

Chapter 7:



Commercial, Community & Industrial Development (including Advertising/Signage)



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Title Page: The picture on the title page is of car parking at the Lithgow Woolworths
(Source: <https://www.airbnb.com.au/things-to-do/places/426529?s=51&set bev on new domain=1565314992 mGdoAl7whHs18vGo>.)

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7.1 Introduction

7.1.1 Application of this Chapter

This Chapter applies to a broad range of commercial, industrial or community uses including, but not limited to the following (with relevant DCP Section noted):

- a) *Section 7.3: industries* (or industrial uses);
- b) *Section 7.4: commercial premises and community uses*;
- c) *Section 7.5: tourist development in rural and/or environmental zones* including **tourist and visitor accommodation** and other tourism facilities;
- d) *Section 7.6: Advertising & signage requirements for ALL relevant development*;
- e) A mix of other uses such as *Section 7.7 Temporary Use of Land & Markets/Events*; *Section 7.8 Animal Boarding & Training Establishments* and *Section 7.9 Mining & Extractive Industries*; or
- f) **Mixed-use development** including a mix of commercial, community, industrial and/or residential uses (noting residential controls are in DCP *Chapter 6 Residential Development* including *Section 6.7.6 Shop Top Housing/Mixed Use Developments*); and
- g) Alterations, additions and extensions to those uses; or
- h) Broadly to other developments that are similar to community, commercial or industrial uses but outside the formal definitions where the other Chapters of this DCP do not clearly apply or the proposed land use is not specifically covered.

This may include uses outside the **commercial premises** group term such as:

- amusement centres, entertainment facilities, function centres & registered clubs;
- highway service centres, service stations, restricted premises;
- industrial retail outlets, veterinary hospitals, wholesale supplies;
- home businesses, & tourist & visitor accommodation.

This may include uses outside the industrial premises group term such as:

- home industry;
- vehicle repair stations, vehicle body repair workshops & boat building & repair facilities;
- storage premises, depots, warehouse or distributions centres, local distribution centres.

COMMERCIAL PREMISES

Commercial premises is a group term that includes **business premises, office premises and retail premises**. Please see **LLEP2014** for the definitions and sub-terms within these definitions.

INDUSTRIES

Industries is a group term that includes **general industry, heavy industry and light industry**. Please see **LLEP2014** for the definitions and sub-terms within these definitions.

COMMUNITY USES

For the purpose of this DCP, other community uses where these controls may apply (where relevant) include (See **LLEP2014** for more detailed definitions of these land uses / activities):

- a) **Educational establishments** (e.g., schools, colleges etc.);
- b) **Health service facilities** (e.g., hospitals, medical centres, health consulting rooms etc.);
- c) **Community facilities;**
- d) **Other community infrastructure** (e.g., child care centres; emergency services facilities; industrial training facilities; places of public worship; public administration buildings; etc.)

TOURIST & VISITOR ACCOMMODATION

This Chapter covers **Tourist & Visitor Accommodation** in **urban areas**. However, please see DCP Chapter 8 – Rural & Other Land Uses for these uses in **rural and/or environmental zones**.

Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation, (b) bed and breakfast accommodation, (c) farm stay accommodation, (d) hotel or motel accommodation, (e) serviced apartments,

but does not include (f) camping grounds, or (g) caravan parks, or (h) eco-tourist facilities.

MIXED USE DEVELOPMENTS

Mixed use development means a building or place comprising 2 or more different land uses. It may include a mix of commercial, community, industrial and/or residential uses. Where residential uses are included in a mixed-use building some controls from Chapter 6 - Residential Accommodation may also apply.

7.1.2 Overarching Objectives

The objectives for this Chapter are to encourage development and expansion of business, employment and community activities in appropriate locations that:

- 1) Contribute to economic growth and employment opportunities within the **LGA**;
- 2) Capitalise on existing development and maximise the efficient use of public infrastructure;
- 3) Respond to, reinforce and sensitively relate to the spatial and environmental characteristics of the surrounding urban environment;
- 4) Demonstrate good site planning, layout, functionality and amenity for users;
- 5) Conserve and enhance the historic, architectural and aesthetic character of urban areas (particularly in relation to heritage items and heritage conservation areas);
- 6) Reinforce, complement and enhance the desirable visual character of the street;
- 7) Integrate with and transition to neighbouring zones/lots/buildings; and
- 8) Preserve neighbourhood amenity and safety.

7.1.3 Other Relevant Chapters of this DCP

Please remember that this Chapter of the DCP is unlikely to contain ALL of the relevant controls for your development. Please see *Chapter 1 – Introduction* to review the Section on *How to Use this DCP* including the *Structure of the DCP* (see table below) to determine what other Chapters may be relevant to your development.

IF YOU ARE UNSURE, PLEASE DISCUSS THIS WITH COUNCIL STAFF PRIOR TO LODGING YOUR APPLICATION.

We also recommend that you seek a **Planning Certificate** from Council that will detail most of the significant known constraints or affectations on the property as different Chapters/Sections of this DCP are relevant where these affectations exist.

The DCP has the following Chapters:

Chapter 1:	Introduction & Administration
Chapter 2:	Site Requirements
Chapter 3:	Natural Environment & Hazards
Chapter 4:	Heritage & Cultural Conservation
Chapter 5:	Subdivision & Roads
Chapter 6:	Residential Development
Chapter 7	Commercial, Community & Industrial Development (including Advertising/ Signage for all relevant land uses) (THIS CHAPTER)
Chapter 8:	Rural & Other Land Uses
Chapter 9:	Location Specific Controls

7.1.4 Exempt & Complying Development

Please note that [State Environment Planning Policy \(Exempt and Complying Development Codes\) 2008 \(Codes SEPP\)](#) may permit certain development set out in that policy without requiring a **development application** to Council if it complies with the requirements of the **Codes SEPP**. Please discuss this with Council or visit the [NSW Government Planning Portal](#).

7.2 General Controls

7.2.1 Site Analysis & Potential Land Use Conflicts

*Site analysis is essential in order to understand the site and its context. Site analysis and good site planning should be undertaken **before** the design of any development/building(s).*

For development covered by this chapter, it is important to encourage this development in areas where they have the least conflicts with existing sensitive uses and greatest potential for expansion so that these uses can grow without significant constraint to the benefit of the local economy and employment whilst protecting residential amenity.

Any **development application** covered by this chapter demonstrates that the proposal:

- a) Complies with the **Site Analysis** requirements in DCP *Chapter 2 – Site Requirements* (including any other relevant chapters in this DCP & the **DA Guide**); and
- b) Has responded to the **Site Analysis** to produce a high-quality design that minimises the potential for land use conflict and integrates with the surrounding site context.

7.2.2 Open (Outdoor) Storage, Utility, Waste & Service Areas

Objective(s)

To ensure that open (outdoor) storage, utility, waste and service areas (storage areas):

- O1. Are appropriately located, designed and screened (with fencing and/or landscaping) to minimise the visual impact of these areas from key public areas and streets;
- O2. Avoid or minimise/mitigate environment impacts and impacts on the amenity of neighbouring sites.

Control(s)

1) **Location & Screening:**

- a) Open (outdoor) storage areas and associated screening are identified on the **Site Plan(s)** for the development and may require **Elevation(s)** to show screening height, materials & transparency (particularly when visible from a public street);
- b) Open storage areas are located behind the building line to any street frontage (preferably behind the building) and/or screened from view from the street (*see diagram below*).

