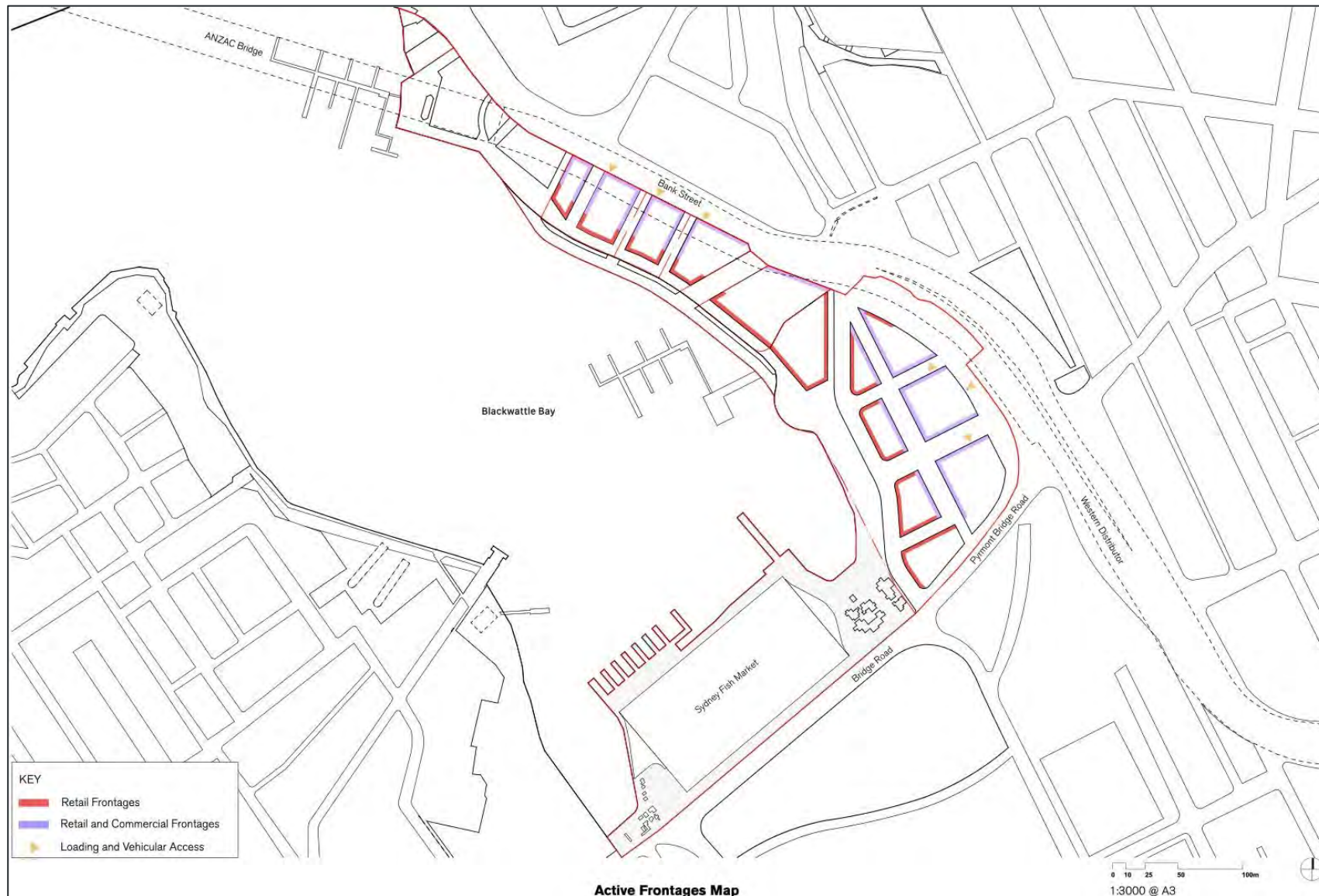


Figure 36 Active frontages map

# 7 BUILDING LAYOUT, FORM AND DESIGN

## Objectives

### Design excellence

- a. Ensure high quality and varied design through the use of competitive design processes for large and prominent developments.
- b. Ensure development individually and collectively contributes to the architectural and overall urban design quality of Blackwattle Bay.
- c. Encourage variety in architectural design and character across large developments to provide a fine grain which enriches and enlivens Blackwattle Bay's public realm.
- d. Provide for a design excellence process that delivers cohesive precinct outcomes and seamless integration with the public domain.

### Built form

- e. Ensure the built form complements and enhances Pyrmont in line with the Pyrmont Peninsula Place Strategy.
- f. Provide a range of building heights, types and architectural styles to create diversity and visual interest whilst protecting solar access to the new waterfront promenade, public domain and open space areas.
- g. Minimise overshadowing to neighbouring residential uses
- h. Minimise overlooking of existing and proposed buildings.
- i. Ensure adequate building separation is achieved between all proposed built form and setbacks to existing surrounding infrastructure.
- j. Ensure satisfactory sunlight access to new and existing public open space and public domain is achieved that supports vegetation and recreational uses
- k. Built form elements have appropriate orientation, proportion, composition and articulation, including ensuring the height of future buildings complement existing landmarks and provide an appropriate character for the new Sydney Fish Market.
- l. Incorporate good design for wind to ensure pedestrian comfort and safety.
- m. Use layout and building envelopes to positively respond to local climate and shape microclimates
- n. Provide maximum street wall heights that reflect the existing morphology of the area and ensure a human scale to the public domain and open space areas.

- o. provide adequate tower setbacks from the public domain and open space areas to preserve human scale from the public domain and open space areas.
- p. To deliver built form that encourages and complements public life at the ground plane, where buildings adjoin public space and streets, clearly frame spaces and contribute to activation and natural surveillance.
- q. Provide interfaces to the public realm that contribute to the overall articulation, variation, visual interest and amenity.
- r. Maximise a sense of openness within the site and adjacent areas with massing to respond to local conditions, views to sky, as well as terminating views or landmark buildings, with additional height or variation in orientation and setbacks to deliver the outcome.
- s. Ensure that plant and lift overruns are designed as simple compact forms that are visually unobtrusive and add to the quality of the architectural form.
- t. Use building design and detailing, including materials, to complement the desired character of adjacent public space that are appropriate for the local area and will reduce urban heat.
- u. Integrate and consolidate services to minimise impact on the public realm.

## Explanatory Note

*Sydney LEP 2012 and the Design Guidelines define maximum building envelopes to individual sites. These include building height and maximum floor space ratio, podium height and setbacks and maximum floor plate sizes. The built form controls enable flexibility within the maximum building envelopes for specific design responses for individual sites that:*

- *minimise environmental impacts,*
- *maximise amenity outcomes, particularly wind, noise and air quality outcomes for future occupants and visitors to public spaces nearby*
- *maximise solar access to public space and neighbours*
- *align with other provisions of this Design Guideline and other relevant planning instruments and considerations.*

*As a result, new development may not fully occupy the maximum building envelope.*

*To determine the buildable area, the following steps may apply:*

1. *identify the planning controls in Sydney LEP 2012 and these Design Guidelines provisions for the site.*
2. *identify the podium height (AHD), minimum building setbacks and alignments in these Design Guidelines.*
3. *undertake independent investigations into whether larger building setbacks are required, easements from the Western Distributor, services and other constraints and adjust the maximum envelope accordingly.*
4. *ensure maximum floor plate size is generally achieved (see Table 10 and Table 11)*

5. *within the maximum envelope, develop a site-specific building design that:*
  - a. *meets solar access objectives and provisions for public space and to neighbours.*
  - b. *addresses wind safety and comfort criteria and noise and air quality siting considerations.*
  - c. *provides for innovation and design excellence in the built form.*
  - d. *is consistent with the provisions of the Design Guidelines.*
  - e. *maximises public benefits at the ground level interface with public spaces, such as delivery of the minimum widths of the foreshore promenade*
  - f. *other planning and design considerations, as relevant*

## Provisions

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### 7.1 Design Guidance

1. Where required under the Sydney LEP 2012 buildings are to be subject of a competitive design process undertaken in accordance with applicable design excellence competition guidelines of the Government Architect NSW or the City of Sydney Council's Competitive Design Policy.
2. No additional floorspace or building height under Clause 6.21D (3) of the Sydney LEP 2012 will be awarded for a building demonstrating design excellence.

### 7.2 Building envelopes

#### 7.2.1 Building Setout

1. Buildings are to be located within the sites nominated in Figure 37.
2. The layout of buildings within the development sites is to ensure:
  - a. buildings address the street to form a fine grained urban network of pedestrian streets within the site that is sympathetic and connected to the existing grain of streets and paths.
  - b. views to the sky are to be enhanced by adequate separation between buildings to the ground plane in areas of streets and to areas of private open spaces within blocks.
  - c. the configuration and layout of buildings adequately responds to site constraints, particularly noise and air pollution
  - d. minimise overshadowing of existing neighbouring residential apartments
  - e. enable the delivery of a 30 m metres wide foreshore promenade along Blackwattle Bay comprising 30 m on-land across southern foreshore promenade (see Figure 6) and 20 m on land across northern foreshore promenade (see Figure 6) made up of 10 m foreshore promenade and 10 m colonnade. A further 10 m over-water boardwalk is required in front of private land to achieve the total 30 m required.

## 7.2.2 Building alignments and setbacks

1. Building envelopes must generally be in accordance with Figures 37 to 52 and align with floor plates sizes detailed in Table 10 and Table 11 to ensure maximum allowable building GFA is not exceeded.
2. Development is to be designed in consultation with Transport for NSW to ensure sufficient space is maintained between new development for access, maintenance and safe operation of the Western Distributor (see Figure 38).
3. Basements must generally not be located under public open space.

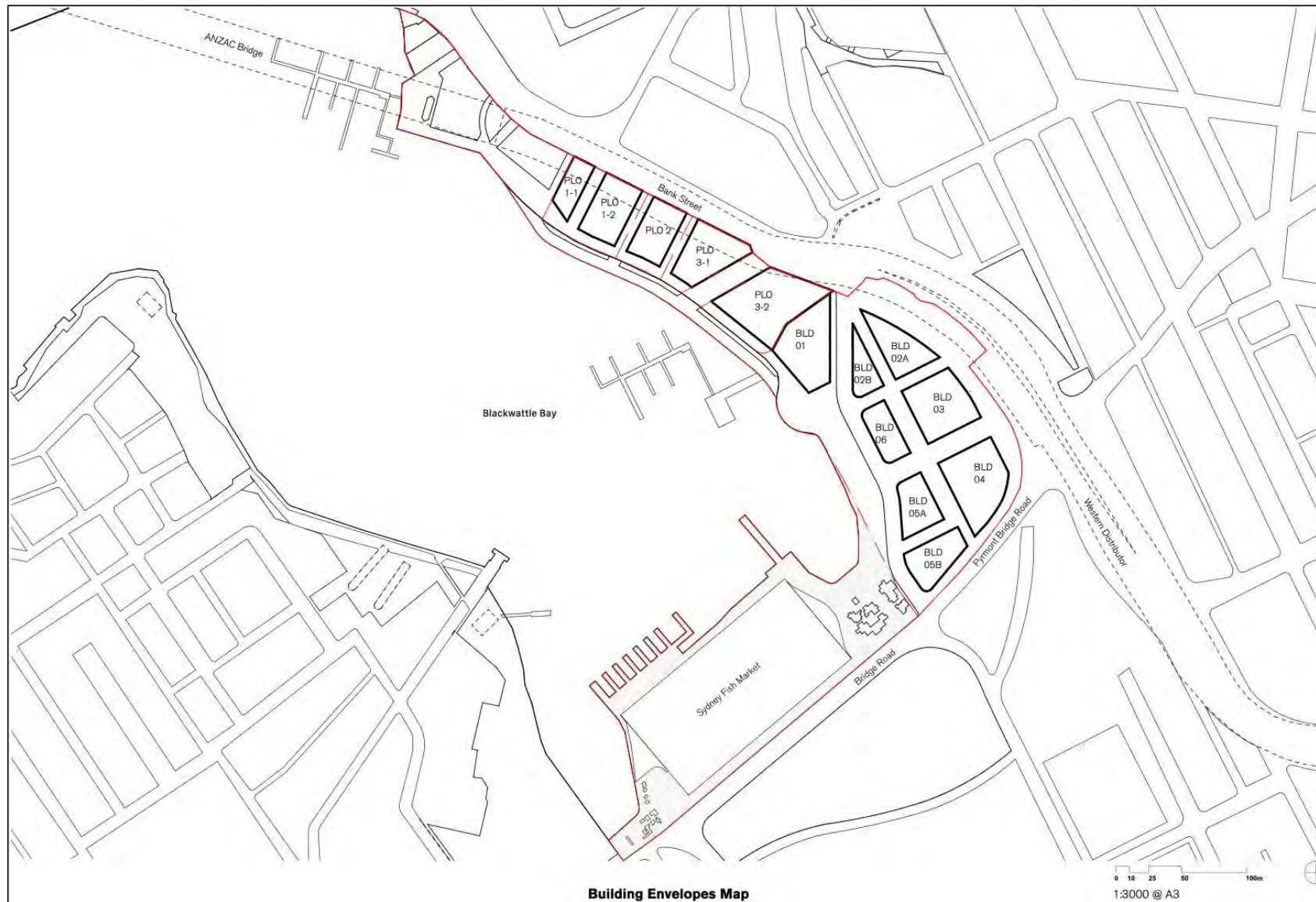


Figure 37 Development sites

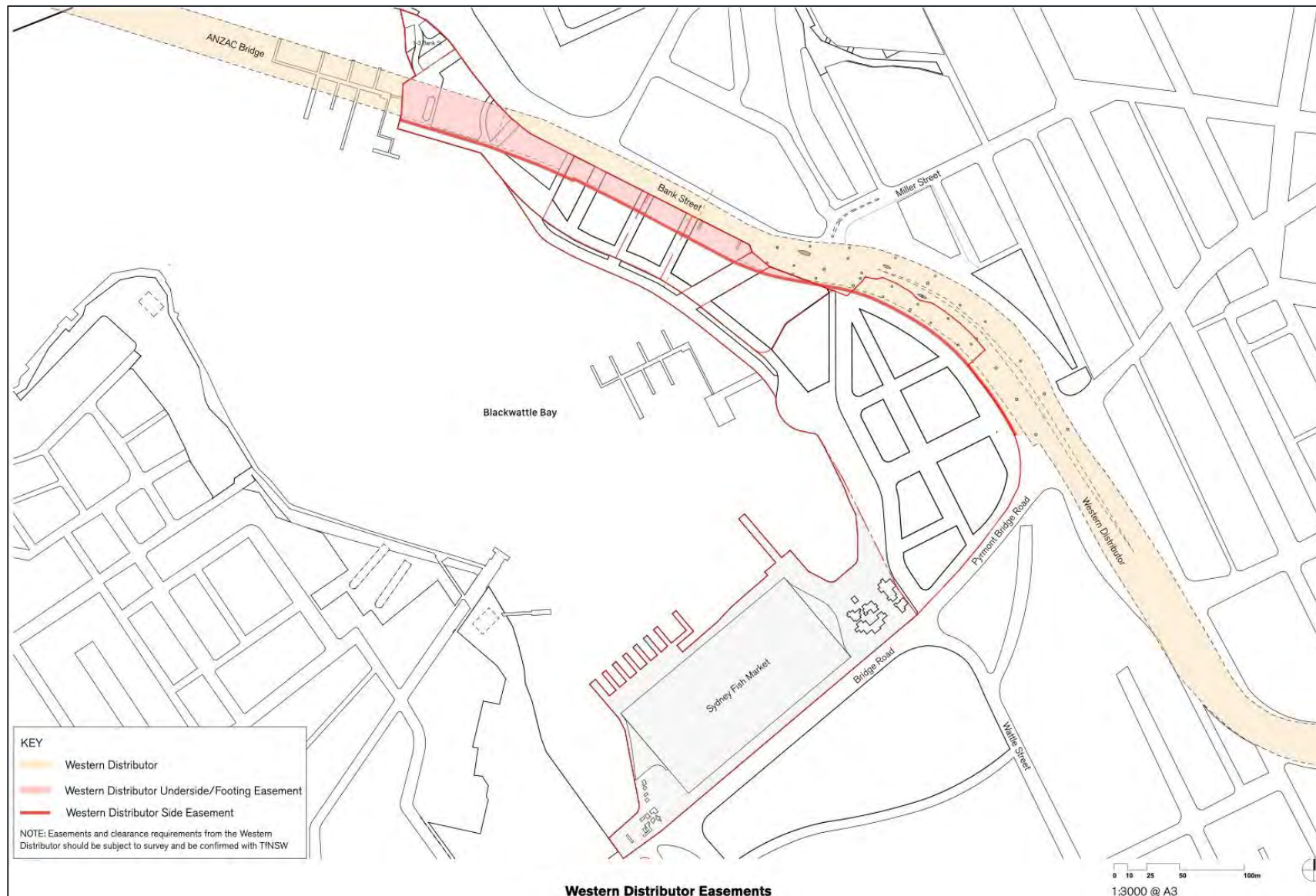
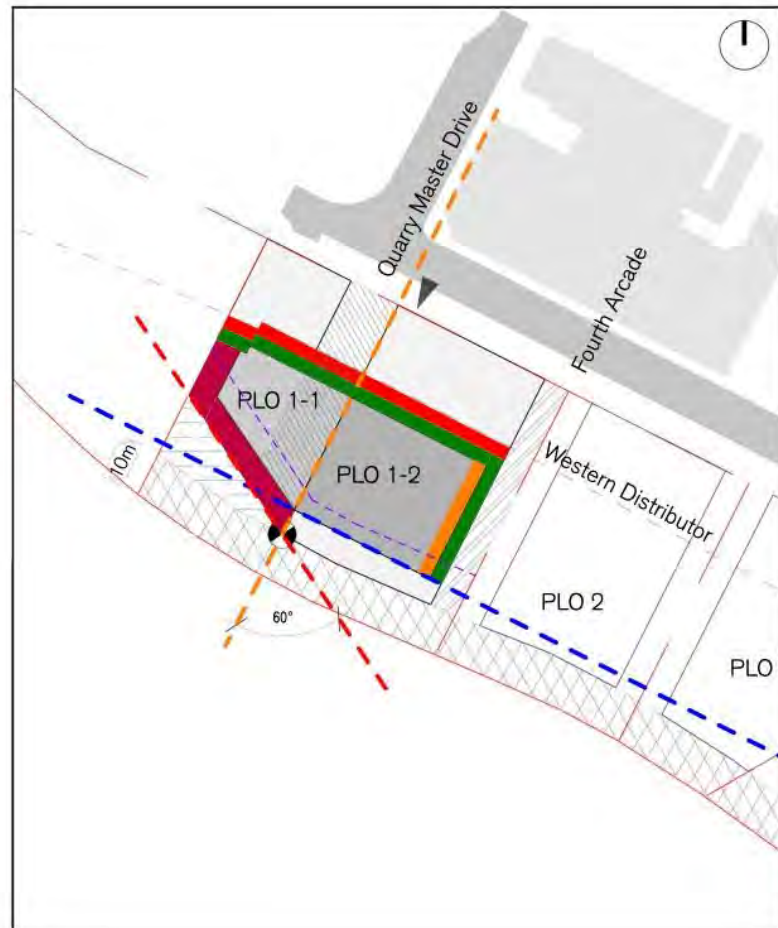


