

# Part 5

## COMMERCIAL & MIXED USE DEVELOPMENT







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## Part 5 Commercial and Mixed Use Development

### 5.1 General Commercial and Mixed Use Development Controls

Commercial centres are critical to the vitality, sustainability and cultural life of the Marrickville Local Government Area (LGA), providing access to goods, services, transport, social exchange and cultural activities within walking distance of most homes.

The commercial centres within the Marrickville LGA are predominantly traditional commercial strip types of centres. They are characterised by a collection of narrow building fronts, generally one to three storeys, mostly massed to the front boundary, with a continuous collection of commercial and other active street level frontages and a mixture of other uses, especially shop top housing.

Section 2.1 (Urban Design) of this DCP introduces the broad urban design principles and characteristics of a building or streetscape that need to be considered when designing appropriate development in commercial centres. This section explains the different types of commercial and mixed use development, and provides descriptions and sets objectives and controls for the different aspects of commercial and mixed use development. Section 5.4 (Design Guidelines) of this DCP gives additional design advice, discusses possible design solutions and illustrates examples of successful design solutions for a particular context.

#### 5.1.1 General Objectives

- O1 To build upon the detailed objectives and controls of MLEP 2011.
- O2 To provide detailed urban design guidelines and development controls that acknowledge and enhance the character of Marrickville's commercial centres and the surrounding locality.
- O3 To preserve and enhance the distinctive characteristics and townscape quality of each of Marrickville's commercial centres.
- O4 To require development that responds to its context and is compatible with the existing built environment and public domain.
- O5 To achieve high quality urban design.
- O6 To require design that maintains and enhances the character and heritage significance of heritage items and heritage conservation areas.
- O7 To ensure sympathetic alterations and additions and restorations to period buildings are undertaken in a manner that retains and enhances their architectural character and streetscape presentation.
- O8 To improve the environmental and aesthetic amenity of commercial centres.
- O9 To revitalise Marrickville's business centres by promoting mixed use development.
- O10 To promote an accessible and safe environment.

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- O11** To encourage ecologically sustainable development and reduce the impacts of development on the environment.

### **5.1.15.1.2** Contributory buildings in commercial centres

Some buildings within commercial centres make a positive contribution to the character of the streetscape and broader townscape and may be required to be retained.

Where Council determines that a building requires retention, as a minimum, the street fronting portion of the existing building (being the front most original structural bay where this is intact) is required to be retained to maintain the structural and aesthetic integrity of the building.

In commercial centres where the desired future character involves major change, maps have been prepared that clearly designate which buildings are to be retained. Those maps are contained within Part 8 (Heritage) of MDCP 2011. The associated design guidelines provide information on the type, period and style of significant buildings up to World War Two and suggest options for restoration, reconstruction, alterations and additions [See Section 5.4 (Design Guidelines)].

Some of the commercial centres mapped to identify those buildings are located within Heritage Conservation Areas whilst others are not. Buildings which contribute to their streetscape have been identified regardless of whether they are located within a Heritage Conservation Areas. Buildings which contribute to their streetscape which are located in Heritage Conservation Areas are referred to as 'Contributory buildings'. Buildings which contribute to their streetscape are not located within Heritage Conservation Areas are referred to as 'Period buildings'.

#### **5.1.2.1** Contributory buildings in commercial centres

Contributory buildings are buildings, not listed as heritage items, that are located within a heritage conservation area that make an important and significant contribution to the character and significance of that heritage conservation area. They are buildings that have a reasonable to high degree of integrity and date from a key development period of significance of the heritage conservation area. Contributory buildings are buildings from a key period of development that are either:

- highly or substantially intact; or
- altered, yet recognisable.

Development involving contributory buildings must, at a minimum, retain the front portion of the building with any substantial new building being constructed to the rear. See Section 8.4.2 of this DCP for maps identifying contributory buildings within commercial centres.

Part 8 of MDCP 2011 contains information on each Heritage Conservation Area within the Marrickville LGA. Section 8.4 includes controls for retail streetscapes within Heritage Conservation Areas and should be referred to in addition to relevant Part 5 controls.

#### **5.1.2.2** Period buildings in commercial centres

Period buildings are buildings, not listed as heritage items, which are not located within a heritage conservation area, which are generally intact that make a positive and valuable contribution to the character of the streetscape and broader townscape.

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In commercial centres, period buildings may show some degree of modification and loss of original detailing, particularly below awning level. This may include loss of original shopfront, door and window openings and detailing. See Section 8.4.2 of this DCP for maps identifying period buildings within commercial centres.

Select commercial centres within the Marrickville LGA have been identified as suitable for additional development as reflect in the planning controls applying to those areas. Within those areas, developments involving period buildings must, at a minimum, retain the front portion of the building with any substantial new building being constructed to the rear. Additional information can be found within the relevant Planning Precinct within Part 9 of MDCP 2011.

In commercial areas not designated for substantial additional development, Section 5.4 Design Guidelines should be referred to when designing suitable additions to period buildings identified within Section 8.4.2. In some instances, a period building may present as part of a larger development site. In those cases, Council will determine the requirement for façade retention based on the overall design outcomes proposed for the site.

## Objectives

- O12** To ensure that contributory buildings are retained.
- O13** To ensure that the facades and front bays of period buildings within commercial centres are retained and/or reinstated\* as part of development proposals.
- O14** To encourage the retention of period buildings within commercial centres where their retention will contribute to the streetscape and broader townscape character.
- O15** To ensure that alterations and additions do not detract from the overall architectural character and building form of the contributory or period building.
- O16** To ensure that alterations and additions do not compromise the consistency and integrity of a row of contributory or period buildings.
- O17** To maintain the retail shop character and fine urban grain of contributory and period buildings within commercial centres.
- O18** To ensure that infill development respects its context, specifically in terms of height, scale and the detailing of the streetscape presentation evident in contributory and period buildings.

\*NB The reinstatement of original features, finishes and detailing for contributory buildings and period buildings must be based on historical evidence such as photographs or similar.

Some buildings in the commercial centres make a positive contribution to the character of the streetscape and broader townscape and are required to be retained. Where Council determines that a building is contributory, as a minimum, the street fronting portion of the existing building (being the front most original structural bay where this is intact) is required to be retained to maintain the structural and aesthetic integrity of the building.

In commercial centres where the desired future character involves major change, contributory building maps have been prepared that clearly designate which buildings are contributory. Those maps are located within the Part 8 (Heritage) of this DCP. In other commercial centres, this will be assessed on a merit assessment of the building, with reference to the precinct statements and the design guidelines. The design

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guidelines provide information on the type, period and style of contributory buildings up to World War Two and suggests options for restoration, reconstruction, alterations and additions (See Section 5.4 (Design Guidelines)). Other good examples of post World War Two buildings that also contribute to the existing character of the streetscape and broader townscape will be considered on merit as part of the general assessment of building frontages.

### 5.1.25.1.3 Type of commercial and mixed use developments

The type of commercial and mixed use development broadly fits into four categories:

1. Commercial change of use;
2. Internal alterations and additions;
3. External alterations and additions, which includes:
  - i. Minor superficial external alterations (no or minimal additional floor area);
  - ii. Minor external alterations and additions (additional floor area);
  - iii. Major external alterations and additions (major demolition and additional floor area); and
4. Infill development (vacant site or total demolition and new development).

#### 5.1.2.15.1.3.1 Commercial change of use

A commercial change of use involves a new use occurring within an existing building, as illustrated by Figure 1.

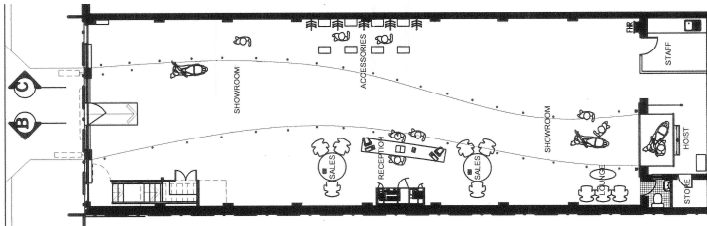


Figure 1: Example of change of use type of commercial and mixed-use development.

#### 5.1.2.25.1.3.2 Internal alterations and additions

Internal alterations and additions involve minor changes to the internal fabric of a building, often made in combination with a change of use that is undertaken to meet the requirements of a new, altered or existing commercial activity. Figure 2 illustrates this type of development.

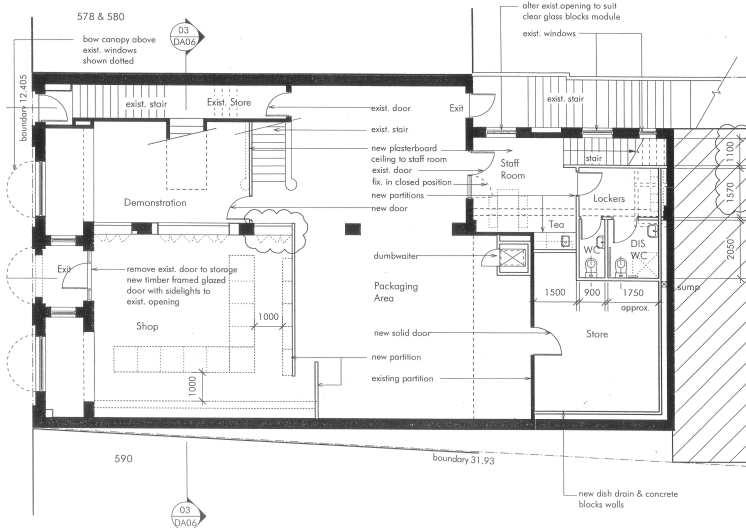


Figure 2: Example of internal alterations and additions type of commercial and mixed-use development.

### 5.1.2.35.1.3.3 External alterations and additions

External alterations and additions involve external changes to a building fabric, with varying extent of change.

1. Minor superficial external alterations and additions involve the retention of the majority of the original building fabric and minimal construction works, with no or minimal additional floor area. Examples include the restoration, repair and reconstruction of a period building such as a new shopfront; construction of a rear carport; or the removal of poorly altered windows and suitable replacement. Figure 3 illustrates this type of development.