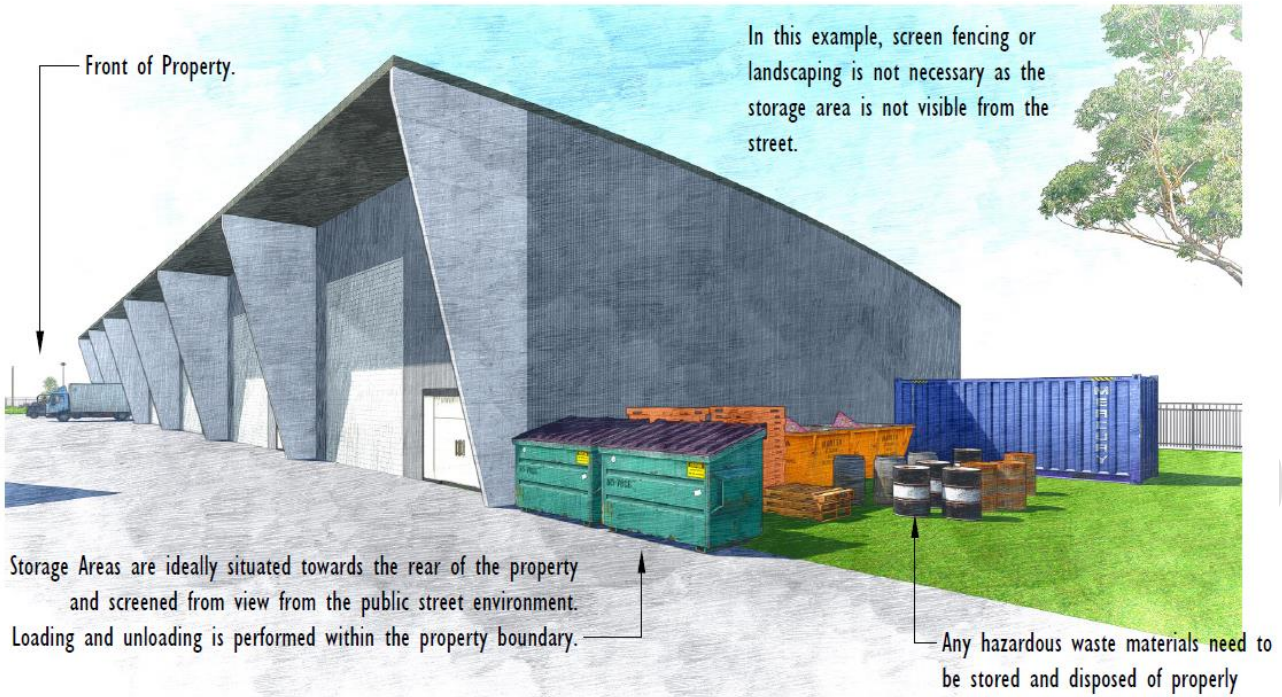
2) **Screening/Fencing:**

- a) Screening is compatible with the design of the building and integrated with the site landscaping and fencing.
- b) Screening that forms part of, or is immediately adjacent to boundaries/fencing complies with the *Fencing* controls in this DCP.

3) **Landscaping:** Landscaping is not used as the primary or only method for screening, unless it is well established or the applicant can demonstrate that the storage area will be effectively screened using advanced plantings in conjunction with fencing, and other screening devices.

4) **Hazardous Materials:** The storage of hazardous goods, materials or wastes does not occur in areas that adjoin residential or other sensitive land-uses, unless screened from view and there are suitable protections to avoid impacts on adjoining sites.

- 5) **Dust:** Open storage areas minimise dust impacts on neighbouring properties with ground surface treatment to minimise dust emissions from vehicle movements.
- 6) **Loading/Unloading:** Sufficient space is provided on-site for the safe loading and unloading of wastes. This activity is not to be undertaken on any public place or street.



Indicative screening of storage and service areas for industrial or commercial development (Source: Dean Steward).

7.2.3 Landscaping & Tree Protection

Landscape should be considered as part of site planning and design development and integrated with built form because it contributes strongly to amenity, character and environmental outcomes.

Please see DCP Chapter 3 – Natural Environment & Hazards when considering clearing of vegetation on a site or considering the impact of natural hazards on a development that may be modified by existing or additional landscape.

This Section sets out objectives that apply to all development types in this DCP and may require a **Landscape Plan** to demonstrate how the development achieves those objectives.

Objective(s)

- O1. **Retention:** To encourage the retention of trees and other significant vegetation and integration of these features into the design of buildings and open spaces, particularly where vegetation is outside the proposed building footprint and is of ecological, aesthetic or cultural significance.
- O2. **Context:** To provide landscaping that responds to the context and character of the area, the land use zone, view lines and land-marks, any existing street or locality planting scheme, the local climate, and the site characteristics.
- O3. **Amenity:** To integrate landscaping with site and building design so it enhances amenity, privacy, screening and solar access/shading (as required) outcomes for the site and adjoining sites and responds to the layout and scale of the proposed built form.

04. **Arterial Roads:** To ensure development fronting an **arterial road** (especially highways and regional roads) is suitably landscaped to soften the visual impact of development when viewed from these key transport routes.
05. **Screening:** To use landscaping to soften the visual impact of larger buildings, large hardstand / car parking areas, or screen service and storage areas from public view.
06. **Safety:** To consider how landscaping is integrated with built form to address principles in DCP *Section 2.7 – Designing for Crime Prevention*.
07. **Stormwater:** To minimise stormwater run-off and hard paved areas and maximise water infiltration and **deep soil** landscaped area in accordance with *Stormwater Management* controls in this DCP.
08. **Bushfire:** To manage landscaping so that it enhances environmental connectivity but does not increase the bush fire risk to properties.
09. **Stability:** To use landscape to stabilise steeper slopes, earth mounds, and areas with erosion potential.
010. **Suitability:** To encourage landscaping and species selection that is native and non-invasive, low-maintenance, robust, suited to local soil and climatic conditions, and minimises water consumption.
011. **Longevity:** To ensure that development considers the long-term protection, maintenance, irrigation, and longevity of landscape to maximise chances of achieving the original design outcomes.
012. **Utilities:** To avoid planting locations and species that may impact on underground or above-ground utilities or buildings, including but not limited to: excavation, root penetration, water damage or ground-heave from irrigation or moisture levels, mature-height of species interfering with overhead power-lines, etc.
013. **Fencing:** To integrate fencing with landscape design.
014. **Biodiversity:** To consider how retention and enhancement of landscape can address the biodiversity policies of the NSW Government and Council and encourage sustainable development.
015. **Temperature:** To utilise landscaping to mitigate the increases in temperature associated with solar absorption into buildings and hard surfaces, particularly in denser urban areas.

Control(s)

- 1) **Plan(s):** Where required by Council's **DA Guide**, the application is accompanied by a **Landscape (Concept) Plan** (or a **Site Plan** for simpler applications) that addresses the *Landscaping* requirements in this Section of the DCP.
- 2) **Industrial uses:** The following minimum areas of a development site are to be landscaped for industrial uses (See diagram in DCP *Section 7.3.3 – Setbacks* for examples):
 - a) A two (2) metre deep landscaping strip located along the entire frontage to a public street (not a rear lane) excluding vehicle and pedestrian access points;
 - b) A two (2) metre deep landscaping strip located along the entire side or rear boundary of any industrial site where the adjoining property is used for a residential purpose or is in a residential zone;

- c) Large car-parking areas exceeding ten (10) car park spaces include landscaping to soften the visual impact, break up large hard-stand areas, and provide shade;
 - d) The perimeter of any approved open (outdoor) storage areas that is not otherwise screened from public view (consistent with DCP *Section 7.2.2* above);
 - e) All exposed areas such as cut scars, fill batters and retaining walls are stabilised, vegetated and integrated within the landscape design.
- 3) **Commercial & Community Uses:** The following areas of a development site are to be landscaped for commercial & community uses:
- a) Side and rear setbacks, where adjoining a residential use or zone;
 - b) Areas adjacent to building entrances and pedestrian access points (except where no building setback to street);
 - c) The perimeter of all approved open (outdoor) storage areas to screen from public view (consistent with DCP *Section 7.2.2* above);
 - d) Except where space is extremely limited, all new off-street parking areas (exceeding ten (10) car park spaces) incorporate landscaping bays (2.0m by 5.5m) at an interval of every sixth parking space;
 - e) All exposed areas such as cut scars, fill batters and retaining walls are vegetated and integrated within the landscaping design.
- 4) **Protection:** All landscaped areas are to be separated from vehicle manoeuvring and parking areas by the use of a 150mm high fixed barrier or kerb detailed on the **Landscaping Plan**.
- 5) **Street Trees:** All commercial, community & industrial development in an urban area provides street tree planting (shown on the **Landscape Plan**) that:
- a) Is consistent with any existing or approved theme/species in the immediate locality;
 - b) Is compatible with any public infrastructure;
 - c) Will not interfere with the safety of motorists; and/or
 - d) As conditioned/required by Council as part of the approval.