Figure 38 Western Distributor easements



- ▲ Site Access
- Tower setback alignment @ CL of PLO 02
- Podium setback alignment
- Min. 3m setback from Western Distributor
- Min. 3m setback above AHD 21.0
- Min. 6m setback above AHD 21.0
- Min. 6m setback above AHD 35.6
- Pivot Marker
- Quarry Master Alignment
- Min 10m Colonnade setback
- Min. 10m Waterfront Promenade
- Min. 6m setback from boundary
- Additional promenade setback to Bank St Open Space transition
- Quarry Master Drive continuation void up to podium height

PLO 1.1 + PLO 1.2

**Podium Height (AHD)**  
21.00m

**Max. GFA (m<sup>2</sup>)**  
19,880

PLO 1.1

**Max. Height (AHD)**  
54.4m

PLO 1.2

**Max. Height (AHD)**  
81.4m

\* Max Height AHD irrespective of Solar Plane

Figure 39 Block PLO1-1 and PLO 1-2 controls



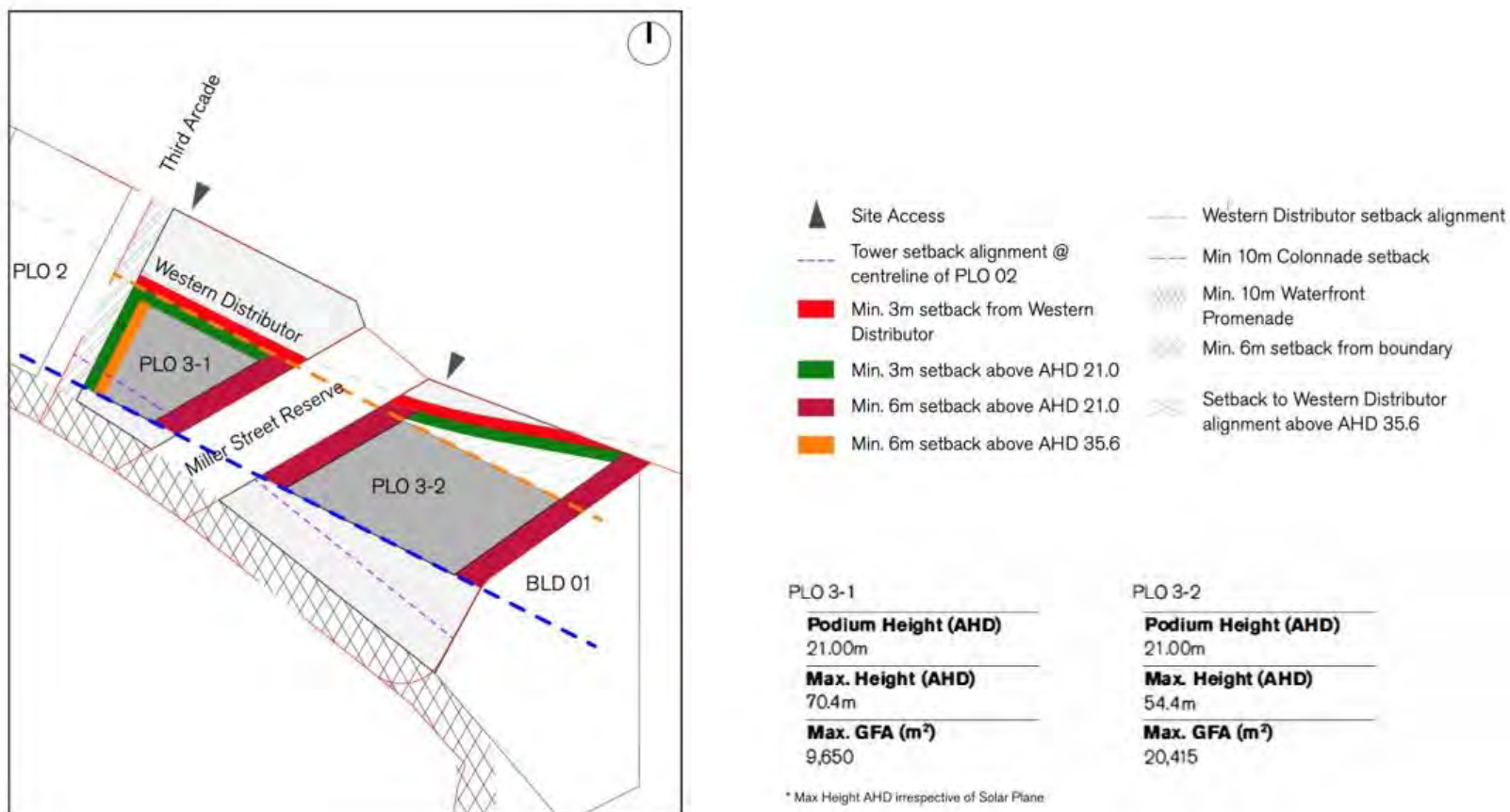


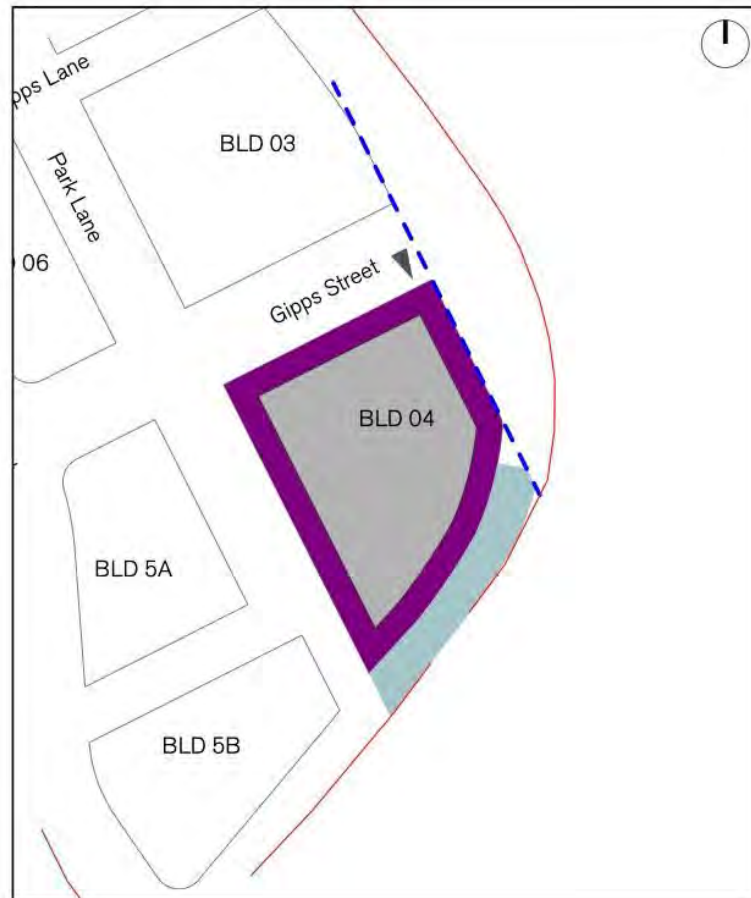
Figure 41 Block PLO 3-1 and PLO 3-2 controls







Figure 42 Block BLD 2A controls



Figure 43 Block BLD 03 controls



-  Site Access
-  Min. 6m setback above AHD 37.5
-  Min. 10m setback from boundary
-  CoS Land Boundary