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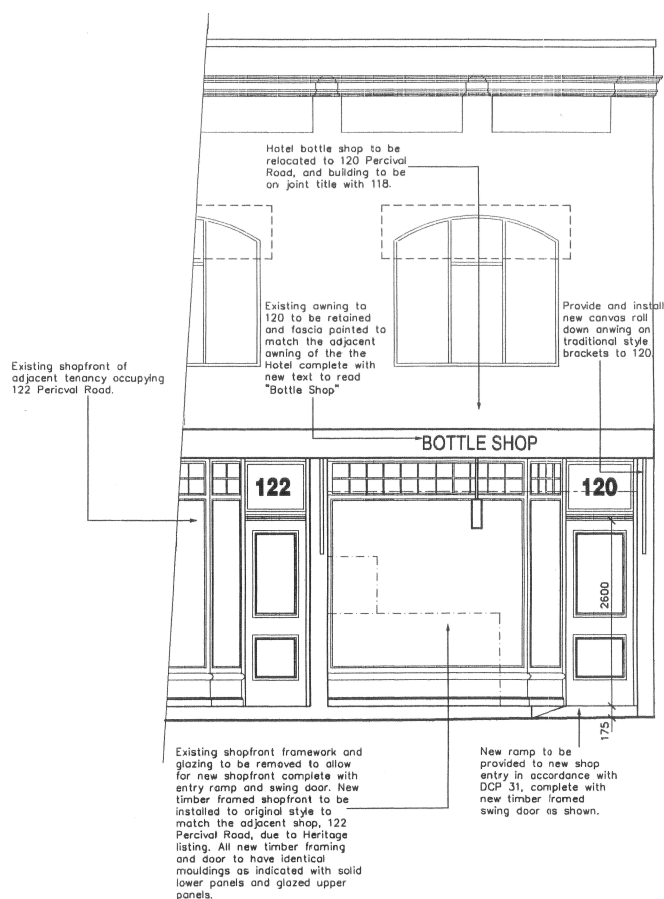


Figure 3: Example of minor superficial external alterations and additions type of commercial and mixed use development.

2. Minor external alterations and additions involve the retention of the majority of the original building fabric and the addition of minor commercial or residential floor area to the rear or on top of the existing building, without causing significant alterations to the integrity of the original building structure. Figure 4 illustrates this type of development.

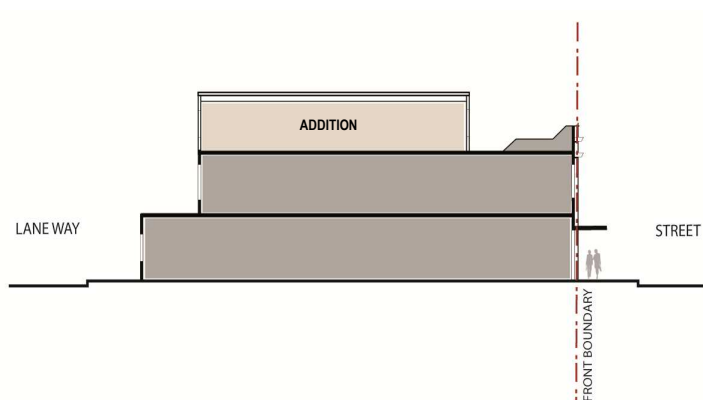


Figure 4: Illustration of minor external alterations and additions type of commercial and mixed use development.

3. Major external alterations and additions involves large parts of the original building structure and/or building fabric being demolished at the rear but, as a minimum, the contributory front portion of the building being retained, and a substantial new building being constructed to the rear. Figure 5 illustrates this type of development.

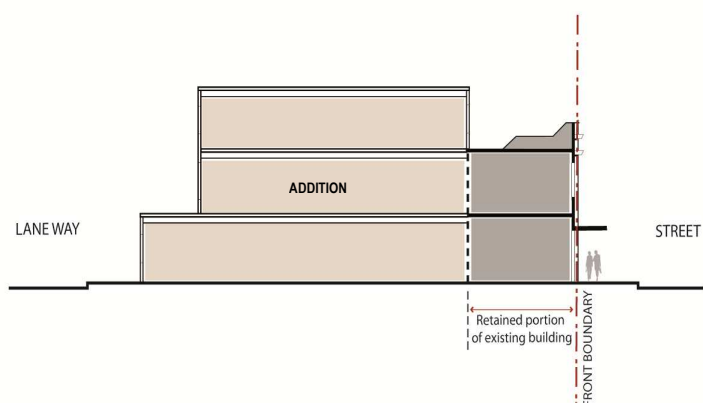


Figure 5: Illustration of major external alterations and additions type of commercial and mixed use development.

Specific controls only applicable to alterations and additions to existing buildings are clearly identified throughout this DCP.

#### **5.1.2.45.1.3.4 Infill development**

Infill development is where the site is vacant or there is major demolition of the existing building and a substantially new building is erected that fronts onto the main street. Figure 6 illustrates this type of development.

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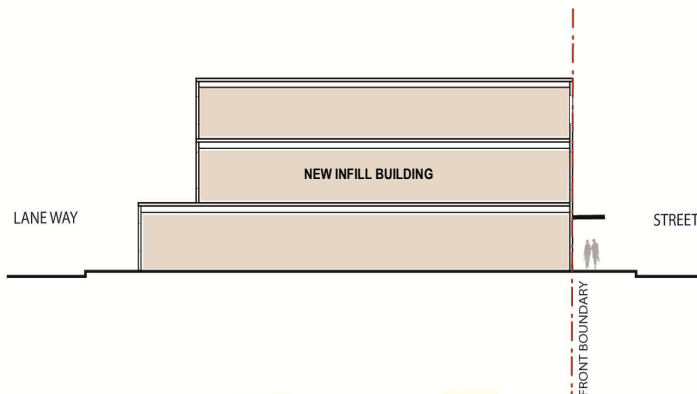


Figure 6: Illustration of infill type of commercial and mixed use development.

Infill development within an existing urban context should be unambiguously identifiable as new development. This usually means the development can be clearly recognisable as contemporary in design to the time it is built and not a replication of buildings of earlier periods and styles. It should, however, complement the surrounding buildings and the predominant character of the particular commercial centre context such that it integrates with and makes a positive contribution to the broader commercial centre streetscape.

Specific controls only applicable to new infill development are clearly identified throughout this DCP.

### 5.1.35.1.4 Building form

#### 5.1.3.15.1.4.1 Floor space ratio (FSR)

Floor space ratio (FSR) definition, objectives, and standards are contained in Marrickville Local Environmental Plan 2011 (MLEP 2011) and the Floor Space Ratio Map of MLEP 2011.

In strategically selected commercial centres, densities have been increased to achieve a more compact, accessible, vibrant, safe and sustainable city, whilst in other smaller or constrained centres lower densities have been set.

Within the Marrickville, Petersham and Dulwich Hill commercial centres the precinct-specific planning controls in the relevant precinct statement in Part 9 (Strategic Context) reduces the maximum FSR permitted in certain situations in accordance with specific site conditions and sets building envelope controls.

The MLEP 2011 FSR standards in the commercial centres will ensure densities are appropriate to the different locations and development is consistent with the desired future character. The MLEP 2011 FSR standards, in combination with MLEP 2011 height of building standards and other controls of this DCP, will ensure the bulk and scale of new development is compatible with the site context of adjoining buildings and the wider streetscape and also ensure a satisfactory level of amenity is maintained for existing and future residents.



### Objectives

- Q4019** To ensure the density of development is compatible with the future desired character of the relevant commercial centre.
- Q2020** To ensure the density of development is appropriate to the contextual constraints of the site.

### Controls

- C1** Maximum permitted floor space ratio (FSR) for any development must be consistent with the FSR standards prescribed within MLEP 2011 and any applicable precinct-specific planning controls.
- NB** *While MLEP 2011 establishes a maximum FSR, the standards are not 'as of right' controls and will depend on how the proposed development satisfies all relevant objectives and controls within MLEP 2011 and this DCP. Not all site development in Marrickville LGA's commercial centres may be able to achieve the maximum permissible FSR due to particular site characteristics, such as:*
- The size and shape of the land;*
  - The presence of existing buildings required to be retained;*
  - The need to reduce adverse impacts on neighbouring sites; and/or*
  - Not satisfying Council's traffic, parking and vehicular access requirements.*

#### **5.1.3.25.1.4.2 Height**

Height of building (HOB) definition, objectives and standards are contained in MLEP 2011 and the Height of Buildings Map of MLEP 2011.

In strategically selected commercial centres, heights have been increased in combination with FSR to achieve a more compact, accessible, vibrant, safe and sustainable city. Heights have been set lower in other smaller or constrained centres.

Within the Marrickville, Petersham and Dulwich Hill commercial centres the precinct-specific planning controls in the relevant precinct statement in Part 9 (Strategic Context) reduces the maximum height permitted in certain situations in accordance with specific site conditions and sets building envelope controls.

The MLEP 2011 HOB standards in the commercial centres will ensure building heights are appropriate to the different locations and development is consistent with the desired future character. The MLEP 2011 HOB standards, in combination with MLEP 2011 FSR standards and other controls of this DCP, will ensure the bulk and scale of new development is compatible with the site context of adjoining buildings and the wider streetscape and also ensure a satisfactory level of amenity is maintained for existing and future residents.

### Objectives

- Q3021** To ensure the height of development is compatible with the future desired character of the relevant commercial centre.
- Q4022** To ensure the height of development is appropriate to the contextual constraints of the site.

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### Controls

**C2** Maximum permitted HOB for any development must be consistent with the HOB standards prescribed within MLEP 2011 and any applicable precinct-specific planning controls.

**NB** While MLEP 2011 establishes a maximum HOB, the standards are not 'as of right' controls and will depend on how the proposed development satisfies all relevant objectives and controls within MLEP 2011 and this DCP. Not all site development in Marrickville LGA's commercial centres may be able to achieve the maximum permissible HOB due to particular site characteristics, such as:

- The size and shape of the land;
- The presence of existing buildings to be retained;
- The need to reduce adverse impacts on neighbouring sites; and/or
- Not satisfying Council's traffic, parking and vehicular access requirements.

### ~~5.1.3.35.1.4.3~~ **Massing and setbacks**

Marrickville LGA's commercial centres are predominantly the traditional commercial strip type, formed by a unique interaction between local topography, street layout, subdivision pattern and building form. They are characterised by a varied collection of narrow, generally one to three storey building fronts which mostly mass to the front boundary and contain an array of parapets and roof lines. This creates a continuous but varying street front massing that gives a strong sense of enclosure and rich streetscape experience. New development should maintain the traditional scaled street front massing, with any permitted higher components being stepped back so that it does not dominate.

The prevailing streetscape pattern of Marrickville LGA's traditional strip commercial centres is for no setbacks to the front and side boundaries for the street front portion of the buildings, creating a continuous retail frontage opening directly onto the footpath and a strong street wall enclosure. This pattern creates intense active retail frontages, and when combined with continuous awnings, provides weather protection and high pedestrian amenity. Setbacks to the rear provide for parking, loading and services and reduces the amenity impacts on adjoining properties in terms of bulk, solar access and privacy. Setbacks to upper levels behind the street wall and to minor building envelopes on the roof are controlled to ensure the appropriate building form is created.