7.2.4 Fencing

*Some fences MAY be EXEMPT or COMPLYING Development. See State Environmental Planning Policy (Exempt and Complying Codes) 2008 (**Code SEPP**) for more details. Otherwise, a **development application** is required.*

*As fences are not to be placed on neighbouring land or public road reserves Council may require a **Survey Plan** to identify the boundary or verification by a registered Surveyor of the location of the fence in relation to a boundary.*

Objective(s)

Fencing is located and designed:

- O1. To be consistent with the existing (or desired future) character of the relevant land use zone and street, taking into account the prevailing fence types, solidity, and heights in the locality;
- O2. If it is on, or in proximity to, a **heritage item** or in a **heritage conservation area**, to address any additional relevant requirements in DCP *Chapter 4 Heritage & Cultural Conservation*;

- O3. To meet the security and privacy needs of a development and its staff and customers whilst avoiding fencing that dominates the street or impacts significantly on casual surveillance to/from the street from building(s) on the lot;
- O4. To ensure fencing provides adequate sight-lines for vehicle and pedestrian safety;
- O5. To promote pedestrian activation of key retail streets by avoiding or minimising fencing forward of the building line in Zone B2 Local Centre or Zone B4 Mixed Use.

Control(s)

- 1) **Application:** All applications where new or altered fencing is proposed (that is not exempt development) provide details of fencing location, height and materials including **Site Plan(s)** and relevant **Elevation(s)**.
- 2) **Code SEPP:** All fencing associated with commercial, community or industrial uses complies with the requirements of the Code SEPP and address any potential impact(s). Where a variation is sought, then the proposed fencing addresses DCP *Section 1.6 Variations to DCP Controls* including the objectives of this Section.
- 3) **Security Fencing:**
 - a) Is not an electric fence and does not incorporate barbed wire due to the visual appearance and safety issues of these fence types; and
 - b) Is located behind or integrated into any landscaped area so it is partially screened from the street.
- 4) **Sight Distances:** Fencing preserves safe sight distances for all vehicle entry and exit locations, including those on adjoining properties, especially on corner lots.
- 5) **Reflectivity:** If fencing (other than for front fences) is constructed of metal panels, it is of low reflectivity, factory pre-coloured materials or galvanised iron.
- 6) **Surface Water:** Fencing does not redirect the flow of surface stormwater or floodwaters onto an adjoining property.
- 7) **Flood Prone Land:** If the land is affected by flood related development controls (see *Chapter 3 – Natural Environment & Hazards*) the fence types are designed to allow flood conveyance and avoid modifying flood patterns or increasing flooding on adjacent properties.
- 8) **Landscaping:** Long fenced areas fronting public streets or internal driveways are softened with landscaping by setting back parts or all of the fence-line to allow for planting on the subject lot so the fence is partially screened from the street.

7.2.5 Ancillary Dwelling(s)

No manager's or security residence (ancillary to a commercial, community or industrial development) forms part of the application unless:

- a) The residential use is also permitted in that zone; and
- b) In **rural and/or environmental zones** it is also permitted under *Clause 4.2A of LLEP2014*.

7.3 Industrial Uses

7.3.1 Key Industrial Precincts

Objective(s)

In addition to the objectives in DCP *Section 7.1.2-Overarching Objectives* (above) and the objectives for each control (below), the objectives for this Section (*Industrial Uses*) are:

- a) To reinforce the industrial precincts of Lithgow, Wallerawang, Portland and Marrangaroo as the focus of industrial activity and associated development (outside mining areas);
- b) To avoid or minimise/mitigate any potential land use conflict(s) with neighbouring land use(s) taking into account the objective(s) of the relevant land use zone, proximity to sensitive land use(s), and accepted level of impacts from any existing industrial area;
- c) To not unduly restrict industrial building siting, forms or site layout, except where its is likely to result in unreasonable environmental impacts, visual impact from key public places or roads, or significantly impact the character of the locality;
- d) To manage other industrial uses in **rural and/or environmental zones** outside industrial precincts.

Control(s)

Any development is consistent with:

- a) The objectives of the relevant land use zone in **LLEP2014** and objectives of this Chapter; and
- b) The key industrial precinct 'character' statements below.

LLEP2014 has several industrial and related infrastructure zones as shown on the Land Zoning Maps (as at the date of drafting this DCP):

- a) **Zone IN1 General Industrial:** This zone seeks to provide the greatest flexibility for a range of industrial uses and impacts. There are currently Zone IN1 areas to the north of Marrangaroo (North), Lidsdale/Wallerawang, and Littleton and Corney Town (Lithgow). Generally, these areas have some buffers from sensitive uses so they can operate with less restrictions than Zone IN2.
- b) **Zone IN2 Light Industrial:** This zone seeks to provide land for a wide range of light industrial, warehouse and related uses that generally have a lower impact that is expected to be managed within each Site or industrial precinct so this zone can integrate into urban areas.
- c) **Zone IN3 Heavy Industrial:** This is a zone for the highest impact industrial uses. There is only one (1) zoned area near Lidsdale/Wallerawang. It is well separated from other urban/sensitive land uses.
- d) **Zone SP2 Infrastructure:** This zone has specific uses nominated for each Zone SP2 area that may include electricity generating works, defence, waste or resource management facility, rail infrastructure facility etc. Development is limited to the permitted use and any ancillary activities. Some of these are 'industrial' in their nature but are likely to be addressed under SEPP (Infrastructure) 2008.

In addition to the industrial zones, some smaller, low-impact industries may be permitted in a wider range of business, residential, and rural and/or environmental zones. Where this occurs, Council may consider the character and setback controls for those surrounding uses as relevant to the commercial or community use in that precinct where land use conflict(s) can be addressed.

7.3.2 Building Setbacks

Objective(s)

O1. Building setbacks aim:

- a) To avoid or minimise/mitigate land use conflict(s) with sensitive uses(s) in close proximity to the site;
- b) To minimise the visual impact of larger buildings fronting public spaces or neighbouring residential dwellings or zones;
- c) To provide areas for landscaping as buffers to sensitive neighbouring lots and public spaces;
- d) To provide areas for vehicle parking, loading/unloading and manoeuvring/turning areas whilst minimising the impact of large parking areas on street character/activity;
- e) To provide areas for open/outdoor storage or ancillary activities that are suitably screened;
- f) To allow stormwater management and water infiltration into the soil;
- g) To avoid and/or minimise impacts on sensitive areas of natural environment or hazards.