BLD 04

**Max. Height (AHD)**

106m

**Max. GFA (m<sup>2</sup>)**

37,900

**Podium Height (AHD)**

37.5m

\* Max Height AHD irrespective of Solar Plane

Figure 44 Block BLD 04 controls

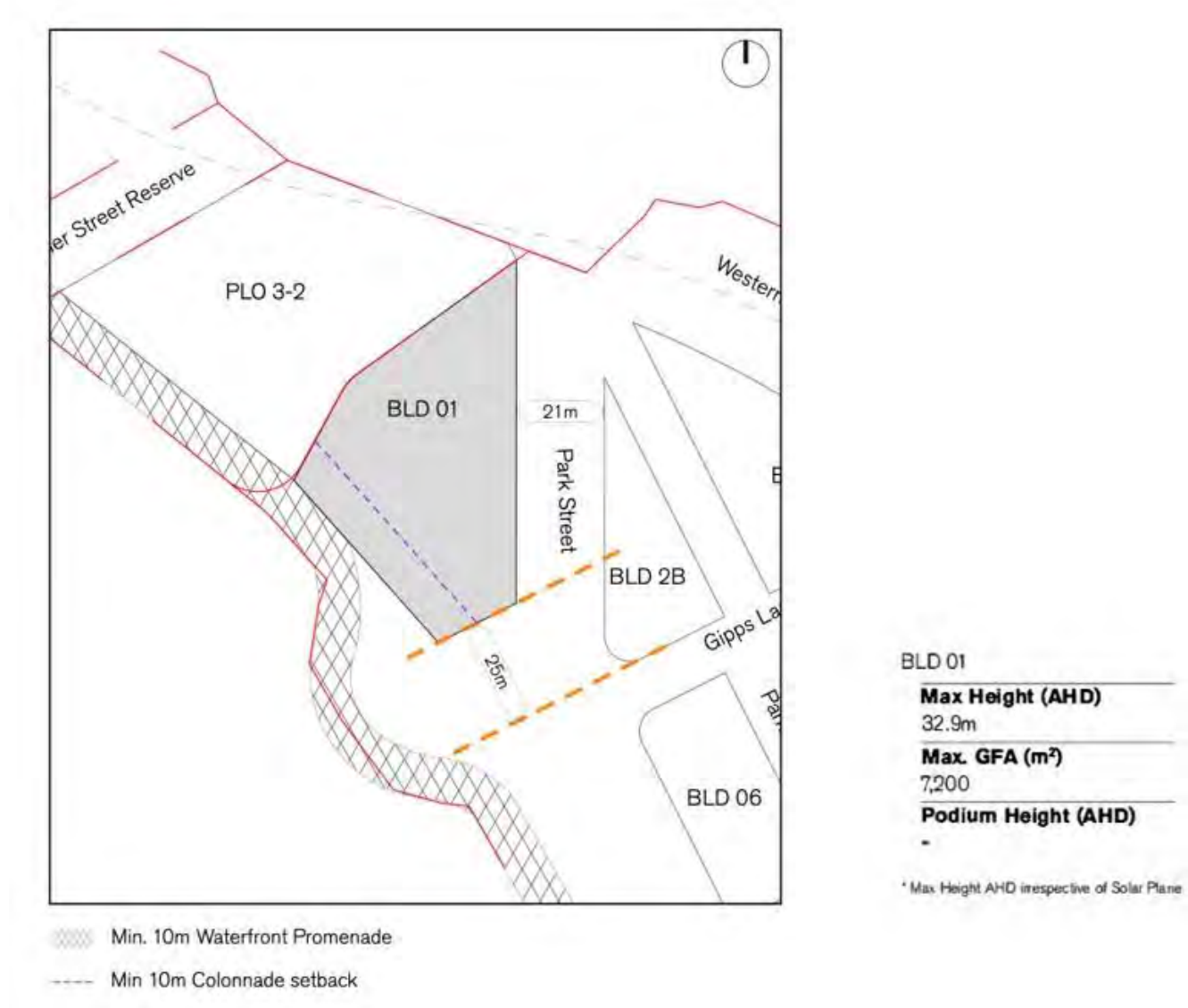


Figure 45 Block BLD 01 controls

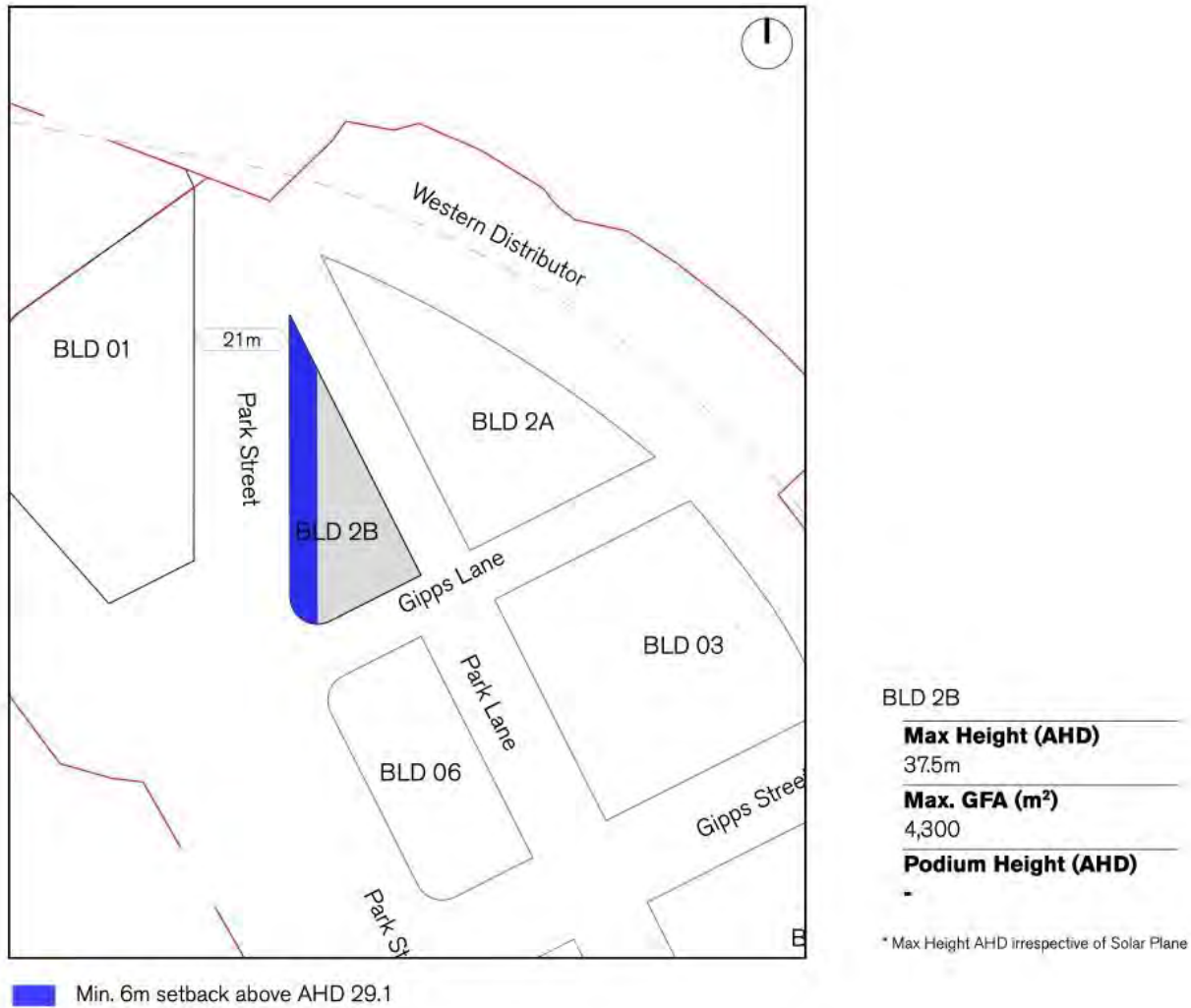
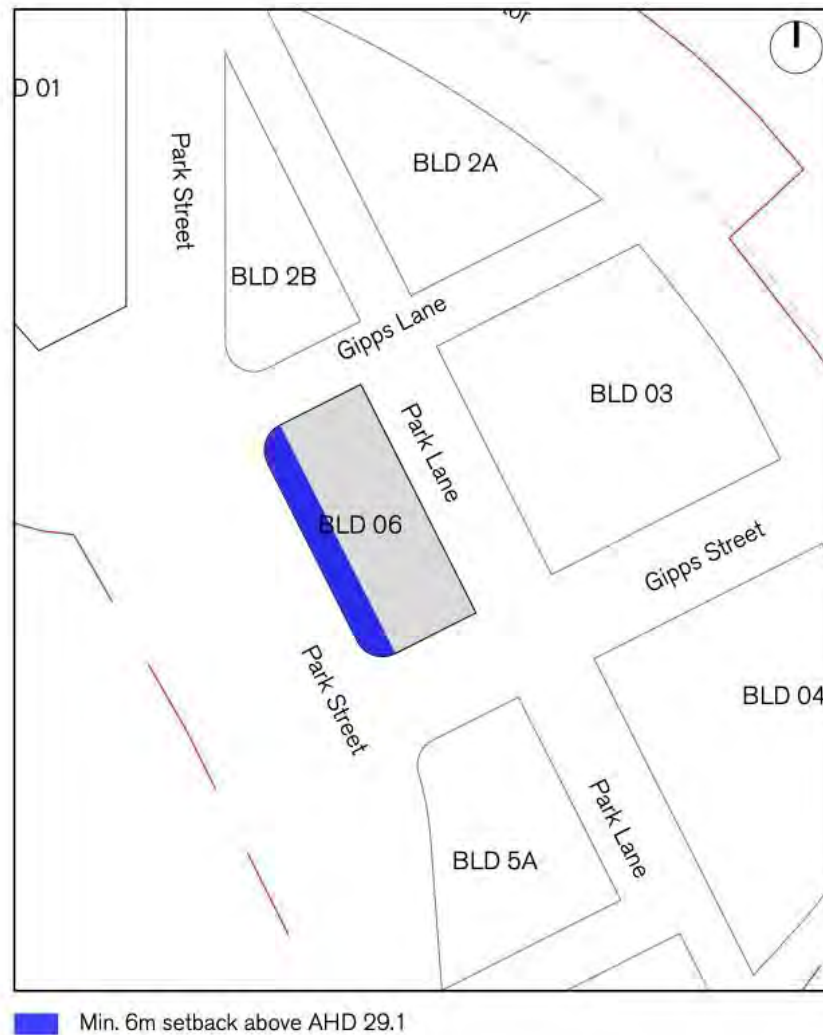


Figure 46 Block BLD 2Bcontrols



BLD 06	
<b>Max Height (AHD)</b>	
37.5m	
<b>Max. GFA (m<sup>2</sup>)</b>	
6,100	
<b>Podium Height (AHD)</b>	
-	