### Objectives

- ~~O5~~**O23** To preserve the prevailing building frontage edge of the streetscape.
- ~~O6~~**O24** To ensure the massing of any permitted fourth and fifth storeys are setback to be subservient to the street building frontage.
- ~~O7~~**O25** To ensure the massing of any roof top level is not visually dominant.
- ~~O8~~**O26** To reinforce the local topography of Marrickville LGA's commercial centres as ridge roads, visible at their highest points in the neighbourhoods.
- ~~O9~~**O27** To ensure the rear massing of developments does not cause significant visual bulk or amenity impacts on neighbouring properties to the rear.

### Controls

#### Additions to contributory **and period** buildings

**C3** Where whole existing contributory **or period** buildings or the street fronting portion of the existing contributory buildings are retained there





must be no additions to the existing building mass within the front 6 metres of the building, except for 0.9 metres roof projection of the topmost dwelling occupancy level.

- C4** Development involving third storey alterations and additions to retained two storey contributory or period buildings:
- Must not be visible when viewed from 1.8 metres above the footpath pavement on the edge of the road reserve on the opposite side of the street to the building or obliquely from 30 metres either side of the site; and
  - Where involving attic rooms within an existing pitched roof, the roof form must have sufficient volume, and dormers must comply with Section 4.1.8 of this DCP. Skylights must be confined to the rear roof plane. Raising the roof ridge, entire roof or otherwise making major changes to the existing roof form to accommodate roof additions is not permitted.

**Front massing for new infill development**

- C5** For new infill developments, where the HOB standard is set as 9.5 metres, the street front portion of the building mass in the front 6 metres must have a maximum height (measured from the footpath level up to the highest point on the front portion of the building) of 9 metres and contain a maximum of two storeys.
- C6** For new infill developments, where the HOB standard is set as 11 metres, the street front portion of the building mass in the front 6 metres must have a maximum height (measured from the footpath level up to the highest point on the front portion of the building) of either:
- 9 metres and contain a maximum of two storeys; or
  - 11 metres and contain maximum of three storeys, where it is demonstrated that this form appropriately fits the existing or desired future streetscape character.
- C7** For new infill developments, where the HOB standard is set as 14 metres or greater, the street front portion of the building mass in the front 6 metres must have a maximum height (measured from the footpath level up to the highest point on the front portion of the building) of 12 metres and contain a maximum of three storeys.
- C8** The street front portion of the building mass generally must be built to the predominant front building line, which will usually require alignment with the street front boundary (zero front setback) to reinforce a continuous street fronting building edge to the streetscape.
- C9** Side setbacks are generally not permitted in the front portion of the building where zero side setbacks are the typical pattern of the streetscape.
- C10** Front or side setbacks in the front portion of the building that vary from the typical streetscape pattern are only permitted where:
- A setback is appropriate for the situation (that is, where a forecourt or a widened footpath is required and appropriate);
  - The new development has a non-retail frontage and the setback allows the provision of transition space between the public and private domain;
  - The setback is required as part of the setting for an adjacent heritage item to enable visual appreciation. In this instance it may be an alternative to height reduction; and/or

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- iv. The setback reveals an important parapet corner return on an adjacent building. In this instance the building may be setback at the upper level but lower floors must be built to the typical pattern.

### **Upper level massing**

- C11** Upper levels above the street front portion of the building mass must be setback a minimum 6 metres from the street front of the building (required to both frontages when the site is located on the corner of two major streets), except for 0.9 metres roof projection of the topmost dwelling occupancy level.
- C12** On corner properties where the secondary frontage is to a minor street or laneway, the upper levels above the street front portion of the building mass facing the secondary frontage must be setback a minimum 3 metres from the secondary street frontage of the building, except for 0.9 metres roof projection of the topmost dwelling occupancy level.

### **Rear massing**

- C13** Where the rear boundary adjoins a lane:
  - i. The rear building envelope must be contained within the combination of the rear boundary plane and a 45 degree sloping plane from a point 7.5 metres vertically above the lane ground level, measured at the rear boundary, and contain a maximum of two storeys on the rear most building plane;
  - ii. Notwithstanding point i., building envelopes may exceed the above building envelope control where it can be demonstrated that any rear massing that penetrates above the envelope control will not cause significant visual bulk or amenity impacts on neighbouring properties to the rear;
  - iii. The rear building envelope must contribute positively to the visual amenity of the laneway, and encourage rear laneway activation through measures such as providing appropriate lighting and opportunities for passive surveillance.
- C14** Where the rear boundary is a common boundary between properties:
  - i. The rear building envelope must be contained within the combination of the rear boundary plane and a 45 degree sloping plane from a point 5 metres vertically above the ground level of the property being developed, measured at the rear boundary, and contain a maximum of one storey on the rear most building plane;
  - ii. notwithstanding point i., building envelopes may exceed the above building envelope control where it can be demonstrated that any rear massing that penetrates above the envelope control will not cause significant visual bulk or amenity impacts on neighbouring properties to the rear.

### **Roof-top level massing**

- C15** For development where the HOB standard is equal to or greater than 14 metres and the proposed development will involve roof top structures within the topmost 3 metres of the maximum height control, the following provisions apply:
  - i. The top 3 metres of the building must not contain a dwelling or part of a dwelling; and
  - ii. Where any structure is greater than 1.5 metres above the roof level directly below:
    - a. The perimeter of this area must be no greater than 20% of the roof perimeter area of the level directly below;



- b. The roof top structure must not be visible when viewed from 1.8 metres above the footpath pavement on the edge of the road reserve on the opposite side of the street to the building;
  - c. The roof top structure must not be visible when viewed from 1.8 metres above the lane pavement or natural ground level of an adjoining property, 6 metres out from the rear boundary; and
  - d. If the roof top structure would be visible from oblique views if built to the side edge of the building (such as where adjoining buildings are low or the site is on a street corner), it must be setback 3 metres from the side edge of the building.
- iii. Any parapets or balustrades must be a maximum 1 metre above the roof level directly below.

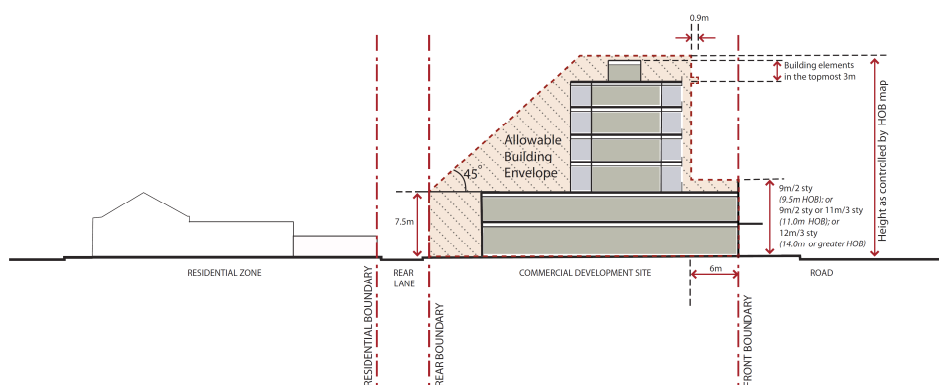


Figure 7a: Massing and setback diagram relating to controls C5, C6, C7, C10 and C12.

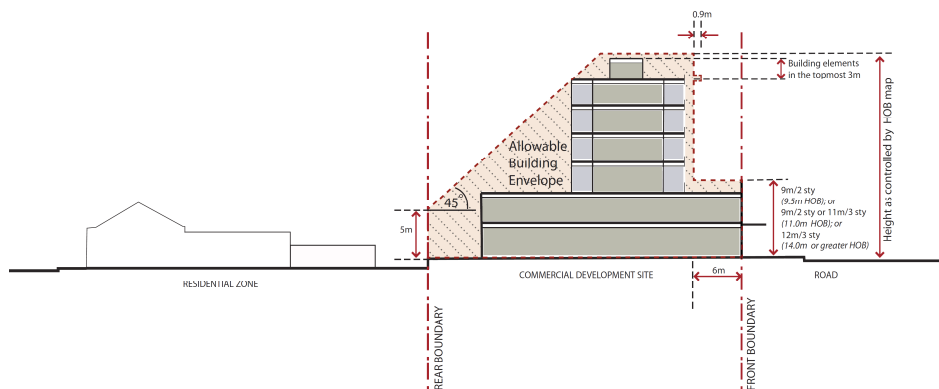


Figure 7b: Massing and setback diagram relating to controls C5, C6, C7, C10 and C13.

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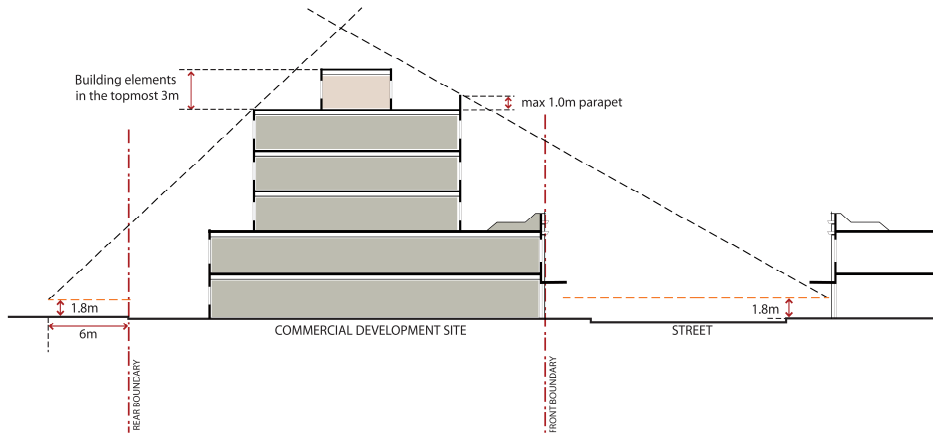


Figure 8: Massing and setback diagram relating to control C145.

### 5.1.3.45.1.4.4 Depth

Building depth affects the overall bulk and scale of the building, the amenity for building occupants, especially for residential uses, and influences the sustainability of the building design. In general, buildings with narrow cross sectional depth creates the potential for internal spaces to have a high level of direct solar access, natural light and ventilation and can enable dual aspect design for optimal thermal conditions. Setting appropriate building depth is related to the building use. In mixed use buildings, the commercial or retail floors may be wider and residential floors narrower.

#### Definitions

The following terms are used in this part of the DCP in addition to relevant definitions found in MLEP 2011.