Control(s)

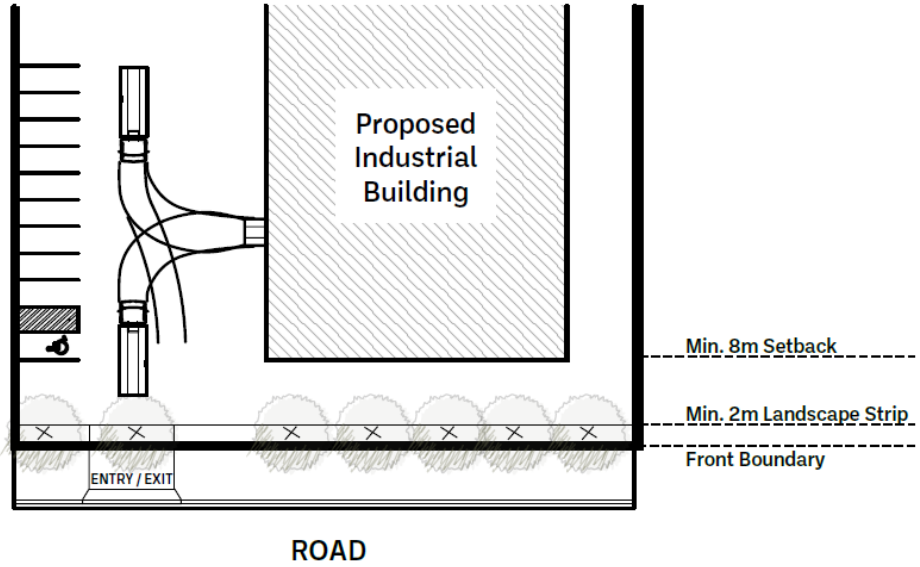
1) Front Setbacks:

- a) Front setback areas in Zone IN2 (and Zone IN1 areas adjacent to residential areas) are a minimum of 8m, incorporating a minimum 2 metre landscaping strip (*see diagram below*).
- b) In Zone IN1 & IN2, new developments on sites that have a corner frontage also provide a 4-metre setback to the secondary frontage, incorporating a minimum 2 metre landscaping strip (*see diagram below*).
- c) Setbacks to primary and/or secondary streets are larger than the minimum where this area is used for vehicle movements and/or on-site car parking providing clearly visible car parking for smaller vehicles (e.g., staff and customers).

2) Side and Rear Setbacks in Zone IN2:

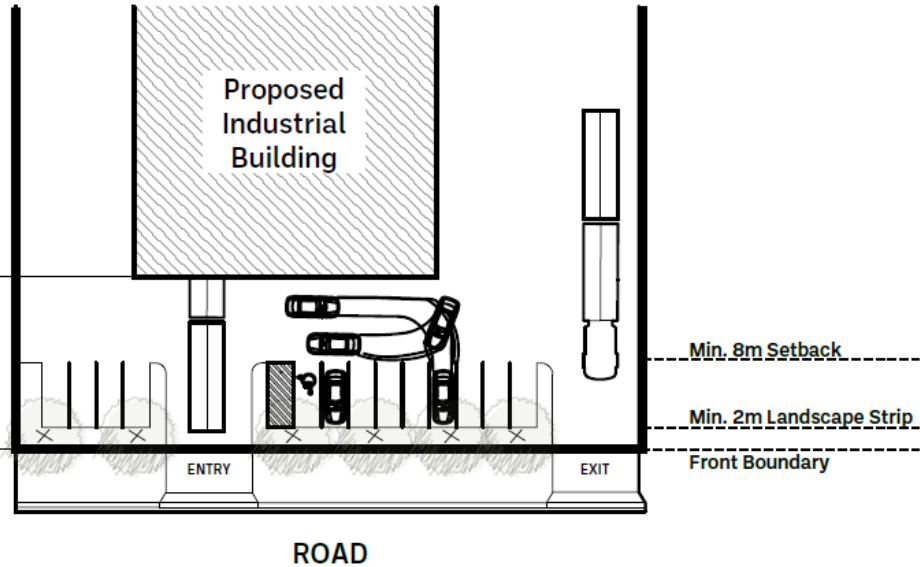
- a) Industrial buildings are setback minimum 3 metres from side and rear property boundaries.
- b) Where the adjoining property is used for a residential purpose or is in a residential zone, the side and rear setback are minimum 6 metres, incorporating a minimum 2 metre landscaping strip (*see diagram below*).
- c) Zero or reduced side and rear setbacks will only be permitted subject to compliance with the *National Construction Code* and additional evidence addressing *DCP Clause 1.5 Variation to DCP Controls* to ensure any impacts are deemed acceptable in relation to adjoining or adjacent properties.

Option 1: Building to minimum Setback



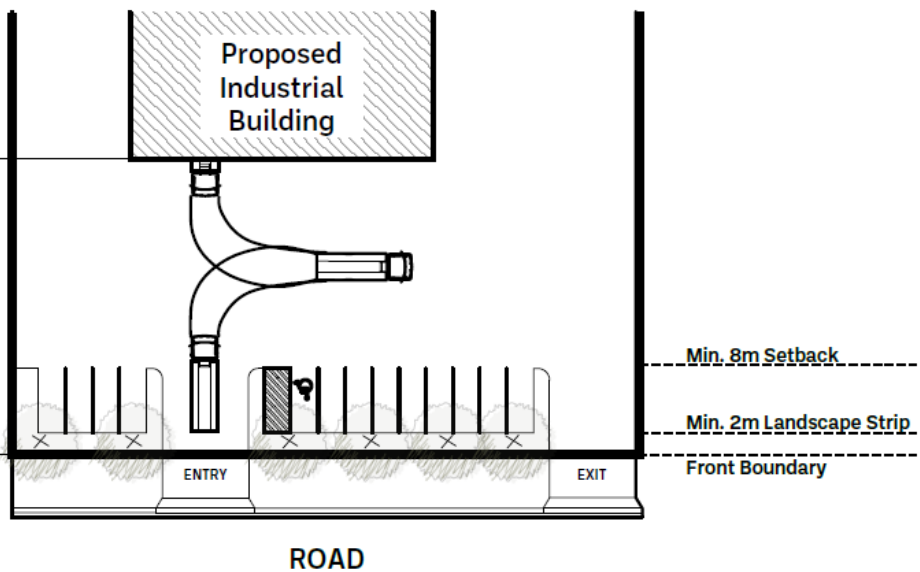
Option 2: Front car parking area increases front setback.