\* Max Height AHD irrespective of Solar Plane

Figure 47 Block BLD 06 controls



BLD 5A

**Max Height (AHD)**

37.5m

**Max. GFA (m<sup>2</sup>)**

7,200

**Podium Height (AHD)**

-

\* Max Height AHD irrespective of Solar Plane

BLD 5B

**Max Height (AHD)**

37.5m

**Max. GFA (m<sup>2</sup>)**

6,600

**Podium Height (AHD)**

-

Figure 48 Blocks BLD 5A and 5B controls

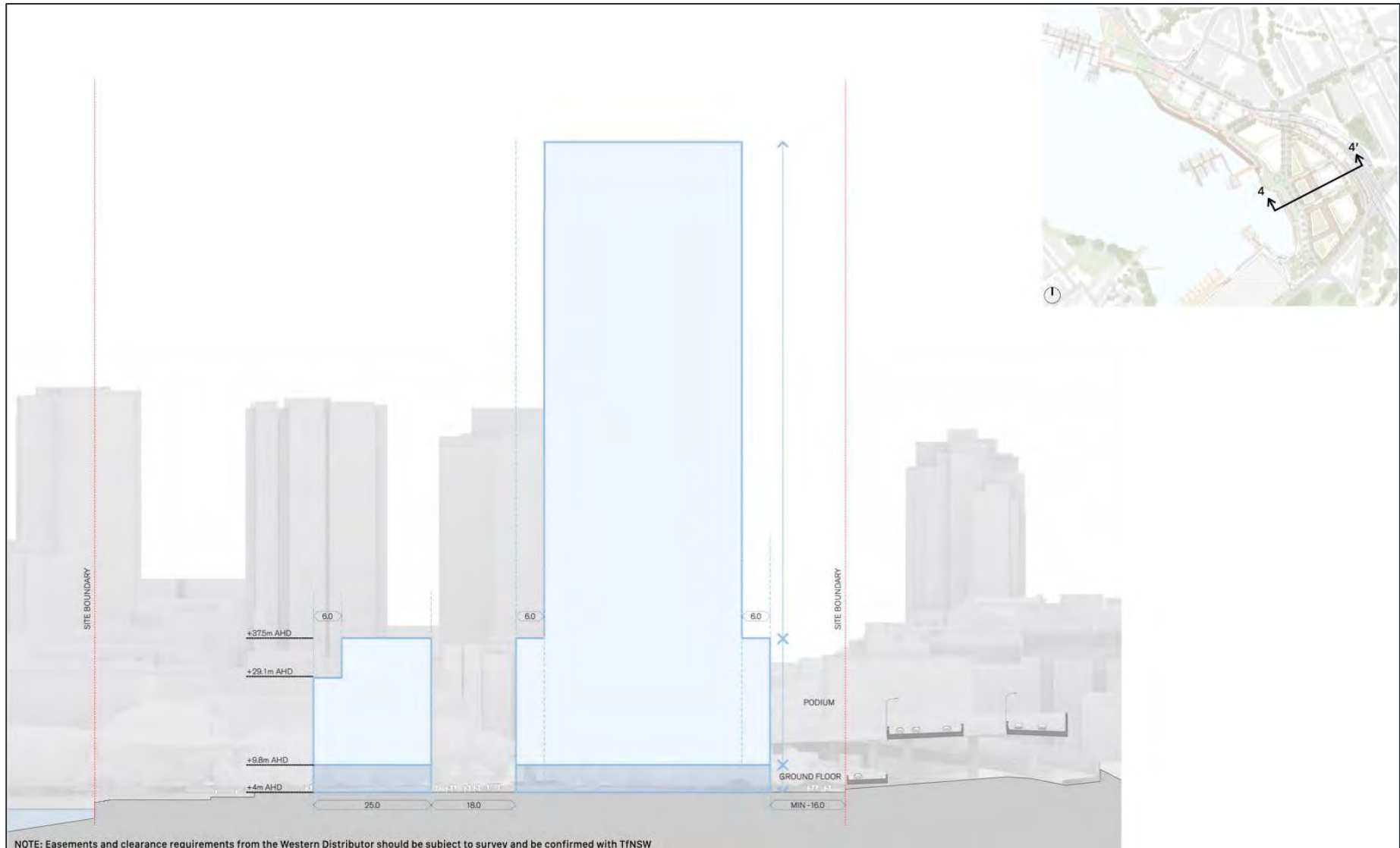


Figure 49 Section through BLD 03 and BLD 06

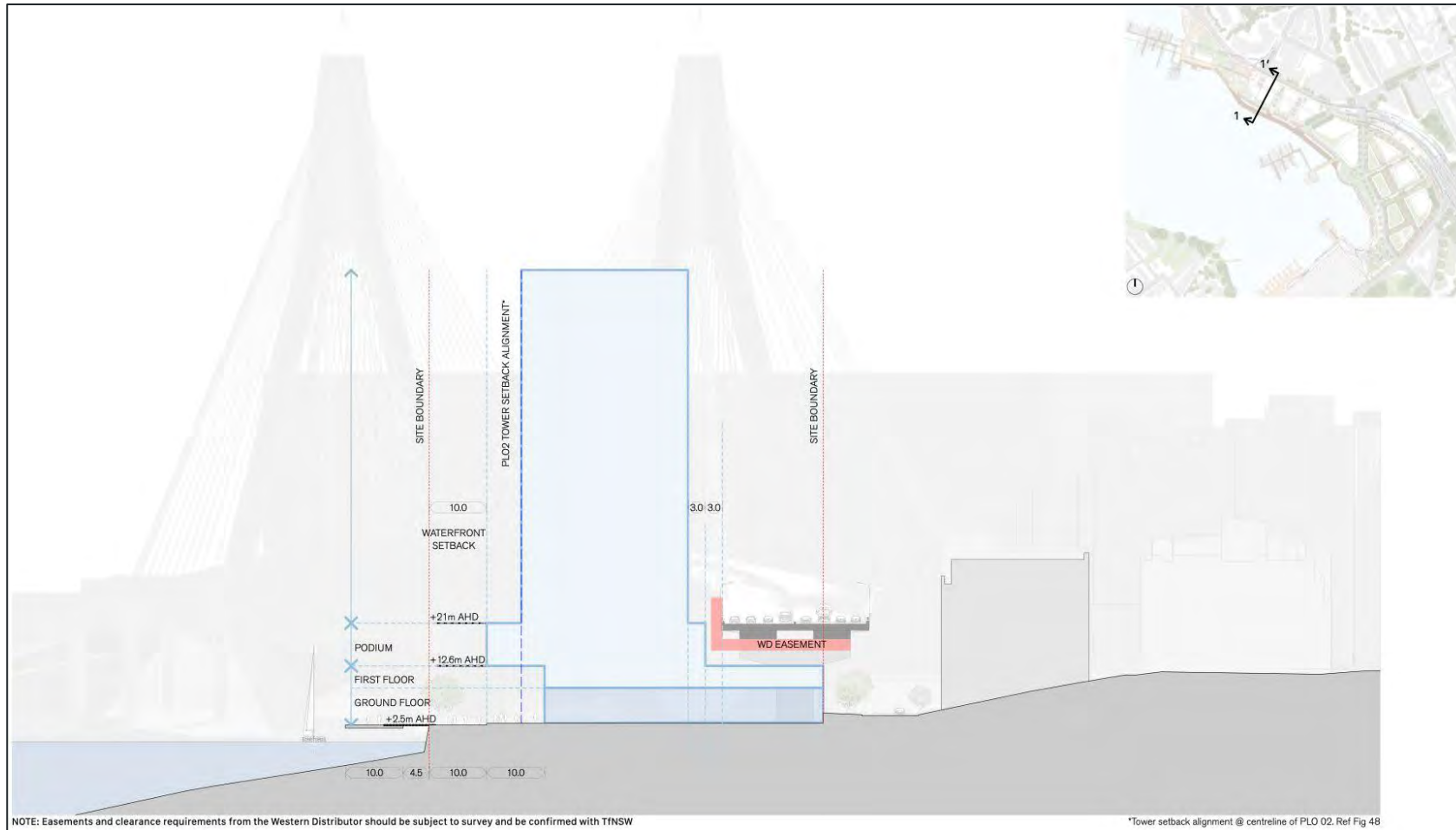


Figure 50 Section through PLO1-2

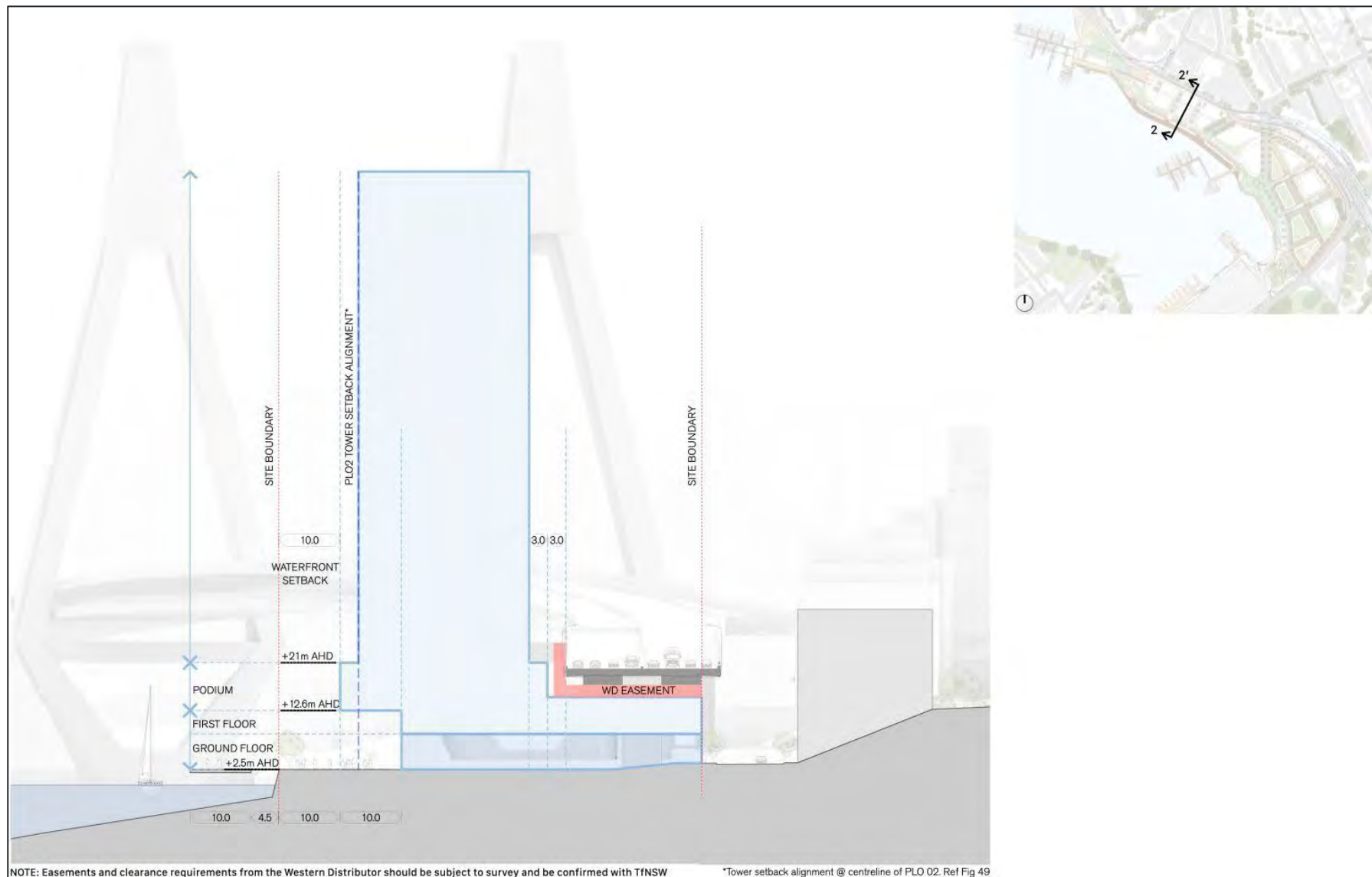


Figure 51 Section through PLO2

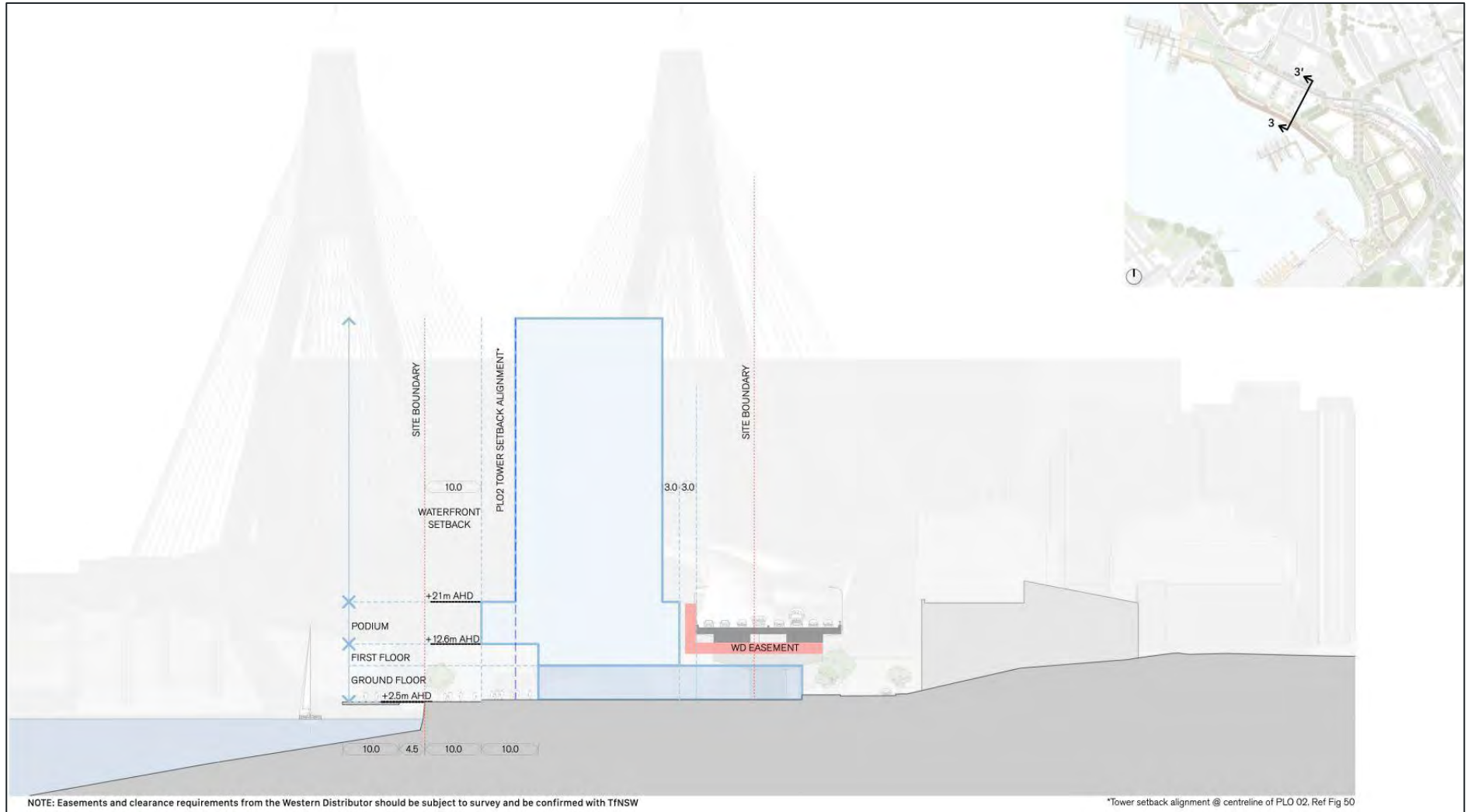


Figure 52 Section through PLO3-1

### 7.2.3 Building height

1. Floor to floor and floor to ceiling heights are to be in accordance with Table 9.
2. Achieving the maximum building height is subject to compliance with other built form and design excellence controls contained in the SLEP 2012, including the maximum floor space ratio.

Table 9 Minimum floor-to-floor and floor-to-ceiling heights

Use	Floor to floor height in metres		Floor to ceiling height in metres
	Minimum	Maximum	Minimum
Retail	5	6.5	3.6
Commercial	3.8	-	2.7
Residential	3.2	3.3	2.7*
Community	3.6	-	3.0

\*Habitable 2.7m/Non Habitable 2.4m (as per ADG)

### 7.2.4 Roof form

1. Plant and lift overruns are to be incorporated into the roof form, where possible.
2. Plant and lift overruns are to be setback by a minimum of 6 metres from the extent of the floor below to all frontages (X and Y) (refer Figure 53).
3. Plant and lift overrun is designed to be architecturally integrated with the building and the sun access to surrounding buildings, development sites and the public domain is not reduced.

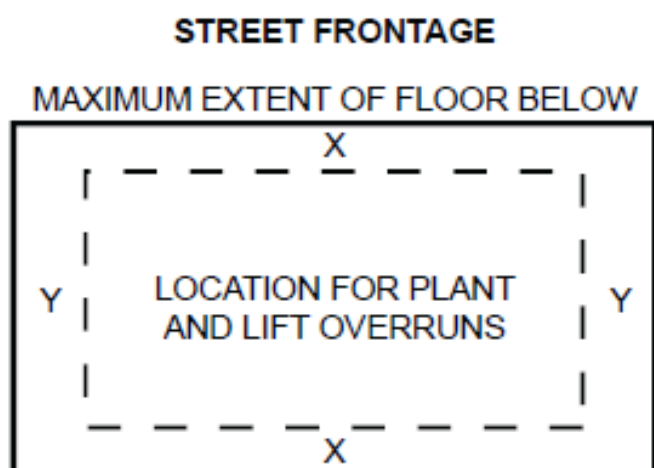


Figure 53 Location for plant and liftoverruns

### 7.2.5 Maximum floorplate of tall buildings

1. Achieving the maximum floor plate sizes identified in these Guidelines (and overall GFA in the SLEP 2012) is subject to compliance with other built form and design excellence controls contained in the SLEP 2012, in addition to ensuring adequate solar access is achieved to neighbouring residential properties.

2. The component of a building that is above 35.6m AHD is to have a maximum average floorplate (including balconies and voids) within 5% of the area indicated in Table 10.

Table 10 Maximum floor plate (Gross Building Area) for buildings over 35.6 m AHD

Maximum floor plate (Gross Building Area) for buildings over 35.6 m AHD	
Development Site	Maximum Floorplate (sq m)
PLO 1-1 and PLO 1-2	1,350
PLO 2-0	580
PLO 03-1	600
PLO 03-2	1,170

3. The component of a building that is above 37.5m AHD is to have a maximum average floorplate (including balconies and voids) within 5% of the area indicated in Table 11.

Table 11 Maximum floor plate (Gross Building Area) for buildings over 37.5 m AHD

Maximum floor plate (Gross Building Area) for buildings over 37.5 m AHD	
Development Site	Maximum Floorplate (sq m)
Building 2A	790
Building 03	1,700
Building 04	1,360

## 7.2.6 Overshadowing

*Note: The Apartment Design Guide applies to new development in the Precinct despite these Design Guidelines. When assessing the impacts of development on existing properties, the Apartment Design Guide states, amongst other objectives, the objective to minimise overshadowing impacts (3B-2). Note: Refer to Section 3.3 of these Guidelines for controls relating to the protection of solar access to public open spaces.*

1. Building envelopes must ensure that the height, bulk and orientation of buildings deliver adequate solar access to public space and minimise overshadowing impacts to neighbouring residential development.
2. The siting and design of proposed development must ensure solar access to the adjacent apartments on 1 Wattle Crescent, in accordance with Objective 3B-2 of the Apartment Design Guide. Specifically, no more than 11 apartments at 1 Wattle Crescent are to receive less than 120 minutes solar access to living rooms as a result of development. This can be achieved through a part reduction in the height of the building (see Figure 54) or as part of another equivalent site specific design response.
3. Building design to minimise overshadowing impacts to 2-26 Wattle Crescent is to be considered and demonstrated in development applications having regard to the Apartment Design Guide.



Figure 54 Part reduction in height of Building 03 to improve solar access to 1 Wattle Crescent

## 7.5 Landscape

1. For new development, a landscape plan prepared by a suitably qualified Landscape Architect is to be submitted with the development application that includes:
  - Landscape design statement to demonstrate how the design addresses these Design Guidelines.
  - Site analysis including site constraints and opportunities, including levels adjacent to the public space
  - Site plan to show design and circulation incorporate a variety of integrated, functional, connected and people friendly landscape spaces.
  - Landscape Plan including:
    - planting, materials, furniture schedules
    - significant trees to be protected (including management plan)
    - Including:
      - planting schedule with numbers and species of plants (botanical and common name/s)
      - number and name (botanical and common name/s) of mature trees on site
      - type and detail of paving, lighting and other details of external areas of the site.

2. All development proposals are to be designed to minimise the impact upon street trees and trees on adjoining land.
3. Landscaping should give precedence to species with low water needs and that are best suited to the environmental conditions, with trees and shrubs selected and positioned to maximise control of sun and winds.
4. Green roofs and podiums are encouraged, balanced with other competing sustainability and operational objectives such as solar PV and utility servicing needs.
5. Green roofs and podiums should be planted out with suitable plants (Australian native or endemic to the Sydney region where possible).

# 8 AMENITY

## Objectives

- a. Ensure potential air quality emissions from high volume roads and existing industrial activities within or in close proximity to the Precinct are considered in the assessment of a development.
- b. Ensure that land uses within the site, particularly sensitive uses such as residential, child care centres and health facilities, are appropriately sited and designed to mitigate impacts from vehicle and other emissions.
- c. Ensure development is sited and designed to create a habitable noise environment for people in apartments while also enabling natural ventilation.
- d. Ensure public space, including parks, the foreshore promenade and reserve, streets and other public places have a safe and comfortable wind environment suitable for the use.
- e. Ensure new developments mitigate adverse wind effects.
- f. Minimise light spill to the sky.

## Provisions

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### 8.1 General

1. The following policies apply when siting and designing sensitive development:
  - a. *Development Near Rail Corridors and Busy Roads Interim Guidelines* (NSW Department of Planning, 2008)
  - b. *Child Care Planning Guidelines* (NSW Planning and Environment, 2017)
2. Residential development near busy roads or other noise or air pollution emitting sources should be designed with private open space, and openings for natural ventilation of habitable rooms facing away from busy roads and sources, so to provide amenity, and relief and separation from air and noise pollution.
3. Where possible, non-residential uses should be located at lower levels (relative to the elevation of the noise source) vertically separating the residential component from the noise or pollution source, such as road noise, industry or entertainment noise.

### 8.2 Air quality

1. Development applications should demonstrate that the design of any development takes appropriate consideration of the following design principles:

- a. the careful siting and orientation of buildings to ensure appropriate separation distances between sensitive uses and the freeway, as well as existing industries
  - b. minimising the formation of urban canyons which can lead to poor dispersion of air emissions away from receptors and increase the probability of air quality impacts
  - c. taking into account microclimates to help support the sustainable design of buildings that capitalises on natural ventilation and minimise the risk of canyoning
  - d. siting mechanical ventilation air inlet ports to maximise the distance from road and industry to reduce inflows of air pollutants
  - e. considering exemplar approaches set out in the *Parramatta Road Corridor Urban Transformation Strategy Planning and Design Guidelines* (2016)
  - f. the measures in the *NSW Child Care Planning Guidelines* (2017) to protect children from adverse air quality impacts are to be adopted for new child care centres.
2. An Air Quality Impact Assessment is to accompany development applications where users of the proposed development are to be exposed to emissions from neighbouring high-volume roads and existing industrial activities. The air quality assessment is to:
- a. be prepared by a suitably qualified person in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales, published by New South Wales Environment Protection Authority in 2022
  - b. include the collection of or reference to available site-specific baseline air quality data (nitrogen dioxide, particulate matter)
  - c. make predictions of air quality (including at a minimum NO<sub>2</sub> and particulate matter) at sensitive receptor locations for both build and no-build scenarios. For the purposes of development within the precinct, sensitive receptors should include:
    - locations where people are likely to work or reside and may include a dwelling, school, hospital, office or public recreational area or space
    - only those locations (as above) where people are likely to be exposed to ambient air
    - locations of any mechanical ventilation air inlet ports
    - locations as above which are existing, approved and proposed
3. Where the Air Quality Impact Assessment predicts that exceedances of the relevant air quality standards may occur, suitable design measures are to be considered to mitigate potential impacts, including but not limited to:
- a. modifying the design so that affected sensitive receptors are replaced by those receptors whose use is more consistent with mechanical ventilation (e.g., commercial, retail)
  - b. reducing the number of apartments facing the Western Distributor by designing building cores to the east
  - c. providing mechanical ventilation for apartments facing the Western Distributor with fixed glazing on the impacted façade and operable windows to non-impacted façade

- d. where windows must be kept closed, the adopted ventilation systems must meet the requirements of the Building Code of Australia and Australian Standard 1668 – The use of ventilation and air conditioning in buildings.
- e. where exceedances are predicted at public outdoor areas, these areas should be designed to minimise exposure time of users (e.g., thoroughfares or garden paths rather than seating areas).

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## 8.3 Noise

1. A Precinct Noise Management Plan is to be prepared by Infrastructure NSW prior to the lodgement of the first DA for residential or commercial uses in the precinct. The Plan is to identify achievable numerical targets for both noise sensitive and noise generating development (existing and future) and consider the potential for cumulative noise impacts in the precinct.
2. The Precinct Noise Management Plan applies to all noise sensitive and noise generating land uses in the precinct and should include/consider:
  - a. identification of the expected noise sources in and around the precinct including development and activities by Place Management NSW,
  - b. its role as a mixed-use precinct including cultural, entertainment, arts, tourist, commercial and residential uses in a vibrant 24 hour economy
  - c. amenity noise goals for new sound-generating development with consideration to low-frequency noise where relevant
  - d. methodology and matters to be addressed in a Noise Impact Assessment submitted with development applications for sound-generating uses or noise-sensitive uses which may be affected by an existing or planned adjacent sound-generating development
  - e. maps identifying land which may be affected by sound.
3. A Noise and Vibration Impact Assessment is to accompany development applications for new mixed-use, residential or commercial development, or a use which the consent authority considers is likely to be noise-sensitive or noise-generating. It is to consider and respond to noise and vibration impacts from the surrounding road network, harbour activity, port operations, and the future activation of the precinct and other potential noise sources.
4. Noise and Vibration Assessment shall include, but not be limited to the following (or where updated or superseded), as relevant to the proposed use:
  - a. *NSW State Environmental Planning Policy (Transport and Infrastructure) 2021,*
  - b. *Development Near Rail Corridors and Busy Roads – Interim Guideline 2008*
  - c. *Glebe Island and White Bay Port Noise Policy 2020*
  - d. *NSW Noise Policy for Industry 2017*
  - e. *NSW Assessing Vibration: A Technical Guideline 2006.*

5. Careful consideration is to be given to the internal layout and configuration of residential dwellings to ensure that the natural ventilation requirements of the Apartment Design Guide can be achieved.
6. Where noise criteria cannot be achieved concurrently with natural ventilation via open windows, alternative ventilation shall be provided complying with the Building Code of Australia ventilation requirements as a minimum. Noise from background ventilation systems shall be at least 5 dB below the relevant internal noise criteria. Notwithstanding the provision of alternative ventilation, measures to reduce noise to external areas and via open windows shall be incorporated in the overall design and layout of noise sensitivedevelopment.
7. Other appropriate measures to mitigate noise and provide suitable internal acoustic amenity are to be incorporated into the design of future residential developments where required. These may include (but are not limited to):
  - a. setting the façade at oblique or perpendicular angles to the primary noise source, with shielded ventilation openings
  - b. reorienting and reducing the number of habitable spaces (particularly bedrooms) facing the Western Distributor
  - c. increased glazing specifications
  - d. locating ventilation intakes (where required) along a non-noise impacted façade
  - e. incorporating attenuated natural ventilation measures such as partially or fully enclosed balconies with solid balustrades and acoustic absorption, offset window openings or acoustic plenums for habitable spaces.
8. The provisions in Section 6.6 Land use conflicts of these Guidelines relating to noise and land use conflicts must also be considered for new development.

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## 8.4 Wind

1. A quantitative wind effects report is to be submitted with a development application for development for all new buildings.
2. Development subject to a quantitative wind effects report mustnot:
  - a. cause a wind speed that exceeds the Wind Safety Standard, the Wind Comfort Standard for Walking except where the existing wind speeds exceed the standard
  - b. worsen, by increasing spatial extent and/or frequency and/or speed, an existing wind speed that exceeds the Wind Safety Standard or the Wind Comfort Standard for Walking.
3. Development subject to a quantitative wind effects report must take all reasonable steps to create a comfortable wind environment that is consistent with the Wind Comfort Standards for Sitting and Standing related to the use of the public place. For example, the Standing criteria should be achieved at bus stops or other places where people wait and the Sitting criteria should be achieved where outdoor dining is located.

For the purposes of complying with 8.4 Wind above:

- *Wind Safety Standard* is an annual maximum peak 0.5 second gust wind speed in one hour measured between 6am and 10pm Eastern Standard Time of 24 metres per second.
- *Wind Comfort Standard for Walking* is an hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time (i.e. 5% of those hours) of 8 metres per second.
- *Wind Comfort Standards for Sitting and Standing* is hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time of; 4 metres per second for sitting; and 6 metres per second for standing.