**Building envelope depth** means the horizontal cross-section dimension of a building which generally includes the articulation zone (balconies, bay windows, shading devices, roof elements) measured from the outside extremity of any applicable element on one side of a building to the outside extremity of any applicable element on the other side of the building. In the commercial centres it is generally measured from street front to the back. Where buildings or parts of buildings are oriented differently, the depth will be measured on that orientation. Where buildings or parts of building are a tower type, with windows on multiple sides, the building envelope depth will be measured on the shorter axis.

**NB** Refer to the relevant precinct statement for the site locality to check any precinct specific or site specific building envelope controls.

**Internal plan depth** means the horizontal cross-section dimension of a building or part of a building measured from the glass line on one side of a building to the glass line on the other side of a building. In the commercial centres it is generally measured from street front to the back. Where buildings or parts of buildings are oriented differently, the depth will be measured on that orientation. Where buildings or parts of building are a tower type, with windows on multiple sides, the internal plan depth will be measured on the shorter axis.



### Objectives

- Q14028** To control the bulk and scale of development.
- Q14029** To provide adequate amenity for building occupants in terms of direct solar access and natural light and ventilation.
- Q14030** To facilitate the use of dual aspect building design.

### Controls

- C16** For building levels on the first floor and above that are designed for residential premises:
- The building envelope depth must be:
    - A maximum depth of 22 metres; and
    - Generally a minimum depth of 10 metres.
  - The internal plan depth must be:
    - A maximum depth of 18 metres; and
    - Generally a minimum depth 10 metres.
- C17** For building levels on the first floor and above that are designed for commercial premises, the building envelope depth and internal plan depth must be:
- A maximum depth of 22 metres; and
  - Generally a minimum depth of 10 metres.

**NB** *Freestanding buildings or parts of buildings where there are windows on multiple sides may have greater depth if they still achieve satisfactory direct solar access and natural light and ventilation.*

## 5.1.3.55.1.4.5 Building separation

The spatial relationship of buildings is an important determinant of urban form. Building separation relates to urban form because it has to do with the legible scale of an area. Inadequate separation of buildings can create amenity problems including lack of visual and acoustic privacy and loss of daylight access to apartments and private and shared open spaces. Building separation controls are set in conjunction with height controls and controls for private/communal open space. They are measured balcony to balcony or external wall to external wall.

### Objectives

- Q14031** To ensure new development is scaled to support the future desired character with appropriate massing and spaces between buildings.
- Q14032** To provide visual and acoustic privacy for building occupants.
- Q14033** To control overshadowing of adjacent properties and private or shared open space.
- Q14034** To provide for open space with appropriate size and proportion for recreational activities for building occupants.

### Controls

- C18** Separation dimensions within a development and between adjoining properties must be:
- Up to five storeys:
    - 12 metres between habitable rooms or balconies of dwellings and habitable rooms or balconies of dwellings;

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- b. 9 metres between habitable rooms or balconies of dwellings and non-habitable rooms of dwellings or commercial uses; and
- c. 6 metres between non-habitable rooms of dwellings or commercial uses and non-habitable rooms of dwellings or commercial uses.
- ii. Six storeys and above:
  - a. 18 metres between habitable rooms or balconies;
  - b. 13.5 metres between habitable rooms or balconies and non-habitable rooms; and
  - c. 9 metres between non-habitable rooms.

- C19** Zero building separation is permitted and appropriate:
- i. When blank walls abut or would allow for future abutment while achieving compliance with other DCP controls;
  - ii. When it is appropriate in the streetscape context; and
  - iii. When it allows for acceptable occupant amenity for all affected properties.

- C20** Where the building separation is between buildings across property boundaries, the building separation distance is generally to be shared equally between adjoining property landowners in proportion to the building element use as follows:
- i. Up to five storeys:
    - a. 6 metres from the boundary for habitable rooms or balconies of dwellings;
    - b. 3 metres from the boundary for non-habitable rooms of dwellings or commercial uses; and
    - c. 0 metres from the boundary for blank walls.
  - ii. Six storeys and above:
    - a. 9 metres for habitable rooms or balconies of dwellings;
    - b. 4.5 metres for non-habitable rooms of dwellings or commercial uses; and
    - c. 0 metres from the boundary for blank walls.

**NB** *If a building on an adjoining property is built less than the required separation proportion (where an adjoining building was erected prior to separation controls existing), then, while it is desirable for the general required separation to still be provided, it is permitted to only provide the proportion on the development site.*

- C21** Where a required building step back is used for a roof terrace, the required separation distance of the level below must be applied for the separation between the terrace edge and an adjoining building.

**NB** *Council may consider a separation distance less than the controls where it is acceptable and appropriate in the context of the site circumstances and the objectives of the control can be met.*

### ~~5.1.3.65.1.4.6~~ **5.1.4.6 Corners, landmarks and gateways**

Corner sites can define the start of the street edge in both directions, giving legibility to street networks and street blocks. Corners are strengthened by building to the street front edge and addressing the street on both street frontages, and may incorporate other corner design features such as slight corner chamfers and corner entries.



Corners which incorporate excessive cutaways or chamfers tend to have a negative impact on the streetscape and visually weaken the corner, except where they relate to an important public space.

The building form and building detail can be designed at strategic locations within the streetscape to create a landmark and improve streetscape legibility. Appropriate locations could include corner sites, gateway sites (at the entry to a commercial centre), the termination of axial streets, points along a curved street and the corner or side of an important public space. Design features such as increased street front massing, vertical emphasis, parapet or roof features, tower elements, distinctive design and distinctive materials and finishes can emphasise landmarks. The strength of the landmark should reflect the strategic importance of the location.

### Objectives

- Q17035** To retain and maintain existing buildings and design features that reinforce corner, landmark or gateway locations.
- Q18036** To identify corner sites, sites suitable for landmark buildings or sites suitable for gateway buildings, where visually significant elements will enhance the streetscape character.
- Q19037** Where appropriate for the site and context, to encourage the building form and detail of new development to emphasise corner, landmark or gateway locations, considering the desired future character.

### Controls

#### Alterations and additions

- C22** An existing building or part of a building that creates a strong corner, landmark and/or gateway is generally required to be retained, unless it is demonstrated for other reasons that it is more appropriate to be demolished.
- C23** Alterations and additions proposed to street corner sites, sites suitable for landmark buildings, sites suitable for gateway buildings or buildings where the corners, landmarks or gateways are poorly defined should be developed in an appropriate way to strengthen ~~these those~~ buildings as corners, landmarks or gateways.

#### Infill development

- C24** Infill development on street corner sites must be built to both the street front boundaries and address both street frontages.
- C25** Infill development on street corner sites, sites suitable for landmark buildings or sites suitable for gateway buildings must incorporate design features that emphasise ~~these those~~ important locations in the streetscape. Where circumstances make this appropriate in the streetscape, this may include higher massing built to the street front of the building.
- C26** Infill development on street corner sites must not incorporate large chamfers or cutaway corners, unless it is appropriate to relate to an important public space.
- C27** Infill development on street corner sites must dedicate splay corners, as public land, for road widening purposes and to improve sight lines at intersections for vehicles, pedestrians and cyclists and increase the footpath area for pedestrian access at corners, especially in centres. Splays will generally be:
  - i. 3 metres x 3 metres at street and street corner;

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- ii. 2 metres x 2 metres at street and lane corner; and
- iii. 2 metres x 2 metres at lane and lane corner.

### 5.1.45.1.5 Building detail

#### 5.1.4.15.1.5.1 Building frontages

Building frontages are the public face of buildings. The architectural quality of building frontages form a major part of the streetscape character. The commercial centres within the Marrickville LGA predominantly consist of one to three storey traditional building types, mostly from pre-World War Two periods, which have solid street walls; high solid to void proportions; high level of articulation, divided horizontally into top, middle and base and vertically into bays; and rich detailing and finishing. While sharing many common characteristics, the collection of buildings that have been built in different periods and styles creates diversity and visual richness.

New development, whether it involves minor or major alterations and additions to retained contributory or period buildings, or the construction of a new infill building, can maintain or emphasise the street frontage to read as the continuous dominant element in the streetscape.

Where a four or more storey development is permitted, upper levels are likely to be visible above the street frontage portion of the streetscape. Where this occurs, careful design must ensure upper levels are visually subservient to the street frontage. Considerations will include the extent that the upper levels are visible, whether the upper levels are above a retained contributory building front or a new infill building front, the massing and design characteristics of the street frontage that the upper levels sits in the background to and consideration of the broader streetscape context. Sections 2.1 (Urban Design) and 5.4 (Design Guidelines) of this DCP can assist the design process for those scenarios.

#### Objectives

- 020038 To ensure the street front portion of the building mass reads as the continuous dominant element in the streetscape, with upper levels above the street frontage being visually subservient.

#### Controls

- C28** The street front portion of the building mass must be designed to maintain or emphasise the street front portion of the building mass as the continuous dominant element in the streetscape.
- C29** Building levels above the street front portion of the building mass that are visible in the streetscape must be visually subservient as a complementary backdrop to the street front portion of the streetscape.
- C30** Where development will result in the long term exposure of a side boundary wall from surrounding streets, such a wall is to be appropriately designed/finished as an integrated part of the building frontage composition.
- C31** Air-conditioning facilities must not be visible from the shopping street and any other major side street.

#### Retention, alterations and additions to retained contributory and period buildings

Where the street front portion of the building is required to be retained development will be limited to minor external alterations and additions involving minor internal changes





and restoration and reconstruction of the external fabric. Sections 2.1 (Urban Design), 5.4 (Design Guidelines), Part 8 (Heritage) and Part 9 (Strategic Context) set principles, controls and guidelines that also need to be referred to when undertaking this type of development.

### Objectives

~~O21 To retain contributory buildings.~~

~~O22~~**O39** To ensure any alterations and additions made to contributory or period buildings are not detrimental to the visual presentation of the contributory building or the streetscape and broader townscape character.

### Controls

**C32** Where the existing building ~~is identified as a contributory or period building on a property makes a positive contribution to the character of the streetscape and broader townscape~~, as a minimum, the front portion of the building (being the front most original structural bay where this is intact) must be retained.

**C33** ~~Development of the front portion of a contributory building is limited to minor alterations and additions involving minor internal changes and external restoration and reconstruction (where there is reasonable evidence to establish the original design), as appropriate, consistent with the period and style of the building.~~ Development must retain existing floor levels and must not create voids behind the front façade.

**C34** Private open space must not be located at the front of any retained front portion except where this relates to existing front balconies.

**C35** Restoration or reconstruction of elements of an existing building located behind the front portion and visible from the streetscape must be consistent with the period and style of the building (where there is reasonable evidence to establish the original design).