Larger front setback used to accommodate car parking needs

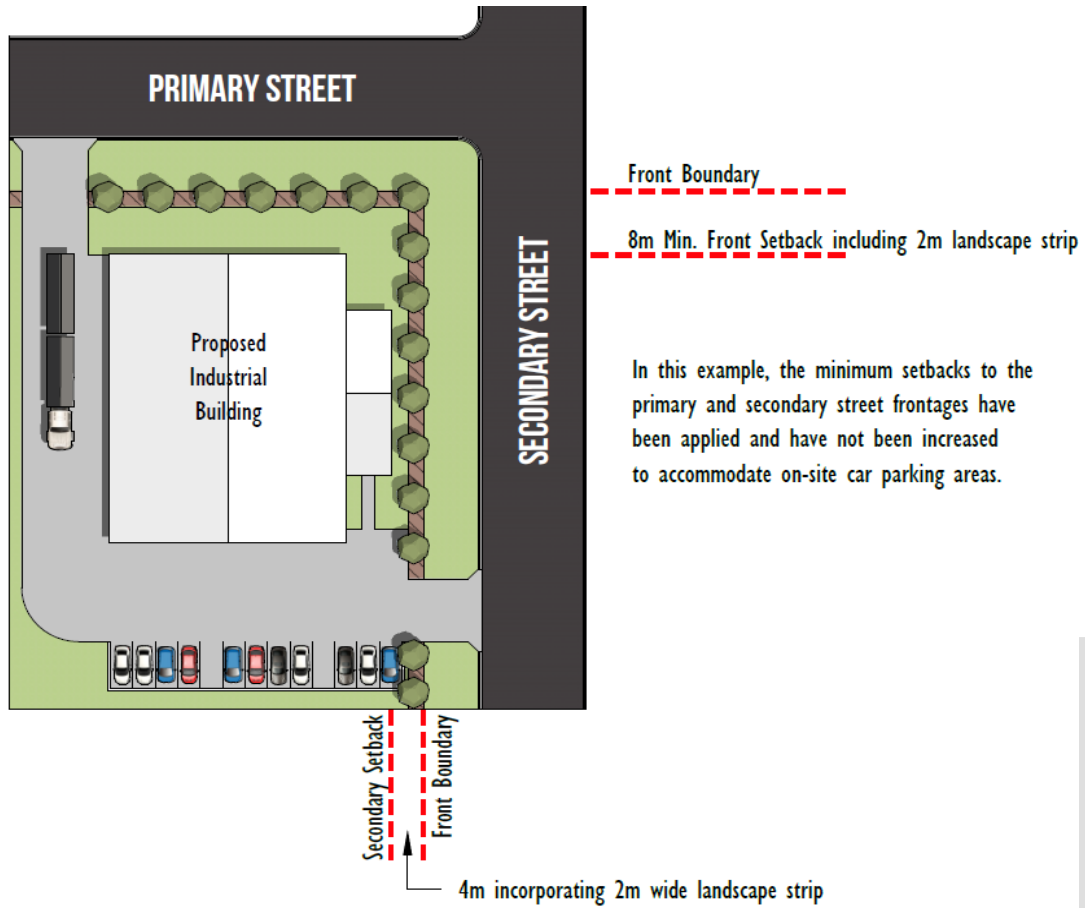


Option 3: Front car parking & truck circulation increases front setback.

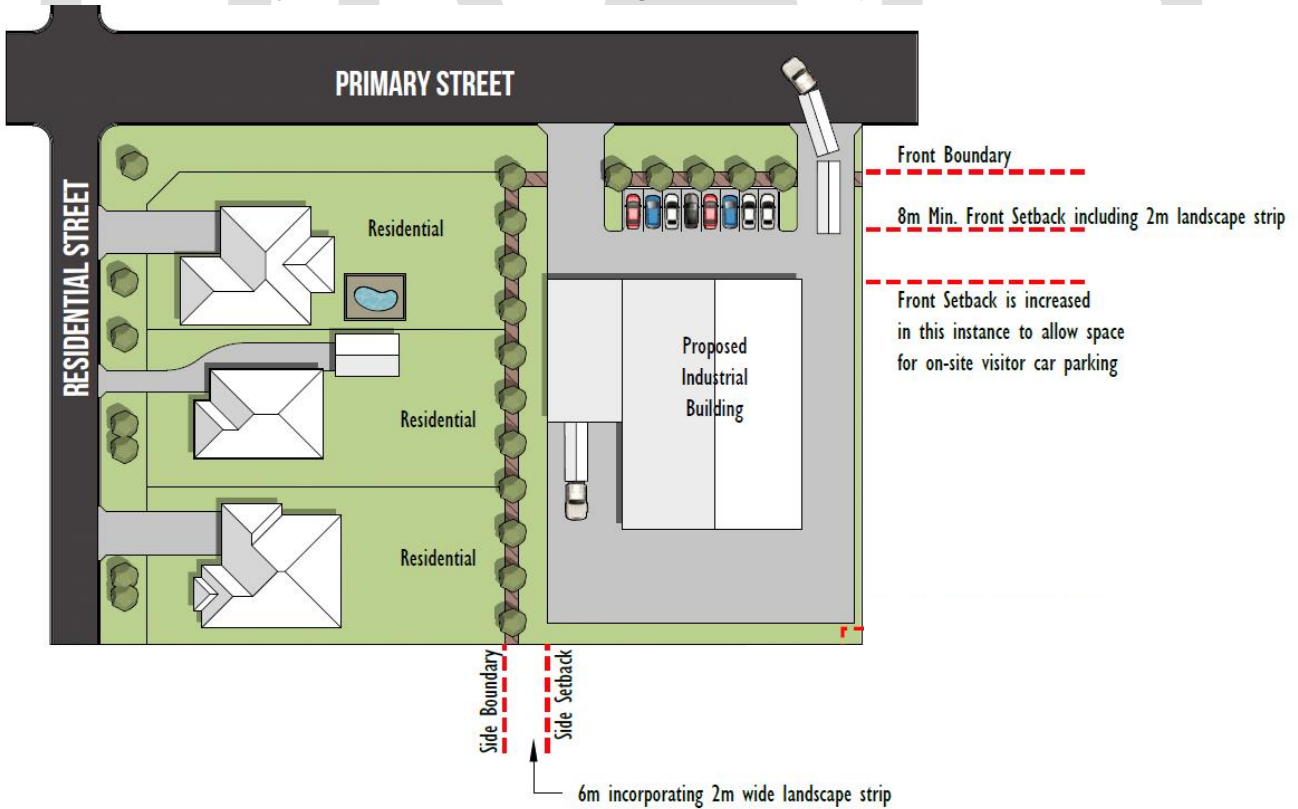
Larger front setback used to accommodate larger vehicle manoeuvring



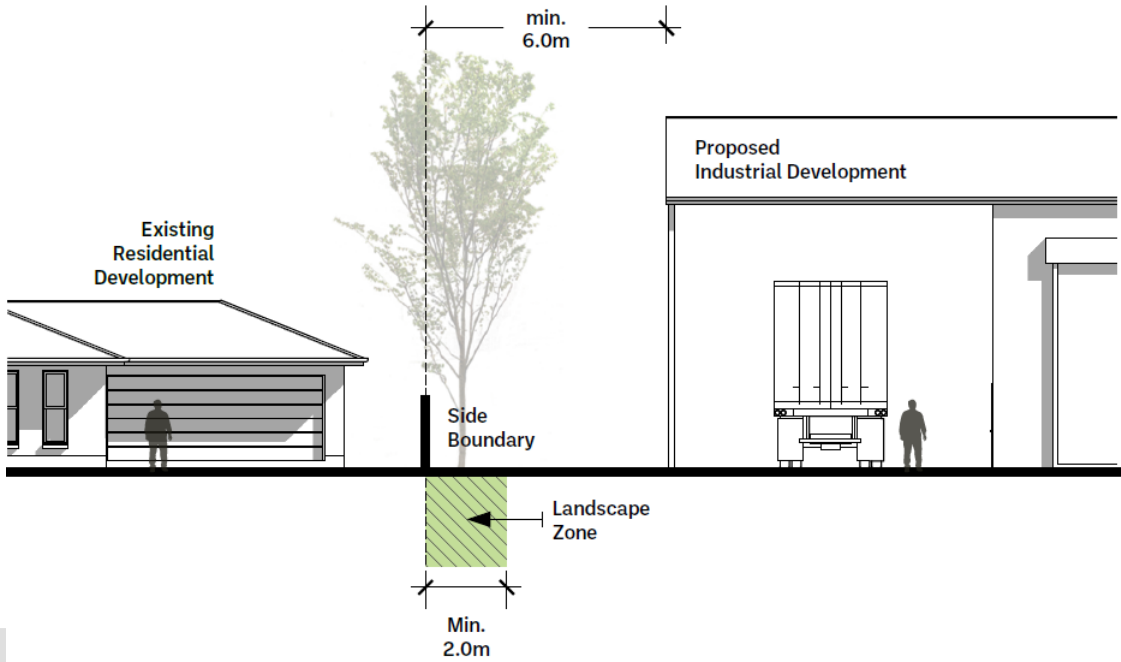
Front setback scenarios illustrating the controls in this Section (Source: Dean Steward).