*Note: 292 hours is 5% of all hours between 6 am and 10 pm each day (16 hours per day) over a year (365 days).*

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## 8.5 Light spill

1. When designing outdoor lighting, to minimise any adverse effect of the light installation, the following general principles should be used during the detailed lighting design phase (as set out in AS4282-2019 Control of the Obtrusive Effect of Outdoor Lighting):
  - a. Direct lights downwards as much as possible and avoid up-lighting and blue light pollution
  - b. Use luminaries that are aimed to minimise light (eg full cut luminaries where no light is emitted above the horizontal plane)
  - c. Avoid light pollution by over-lighting by utilising low-energy lighting
  - d. Keep glare to a minimum by keeping the main beam angle less than 70 degrees
  - e. Wherever possible use floodlights with asymmetric beams which permit the front glazing to be kept at or near parallel to the surface being lit
  - f. Direct precinct lighting away from sensitive receivers
  - g. Position precinct lighting as far away from precinct boundaries as practicable.
2. Quantitative modelling to determine the extent of light spill should be undertaken as more detailed lighting design plans are generated, with mitigation measures to ensure compliance with AS 4282-2019.

# 9 HERITAGE AND CULTURE

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## 9.1 Heritage

### Objectives

- a. Conserve, protect and enhance the Precinct's heritage values and significance and ensure appropriate interpretation.
- b. Facilitate the development of the site in an integrated manner that relates to the surrounding context, with particular regard to the area's heritage qualities.
- c. Protect Aboriginal archaeological resources within and within close proximity of the area and ensure appropriate interpretation.
- d. Recognise that although the Precinct has been found to be of low to nil Aboriginal archaeological potential it is in a foreshore location that was highly utilised by local Aboriginal people and therefore has high associated cultural values not limited to archaeological potential.
- e. Protect maritime archaeological resources and ensure appropriate interpretation.

### Provisions

#### 9.1.1 Aboriginal cultural heritage

1. The recommendations of the Blackwattle Bay State Significant Precinct Study Heritage Interpretation Strategy/Plan prepared by City Plan (February 2021) with respect to Aboriginal cultural heritage, as set out in Section 9.3 of these Design Guidelines, are to be considered:
  - a. in the detailed design of the public domain and open space network
  - b. in future development applications.
2. Consultation is to be undertaken with knowledge holders, Registered Aboriginal Parties and/or Metropolitan Local Aboriginal Land Council over the interpretive approach and the details of content of any Aboriginal heritage interpretive elements. This consultation should be guided by the approach outlined in the Aboriginal Cultural Advice and Community Engagement Findings report (Murawin, 2020).
3. Development is to preserve view lines between Potential Archaeological Deposit (PAD) Jackson Landing Shelter 45-6-2960 (shown on Figure 55) and Port Jackson and is not to direct potentially damaging public attention to the shelter itself.
4. Conditions of consent are to be imposed on any development application within the Precinct requiring that an unexpected finds policy be implemented.

5. Prior to any development which has the potential to affect PAD01 45-6-3339 or PAD02 45-6-3338 a detailed archaeological assessment is required to be undertaken to assess their archaeological potential and potential impacts. This assessment is to include as a minimum:
  - a. Direct inspection of ground surfaces that were previously not accessible for survey, particularly in 1 Bank Street
  - b. Greater analysis of evidence from geotechnical reports
  - c. If locations of potential buried preserved natural soils are identified within these PADs and would be impacted by the proposed works, archaeological management is to be required. An Aboriginal Archaeological Management Plan should be prepared that will provide management measures including archaeological testing and potentially salvage of identified Aboriginal archaeological values. Results of this testing would be provided as an Aboriginal Test Excavation Report.
6. Any proposed development or any ground disturbing works located within the extent of PAD 45-6-3338 or PAD 45-6-3339 must carry out and complete subsurface archaeological investigations in accordance with the *National Parks and Wildlife Act 1974* including Aboriginal community consultation, and provision of reporting prior to commencement of any works.
7. Aboriginal sites identified through subsurface archaeological investigations or otherwise, must not be impacted without an Aboriginal Heritage Impact Permit (AHIP) issued by under Section 90 of the *National Parks and Wildlife Act 1974*.

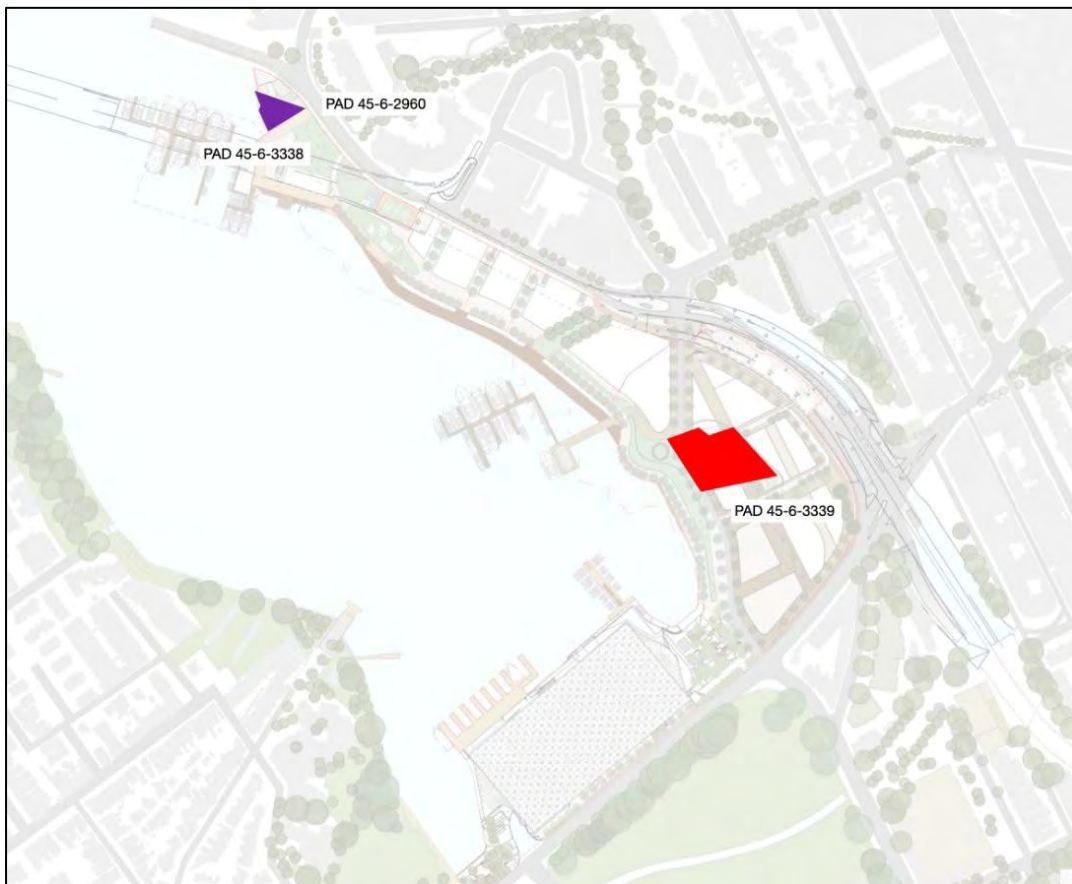


Figure 55 Potential Archaeological Deposits

### 9.1.2 Heritage impact and historic archaeology

1. The recommendations of the Blackwattle Bay State Significant Precinct Study Heritage Interpretation Strategy/Plan prepared by City Plan (February 2021) are to be taken into account in the detailed design of the public domain and open space network. These include the following heritage interpretation measures:
  - a. Interpretation by fabric and design
  - b. Acknowledgement of Country
  - c. History walk (as a part of wider precinct walk)
  - d. Internal interpretation within new buildings
  - e. Play equipment for children exploring key heritage themes
  - f. Using landscaping as a means for interpretation
  - g. Public art
  - h. Interpretation in paving, including using paving to illustrate the original foreshore alignment
  - i. Non-physical interpretation, such as including information on websites, within brochures, walking Apps and naming strategies.
2. Future development applications are to be consistent with the recommendations of the Heritage Interpretation Strategy/Plan.
3. Consideration is to be given to the potential for adaptive re-use of existing buildings and sites along the same principles as their historic uses particularly with respect to existing buildings within the site is of 1-3 Bank Street. The site has high potential for adaptive reuse, incorporating new structures into the existing Inter-War building. Further consideration should be given to the reinstatement of the former timber wharf that was previously located adjacent to 1-3 Bank Street.
4. A detailed archaeological impact assessment in accordance with the requirements of the *Heritage Act 1977* is to be prepared and submitted with any development application that involves disturbance of the ground surface within areas of archaeological potential as described in Table 12 and shown in Figure 56.

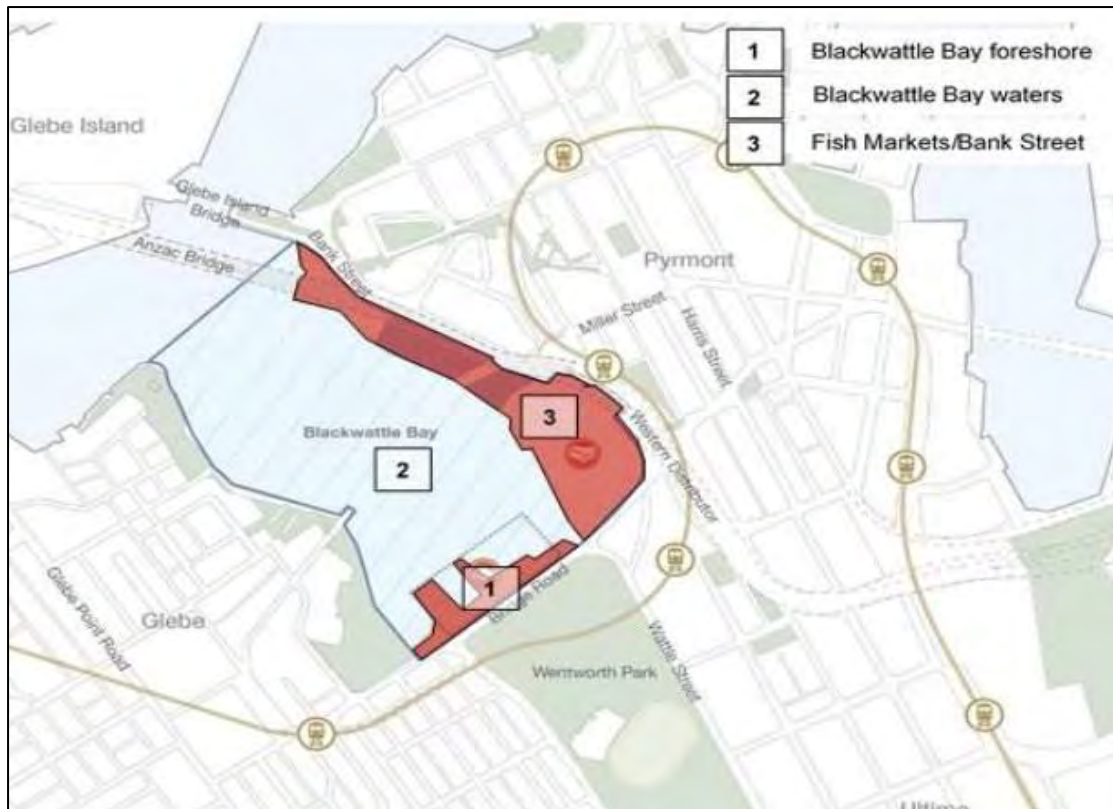


Figure 56 Areas of archaeological potential

Table 12 Areas of archaeological potential

Map reference	Location	Nature of deposit
1	Blackwattle Bay foreshore (Pymont Bridge Road)	Potential for extant: Causeway Sea walls and pilings Coal depot Timber wharves
2	Blackwattle Bay waters	Potential for extant: Sea walls Pilings for wharves
3	Fish market site and Bank Street	Potential for archaeology related to early industrial activities

### 9.1.3 Maritime archaeology

1. The remains of the sandstone seawall at the former F Buckle & Sons site, located at the northern end of the current Sydney Fish Market car park and just south of the lightweight marina jetty, should undergo conservation works and be included in the presentation and interpretation of the eastern foreshore.
2. Any proposed impacts on the existing sandstone seawalls or the stone foundations of the small wharf off the end of Cook Street, Glebe should be subject to archaeological assessment.

3. Archaeological investigations should precede any construction or other ground disturbance works in the vicinity of:
  - The former dock at the end of Gipps Street
  - The early wharf at the end of Miller Street.
4. Conditions of consent are to be imposed on any development application within the Precinct requiring that an unexpected finds policy be implemented.

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## 9.2 Public art

### Objectives

- a. Ensure that public art is an integrated and cohesive part of Blackwattle Bay.
- b. Promote the visibility of local Aboriginal and Torres Strait Islander community through public art.
- c. Facilitate co-ordination between the City of Sydney's Eora Journey Harbour Walk and major public art commissions in the Precinct.
- d. Encourage public artworks in private developments.
- e. Ensure that public art is an integrated and cohesive part of new development.
- f. Promote sustainability through public art in new development.
- g. Deliver essential infrastructure in creative and innovative ways through the use of public art.
- h. Recognise former uses through interpretive public art.

### Provisions

#### 9.2.1 Public art in the public domain

1. A precinct wide Public Art Plan is to be prepared by Infrastructure NSW prior to lodgement of the first development application for residential or commercial buildings on Government owned land.
2. The Public Art Plan is to identify:
  - a. vision and themes
  - b. artwork typologies and locations
  - c. high level methodology for procuring and delivering artwork
  - d. indicative budget
  - e. governance.
3. The Public Art Plan is to be prepared with close regard to:
  - a. the City of Sydney's Public Art Strategy and Public Art Policy

- b. the City of Sydney's Guidelines for Public Art in Private developments and Guidelines for Acquisitions and Deaccessions
  - c. Create NSW Public Art Toolkit.
4. Aboriginal artists and/or designers are to be engaged to produce artworks for interpretive elements or public artworks that focus on Aboriginal cultural heritage.
  5. Consideration should be given to the incorporation of historic fabric within interpretive artwork.
  6. Historical themes to be explored for public art include:
    - Aboriginal occupation and recourse use
    - Occupying the land
    - Establishing transport infrastructure
    - Reclaiming land
    - Establishing industries
    - Transporting and storing goods
    - Establishing utility infrastructure
    - Providing building materials
    - Establishing and maintaining leisure facilities
    - Supplying food
    - Defending Australia.
  7. Reflecting the Aboriginal, pre-colonial heritage of the local area and surrounds, and acknowledging Country through design, landscaping, on-structure planting and/or public art overrides non-Indigenous heritage to the extent of any inconsistency.

### 9.2.2 Public art in private developments

1. Any development application for new buildings within the Precinct is to include details of proposed public art, consistent with the Public Art Plan for the Precinct.
2. Buildings are encouraged to incorporate formal public art commissions by Aboriginal and Torres Strait Islander peoples.

# SCHEDULE 1 GLOSSARY OF TERMS AND ABBREVIATIONS

AEP means Annual Exceedance Probability

AHD means Australian Height Datum

EMP means environmental management plan

FPL means Flood Planning Level

GFA means gross floor area

GLA means gross leasable area.

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

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

Planning Secretary means the Planning Secretary appointed under Section 2.2 of the *Environmental Planning and Assessment Act 1979*

PMF means Probable Maximum Flood

Precinct means the Blackwattle Bay Precinct, as delineated on the plan at Figure 1.

Public domain refers to areas of the Precinct in which access to and use of is available for any member of the public. Public domain typically includes parks, plazas, footpaths and streets. Public domain elements of the Precinct are to be controlled by Place Management NSW (or its successor).

REMP means Remediation Environmental Management Plan

SDCP 2012 means Sydney Development Control Plan 2012

SLEP 2012 means Sydney Local Environmental Plan 2012

WHSP means Work Health and Safety Management Plan

WSUD means water sensitive urban design

# APPENDIX A – Transport and Parking

This section contains provisions for managing the transport and parking needs of Blackwattle Bay so that the environmental and economic impacts of private car use can be managed. The provisions also encourage walking, cycling, public transport and car sharing.

This section contains information on how to prepare reports required by this section, including Transport Impact Studies, Parking and Access Reports, Green Travel Plans and Transport Access Guides.

*Note: This section is to be read in conjunction with the parking Clauses under Sydney LEP 2012.*

## Objectives

- a. Ensure that the demand for transport generated by development is managed in a sustainable manner.
- b. Ensure that bike parking is considered in all development and provided in appropriately scaled developments with facilities such as change rooms, showers and secure areas for bike parking.
- c. Establish requirements for car share schemes for the benefit of people living and or working within a development.
- d. Design vehicle access and basement layouts and levels to maximise pedestrian safety and create high quality ground level relationships between buildings and the public domain.
- e. Provide accessible car parking.

## Provisions

### A1 Managing transport demand

‘Managing transport demand’ refers to the measures taken which minimise the need to travel and the length of trips, particularly by car, and encourages travel by the most sustainable mode of transport.

Applicants are to refer to Sydney LEP 2012 for maximum on-site car parking rates and for the associated *Land Use and Transport Integration* (LUTI) and *Public Transport Accessibility Level* (PTAL) Maps.