### Infill development

Some sites are vacant or contain buildings that detract from the streetscape, whether due to the incompatibility of the original design or the poor quality of alterations and additions. In those instances demolition and construction of new infill buildings is permitted and in many cases encouraged. These new infill developments form new layers to the evolving street building frontage.

Infill development should be unambiguously identifiable as new development while complementing the surrounding buildings and predominant streetscape and broader townscape character. This can be achieved by undertaking thorough analysis of the context and making contemporary interpretations of the characteristics of the particular commercial centre in terms of siting (location and orientation), scale, form (height, massing, setback and shape), proportion (height to width and solid to void), pattern, rhythm, detail, material, colour, texture, style and general character in the design, without being imitative. Imitating period buildings in new infill development draws attention away from architectural value of the original period buildings and obscures interpretation of their historic meaning.

Successful infill design brings together the various aspects of the design, including responding to the building, streetscape and broader townscape context, to create a cohesive whole. As such, the assessment of a building frontage will be based on the merits of the proposal as a whole, considering the site context (Section 2.3 Site and Context Analysis), relevant urban design principles and guidelines (Section 2.1 Urban

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Design), the controls in this section, any applicable heritage controls (Part 8 Heritage), the applicable planning precinct statement (Part 9 Strategic Context), and any relevant design guidelines (Section 5.4 Design Guidelines).

### Objectives

- O23O40** To encourage high quality contemporary architecture.
- O24O41** To ensure infill development complements the surrounding buildings and predominant streetscape and broader townscape character.

### Controls

- C36** The building frontage composition of infill development must incorporate contemporary interpretations of the site context characteristics of the particular commercial centre including, but not limited to:
- Siting (location and orientation);
  - Scale;
  - Form (height, massing, setback and shape);
  - Proportion (height to width and solid to void);
  - Pattern;
  - Rhythm;
  - Detail;
  - Material;
  - Colour;
  - Texture;
  - Style; and
  - General character, without being imitative.

**NB** *The building frontage should also be composed with reference to other relevant sections such as:*

- Section 2.1 (Urban Design);
- Section 2.3 (Site and Context Analysis);
- Section 5.4 (Design Guidelines);
- Part 8 (Heritage); and
- Part 9 (Strategic Context), as applicable.

#### **5.1.4.25.1.5.2 Active street frontage uses and shopfront design**

Shopfronts from various periods are found in Marrickville LGA's commercial centres. Some, such as Marrickville Road, retain few of the original shopfronts to the pre-World War Two period buildings, while centres such as Stanmore contain numerous original shopfronts. They often exhibit interesting detailing and rich materials, enhancing the overall streetscape and pedestrian experience.

Retention of existing shopfronts that have high architectural or heritage value, restoration of altered shopfronts, and reconstruction of shopfronts, when appropriate, can maintain and improve the streetscape character, especially when shopfronts are part of a contributory group and/or adjoin a heritage item. Where a new shopfront replaces a previously replaced shopfront or a substantially altered period building shopfront where restoration or reconstruction is not appropriate, the shopfront design should be unambiguously recognisable as new development. This may follow a



traditional form (but not detail) or be contemporary in design as appropriate for the circumstance. The shopfront of infill development should be consistent with the contemporary infill development design as a whole and should consider the streetscape context, especially when adjoining heritage items.

Where commercial street fronts have uses that require pedestrian retail access, narrow shopfronts with frequent entries, transparent display of the shop interior directly onto the footpath, shop floor levels that relate to the footpath level and direct and easy access between the footpath and the shop, these create a strong connection between the shop and the street to activate the streetscape. Visually and physically connected active frontages contribute to commercial centre's character and its ongoing vibrancy and commercial vitality.

### Objectives

- Q25Q42** To retain and restore contributory shopfronts for contributory and period buildings.
- Q26Q43** To encourage-require the reconstruction of shopfronts, as appropriate.
- Q27Q44** To encourage-require high quality contemporary architecture.
- Q28Q45** To ensure shopfronts complement the streetscape character.
- Q29Q46** To provide active street frontages.
- Q30Q47** To ensure the area provided for active frontage uses makes a variety of uses viable.
- Q31Q48** To ensure residential entries provide for adequate residential amenity without impacting on the viability and vitality of the retail frontage.
- Q32Q49** To preserve the visual amenity of commercial centres outside normal trading hours while providing shopfront security.

### Controls

- C37** Existing shopfronts that display high architectural or heritage value, where the building as a whole is considered to be a contributory or period building, must be retained and restored (as part of a substantial redevelopment).
- C38** Reconstruction of a shopfront to match the period of the building is only appropriate where there is reasonable evidence to establish the original design of the shopfront.
- C39** Where restoration or reconstruction of a period-building shopfront is not appropriate, the shopfront design must be unambiguously recognisable as new development, but may follow a traditional form (but not detail) or be contemporary in design, as appropriate.
- C40** The shopfront design of infill development must be consistent with the contemporary infill development design as a whole, giving consideration to the streetscape context.
- C41** New commercial occupancies are generally to be a maximum width of 12 metres, measured at the street front boundary.
- C42** New shopfronts must be consistent with the width and height proportions of the existing shopfronts evident within the streetscape.
- C43** Shops must have floor levels that relate to the footpath level and, when adjacent to sloping footpaths, incorporate changes to the retail floor level, as a minimum, every 12 metres.
- C44** Shopfronts must provide visual transparency and direct access between the footpath and the shop.

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- C45** New corner shopfronts must wrap around the corner into the side street to provide more active frontage.
- C46** The active use components of a building must provide a viable area to accommodate a variety of commercial premise uses that allows for:
- Public accessibility;
  - A space for back-of-house activities (such as kitchens and goods storage);
  - Loading facilities and off-street vehicle and bicycle parking;
  - Waste and recycling storage facilities;
  - Sanitary facilities with disabled access; and
  - Space for employee amenities.
- C47** The active frontage component of a building must:
- Be built to the front and any secondary frontage boundaries except for recessed entries (where appropriate) or where the building type or situation makes a setback appropriate;
  - Include a frontage to the street that contains more than 80% of clear glazing with sill heights that are a maximum of 700mm above the finished footpath level;
  - Include a clearly identifiable pedestrian entry from the street; and
  - Include a pedestrian awning.
- C48** Buildings requiring active frontages (including those specifically identified in a masterplan site within the relevant planning precinct statement) must only include non-residential uses at street level, with the exception of access areas to the residential uses at upper floor levels.
- C49** Entries to residential uses at upper floor levels must be:
- Separate to commercial entries and clearly identifiable as the residential entry;
  - Sheltered, well lit and highly visible spaces to enter the building, meet and collect mail;
  - Of adequate size for the movement of residential goods;
  - Provided from the rear lane where the street frontage of site is less than 12 metres;
  - Provided directly from the street frontage where the street frontage of the site is 12 metres or greater; and
  - Where access is required directly from the street frontage, no greater than 3 metres wide, with the total width of entries occupying no greater than 20% of the principal street frontage of the development, whichever is the lesser.
- C50** If security shutters are required, they must be visually permeable (75% permeability) to allow viewing of windows and allow light to spill out onto the footpath. Security shutter design must complement the architectural style of the building, with open grill (concertina) shutter types generally preferred.

### 5.1.55.1.6 Building use

#### 5.1.5.15.1.6.1 Mixed use development

Mixed use development is development that contains a mixture of uses within the one building. In commercial centres various uses that are active at different hours of the



day, encourages greater pedestrian activity and surveillance, which creates vitality, safety, security and increased environmental sustainability.

Residential uses in a mixed use development are encouraged, provided they do not detract from the predominant commercial role and character of the commercial centre.

The compatibility of mixing certain uses together must be considered, in conjunction with the design and construction methods of buildings, to ensure acceptable amenity for the different uses.

### Objectives

- Q33O50** To encourage mixed use development that is compatible with the role and character of the commercial centre.
- Q34O51** To ensure the ground floor that relates to the active street frontage predominantly accommodates commercial uses.
- Q35O52** To encourage a range of uses above ground level that will complement the role of the commercial centre.
- Q36O53** To encourage a variety of land uses in the commercial centres, that are active at different hours of the day, to increase vitality, safety, security and environmental sustainability, while maintaining a reasonable level of compatibility and protection of amenity.

### Controls

- C51** The ground floor level of the site area that relates to the active street frontage must be predominantly used for commercial floor area or other street activating uses permitted in the zone under MLEP 2011, with the area dedicated for any other uses being kept as an ancillary component.
- C52** The floor levels above the ground floor level that relate to the active street frontage may be used for a mixture of uses as permitted in the zone under MLEP 2011.
- C53** A mixture of land uses and land uses that operate outside of normal business hours are permitted and encouraged, provided it is demonstrated that there will be a reasonable level of compatibility between different uses within a building and between adjoining properties and a reasonable level of amenity can be maintained for the different uses appropriate for a commercial centre context.
- NB** Refer to *Part 6.7 (Period Industrial Buildings) of this DCP for detailed guidelines for adaptive reuse of period industrial buildings*

#### **5.1.5.25.1.6.2 Dwelling mix**

There is a diverse demography in today's society. It is important that new residential development provides a suitable mix of dwelling types to meet the different accommodation needs of society. Having a diversity of household size supports social diversity of the community.

### Objectives

- Q37O54** To provide choice of dwelling types to meet a range of housing demographics.
- Q38O55** To support social diversity of the community.
- Q39O56** To allow dwelling mix flexibility to respond to different residential building types, locations and markets.

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### Controls

- C54** New developments with six or more dwellings must provide the following mix of dwelling types:
- Studio 5 – 20%
  - 1 bedroom 10 – 40%;
  - 2 bedroom 40 – 75%; and
  - 3 bedroom or bigger 10 – 45%.

**NB** *Private bedroom-like rooms identified for other purposes, such as a study, media room or rumpus room, will be counted as a bedroom for the purpose of this control.*

### 5.1.5.35.1.6.3 Ceiling heights

Ceiling heights are measured from finished floor to finished ceiling level. Ceiling heights are design elements for defining the three-dimensional space of an apartment, in conjunction with walls and floors. Well designed and appropriately defined ceilings ensure quality residential amenity and create spatial interest and hierarchy in apartments.

### Objectives

- 040057** To increase the sense of space in apartments and provide well proportioned rooms.
- 041058** To promote the penetration of daylight into the depths of the apartment.
- 042059** To contribute to flexibility of use.
- 043060** To achieve quality interior spaces while considering the external building form requirements.