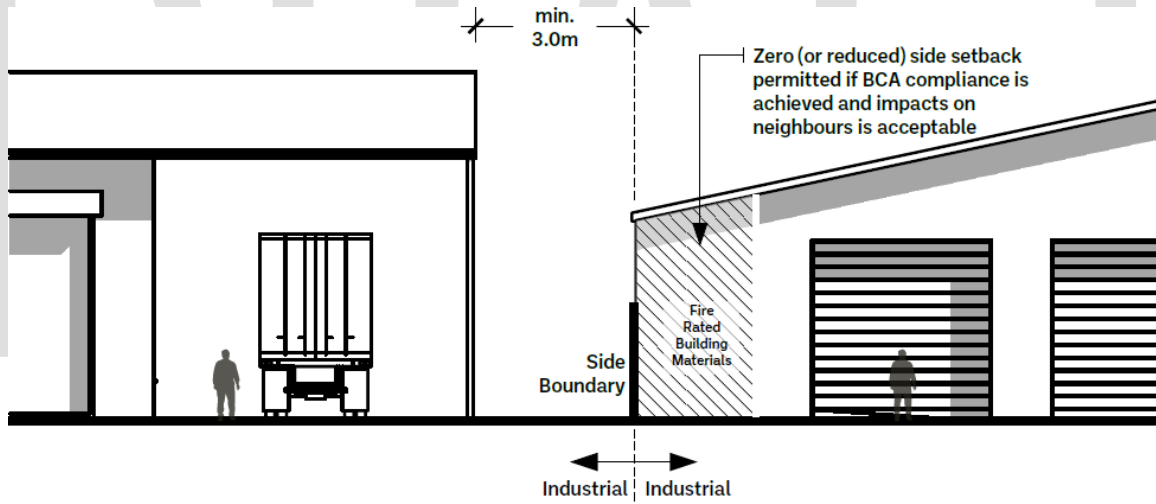
Indicative layout for an industrial building on a corner lot (Source: Dean Steward).



Indicative layout for an industrial building adjacent to dwellings (Source: Dean Steward).



Indicative section of industrial building adjacent to dwelling (Source: Dean Steward).



Indicative section of possible side setbacks for industrial buildings adjacent to other industrial or commercial buildings (Source: Dean Steward).

- 3) **Setback Other Zones:** Side and rear setbacks in zones other than Zone IN2 take into account the character and amenity of the surrounding area as well as the proposed activity and its efficient layout.
- 4) **Additional Setbacks:** Development demonstrates sufficient setbacks and/or buffers to:
 - a) Sensitive uses in accordance with DCP Chapter 2 – Site Requirements, particularly Amenity / Buffers to Sensitive Uses;
 - b) Sensitive natural environmental areas or hazards in accordance with DCP Chapter 3 – Natural Environment & Hazards (where relevant); and/or
 - c) Nearby heritage items or contributory items in heritage conservation areas in accordance with DCP Chapter 4 – Heritage & Cultural Conservation.

7.3.3 Building Height/Bulk & Site Coverage

Objective(s)

O1. Building height/bulk and site coverage aims:

- a) To respond to site topography and environmental constraints and hazards;
- b) To integrate with the existing/desired height, scale and street character for the relevant land use zone, locality, and surrounding development;
- c) To reduce the visual impact of development upon sensitive streetscapes and visibility of the site from key vantage points in the public domain;
- d) To be sympathetic to heritage buildings, heritage conservation areas and/or historic view lines (where applicable);
- e) To be sympathetic and (if relevant), provide a transition in height and scale, to adjacent land use zones / different building types; and
- f) To minimise impacts on amenity including, but not limited to, disruption of views, loss of privacy and loss of solar access to adjoining sensitive development, particularly key public spaces, open space or adjacent dwellings.

Control(s)

- 1) **Transition in Zone IN2:** The height of any building in Zone IN2 adjacent to another zone provides a transition down to the adjacent building height(s) or is sufficiently setback from side boundaries to minimise significant impacts on adjacent uses.
- 2) **Solar Access:** Any proposed development maintains a minimum of 3 hours solar access to adjoining sensitive development, particularly key public spaces, open space or the living and private open space areas of adjoining and adjacent dwellings between the hours of 9:00am and 3:00pm on 21 June (winter solstice).
- 3) **Site Coverage:** The site coverage of any industrial building and its associated areas impenetrable to water (hardscape) does not exceed 80% of any site area and addresses on-site management of stormwater in accordance with DCP *Chapter 2 – Site Requirements*.

7.3.4 Building Design, Facades, Materials & Colours

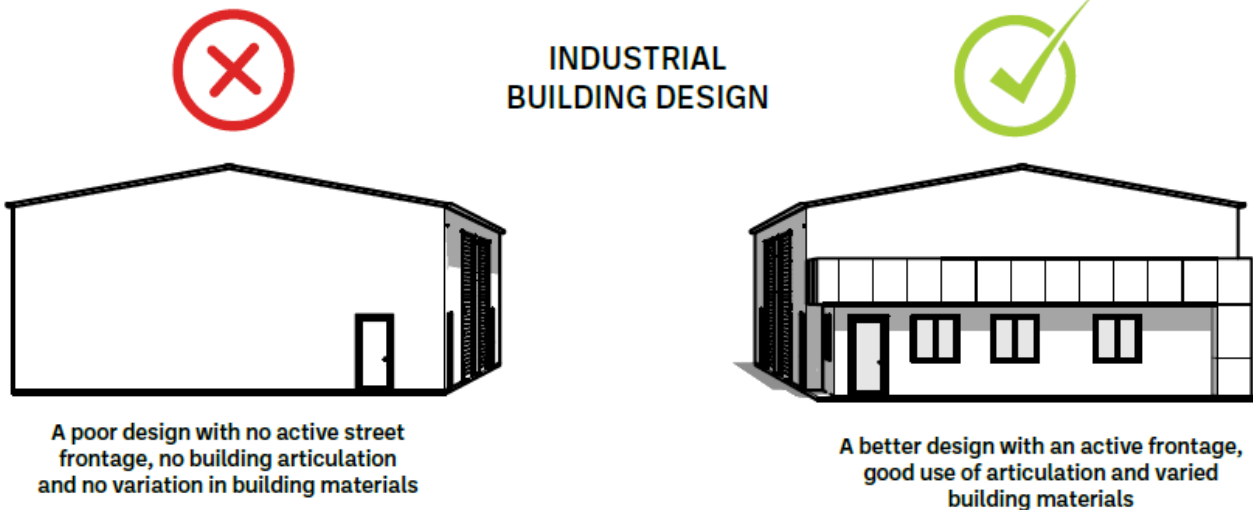
Objective(s)

- O1. To encourage high quality, well-articulated, and sympathetic industrial building layout, design & facades that are functional and efficient but also add to and enhance the public domain and street character, identity & safety.
- O2. To ensure that development located on sites having a boundary to or visibility from an **arterial road** demonstrate a higher standard of presentation, building articulation, and integration with the surrounding character than sites located away from these sensitive areas.
- O3. To ensure that materials and colours are used to reduce the visual impact of buildings and integrate with the surrounding built form and street character.

Control(s)

- 1) **Front Facade:** Office components, showrooms, amenities and other low-scale building elements: where applicable (*see diagrams below for examples*):
 - a) Are located at the **primary street frontage** of any industrial building/structure; and
 - b) Provide articulation including (but not limited to) windows, openings and pedestrian entrances to the primary street façade to break up the façade; and
 - c) Are not the dominant use of the building/site (they are ancillary to the industrial activity), AND is either:
 - d) Architecturally differentiated from the main industrial building (in scale, roof line, materials and finishes) to break up the front façade; and/or
 - e) If integrated or internal to the building, provide suitable articulation to break up the front façade (*see following control*).