1. A Transport Impact Study is required to address the potential impact of development on surrounding movement systems where the proposed development is:
  - a. a non-residential development equal to or greater than 1,000sqm GFA;
  - b. car park with more than 200 spaces;
  - c. for 25 or more dwellings; or

- d. in the opinion of the consent authority, likely to generate significant traffic impacts.
- 2. Commercial development is to include initiatives to promote walking, cycling and the use of public transport, through the submission of a Green Travel Plan, where the estimated peak trip generation is greater than or equal to:
  - a. 100 vehicles per hour for non-residential development; or
  - b. is likely to generate significant traffic impacts according to the consent authority.
- 3. A Transport Access Guide and a strategy for the future availability of the Guide to residents, employees and visitors of a development is to be prepared for all developments except:
  - a. individual dwelling houses and dual occupancies;
  - b. residential flat buildings of less than 25 units;
  - c. individual businesses and services in existing shopping strips and retail centres;
  - d. developments having a floor area of less than 1,000sqm GFA; and
  - e. businesses employing less than 10 staff.

## **A2 Car share scheme parking spaces**

‘Car share scheme’ means car share scheme as defined in Sydney LEP 2012. These provisions apply to development that provides parking spaces for exclusive use by an organised car share scheme (car share parking spaces).

*Land Use and Transport Integration (LUTI) Map* means the Sydney LEP 2012 Land Use and Transport Integration Map. Blackwattle Bay is shown on the *LUTI Map* in accessibility category A.

*Public Transport Accessibility Level (PTAL) Map* means the Sydney LEP 2012 Public Accessibility Level Map. Blackwattle Bay is shown on the *PTAL Map* in accessibility category D.

- 1. Car share parking spaces are to be provided in addition to the maximum number of car parking spaces permitted in the development.
- 2. The minimum number of on-site parking spaces to be made available for car share scheme vehicles is to be provided according to the following rates:
  - a. for residential development, other than dwelling houses and dual occupancies, 1 per 50 car spaces provided;
  - b. for office premises, business premises or retail premises, 1 per 30 car spaces provided.
- 3. Clearly marked plans identifying the location of all car share parking spaces must be submitted with any development application.
- 4. All car share parking spaces are to be:
  - a. publicly accessible 24 hours a day seven days a week;
  - b. located together;
  - c. located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external; and

- d. clearly designated by signs as being for car share scheme use.
5. Car share parking spaces located on private land are to be retained as common property by the Owners Corporation of the site and not to be sold or leased to an individual owner or occupier at any time.

### **A3 Vehicle parking**

1. Where the development comprises a land use not specified in the Sydney LEP 2012, the proposed rate of car parking provision is to be justified via a Parking and Access Report.
2. All visitor spaces are to be grouped together in the most convenient locations relative to car parking area entrances, pedestrian lifts and access points and are to be separately marked and clearly sign-posted.
3. Development applications are to indicate how visitor parking is to be accessed, including arrangements for access into a secure area if proposed.
4. New developments are to achieve high quality ground level relationships between the buildings and all public domain interfaces even where this will result in inefficient basement car parking layouts including: split basement levels or additional excavation.
5. Where a residential development proposes less than the maximum number of car parking spaces permissible under Sydney LEP 2012, the reduction in the number of spaces should be shared proportionally between resident parking spaces and visitor parking spaces.
6. Development proposing less than the maximum number of parking spaces permissible under Sydney LEP 2012 must adjust the number of visitor parking spaces in accordance with the reduction of total car parking spaces.

### **A4 Bus parking**

1. Where the proposed land use is a hotel, or another use that attracts persons arriving or leaving by bus, a development application is to include a Parking and Access Report which assesses the provision of bus set-down and parking.
2. Parking spaces for buses are to be provided in addition to other parking requirements.
3. Parking for buses and coaches is to be provided at the following minimum rates for:
  - a. Clubs, Drive-in Takeaway with seating:
    - i. 1 bus/coach\* space per 100 seats up to 200 seats, then 1 space per 200 seats thereafter;
  - b. Reception Premises:
    - i. 1 bus/coach\* space per 200sqm GFA up to 200sqm, then 1 space per 400 sqm GFA;
4. Provision for tourist coach parking in conjunction with hotels is to take into account available off-site coach parking. Where practicable, and subject to urban design, heritage and streetscape considerations, loading and unloading of passengers and baggage is to be accommodated within the development site.

5. If the consent authority considers that the proposed arrangements for passenger pick-up and set-down by buses will lead to undesirable on-street traffic and parking conditions, the development may be restricted by a condition of consent from receiving buses.
6. The use of on-street space for passenger pick-up and set-down may be possible in exceptional circumstances if off-street provision is impractical or detrimental to pedestrian amenity and urban design. Any proposed use of on-street space for passenger pick-up and set-down should be discussed at an early stage with the consent authority.

## **A5 Passenger pick up and set down areas**

1. Hotels, Motels and Serviced Apartments must provide the following spaces for passenger pick up and set down:
  - a. 2 car spaces plus;
  - b. 1 bus/coach\* space per 100 rooms where the development comprises 100 rooms or more.
2. Child Care Centres must provide the following spaces for passenger pick up and set down:
  - a. car spaces at the rate of 1 space per 8 children, and limited in duration to no more than 30 minutes at any one time. Pick-up and set down spaces may be reduced having regard to the demand for pick-up and set down parking, accessibility by walking and public transport, the availability of convenient and safe on-street parking and potential traffic and amenity impacts; and
  - b. 1 long term visitor car parking space which is additional to all other parking requirements.

## **A6 Motorcycle parking spaces**

1. In all buildings that provide onsite parking, 1 motorcycle parking space for every 12 car parking spaces is to be provided as separate parking for motorcycles. Each motorcycle parking space is to be designated and located so that parked motorcycles are not vulnerable to being struck by a manoeuvring vehicle.

## **A7 Accessible parking**

1. Accessible car parking spaces for people with a mobility impairment are to be included in the allocation of car parking for a development and provided in accordance with the rates specified in the Design Guidelines.
2. Accessible parking is not required in car parking areas where a parking service is provided and direct access to any of the car parking spaces is not available to the general public or occupants.
3. For residential development, accessible car parking spaces are to be allocated to adaptable units, or as visitor parking. Accessible car parking spaces allocated to adaptable dwelling units are to form part of the lot of the associated adaptable unit in the strata plan.
4. One accessible car parking space is to be provided for every adaptable residential unit.

5. One space for every 20 car parking spaces or part thereof is to be allocated as accessible visitor parking.
6. Accessible parking is not required in a car parking areas where a parking service is provided and direct access to any of the car parking spaces is not available to the general public or occupants.
7. For residential development, accessible car parking spaces are to be allocated to adaptable units, or as visitor parking. Accessible car parking spaces allocated to adaptable dwelling units are to be a part lot to an adaptable unit in the strap plan.
8. Accessible parking is to be designed in accordance with the requirements of relevant Australian Standards.

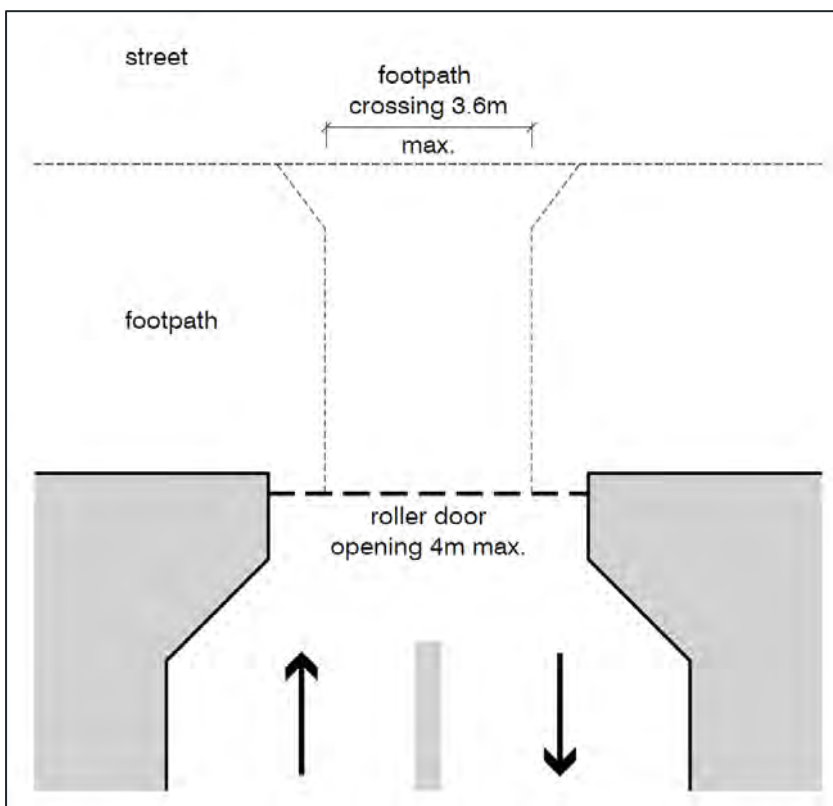
## **A8 Vehicle access for developments greater than 1000sqm GFA**

1. For developments equal to or greater than 1,000sqm GFA, vehicle access to a site is to be located so the safety of those using the access and the street is not likely to be compromised. Vehicle access is should generally not be located in the following locations, where possible:
  - a. within 10m of an uncontrolled intersection, including intersections with laneways;
  - b. within 25m of the property boundary adjacent to a signalised intersection;
  - c. within 60m of the approach side of an intersection on a state road and within 30m on its departure side;
  - d. within 12m of a 'stop' or 'give way' sign or hold line at intersections;
  - e. opposite a busy side road for a distance of 6m beyond the alignment of the property boundaries adjacent to that side road;
  - f. opposite a busy driveway for a distance of 6m beyond the alignment of the driveway edges;
  - g. within 15m of the alignment of an intersection where the proposed vehicle access is to be used by service vehicles;
  - h. within 30m of the alignment of an intersection where the proposed vehicle access is used by service vehicles to access 3 or more loading spaces;
  - i. where there is insufficient 'weaving' distance to or from a nearby road that could be used by traffic generated by the development;
  - j. within 2m of other access driveways or within 1m of any common boundary, except where access is off a laneway; and
  - k. within 20m of the approach to, and 10m of the departure from an existing or proposed pedestrian crossing.

## **A9 Vehicle access and footpaths**

1. Where a driveway is proposed across a major pedestrian thoroughfare or footpath, additional safety measures may be required including a parking attendant or signals to manage access. The driveway is to cross the footpath at footpath level.

2. Car parks are to be designed so that vehicles do not queue or reverse across pedestrian crossings or footpaths.
3. Parking and driveway crossovers are to be designed to minimise impact on existing street trees and to maximise opportunities for new street tree plantings.
4. Walking routes through car parks with more than 150 car spaces are to be clearly delineated with appropriate markings, pedestrian crossings and signposting.
5. Vehicular access is to be designed to give priority to pedestrians and cyclists by continuing the type of footpath material and grade.
6. Wherever practicable, vehicle access and egress is to be a single crossing with a maximum width of 3.6m over the footpath, and perpendicular to the kerb alignment as shown in Figure A1: Vehicle crossing layout.



**Figure A1: Vehicle crossing layout (Source: Sydney Development Control Plan 2012)**

7. Subject to urban design, heritage and streetscape considerations, access is to be designed to avoid reversing movements into or out of a public street for all developments other than dwelling houses. If necessary, a mechanical turntable may need to be installed to achieve this requirement.
8. On-site parking may be refused where the required access arrangements would have an adverse impact on on-street parking.
9. Where possible adjoining developments are to share or amalgamate vehicle entry and exit points. Internal on-site signal equipment is to be used to allow shared access.

10. Direct access to a designated arterial or sub-arterial road is not permitted wherever an alternate access can be provided.
11. Where rear lane access is achievable, car parking is to be designed to be accessed from the rear lane only.
12. Where vehicular access to parking is not accessed from the laneway it is to be located on a secondary street.
13. Where there is no parking on an original lot and off-street parking is not characteristic, vehicle access from the street is not allowed.
14. Service vehicle access is to be combined with parking access and provided in accordance with other controls for vehicular access in these Design Guidelines.

## **A10 Tandem, stacked and mechanical parking areas**

### **Definitions**

‘Mechanical parking installations’ means mechanical car stackers, car lifts and turntables.

‘Stacked parking’ means sharing a parking space vertically through use of a mechanical car stacker.

‘Tandem parking’ means two or more vehicles sharing a parking space at the same level configured nose to tail.

### **Provisions**

1. Where development includes a mechanical parking installation, such as car stackers, turntables, car lifts or another automated parking system, the development application is to include a Parking and Access Report.
2. Access to mechanical parking installations is to be in accordance with the relevant Australian Standards.
3. Tandem or stacked parking will only be permitted where:
  - a. each tandem or stacked parking arrangement is limited to a maximum of 2 spaces;
  - b. the maximum parking limit for spaces is not exceeded;
  - c. they are not used for service vehicle parking;
  - d. the spaces are attached to the same strata title in residential buildings and small commercial or retail developments;
  - e. in residential buildings and serviced apartments, they are used for tenant parking only;
  - f. in commercial or retail development, they are used for staff parking only; and
  - g. the manoeuvring of stacked vehicles is able to occur wholly within the premises.
4. Mechanical parking installations will be considered for when building constraints prevent standard parking arrangements and no inconvenience arises from their use.
5. Mechanical parking installations, tandem or stacked parking are not to be used for visitor parking or parking for car share schemes.

6. The minimum length of a tandem space is to be 10.8m.

### **A11 Design and location of waste collection points and loading areas**

1. Waste collection and loading is to be accommodated wholly within new development in order of preference:
  - a. in the building's basement; or
  - b. at grade within the building in a dedicated collection or loading bay; or
  - c. at grade and off street within a safe vehicular circulation system where in all cases vehicles will enter and exit the premises in a forward direction.

Consideration will only be given to less preferable options if the consent authority is satisfied the preferred options are unreasonable.

2. The waste collection and loading point is to be designed to:
  - a. allow waste collection and loading operations to occur on a level surface away from vehicle ramps; and
  - b. provide sufficient side and vertical clearance to allow the lifting arc for automated bin lifters to remain clear of any walls or ceilings and all ducts, pipes and other services.
3. Vehicle access for collection and loading will provide for:
  - a. a 9.25m garbage truck and a small rigid delivery vehicle;
  - b. minimum vertical clearance of 4.0 metres clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle;
  - c. collection vehicles to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes;
  - d. maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end;
  - e. a minimum driveway width of 3.6m; and
  - f. a minimum turning circle radius of 10.5m.
4. Where vehicle access is via a ramp, design requirements for the gradient, surface treatment and curved sections are critical and must be analysed at an early stage in the design process.

### **A12 Parking area design**

1. Vehicle ramps must not be visible from the public domain and are to be located inside the building.
2. Car parking areas are to:
  - a. be well lit, visible, and avoid hidden and enclosed areas to allow for casual surveillance;
  - b. include, mirrors or similar devices where hidden and enclosed areas such as staircases and lift lobbies cannot be avoided;

- c. be well ventilated and provide natural rather than mechanical ventilation where practicable; and
  - d. be subordinate in appearance to the main building.
3. Car parking spaces are not to be located in areas used for the manoeuvring of service vehicles.
  4. Where parking is at ground level, it is to be:
    - a. located to the rear or side of buildings and not visible from the street and public domain;
    - b. incorporated into the building and screened by other uses; and
    - c. designed with materials, details, proportions and landscaping to complement the building and adjoining buildings.

### **A13 Application requirements for transport, parking and access**

#### Transport report requirements

The transport reports required to accompany a development application in accordance with Section 5.6 of the Design Guidelines are:

- a. Transport Impact Study;
- b. Parking and Access Report;
- c. Green Travel Plan; and
- d. Transport Access Guide.

#### Transport Impact Study requirements

A Transport Impact Study (TIS) is a technical investigation into the transport and safety issues that might arise from a development. The TIS includes the transport impacts on the surrounding transport network generated by a development and how those impacts are to be managed. In the past such studies have generally focused on traffic impacts however a TIS recognises the role of traffic within a broader transport system that includes public transport, walking and cycling.

A Transport Impact Study (TIS) is to address:

- a. The accessibility of the site by a range of transport modes including car, public transport, walking and cycling;
- b. The ability of the public transport network to service the site in the peak and off peak and weekend periods;
- c. Mode share targets;
- d. Means of minimising travel demand by private car and maximising the share of travel by other modes including public transport, cycling, walking or car share;
- e. Compliance with the requirements of the LEP and the Design Guidelines;
- f. A justification of car parking provision and site servicing arrangements in accordance with the objectives and provisions of the LEP and Design Guidelines;
- g. The proposed allocation of parking to apartment types in residential developments;

- h. Access for the mobility impaired;
- i. Estimates of trip generation by the development and the impacts of trips generated by the development on the road network and other movement systems;
- j. Means of accommodating and integrating trips generated by the development including necessary improvements to public transport services, pedestrian systems, bicycle routes, and the road network;
- k. Means of mitigating adverse impacts of the development on movement systems;
- l. Means of improving access to the site having regard to vehicular, pedestrian, cycle and public transport access;
- m. Impacts on and means of improving pedestrian accessibility to public transport, shops, schools, open spaces, community centres and the like. Means of improving access to public transport include the provision of subsidised public transport, improving the quality and safety pedestrian access to public transport, improving bus shelters and the like;
- n. Impacts on and means of improving pedestrian safety;
- o. Availability of on street parking and potential on street parking controls to discourage commuting and all day residential parking demand generated by the development.