### Controls

- C55** Developments must have minimum ceiling heights, measured from finished floor level to finished ceiling level, of:
- 3.3 metre minimum for ground floor and any other retail or commercial floors;
  - for residential floors:
    - in general, 2.7 metre minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25 metres is permitted;
    - for two storey units, 2.4 metre minimum for second storey if 50 percent or more of the apartment has 2.7 metre minimum ceiling heights;
    - for two-storey units with a two storey void space, 2.4 metre minimum ceiling heights
    - attic spaces, 1.5 metre minimum wall height at edge of room with a 30 degree minimum ceiling slope.

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

### 5.1.65.1.7 Vehicle access, parking, loading and services

Section 2.10 (Parking) of this DCP covers the policy approach, provision rates and technical design controls for parking and access. This section controls the location of



vehicle access, the vehicle access design and design of other services to minimise impacts on the street frontages.

The location and design of vehicle access for parking and loading and location and design of building services must not diminish the commercial street vitality, visual character and pedestrian safety. For instance, wide and dominating vehicle access on a street front that cuts across busy pedestrian street frontages reduces the frontage for active use and diminishes the commercial streetscape.

### Objectives

- Q44O61** To ensure vehicular access to buildings and areas dedicated for off-street car parking, loading and servicing does not diminish active street frontages, the viability of accommodating a variety of commercial uses and the streetscape.
- Q45O62** To protect public safety.
- Q46O63** To ensure efficiency and amenity in the design and operation of off-street car parking, loading and servicing.

### Controls

- C56** Where rear lane access is available the vehicle access to a development must be located off the rear lane.
- C57** Where no rear lane access is available, but the property is located on a corner where the secondary frontage is to a minor street, vehicle access to a building must be located on the secondary frontage, away from any active frontages.
- C58** Vehicular access to a building from an active street frontage is generally prohibited. Vehicular access to a building from an active street frontage will only be permitted in exceptional circumstances and will only be permitted where the street frontage of the proposed development property is greater than 30 metres and the vehicular access component is a maximum of:
- i. 20% of the street frontage; or
  - ii. 6 metres for access off a local road or 9 metres for access off an arterial road;
- whichever is the lesser.
- C59** The area dedicated for car parking, loading and services on the ground floor level that relates to the street front must be minimised so that a viable commercial floor area is provided to accommodate a variety of commercial uses.
- C60** Where a development has a street frontage less than 12 metres or site area less than 325m<sup>2</sup>, the car parking and loading spaces must be located directly adjacent to the rear lane at the rear lane ground level (where available), using the lane as the aisle for direct access.
- C61** Below ground (basement) car parking is generally required for developments with large street frontage widths.
- C62** Car parking is prohibited within the front 12 metres above the street front commercial level.
- C63** Garage doors must not encroach over a public footpath during operation.
- C64** Any commercial customer car parking spaces must be conveniently located, identified as such, and directly accessible to the general public (that is, not behind a security grill or gate) during opening hours.

## PART 5: COMMERCIAL AND MIXED USE DEVELOPMENT

- Commercial customer car parking must be secured outside of opening hours.
- C65** Any residential visitor car parking spaces must be conveniently located, identified as such, and either be fully accessible outside of security measures or be accessible via a building intercom system at the vehicle access entry.
- C66** Except as required for commercial customer car parking or residential visitor parking, all other car parking and loading areas must incorporate security measures to restrict access.
- C67** Car parking vents must not to be located on building frontages.
- C68** Building services must be accommodated at the rear, within a basement or, where essential, within lobby areas, discretely designed to minimise the loss of active frontage commercial area and visual impact to the streetscape.
- C69** Open parking areas and access ways must be suitably landscaped to enhance amenity.





## 5.2 Awnings and balconies over Public Roads/Streets\*

\* This section will be completed at a later stage.

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### 5.3 Commercial/Light Industrial/Residential Interface

Council actively encourages a mix of land uses where the uses are deemed compatible. Providing a mix of land uses can be an effective way to activate areas at more hours of the day, encourage environmental sustainability and provide improved security for residents and businesses.

This section generally applies within the following zones within MLEP 2011:

- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- B6 Enterprise Corridor
- B7 Business Park

However, it may also be applied to other zones which contain pre-existing residential or commercial uses, where Council considers a development proposal may lead to potential amenity issues.

Examples of commercial/residential interfaces include mixed use developments (where commercial and residential uses occur within the same building) and where commercial areas are located in close proximity to residential areas. Many of Council's shopping strips contain historic examples of mixed use development. Light industrial uses also need to be considered as they are permitted with consent in many of the LGA's commercial zones.

Council needs to ensure that any proposed commercial or light industrial uses are compatible with, and do not impact upon, residential amenity. Matters to be considered include noise and odour impacts, proposed hours of operation, lighting and security measures and garbage collection.

In some cases, Council may require the submission of a Plan of Management (POM) to address amenity issues, to be submitted as part of a Development Application. The aim of a POM is to ensure careful consideration is given to the potential amenity impacts of commercial uses on residential areas.

Council may impose trial periods for uses where the ongoing impacts of the proposed development needs to be monitored, as a condition of consent.

#### 5.3.1.1 *Plan of Management*

For the purpose of this DCP, a Plan of Management is a written document which describes how the ongoing operation of a commercial premise will be managed to control its impact upon the amenity of nearby residential properties.

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

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



Additional information on potential amenity issues for commercial and/or light industrial uses located in proximity to residential land uses can be found in the following sections.

### Objectives

- 047064** To ensure commercial and light industrial premises operate in the most efficient way without unreasonable amenity impacts on nearby residential land uses.

### Controls

- C70** A POM will be required when a commercial or light industrial use is proposed in proximity of a residential land use and Council considers it may unreasonably impact on the amenity of surrounding residences.
- NB** *For the purpose of this control 'in proximity' may include a commercial or light industrial premise adjoining, abutting, adjacent to or contained within the same building as residential land use, or as determined by Council.*
- NB** *For the purpose of this control a residential land use may include a dwelling house, a residential flat building, seniors housing, a boarding house and the like.*
- C71** A POM must provide all details relevant to the operation of the commercial or light industrial premise. As a minimum the following must be included in a POM:
- Title;
  - Objectives;
  - Operational details, including all machinery/equipment to be used;
  - Hours of operation;
  - Staffing details;
  - Details of any music and/or entertainment to be provided on site;
  - Guidelines for staff for using the site facilities and equipment;
  - Deliveries and loading/unloading;
  - Managing customers or patrons, including access to and from the premises;
  - Security details, including lighting plan for proposals with extended trading hours;
  - Complaint recording and handling process;
  - Clean-up procedures, and proposed training for staff in procedures, for situations where pollutants may escape from site for uses likely to handle significant quantities of potential pollutants;
  - The review process to continuously improve the POM; and
  - Any other matters specified by Council.
- C72** The traffic movements, hours of deliveries, use of parking areas and garbage collection must be managed through the POM where commercial or light industrial uses are close to residential premises.
- C73** Loading and unloading must not detract from the amenity of nearby residential areas or residentially zoned land. Where loading and unloading movements are likely to affect residential areas or residentially zoned land, schedules of vehicle movements and their routes must be provided in the POM and may be regulated through conditions of consent.
- C74** Council may also require the submission of a Social Impact Comment (SIC) or Social Impact Statement (SIS).

## PART 5: COMMERCIAL AND MIXED USE DEVELOPMENT

**NB** Refer to Part 2.8 (Social Impact Assessment) of this DCP for information and requirements regarding Social Impact Comments and Social Impact Statements.

### 5.3.1.2 Noise and vibration generation

The quality of life enjoyed by residents must not be hampered by excessively noisy commercial or light industrial activities. Although the co-location of these activities can have many benefits, it is essential that the potential amenity impacts are identified and assessed by Council.

Logical design of efficient business premises can minimise the use of equipment, movements per site and number of vehicle movements per site per day. Developments can incorporate sound proofing for machinery or activities considered likely to create a noise nuisance during the design of the development.

#### Objectives

- O48O65** To reduce, if not eliminate, land use conflicts and anomalies between commercial areas and residential areas.
- O49O66** To minimise the impact of noise and vibration by proposed operations on the subject development and on surrounding developments.

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

#### Controls

- C75** All development must comply with the relevant noise control guidelines.

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

- C76** Where sites adjoin a residential area or are located within a mixed use building, Council will consider the potential noise generation of any proposed activities including the use of equipment or machinery, the use of amplified music/noise on the site and proposed hours of operation.
- C77** Other sources of noise such as garbage collection, deliveries, ventilation systems, parking areas and air-conditioning plants are to be sited away from adjoining properties, where practicable, and be screened by walls or other acoustic treatment if necessary.
- C78** All applications for noise generating uses adjacent to or located in a building containing a residential use must be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standards can be met.



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

- C79** Where significant amounts of traffic are likely to be generated which could affect residential areas or residential zoned land, schedules of vehicle movements and their routes must be provided and may be regulated in any conditions of consent.

### 5.3.1.3 Environmental protection

This section addresses the potential for pollution (including odour) from developments and seeks to minimise any adverse environmental effects from the development. Council seeks to reduce pollution through best practices in pollution management, such as the utilisation of machinery to minimise emissions.

Restricting the hours of operation may assist in reducing emissions to an acceptable level. Council may also request an odour assessment report as part of a development application for any uses deemed to be likely to cause adverse odour impacts on nearby residential land uses.

#### Objectives

- Q54067** To ensure development takes account of and minimises any adverse effects upon the environment.
- Q54068** To minimise air (including odour), groundwater, soil and surface water pollution caused by new development.

#### Controls

- C80** All development must comply with the provisions of the relevant air quality acts and regulations.

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

- C81** Commercial or light industrial developments likely to emit air pollutants (including odour) must demonstrate the best practicable means of control of air pollutants (and odour) that will be applied to the proposed development. The applicant must outline the type, quantity and quality of air pollutants likely to be emitted, the collection and treatment proposed prior to discharge and methods to be employed to minimise fugitive emissions.

## PART 5: COMMERCIAL AND MIXED USE DEVELOPMENT

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

*Additional information on odour management can be found at [www.environment.nsw.gov.au/air/odour](http://www.environment.nsw.gov.au/air/odour)*

- C82** Commercial or light industrial land uses that may handle significant quantities of potential pollutants are to develop clean-up procedures in case the materials escape from the site.
- C83** Operators and occupants are to train staff in clean-up procedures.
- C84** Machinery and operations are to be designed to minimise the emissions of air impurities, including minimising vehicular movements to and from the site.

### 5.3.1.4 Hours of operation

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

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

Council will seek to ensure that proposed hours of operation are compatible with the type of activities carried out on the premises and the relationship with neighbouring residential occupiers. Council may issue trial periods for operating hours as a condition of consent where ongoing review is deemed necessary.