- 2) **Articulation/Variation:** Long blank walls and unbroken roof lines are avoided facing the street or key public spaces. Visual interest can be achieved by incorporating one or more of the following articulation techniques into the building elevations (*see diagram below for examples*):
 - a) Wall plane projection or recesses;
 - b) Windows, doors or other openings;
 - c) Distinctive parapets or variation of roof forms/height;
 - d) Vertical or horizontal features;
 - e) Material and colour changes.

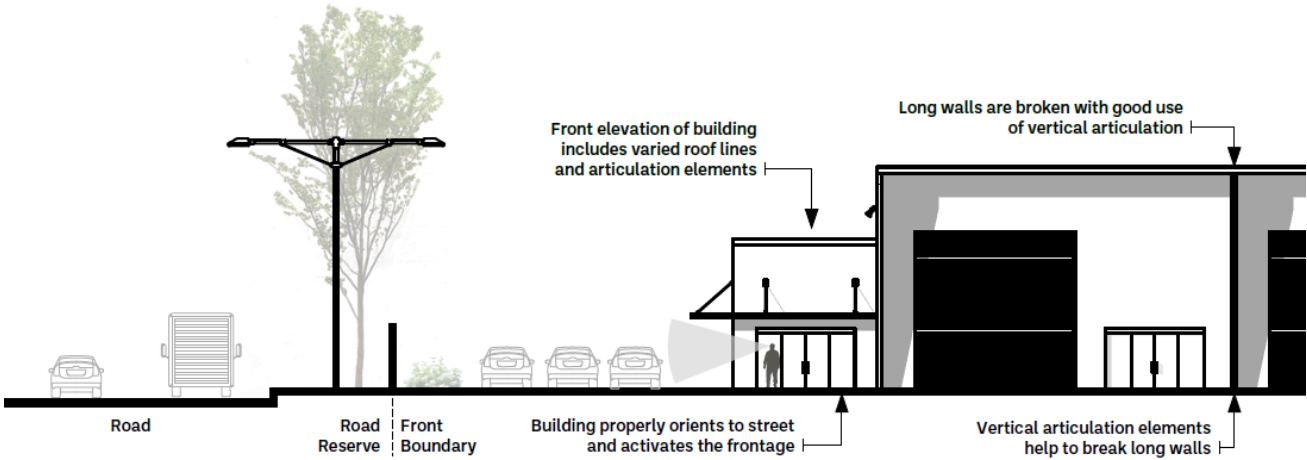


Poor & better front façade design for industrial buildings (Source: Dean Steward).

- 3) **Reflectivity:** External materials (particularly metal clad roofs and walls or mirror glass) have low reflectivity if they are visible from a public road, public place or residential area, and/or where there is a reasonable probability of glare affecting driver safety or residential amenity.

- 4) **Colour:** All external building materials including roofing are of a neutral colour finish that integrates with the surrounding landscape and streetscape character and avoids high contrast, white or bright colours. Details of proposed colour schemes are to be submitted with the **development application**.

- 5) **Dominance:** Corporate colours, logos, or design features are incorporated into the overall colour scheme but are not the dominant feature. For example, bright logos/ colours are not used across the majority of the front façade or facades visible from the public road.



Methods to articulate the façade of larger industrial/commercial buildings (Source: Dean Steward).

7.3.5 Non-Industrial Uses in the Industrial Zones

Objective(s)

- O1. To ensure that other non-industrial land uses that are permitted in industrial zones:
 - a) Protect industrial land predominantly for industrial uses;
 - b) Select sites that minimise conflict with the operations and/or permissible impacts of existing and likely future industrial uses in those industrial zones;
 - c) Support the workforce within those industrial areas with essential services/facilities;
 - d) Do not compete with or undermine the status, viability or retail functions of the business zones, particularly Zone B2 Local Centre, in the town centres of key settlements.

Control(s)

An application for a non-industrial use in an industrial zone addresses the following (where relevant):

- 1) The availability of alternative sites in other suitable zones that could support the activity and avoid or minimise take-up of industrial land;
- 2) Information about the type of non-industrial activity including, but not limited to:
 - a) Its accessibility/use by the broader public and its proximity to the town centre;
 - b) The floor area of each component of use, particularly the amount of retail within the activity and the nature of the goods offered for sale;
 - c) Demonstration that any retail activity is not the dominant use of the site (except where it involves permissible specialised retail that needs larger floor-plates and servicing areas or they are support services for the industrial workforce);
 - d) Employee numbers engaged in each component;
 - e) The sensitivity of the proposed use to likely impacts from nearby industrial activities.

7.4 Commercial & Community Uses

Objective(s)

In addition to the objectives in DCP *Section 7.1.2-Overarching Objectives* (above), the objectives for this Section (*Commercial & Community Uses*) are:

- O1. To reinforce the status of the Central Business District (CBD) of Lithgow, Wallerawang and Portland as the focus of higher-level commercial and retail development.
- O2. To avoid or minimise/mitigate any potential land use conflict(s) with neighbouring land use(s) taking into account the land use zone objective(s) and proximity to sensitive land use(s) whilst facilitating employment and economic growth.
- O3. To integrate proposed development with the existing (and/or desired future) character and building form, siting and layout heights of the surrounding sites, street and locality whilst promoting innovation and function.
- O4. To support the hierarchy of commercial area(s) and ensure development is located where it supports (not undermines) the relevant commercial centres and main streets.
- O5. To encourage **active street frontages** on main streets in town and village centres, particularly at ground level, and promote pedestrian safety, amenity and character for business centres.
- O6. To encourage mixed-use buildings in most business zones or main streets where it does not significantly impact on retail and commercial functions.

The controls in this Chapter are largely performance-oriented to allow for a broad range of commercial & community uses so no 'Objectives' are provided for each control.

7.4.1 Key Business Precincts

Any development is consistent with:

- a) The objectives of the relevant land use zone in **LLEP2014** and objectives of this Chapter; and
- b) The key business precinct 'character' statements below.

LLEP2014 has several identified zoned business zones as shown on the **Land Zoning Maps**:

- a) **Zone B2 Local Centre** applies to the 'Central Business District' (CBD) of Lithgow, Portland and Wallerawang. These areas are the focus for compact and walkable retail, office and business areas and supporting services. It is important to ensure other business zoned areas do not impact significantly on the viability of the town centre, particularly retail services. These areas often have historic/heritage character and subdivision patterns that is considered as part of any development and may limit larger floor-plate proposals.
- b) **Zone B4 Mixed Use** is generally used for mixed-use precincts outside the CBD or in 'satellite' large format retail areas that are intended to supplement key town centres (e.g., Portland/ Lithgow - Main St (west) & Lithgow Valley & Pottery Plaza retail developments). Council encourages future development of these areas for larger-format/footprint retail and commercial uses that do not undermine the Zone B2 CBD or main street area(s) and would not otherwise fit within historic town centre areas as well as a mix of appropriate well-designed medium density residential development.
- c) **Zone B1 Neighbourhood Centre** is generally used in Lithgow for retail, community & highway services along the Great Western Highway. These areas service the local needs of the surrounding residential areas and provide highway related services at a scale that would not significantly impact on town centre retail areas.