#### *Vehicle trip generation*

In relation to vehicle trip generation, reference should be made to the 'RTA Guide to Traffic Generating Developments' which provides a summary of basic vehicular trip generating rates for both daily and peak hour vehicle trips. Surveys of existing developments similar to the proposal, can also be done and comparisons drawn. Two periods of traffic generation need to be considered:

- a. the peak activity time of the development itself
- b. the peak activity time on the adjacent road network.

The peak activity time of the development is used as a basis for reviewing access to the site and driveway and access design requirements. The peak activity time of the adjacent road, pedestrian and public transport networks are used to assess the effect of the development on the road and other movement systems. Such an assessment should identify whether any on road improvements, traffic management or pedestrian measures are required to accommodate the increased movement on the system.

The Transport Impact Study is to include a comparison between the vehicle trip generation rates provide in the 'RTA Guide to Traffic Generating Developments' and an assessment that considers person trips by time period adjusted on availability of parking, access to public transport and access to neighbourhood shopping centre, community facilities and open spaces where relevant.

Adjustment factors for each land use may include:

- a. mode split by time period;
- b. persons per vehicle;
- c. trip purpose; and
- d. availability of on-site parking.

A number of traffic facilities can be incorporated to ameliorate the impact of traffic and parking generated by the development including traffic signals, signs, pedestrian crossings, channelisation, roundabouts, angled parking, traffic calming devices, storage bays and median islands.

#### *Vehicle access*

The Transport Impact Study is to include a description of the proposed vehicle access arrangements, and demonstrate that access driveways are not located in undesirable locations.

#### *Bicycles*

End-of-trip facilities such as storage, parking spaces, lockers and showers need to be provided in developments in accordance with the rates specified in the Design Guidelines.

#### *Pedestrians*

In relation to the pedestrian network, a Transport Impact Study is to include:

- a. identification of major pedestrian routes and existing pedestrian desire lines;
- b. pedestrian flows and potential conflicts with vehicles, particularly where such conflicts cause capacity constraint on either vehicular or pedestrian movement; and
- c. pedestrian infrastructure.

The assessment of the pedestrian network should extend beyond the site to include areas within at least 25m of the subject site boundary, and incorporate both sides of roads within this zone.

#### *Parking and Access Report requirements*

A Parking and Access Report assists an applicant and the consent authority in determining the appropriate provision of car parking spaces in a development. A parking and access report is required to accompany a development application where:

- a. the schedules or tables in either the LEP or the Design Guidelines give no specific occupant or visitor car parking rates for a proposed development;
- b. a development includes a mechanical parking installation; and/or
- c. a development will generate trips by bus or coach.

#### *Assessment of the appropriate provision of on-site car parking*

Where a Parking and Access Report is required in order to assess the appropriate provision of on-site car parking, for a use that is not addressed in the LEP or the Design Guidelines, it is required to address:

- a. The appropriateness of the proposed location of the development having regard to the principles and location guidelines contained in the publication Integrating Land Use and Transport – Improving Transport Choice – Guidelines for Planning and Development published by the Department of Urban Affairs and Planning 2001; or
- b. The site related requirements for location and access to facilities, in accordance with the requirements of State Environmental Planning Policy (Seniors Living) 2004 where development is for seniors housing.

- c. The accessibility of the site by a range of transport modes including walking, cycling, public transport and car.
- d. Ways of minimising travel demand especially by car and maximising the share of travel by other modes.
- e. The specific nature of the development and method of operation including:
  - i. maximum number of employees on the site at any one point and time, taking into account the number per shift and shift times;
  - ii. estimates of the number of visitors to the site;
  - iii. hours of operation;
  - iv. the number of occasions during the year when the facility is fully used.
- f. Parking requirements based on an analysis of the operational characteristics of the development and surveys of other similar development.
- g. The anticipated demand for service and delivery vehicles.
- h. The anticipated demand for bus coach and taxi set down and parking.
- i. The availability and affordability of public parking.
- j. The availability of additional parking areas to cover peak demands.
- k. The assignment of traffic generated by the development to the road network and the prediction of operating conditions with and without the development.

#### *Assessment of the appropriate provision for buses and coaches*

Where the use proposed is a hotel, outlet store or other use that attracts persons arriving or leaving by bus or coach, the Parking and Access Report is to address:

- a. the anticipated demand for bus/coach set down and parking;
- b. routes likely to be used by buses/coaches to access the site;
- c. pick-up / drop-off arrangements for bus/coach passengers;
- d. parking arrangements for buses/coaches;
- e. the likely path of pedestrian movement from the bus/coach drop-off and pick-up points and the entrance to the premises; and
- f. assessment of possible conflicts between pedestrians, including bus/coach passengers; and
- g. a description of measures required and proposed to ensure the safety of pedestrians, including bus/coach passengers.

#### *Assessment of the appropriate provision for mechanical parking installations*

An application that proposes a mechanical parking installation is to include a Parking and Access Report that demonstrates:

- a. the overall parking provision will comply with relevant Australian Standards for off street car parking;

- b. noise and vibration levels will be acceptable and in accordance with relevant standards;
- c. there is safe pedestrian access at all times; and
  - i. there is a management plan for its operation that is:
  - ii. consistent with the manufacturer specifications;
  - iii. implemented by trained personnel only; and
  - iv. includes a system failure response.

# APPENDIX B – Late Night Trading Management

This section assists in encouraging diverse late night trading in the city to meet the social and cultural needs of the community, while managing the effects of these uses on the neighbourhoods in which they are located.

The City's night-time economy is an integral part of its commercial, cultural and social fabric. Late night trading premises are an important part of Sydney social and cultural life and play an important role in contributing to the City's economic growth and standing as a global city. Late night trading supports a 24 hour economy where residents, workers and tourists can access a diverse range of businesses for convenience, leisure and entertainment. Late night trading premises also provide employment and jobs with flexible hours.

The following provisions provide greater certainty to the community and proponents of late night trading premises in respect to appropriate operating hours and location. The provisions do not set out to curb or increase potential trading hours in a blanket fashion throughout the City, but allow opportunities for late night trading hours in appropriate locations and with appropriate management actions.

The provisions encourage a mix of late opening shops and businesses, like grocery stores, bookshops, hairdressers and galleries, as well as licensed theatres, pubs, cafes, small bars and restaurants in late night precincts. Having more diverse forms of late night trading attracts a wide range of people of all ages and interests, creating a safer and more balanced night time economy.

To encourage more live entertainment in a range of locations in the city, the provisions provide the possibility for additional trading hours for dedicated performance venues and licensed venues which host cultural uses and live performance.

Blackwattle Bay is identified as a City Living Area for the purposes of the following provisions.

## Definitions

*Category A - High Impact Premises* means any of the following premises:

- i. a hotel within the meaning of the *Liquor Act 2007* that is not designated as a general bar licence;
- ii. a hotel within the meaning of the *Liquor Act 2007* that has a capacity of more than 120 patrons and is designated as a general bar licence;
- iii. an on-premises licence within the meaning of the *Liquor Act 2007* where the primary business or activity carried out on the premises is that of a nightclub with a capacity of more than 120 patrons;

- iv. a dedicated performance venue, which may be licensed and includes theatres, cinema, music hall, concert hall, dance hall or other space that is primarily for the purpose of performance, creative or cultural uses, with the capacity of 250 patrons or more, but does not include a pub, bar, karaoke venue, small bar, nightclub, adult entertainment venue or registered club;
- v. a club within the meaning of the *Liquor Act 2007*;
- vi. a premises that has a capacity of more than 120 patrons where the primary purpose is the sale or supply of liquor for consumption on the premises; or
- vii. premises that are used as a karaoke venue where the owner or occupier sells or supplies liquor for consumption on the premises.

*Category B – Low Impact Premises* means any of the following premises:

- i. a hotel within the meaning of the *Liquor Act 2007* that has a capacity of 120 patrons or less and is designated as a small bar or general bar licence;
- ii. 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;
- iii. an on-premises licence within the meaning of the *Liquor Act 2007*;
- iv. any premises where the owner or occupier sells or supplies liquor for consumption on the premises that is not a Category A Premises;
- v. any other commercial premises, other than Category C premises, which in the opinion of the consent authority may impact on the amenity and safety of a neighbourhood resulting from its operation at night, including but not limited to, food and drink premises, takeaway food and drink premises, theatres, karaoke venues, convenience stores, entertainment facility and stand-alone gyms in buildings with residential accommodation and the like; or
- vi. a dedicated performance venue, which may be licensed and includes theatres, cinema, music hall, concert hall, dance hall or other space that is primarily for the purpose of performance, creative or cultural uses, with the capacity of up to 250 patrons, but does not include a pub, bar, karaoke venue, small bar, nightclub, adult entertainment venue or registered club.

*Category C* – means any of the following premises:

- i. Any retail premises or business premises which does not sell, supply or allow the consumption of liquor on or off the premises or hold any license under the *Liquor Act 2007*. This may include premises selling groceries, personal care products, clothing, books/stationery, music, homewares, electrical goods and the like, or businesses such as drycleaners, banks and hairdressers and the like. It does not include convenience stores, food and drink premises, takeaway food and drink premises, gyms in buildings with residential accommodation, or adult entertainment venue or sex services premises.

*Note: Category A, B and C Late night trading premises do not include sex services premises.*

*Base hours* are the standard range of trading hours that a late night trading premises is entitled to if an application is approved.

Convenience store is a shop that:

- primarily offers pre-packaged, processed snack food for sale in addition to soft drinks, cigarettes, magazines and other miscellaneous grocery and convenience items; and
- has a floor area generally under 200 square metres; and
- located at street level in places with medium to high volume of passing traffic.

In all cases, the discretion as to what development is considered to be a 'convenience store' for the purposes of these Design Guidelines shall be solely that of the consent authority and generally in accordance with these Design Guidelines.

*Extended hours* mean trading hours that may be approved above base hours on a trial basis.

*Outdoor areas* are any areas that are not considered an enclosed place within the meaning described in the *Smoke-free Environment Regulation 2007*.

*Patron capacity* means the maximum number of patrons permitted in a development consent. Outdoor seating is included in patron capacity calculations.

*Performance, creative or cultural uses* include:

- Live entertainment, being an event at which one or more persons are engaged to play or perform live or pre-recorded music, or a performance at which the performers (or at least some of them) are present in person; or
- Display, projection or production of an artwork, craft, design, media, image or immersive technology; or
- Rehearsal, teaching or discussion of art, craft, design, literature or performance.

*Note:* The definition of live entertainment is consistent with clause 102 of the Liquor Regulation 2018.

## Objectives

- Identify appropriate locations and trading hours for late night trading premises.
- Ensure that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses.
- Ensure that a commitment is made by operators of late night trading premises to good management through the monitoring and implementation of robust plans of management.
- Encourage late night trading premises that contribute to vibrancy and vitality, as appropriate for a Global City.
- Encourage a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work and live in the City of Sydney as well as people who visit the City.
- Encourage a diversity of night-time activity in defined areas.
- Encourage a diversity of night time activity by incentivising performance, creative or cultural uses in licensed premises and dedicated performance venues.

- h. Prevent the proliferation of poorly managed high impact late night premises.
- i. Ensure that new late night trading premises do not reduce the diversity of retail services in an area.
- j. Encourage diverse retail and services to meet the needs of communities.
- k. Ensure that applications are accompanied by sufficient information so that proposals for late night trading premises can be fully and appropriately assessed.
- l. Provide the possibility of extensions of trading hours for premises where they have demonstrated good management during trial periods.
- m. Encourage premises with extended trading hours that are of a type that do not operate exclusively during late night hours and may be patronised both day and night.
- n. Ensure that appropriate hours are permitted for outdoor trading; and
- o. Ensure a consistent approach to the assessment of applications for premises seeking late night trading hours.

## Provisions

### B1 General

1. These provisions apply to applications made under Part 4 of the *Environmental Planning and Assessment Act 1979* which includes development applications and applications to review a determination or modify a consent.
2. These provisions apply to applications for new and existing Category A, B and C premises that:
  - a. seek approval for trading hours;
  - b. seek refurbishment, additions or extensions that will result in an intensification of an existing use;
  - c. seek an extension or renewal of trial trading hours as prescribed in this section of these Design Guidelines; or
  - d. seek approval for outdoor trading.
3. These provisions do not apply to Category B and C premises that do not trade after 10pm, and Category A premises trading only between 10am to 10pm.
4. Generally standard trading hours between 7am and 10pm will apply in business zones.

*Note: These provisions are not retrospective and do not derogate from existing consents. Existing consents, and past operation under those consents, will be taken into account in assessing new applications.*

## B2 Late night trading areas

1. These provisions identify a hierarchy of three late night trading areas located throughout the City of Sydney. Late night trading areas are described in B6 of these Design Guidelines Late night trading and identified on the late night trading areas map and include:
  - a. Late Night Management Areas;
  - b. City Living Areas; and
  - c. Local Centre Areas.
2. Notwithstanding the above, all proposals for premises located outside of the late night trading areas will be subject to the requirements of these provisions.

## B3 Matters for consideration

These matters for consideration provide the basis for a consistent approach to the determination of appropriate trading hours and create greater certainty for the community and proponents of late night trading premises.

Once these factors are taken into consideration, late night trading hours may be permitted in appropriate circumstances, particularly in areas within the City that already exhibit a vibrant night-time character, as opposed to parts of the City that are predominantly residential in character where amenity impacts can be the greatest and most difficult to manage.

1. Appropriate trading hours for late night trading premises will be determined by taking into account a number of issues, where relevant, which include, but are not limited to:
  - a. the location and context of the premises, including proximity to residential and other sensitive land uses and other late night trading premises;
  - b. the specific nature of the premises, its activities and the proposed hours of operation;
  - c. the likely impact on the amenity of surrounding sensitive land uses, including noise, and the ability to manage the impacts.
  - d. the provision of indoor performance, creative or cultural use and how this increases the diversity of late night activities in the area
  - e. the provision of indoor space for performance, creative or cultural uses in a licensed premises, including the nature of the space available for the use, programming and entertainment being provided.
  - f. the contribution that late night trading proposals make to street activation and vibrancy of an area at night.
  - g. the likely impacts arising from the closing times and patron dispersal of the proposed and existing late night uses, including consideration of unlicensed late night trading in an area, such as shops, businesses and food and drink premises.
  - h. the existing hours of operation of surrounding business uses;
  - i. the size and patron capacity of the premises;

- j. the impact of the premises on the mix, diversity and possible concentration of late night uses in the locality;
- k. the likely operation of the proposal during day time hours, including the potential for street front activation.
- l. submission of a plan of management that demonstrates a strong commitment to good management of the operation of the business, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain;
- m. the diversity of retail and business services within an area and the impact of a late night trading proposal on this diversity;
- n. measures to be used for ensuring adequate safety, security and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding, the premises; and
- o. the accessibility and frequency of public transport during late night trading hours.

## B4 Trading hours and trial periods

These provisions identify base and extended trading hours within the three late night trading areas and for premises located outside of these areas. Approvals for late night trading premises will be limited in time to enable the consent authority to assess the ongoing management performance of a premise and its impacts on neighbourhood amenity. These trial periods allow consent authority the flexibility to review the conditions on development consents and respond to such things as changes in the late night character of a neighbourhood and changes in management.