Some applicants may seek approval for trading hours outside of traditional hours of operation. Council needs to ensure that the potential impacts of these proposals are considered, particularly where sites are located in proximity to residential land uses. This applies to both new applications seeking approvals outside of traditional trading hours, as well as existing uses seeking to extend their approved trading hours.

Such applications should ensure that all details of operations are provided within its Plan of Management for the use, including security measures for patrons and staff, proposed lighting plan, proposed measures to control noise within the site, including management of patrons entering or exiting premises.

#### Objectives

- 052069** To ensure the operations of the proposed development will not cause nuisance to residents during opening hours.

#### Controls

- C85** Hours of operation for the use of a site will be restricted by Council if it is likely that the use will cause an impact on any nearby residential or other sensitive use.
- C86** Applications for uses outside of traditional trading hours must demonstrate the proposed development will not unreasonably affect the amenity of residential land uses.



- C87** Uses proposed to extend beyond traditional hours of operation must not negatively impact on nearby residential land uses by way of noise or vibration, including from patrons and staff, foot or vehicular traffic movements, excessive lighting, on-site music or entertainment or security measures.
- C88** All excavation, demolition, construction and deliveries to the site necessary for the carrying out of the development is to be restricted to between 7.00am to 5.30 Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work is to be carried out on any Saturday that falls adjacent to a Public Holiday.

## PART 5: COMMERCIAL AND MIXED USE DEVELOPMENT

### 5.4 Design Guidelines

*This design guidance is intended to assist the design/assessment of development, but does not form part of the adopted DCP.*

#### 5.4.1 Corner shops

##### 5.4.1.1 Periods

Victorian (c1840 – c1890) and Federation (c1890 – c1915)

##### 5.4.1.2 Characteristics

1. The primary defining elements, as illustrated in Figure 9, are:
  - i. Awnings and awning posts where these are characteristic (A);
  - ii. Open balconies and balustrade detailing (B);
  - iii. Shopfront windows (C);
  - iv. Corner entries (D);
  - v. Upper floor windows, French doors to balconies (E); and
  - vi. Parapets, chimneys and pitched roof forms (F).

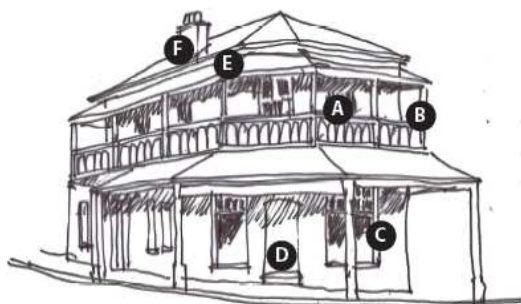


Figure 9

2. Architectural styles vary: Victorian Italianate and Federation Arts and Crafts are well represented, whereas other types are quite plain with limited decoration.
3. Buildings are most commonly two storeys, through single storey examples are located throughout the LGA. They are located in residential areas, either single or in a group at an intersection and sometimes terminate a row of terrace houses with similar scale and proportions.
4. Upper floors were traditionally the shopkeeper's residence.
5. There is a mix of corner shop uses: some remain in retail use, others have been converted to offices and others to residential use.
6. Corner shops are built to both street boundaries with awnings or upper floor balconies over the footpath - some cantilevered, others supported by timber posts. Converted shops sometimes have awnings removed.
7. Parapet roof forms are most common. There are some examples with pitched hip roofs in corrugated iron and tile.



Victorian Georgian Style



Simple Victorian Parapet Style



Victorian Parapet Style



Federation Arts & Crafts Style



Federation Arts & Crafts Style





8. Shop windows are an important and symbolic element.

#### 5.4.1.3 Design guidelines

Design should:

1. Enable corner shops to remain as retail, serving local communities;
2. Encourage the use of upper floors for commercial or residential uses to support retention of ground floor retail;
3. Retain the characteristic solid to void ratio of wall to window and proportions of openings on both facades. Retain shop front windows and maintain smaller window openings and/or recessed balconies above awning level (C, D and E). Avoid alteration to create larger, wider windows;
4. Retain characteristic architectural elements and, where possible and appropriate, restore or reconstruct intrusive alterations or missing elements to original forms, details and finishes. Externally this may include:
  - i. Pressed metal and patterned awning soffits;
  - ii. Awnings, balconies and verandahs;
  - iii. Doors and windows, larger at ground floor;
  - iv. Wall tiles;
  - v. Traditional signs, applied or painted; and
  - vi. Decorative render and joinery;

Internally, this may include:

- i. Ceiling details;
  - ii. Tiles;
  - iii. Fittings and joinery;
  - iv. Original stairway details;
  - v. Doors, flooring, architraves, skirtings, picture rails; and
  - vi. Light fittings.
5. Re-open infilled verandahs and balconies wherever possible;
6. Avoid alterations or additions to the street elevations of intact corner shops, unless demonstrated to have negligible impact;
7. Avoid dormers which are not characteristic of this type of building;
8. Ensure alterations and additions do not detract from the architectural character and building form;
9. Use translucent or frosted glass to achieve privacy at shopfront windows if required for a change of use;
10. For additions in the form of a rear or side wing, retain the dominance of the main (shop) part of the building, and use a comparatively simple design to suit their back of house function;
11. Avoid residential uses on the ground floor as these are less compatible with the retention of important characteristics of corner shops than commercial or continuing retail use;
12. For corner shops exposed on two frontages and with a footprint that leaves little or no open space at the rear, avoid adding more accommodation and make only minor changes. Where there is unused site area to the rear or side, an addition to one side is acceptable provided it complements the form and architectural character of the corner shop and allows the original building to be predominant (G, Figure 10);

## PART 5: COMMERCIAL AND MIXED USE DEVELOPMENT

13. Ensure the junction of old and new fabric on a main wall is either seamless, in the same plane and same material, or articulated by a recess (H) and where appropriate utilise contrasting light weight materials as a light linking structure between solid walls; and
14. Where development will result in the long term exposure of a side boundary wall from surrounding streets, give design consideration to how this element presents to the streetscape. Avoid cheap or temporary materials and finishes. Where appropriate the introduction of texture, surface pattern, stepped building planes or lightwells can also alleviate the visual impact of a blank side wall.

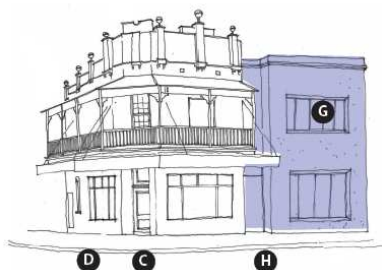


Figure 10

- NB** Design approaches are indicative only and do not represent all possible acceptable solutions.
- NB** Design solutions will be assessed against other planning controls and must satisfy amenity (privacy and solar access) density, building line and setback, height and bulk controls and guidelines for the relevant building type.



## 5.4.2 Row of shops

### 5.4.2.1 Periods

Late Victorian (c1880 – c1890), Federation (c1890 – c1915) and Inter-War (c1915 – c1940)

### 5.4.2.2 Characteristics

1. The primary defining elements, as illustrated in Figure 11, are:
  - i. Parapets profiles and details (F);
  - ii. Window patterns, proportions and details (D1);
  - iii. Bay windows (D2);
  - iv. Recessed balconies (C);
  - v. Awning alignment, stays, fascias and soffits (G); and
  - vi. Shopfronts (E).



Figure 11

2. Victorian types usually have a parapet form with Italianate details or are relatively plain. Federations examples are Freestyle, Arts and Craft or sometimes plain. In the Inter-War period Art Deco style was popular.
3. They are commonly two storeys and located in main shopping centres along major roads such as:
  - i. King Street and Enmore Road, Newtown;
  - ii. Marrickville Road and Illawarra Road, Marrickville;
  - iii. New Canterbury Road, Petersham;
  - iv. Percival ~~Street~~ Road, Stanmore;
  - v. Marrickville Road and New Canterbury Road Dulwich Hill; and
  - vi. Parramatta Road.
4. They typically have attached shopfront buildings that are built up to the front and side boundaries, with large display windows and doors opening direct to footpath or are slightly recessed into the shopfront and set under continuous awnings. Shops traditionally supported residential or commercial above (underutilised in some cases).



Simplified Victorian Parapet Type



Victorian Parapet Type



Federation Freestyle



Inter War Art Deco Style

## PART 5: COMMERCIAL AND MIXED USE DEVELOPMENT

5. Often development occurred in a row as one building with consistent materials and details and a unifying parapet design creating a strong silhouette against the sky.
6. Individual shops are distinguished by vertically proportioned bays marked by pilasters, rainwater heads and projecting architectural features.
7. Window openings above ground level are vertically proportioned; some shop row types have recessed balconies – often infilled later.
8. Service wings to the rear are usually lower scaled and have a breezeway or laneway.
9. The most common roof form is a skillion pitched back from a high parapet. Some shops away from the major streets have pitched roofs including on Palace Street, Petersham.

### 5.4.2.3 *Design guidelines*

Design should:

1. Avoid amalgamating sites that would affect interpretation of the existing subdivision of shop premises;
2. Retain the prevailing street wall height, distinctive parapet patterns or ridgelines against the sky;
3. Maintain the retail shop character and fine urban grain;
4. Maintain and enhance pedestrian amenity;
5. Encourage active use of upper floors for commercial or residential uses;
6. Retain the characteristic solid to void ratio of wall to window and proportions of openings. Retain shop front windows and maintain smaller window openings and/or recessed balconies above awning level (C, D1, D2 and E). Avoid alteration to create larger, wider windows;
7. Retain characteristic architectural elements and, where possible and appropriate, restore or reconstruct intrusive alterations or missing elements to original forms, details and finishes. Externally this may include:
  - i. Pressed metal and patterned awning soffits;
  - ii. Awnings, balconies and verandahs;
  - iii. Doors and windows, larger at ground floor;
  - iv. Wall tiles;
  - v. Traditional signs, applied or painted; and
  - vi. Decorative render and joinery;Internally, this may include:
  - i. Ceiling details;
  - ii. Tiles;
  - iii. Fittings and joinery;
  - iv. Original stairway details;
  - v. Doors, flooring, architraves, skirtings, picture rails; and
  - vi. Light fittings.
8. Retain continuous awnings across shop frontages (G);
9. Retain opal sphere under awning lights (J);
10. Re-open infilled verandahs and balconies wherever possible;
11. Avoid alterations or additions to the street elevations of intact buildings, unless demonstrated to have negligible impact;
12. Ensure alterations and additions do not compromise the consistency and integrity of a row of buildings;



13. Maintain the building alignment to the street boundary and only recess entry doors where the recess is a characteristic of the row. Recessed entry doors can assist in achieving access for disabled persons;
14. Retain the horizontal and vertical pattern created by parapet lines, cornices, string courses, awnings, lot boundaries, pilasters, rainwater heads and downpipes that establish facade bays;
15. Use coordinated paint schemes and signs for a shop row building that reflect the style and period of the building; and
16. Where development will result in the long term exposure of a side boundary wall from surrounding streets, give design consideration to how this element presents to the streetscape. Avoid cheap or temporary materials and finishes. Where appropriate the introduction of texture, surface pattern, stepped building planes or lightwells can also alleviate the visual impact of a blank side wall.