1. Base and extended hours that apply to particular late night trading areas are identified in Table B1.

Table B1 Late night trading hours

		Category A		Category B		Category C
		Indoor	Outdoor	Indoor	Outdoor	
City Living Area	Base	7am to 11pm	10am to 8pm	7am to 1am	7am to 8pm	24 hours
	Extended	7am to 5am	9am to midnight	7am to 5am	7am to midnight	

2. Notwithstanding Table B1, proposals for extended indoor hours of Category B premises in Local Centre Areas up to 2am may be approved but only if the consent authority is satisfied that entry and egress of all patrons will be onto a main street and not onto a laneway which abuts residential properties, or into a predominantly residential area.
3. Any hours that are beyond base hours will be subject to a trial period.
4. The consent authority may permit trading hours that exceed extended hours for 'all other areas' if it has considered matters in section B3 of these Design Guidelines and provided that:

- i. The premises is not located in a R1, R2 (residential) or B4 (mixed use) zone; and
  - ii. The premises is located within 800 metres walking distance of the public entrance to railway station or ferry wharf with operating and available services, or 400 metres to the public entrance to a light rail station or platform, or a bus stop with operating and available services.
- 5. Extended trading hours beyond base hours may be permitted at the initial application stage, but only where the consent authority has determined that the premises have been or will be well managed, including compliance with an approved Plan of Management.
- 6. At the completion of a trial period a new application must be lodged to either renew existing trial hours or to seek an extension of trading hours.
- 7. Premises seeking extended trading hours may be permitted up to two additional operating hours per trial period if a previous trial period is considered by the consent authority to have been satisfactory, unless eligible for an additional one trial hour under sections B4 (16) and (17) of these Design Guidelines.
- 8. Trial periods may be permitted up to the following durations:
  - a. First trial – 1 year;
  - b. Second trial – 2 years;
  - c. Third and subsequent trials – 5 years.
- 9. Once the full range of extended trading hours is reached an application must be lodged every 5 years to renew trading hours.
- 10. Applications for a renewal or extension of trial trading hours should be lodged 30 days prior to the expiry period and applicants will be allowed a period of 'grace' from the termination of the trial period until the new application has been determined. During this period, the premises may continue to trade during existing approved trial hours.
- 11. If an application is not lodged 30 days prior to the expiry of the trial period, then approved trading hours will revert to base trading hours.
- 12. A renewal or extension of trading hours that are subject to a trial period may only be permitted if the consent authority is satisfied that a late night trading premises has demonstrated good management performance and compliance with a plan of management, following the completion of a satisfactory trial period.
- 13. When the consent authority is assessing trial period applications, it will consider whether a venue has demonstrated good management performance, based on matters including but not limited to:
  - i. Whether the trial period hours have been utilised;
  - ii. the nature and extent of any substantiated non-compliances with development consent or liquor license conditions, particularly those relating to public safety and impacts on amenity;

- iii. responses to substantiated complaints , including complaints recorded on the venues complaints register;
  - iv. Compliance with the approved Plan of Management for the venue;
  - v. consideration of complaints to consent authority and the State licensing authority under the *Liquor Act 2007*;
  - vi. an assessment of inspections by consent authority Officers during trial periods; and
  - vii. consideration of any submission made by Police.
14. If the consent authority determines that a trial period has been unsatisfactory then trading hours will revert to the base late night trading hours or whatever hours have been approved as the maximum trading hours prior to the commencement of these Design Guidelines. The consent authority will consult with an applicant prior to making such a determination.

#### Additional hour for dedicated performance venues

15. Venues which are a Category B dedicated performance venue and located within a late night trading area, may be permitted one additional indoor hour at closing time on a trial period basis in accordance with section B4 (9) of these Design Guidelines.

#### Additional operating hour for venues including performance, creative or cultural uses

16. Category A and B premises, excluding dedicated performance venues, karaoke venues, or adult entertainment venues, which are located within a late night trading area and provide indoor space with the capacity for performance, creative and cultural uses may be permitted an additional indoor operating hour at closing time on the night the premises provides performance on a trial period basis in accordance with section B4 (9) of these Design Guidelines.

This hour may be in addition to any other extended hours approved as part of a trial period application. To be eligible, venues must demonstrate the capacity to provide performance.

*Note: Venues seeking to demonstrate their capacity to provide performance as required by section B4 (17) of these Design Guidelines may support their application by submitting information including the following:*

- A description of the type of music, visual or performance art or other cultural events that may be staged at the premises
  - Submission of details of the space to be used and permanent or semi-permanent structure(s) and equipment to present live performance and creative and cultural uses. This may include any stage and audience standing or seating area; and
  - Arrangements for booking and promoting performance, creative and cultural uses.
17. The performance, creative and cultural use must occur for a minimum of 45 minutes after 6pm.
18. Venues seeking to apply for an additional operating hour for providing a performance, creative or cultural use are required to update their Plans of Management to reflect the operation of the performance, creative and cultural use and management of the additional hour of trade.

19. Venues seeking to extend trial periods for an additional hour are to demonstrate that they have provided performance in accordance with the requirements of B4(16) and (17) of these Design Guidelines.

#### Category C premises

20. Category C premises may be approved for trading hours up to the maximum described in Table B1 subject to an assessment of the relevant matters in section B3 of these Design Guidelines. Trial periods may be imposed for premises that propose trading hours after midnight, are in sensitive locations or include uses that may be considered by the consent authority to be higher risk.

## B5 Plans of management requirements

Where the consent authority is of the opinion that proposals for late night premises have the potential to impact adversely on amenity and neighbourhood safety, applicants are required to prepare and submit with their application Plans of Management that include verifiable data and actions

### B5.1 Preparation

Plans of Management are to include information about the operational and contextual aspects of a premises, for example locality description, security numbers, noise emission and trading hours, as well as details about what actions will be taken to ensure that premises will be responsibly managed, for example, crowd control procedures, noise minimisation and waste management.

This will ensure that proponents of late night trading premises have considered and addressed any potential impacts that may arise from their operation during late night hours, as well enabling the consent authority to effectively assess any impacts of a proposal. It is the responsibility of the licensee to facilitate a well-managed premises and display sensitivity about the impact of the premises on the liveability of neighbourhoods.

1. A Plan of Management, prepared in accordance with these Design Guidelines in section B7, is required to accompany an application for the following late night trading premises:
  - a. new Category A Premises;
  - b. existing Category A Premises that seek a renewal or extension of existing approved trading hours;
  - c. new Category B premises;
  - d. existing Category B premises that seek a renewal or extension of existing approved trading hours;
  - e. existing Category A Premises that seek extensions, additions or refurbishment which will lead to an intensification of that use;
  - f. existing Category B Premises that seek extensions, additions or refurbishment which will result in the premises becoming a Category A premises;
  - g. applications for outdoor trading on the same lot as a Category A or Category B Premises;

- h. Category A or B premises that seek an additional operating hour for the provision of performance, creative or cultural uses; and
  - i. Category B dedicated performance venues that seek an additional operating hour at closing.
2. Plans of Management must be assessed and approved concurrently with the application for an extension of trading hours.
  3. The operators of late night trading premises are required to review their Plan of Management following every trial period and make revisions necessary to maintain a level of amenity and safety in the vicinity of the premises which is at an acceptable community standard.
  4. The consent authority may request that an applicant amend their Plan of Management to provide further information in addition to the minimum requirements listed in section B7 in their Plan of Management where it is considered necessary.

## **B5.2 Monitoring and Review**

At the termination of a trial period, applicants should consider changes in the nature of the operation that have occurred during the operation of a premises that have given rise to unforeseen impacts on the amenity of the area or have been the basis for a substantiated complaint made to Council or the State licensing authority against the premises.

In reviewing a Plan of Management at the termination of a trial period, it will be necessary for this information. This should be in the form of a new Plan of Management which includes a statement of revisions of the previous Plan of Management, if any are required to accompany an application for a renewal or extension of trading hours so that the consent authority can determine whether adequate steps have been taken to resolve any problems that may have arisen from the operation of the premises during a trial period.

The consent authority will undertake its own review of the level of compliance with the Plan of Management and whether the current operation has been successful on any application to extend a trial period or on any review. The matters considered by the consent authority will include, but not be limited to:

- i. consideration of complaints to Council and the State licensing authority under the *Liquor Act 2007*;
- ii. an assessment of inspections by Council Officers or consent authority officers during trial periods; and
- iii. consideration of any submission made by Police.

## **B6 Late Night Trading Area– City Living Area**

### **Issues and management**

The central issue for this Area is the management of impacts on residential development within and near the Area. As a result, proposals will differ based on whether there is nearby or surrounding residential development to the proposed premises. Plans of management will assist in

this regard, as aside from the basic content they may also nominate specific mechanisms to manage proximity to residential development where appropriate.

## Trading hours

Appropriate late night trading hours for premises are dependent on the extent and proximity of residential premises to any proposal. Decisions on appropriate late night trading hours will be based on the impact it is considered that the use will have on the amenity of residential and other land uses.

Generally longer trading hours may be acceptable where the predominant surrounding land use is non-residential or is insulated/protected from late night trading activity, or where there are clear buffers. Longer trading hours may be acceptable in peak periods on weekends and during special events and may be subject to trial periods as is the case for all types of late night trading landuses addressed by Council's Late Night Trading Management provisions.

Conversely, trading hours will be shorter where the predominant surrounding character is residential. Due to the generally active character in the City Living Area (even within some predominantly residential areas), longer trading hours may be considered more acceptable compared to Local Centre Trading Areas where the interface between residential and non residential uses is more defined.

## B7 Plan of management requirements

1. A Plan of Management should be in the form of a separate attachment with an application and should be accompanied by a signed declaration from the licensee/manager that they have read and understood the Plan of Management. At a minimum, a Plan of Management should contain the following information:
  - a. Site and locality details
    - i. A description of the primary use of the premises as well as any secondary/ancillary uses (eg. retail liquor sales, public entertainment, outside trading areas, gaming areas etc). This may be in the form of a floor and/or site plan that indicates the use of all areas within the building or site;
    - ii. Identification of any 'active areas' adjacent to the boundaries of the site used in association with the use of premises (eg. Outdoor seating, footway dining, queuing areas, parking etc);
    - iii. A floor plan that indicates the proximity of external doors, windows and other openings to residential and other sensitive land uses. The floor plan should also indicate the proposed layout of all areas of the premises, such as internal queuing areas, seating, dining, gaming, dance floors, entertainment, lounge, etc;
    - iv. Details of the maximum capacity of the premises and the maximum number of patrons that will be standing and/or sitting at any one time;
    - v. The location of waste storage areas;
    - vi. Location of air conditioning, exhaust fan systems and security alarms;

- vii. Identification of the most commonly used pedestrian routes to and from the premises, including any safety corridors.
- b. Operational details
  - i. An overview of the organisation in the form of a brief statement that provides details about the company/licensee/proprietor that includes information regarding:
    - the number and type of staff (including security);
    - other similar premises within the company's portfolio (if relevant);
    - any Liquor Licenses for the premises;
    - a description of any actions that the proprietor/licensee has taken to co-operate with NSW Police, the local community and incorporated resident groups regarding the management of the premises;
    - membership of a Licensing Accord within the City of Sydney (please refer to the City's website for details of Licensing Accord operating within the City).
- c. Hours of Operation
  - i. For existing premises seeking a renewal or extension of trading hours, a schedule of the current trading hours showing the range for each day. For example; this should be expressed in the following format:
    - 9am Friday to 2am Saturday
    - 9am Saturday to 2am Sunday
    - 9am Sunday to 1am Monday
    - 9am Monday to midnight Monday
    - 9am Tuesday to 11pm Tuesday
    - 9am Wednesday to 2am Thursday
  - ii. A schedule of the proposed operating hours for each day of the week for all areas of the premises (eg. courtyards, rooftop, balcony, footway, gaming room etc.) showing the range of hours proposed for each day in the format above. If the nature of an area changes, for example, a dining area becomes a dance floor after the kitchen closes, then this should be noted and operational hours for the different uses detailed and
  - iii. If applicable, a schedule of proposed entertainment hours for each day of the week in the format above.
- d. Noise
  - i. The identification of all likely noise and vibration sources associated with the operation of the premises. This may include such sources as:
    - Live entertainment and amplified sound;
    - external (outside) areas such as courtyards, rooftops, balconies etc;

- patrons leaving and entering the premises;
  - the operation of mechanical plant and equipment;
  - waste disposal, sorting and collection of bottles etc
  - in stand-alone gyms in buildings with residential accommodation, background music, air conditioning and the use of exercise machines and freeweights.
- ii. Details of all noise and vibration attenuation measures related to the use and operation of the premises.
  - iii. A statement outlining the premises' compliance with all relevant noise and vibration standards, guidelines and legislation (eg. Australian Standards, *Protection of the Environment Operations Act 1997*, EPA Industrial Noise Guidelines, etc.);
  - iv. Details of how management will address complaints relating to noise, and any noise control strategies that will be implemented to minimise the potential for complaints (eg. liaison with neighbours and local police, maintaining a complaint register etc);
  - v. Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies or designated smoking areas etc; and
  - vi. Details of any noise limiting devices to be installed;
- e. Security and safety – may only be applicable for licensed premises or takeaway food and drink premises located close to late night licensed premises.
    - i. A description of any arrangements that will be made for the provision of security staff. This is to include (but is not limited to) the following:
      - any recommendations from Local Licensing Police regarding appropriate security provision and a statement outlining the extent of compliance with police recommendations;
      - the number of security personnel that will be patrolling inside and outside the premises including the frequency of security patrols;
      - Identification of the physical extent of any patrolled areas outside the premises;
      - Hours that security personnel will be on duty (including the period after closing time);
      - Staff security training, weapons detection, and other security response methods.
    - ii. Details of CCTV surveillance camera installation that identifies both indoor and outdoor areas monitored by cameras, and camera technical specifications (eg. recording capacity, frames per second etc.)
    - iii. Details of signage that is to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises;
    - iv. Details of any liaisons or outcomes of any meeting with local NSW police; and
    - v. Details of any complaints associated with the operation of the premises must be recorded in a Complaints Register which includes:

- Complaint date and time;
- Name, contact and address details of person(s) making the complaint;
- Nature of complaint;
- Name of staff on duty;
- Action taken by premises to resolve the complaint;
- Follow-up; and
- Outcome.

f. Management Measures

General Amenity:

- i. Details of all measures that will be taken to ensure that amenity impacts that may result from the operation of the premises are minimised.
- ii. Details of all actions that will be taken to respond to complaints made about the operation of the premises (including but not limited to consultations with residents, discussions with consent authority officers, liaison with Police, public access to Plans of Management, review of existing Plan of Management etc.);
- iii. A waste management plan that outlines the procedures for minimising and managing waste that is generated by the premises. This should address such matters as disposal of bottles, how and when waste will be removed, details of waste management facilities, waste collection and storage areas etc;
- iv. Details of methods that will increase patron awareness of public transport availability (eg. signage, availability of timetables) as well as a description of any other measures that will assist patrons in using public transport (eg. provision of a shuttle service, taxi assistance etc.); and
- v. Details of methods that will increase patron awareness of responsible disposal of cigarette butts;
- vi. Any other measures that will be undertaken to ensure that amenity impacts that may arise from the operation of the premises are addressed.

Security and Safety (where applicable):

- i. Measures that will be taken by security personnel to ensure that the behaviour of staff and patrons when entering or leaving the premises will minimise disturbance to the neighbourhood.
- ii. Any provisions that will be made to increase security in times where higher than average patronage is expected (eg. during public entertainment, peak periods on weekends, New Years Eve, following large sporting events in the locality, during special events and functions etc.);
- iii. Liaison that will be undertaken with other licensees or operators of late trading premises in the locality/area to improve security at night;

- iv. Detail procedures and provisions that will be implemented to improve premises security. This could include:
- emergency procedures;
  - crowd control;
  - search procedures;
  - maintenance of an incident register;
  - monitoring of patron behaviour;
  - monitoring of numbers of patrons within the premises;
  - recording of complaints and reporting of incidents to Police;
  - membership of the proprietor/licensee to a Licensing Accord (see the City's website for details of Licensing Accords operating within the City);
  - dress codes;
  - staff security training;
  - distinctive security attire;
  - availability of cloak rooms;
  - internal and external security patrols;
  - measures to prevent glass being carried from the premises by patrons;
  - measures to ensure safe capacities (eg. electronic counting of patrons, occupancy limits, signage); and
  - actions to be taken during 'wind down' periods prior to closing time
- v. If queuing outside the premises is to occur, a description of any measures that will be taken to ensure that queuing is controlled in a manner that will not adversely impact the amenity of the neighbourhood and that the footpath will not be unreasonably impeded. This description may address such matters as:
- A description of how and how often security guards will monitor queues (e.g. security guards will monitor queues every 10 minutes to identify inappropriate behaviour before patrons enter);
  - the use of temporary ropes and bollards;
  - maximum queue numbers;
  - actions taken to minimise loitering; and
  - actions ensuring the fast and efficient movement of a queue.

Optional issues that may be required in relation to an application for a liquor license

- vi. Methods employed to implement harm minimisation and the responsible service of alcohol (RSA) requirements such as:

- employee training and awareness regarding RSA and harm minimisation;
  - approaches that will be used to manage intoxicated and/or disorderly persons;
  - promotion of non-alcoholic beverages and provision of free water;
  - display of the premises' house policy;
  - assisting patrons in accessing safe transportation from the premises (eg. arranging taxis, public transport timetable information);
  - encouraging responsible drinking;
  - number of RSA marshalls employed for each shift and details on how they will monitor RSA; and • actions taken to discourage drug use and to manage drug related incidents.
- vii. Detail emergency and evacuation procedures in accordance with the relevant Australian Standard and provide details of staff training in those procedures.
- g. Performance, creative or cultural uses (where applicable)
- i. A description of the music, visual, performance, creative and cultural events that may be staged at the premises;
  - ii. Details of the capacity of the space to host performance, creative or cultural uses including the location and dimensions the space, stage audience (standing or seating area) and equipment to present the performance, creative or cultural use;
  - iii. Arrangements for booking and promoting performance, creative and cultural uses;
  - iv. Procedures for notifying neighbours about the nights when operating hours are extended to provide for performance, creative and cultural uses.