**NB** *Design approaches are indicative only and do not represent all possible acceptable solutions.*

**NB** *Design solutions will be assessed against other Marrickville Council planning controls and must satisfy amenity (privacy and solar access) density, building line and setback, height and bulk controls and guidelines for the relevant building type.*

## PART 5: COMMERCIAL AND MIXED USE DEVELOPMENT

### 5.4.3 Row of shops - frontages retained on sites where four or five storey development is permissible

#### 5.4.3.1 Periods

Late Victorian (c1880 – c1890), Federation (c1890 – c1915) and Inter-War (c1915 – c1940)

#### 5.4.3.2 Characteristics

1. The primary defining elements, as illustrated in Figure 12, are:
  - i. Parapets profiles and details (F);
  - ii. Window patterns, proportions and details (D1);
  - iii. Bay windows (D2);
  - iv. Recessed balconies C;
  - v. Awning alignment, stays, fascias and soffits (G); and
  - vi. Shopfronts (E).



Figure 12

2. Victorian types usually have a parapet form with Italianate details or are relatively plain. Federations examples are Freestyle, Arts and Craft or sometimes plain. In the Inter-War period Art Deco style was popular.
3. They are commonly two storeys and located in main shopping centres along major roads such as:
  - i. Marrickville Road and Illawarra Road, Marrickville;
  - ii. New Canterbury Road, Petersham
  - iii. Percival Road, Stanmore; and
  - iv. Marrickville Road and New Canterbury Road Dulwich Hill.
4. They typically have attached shopfront buildings that are built up to the front and side boundaries, with large display windows and doors opening direct to footpath or are slightly recessed into the shopfront and set under continuous awnings.
5. Shops traditionally supported residential or commercial above (underutilised in some cases).



Simplified Victorian Parapet Type



Victorian Parapet Type



Federation Freestyle



Inter War Art Deco Style



6. Often development occurred in a row as one building with consistent materials and details and a unifying parapet design creating a strong silhouette against the sky.
7. Individual shops are distinguished by vertically proportioned bays marked by pilasters, rainwater heads and projecting architectural features.
8. Window openings above ground level are vertically proportioned; some shop row types have recessed balconies – often infilled later.
9. Service wings to the rear are usually lower scaled and have a breezeway or laneway.
10. The most common roof form is a skillion pitched back from a high parapet. Some shops away from the major streets have pitched roofs.

#### **5.4.3.3 Design guidelines**

Design should:

1. Retain the prevailing street wall height and distinctive parapet patterns;
2. Maintain the retail shop character and fine urban grain;
3. Maintain and enhance pedestrian amenity;
4. Encourage active use of upper floors for commercial or residential uses;
5. Retain the characteristic solid to void ratio of wall to window and proportions of openings. Retain shop front windows and maintain smaller window openings and/or recessed balconies above awning level (C, D1, D2 and E). Avoid alteration to create larger, wider windows;
6. Retain characteristic architectural elements and, where possible and appropriate, restore or reconstruct intrusive alterations or missing elements to original forms, details and finishes. Externally this may include:
  - i. Pressed metal and patterned awning soffits;
  - ii. Awnings, balconies and verandahs;
  - iii. Doors and windows, larger at ground floor;
  - iv. Wall tiles;
  - v. Traditional signs, applied or painted; and
  - vi. Decorative render and joinery;Internally, this may include:
  - i. Ceiling details;
  - ii. Tiles;
  - iii. Fittings and joinery;
  - iv. Original stairway details;
  - v. Doors, flooring, architraves, skirtings, picture rails; and
  - vi. Light fittings.
7. Retain continuous awnings across shop frontages (G);
8. Retain opal sphere under awning lights (J);
9. Re-open infilled verandahs and balconies wherever possible;
10. Avoid alterations or additions to the street elevations of intact shops, unless demonstrated to have negligible impact;
11. Ensure alterations and additions do not compromise the consistency and integrity of a row of buildings;
12. Maintain the building alignment to the street boundary and only recess entry doors where the recess is a characteristic of the row. Recessed entry doors can assist in achieving access for disabled persons;

## PART 5: COMMERCIAL AND MIXED USE DEVELOPMENT

13. Retain the horizontal and vertical pattern created by parapet lines, cornices, string courses, awnings, lot boundaries, pilasters, rainwater heads and downpipes that establish facade bays;
14. Use coordinated paint schemes and signs for a shop row building that reflect the style and period of the building;
15. Enable interpretation of the existing subdivision pattern of shop premises (K);
16. When only the front portion of the existing building is retained as part of a major external alterations and additions type of development, protect the integrity of the retained front portion by incorporating a light linking structure between the retained front portion and the new work, constructed to minimise damage to the original fabric;
17. The setback of four or five storey high additions behind retained commercial building frontages reduces its dominance (A);
18. Ensure the retained front portion reads as the principal streetscape element, while new rear additions are subservient and read as a complementary backdrop so they do not compete with or obstruct the architectural characteristics of the original structure. Methods to achieve this could include rear additions utilising contrasting light weight framing and glazing or using uniform shading screens;
19. Where development will result in the long term exposure of a side boundary wall from surrounding streets, e.g. oblique views of four or five storey structure set behind the street frontage, give design consideration to how this element presents to the streetscape. Avoid cheap or temporary materials and finishes and introduce texture or surface pattern to alleviate the appearance of a blank side wall (B and L). Incorporating stepped building planes or lightwells can also relieve the visual impact of a blank side wall (F);
20. Ensure the forms, details and building materials in new rear additions complement but do not copy the architectural style and colours of the streetscape; and
21. Where the first additional floor is seen behind the parapet, the use of deeply recessed glazed areas can create an articulation zone allowing the retained parapet to be more strongly defined (H).





Figure 13

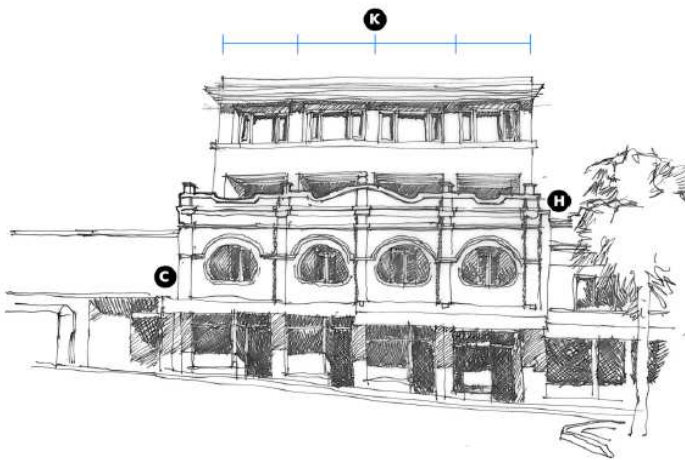


Figure 14

## PART 5: COMMERCIAL AND MIXED USE DEVELOPMENT

### 5.4.4 Corner hotels

#### 5.4.4.1 Periods

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

#### 5.4.4.2 Characteristics

1. Buildings are most commonly two to three storeys.
2. Hotels traditionally occupy corner sites and can be prominent in street vistas. They are generally larger in scale than corner shops and extend further along each street from the corner and over a larger footprint.
3. Corner hotels can have an imposing presence through their additional height, distinctive parapet profiles and strongly modelled facades with ornate architectural features.
4. Victorian examples are typically rendered brick with Italianate decoration. Federation period hotels are more typically face brick with render or stone detailing. Early examples sometimes conservatively reflect Victorian stylistic elements and later exhibit Arts and Crafts features. Inter-War period hotels experimented with imported styles: Art Deco and Functionalist streamlining were popular; stripped classical styles is less common.
5. Awnings run the length of both streets to protect multiple entries, some lined with pressed metal ceilings.
6. A consistent feature of hotels from the late Victorian period onwards is the decorative tiling below awning level. Many hotels have the original tiles stripped off or replaced.
7. Traditional hotel signs and product advertising impart a character specific to this building type, in particular the painted glass panels advertising original beer brands.

#### 5.4.4.3 Design guidelines

Design should:

1. Ensure the continuing use of corner hotels as hotels;
2. Maintain the important function of corner hotels as place markers that help to orient and locate people;
3. Maintain the prominence of parapets and roof lines against the sky;
4. Enable interpretation of the original internal layout and architectural features;
5. Encourage upper floor uses that are compatible with retention of the character and original spatial arrangements;
6. Retain the massing, scale, facade modulation and proportion of openings;
7. Retain characteristic architectural elements and, where possible and appropriate, restore or reconstruct intrusive alterations or missing elements to original forms, details and finishes. Externally this may include:
  - i. Pressed metal and patterned awning soffits;
  - ii. Awnings, balconies and verandahs;
  - iii. Doors and windows, larger at ground floor;
  - iv. Wall tiles;
  - v. Traditional signs, applied (hotel name) or painted (beer advertising); and
  - vi. Decorative render and joinery;Internally, this may include:



Victorian Italianate Style



Inter War Art Deco Style



Inter War Stripped Classical Style



Federation Period



- i. Bars;
  - ii. Ceiling details;
  - iii. Tiles;
  - iv. Fittings and joinery;
  - v. Original stairway details;
  - vi. Doors, flooring, architraves, skirtings, picture rails;
  - vii. Light fittings; and
  - viii. Traditional signs and advertising;
8. Ensure face brick and tiles are not painted over, rendered or retiled;
  9. Avoid additional floors that impact on the skyline profile of hotels;
  10. Ensure the junction of old and new fabric on a main wall is either seamless, in the same plane and same material, or articulated by a recess and where appropriate utilise contrasting light weight materials as a light linking structure between solid walls; and
  11. Where development will result in the long term exposure of a side boundary wall from surrounding streets, give design consideration to how this element presents to the streetscape. Avoid cheap or temporary materials and finishes. Where appropriate the introduction of texture, surface pattern, stepped building planes or lightwells can also alleviate the visual impact of a blank side wall.

**NB** *Design approaches are indicative only and do not represent all possible acceptable solutions.*

**NB** *Design solutions will be assessed against other planning controls and must satisfy amenity (privacy and solar access) density, building line and setback, height and bulk controls and guidelines for the relevant building type.*