- d) **Zone B6 Enterprise Corridor** is generally used for business development along the eastern side of the Great Western Highway in Marrangaroo, though this area is transitioning as a new urban release area.
- e) **Zone B7 Business Park** is used in Lithgow for the historic industrial area including the Lithgow Arms Factory and other businesses along Martini Parade to Methven St. The aim is to encourage a range of light industrial, larger footprint buildings that do not compete with town centres and adaptively re-uses heritage items and buildings.
- f) **Zone RU5 Village** is used for the smaller village centres and is a multi-purpose zone permitting a wide variety of land uses – but generally at a lower scale and impact suited to the village character and to service those villages and surrounds. This includes Tarana, Rydal, Cullen Bullen & Capertee.

In addition to the business zones, some smaller, low-impact businesses or community facilities may be permitted in a wider range of industrial and residential zones. Where this occurs, Council may consider the character and setback controls for those surrounding uses as relevant to the commercial or community use in that precinct.

7.4.2 Building Setbacks (General)

Setbacks define the relationship between a building and the surrounding public and private spaces. Consistent front setbacks can assist with creating a unified street character and defining the street edge. Setbacks also provide for separation/privacy between buildings, landscape and tree retention, open space and other associated structures.

Active street frontage means building street frontage(s) at street level that provides direct and level entry, and openings to allow physical and visual access that encourage interaction between the inside of a building and the external areas adjoining the building, including footpaths, road reserves or public spaces. Active street frontages support pedestrian safety and amenity and provide an interface between the public and private domain. See Clause 7.9 & the Active Street Frontages Map in [LLEP2014](#).

- 1) **Road Frontages:** Setbacks to primary and secondary road frontages (not rear lanes):
 - a) Reinforce the desired area/street built-form pattern, setbacks, character and functions;
 - b) Match or average the front alignment of adjacent development/adjoining properties and/or the predominant street alignment;
 - c) Provide (where relevant) setbacks to enable appreciation of heritage items or view-lines to key built or landscape features for their protection and appreciation;
 - d) Minimise impacts on adjacent lots, particularly sensitive residential use(s);
 - e) Reinforce **active street frontages** for retail/commercial uses at ground level and minimise setbacks on primary retail streets and/or streets with a high level of pedestrian activity;
 - f) Provide servicing and parking area(s) whilst minimising the impact of large parking, utility, or storage areas on street character/activity or adjacent lots;
 - g) Promote accessibility for all users;
 - h) Encourage (where appropriate) outdoor dining areas and landscaped setbacks;
 - i) Provide adequate sight distances at entries/exits for vehicle and pedestrian safety, particularly on corner lots;
 - j) Allow stormwater management and water infiltration into the soil;
 - k) Avoid and/or minimise impacts on sensitive areas of natural environment or hazards.

- 2) **Rear Lanes:** If a lot has frontage to a rear lane then setbacks from the rear lane consider the following:
 - a) Adjacent building setbacks along that lane, particularly adjacent to or within 40m of the site;
 - b) The potential to service the lot from the rear lane (where suitable) whilst accommodating potential vehicle turning circles on-site or to provide through-site access; and
 - c) Sight-lines for safe access/egress and turning paths for the largest design vehicle to/from the rear lane.
- 3) **Side & Rear Setbacks:** Side and rear setbacks meet the **National Construction Code (NCC)** requirements and may depend on the fire rating of the building materials chosen and the adjacent development and the need for access to the rear of the lot.
- 4) **Additional Zone Setbacks:** In addition, where applicable, the site-specific areas/land use zones controls are addressed in the Sections below.

7.4.3 Setbacks – Zone B2 Local Centre

- 1) **Desired Character:** The desired character is for buildings in Central Business Districts (CBDs) to have consistent minimal setbacks to the primary (and secondary) streets (where possible):
 - a) To clearly define the street edge,
 - b) To provide **active street frontages**,
 - c) To provide good pedestrian amenity and weather protection, and
 - d) To limit impacts from car parking and services fronting the main retail street(s) consistent with the level of pedestrian activity along the street frontage.
- 2) **Primary Street Setbacks:**
 - a) New commercial and community buildings fronting any primary retail streets (especially those defined as '*Active Street Frontage*' on the **LLEP2014 Active Street Frontages Map**) generally have zero or limited street setbacks at ground level in the core business district to reinforce active street frontage and allow for continuous footpath awnings weather protection.
 - b) Possible exceptions to zero setbacks may be justified if a new commercial or community building is adjacent to:
 - i) A heritage item that has a greater setback to the street and sight-lines are maintained to this item (subject to heritage advice); or
 - ii) An adjacent building is setback from the street and the proposal would seek to provide the average of the adjacent setbacks.
 - c) Front setbacks are not to be used for the provision of on-site car parking unless it is adaptive re-use of an existing building and Council approves traffic access directly to the primary retail street.
 - d) Upper-level setbacks from the primary retail street frontage (generally above two to three storeys) may be required to ensure consistent street frontage height with adjacent building(s) and to reduce the visual impact of the proposed building.

- 3) **Side Setbacks:** New buildings fronting the primary retail street in the core of the CBD have zero side setbacks to the adjacent lots to reinforce a continuous retail precinct and allow for continuous awnings/weather protection (where it exists on adjacent properties).
- 4) **Rear Setbacks:** Rear setbacks incorporate servicing and off-street parking requirements with access from non-primary retail streets and lanes and the provision of some landscaping to reduce the visual impact of significant parking and service areas.

7.4.4 Setbacks – Zone RU5 Village

- 1) **Primary Street Setbacks:**
 - a) Front primary street setbacks generally be the average of the setbacks of buildings on adjacent lots within 40m of the lot boundaries and justified according to the existing street character and setback pattern and the functions of the buildings.
 - b) Views to heritage items and provision of front landscaping is considered where this forms part of the character of the village and streetscape.
- 2) **Side & Rear Setbacks:** Where there is an existing dwelling or community use on an adjacent lot, the applicant demonstrates how side setbacks avoid, minimise or mitigate impacts on that adjacent lot including, but not limited to, overshadowing from buildings higher than 6m, traffic, noise, dust, odour, visual and acoustic privacy, and large blank walls.

7.4.5 Setbacks – Other Business Zones or Areas

- 1) **Primary Street Setbacks:** The primary street setback will be dependent on access and off-street parking requirements for the proposed use. Setbacks should respond to and integrate with the setbacks of adjacent buildings (e.g., the average of adjacent setbacks). Council encourages buildings to reinforce primary streets by minimising setbacks and locating parking and servicing areas to secondary streets or rear setback areas.
- 2) **Side & Rear Setbacks:** Side and rear setbacks may be required where loading/unloading facilities and on-site storage need to be accommodated and appropriately screened from public spaces.

7.4.6 Building Height, Bulk & Form

The form and massing of individual buildings, including height, bulk and scale, is a critical element in creating character and unity within a streetscape. To ensure new development is integrated within existing streetscapes and neighbourhoods, it is important to have sympathetic relationships between the form and massing of buildings and for development to be compatible with individual site conditions.

- 1) **Height:** The maximum height of building from **ground level (existing)** is as follows:
 - a) In *Zone B1 Neighbourhood Centre* – 8.5m;
 - b) In *Zone B2 Local Centre & Zone B4 Mixed Use* – 10m.
- 2) **Site Response:** The applicant demonstrates how the proposed building height, bulk and form will:
 - a) Respond to the topography of the area and site characteristics.
 - b) Comply with DCP *Section 2.2.4 Visually Prominent Sites* and any relevant requirements in DCP *Chapter 4 – Heritage & Cultural Conservation*.
 - c) Integrate with the existing/desired scale and street character for the relevant land use zone and location using proportional elements that are sympathetic to the scale of other buildings in the area, particularly adjacent to or opposite the site;
 - d) Respond to or reinforce key corner sites and 'gateways' to each central business district or town centre (on key roads) or terminate key sight-lines in the public domain where the building will exhibit a high standard of design and articulation;
 - e) Maintain the dominant street frontage façade/wall height(s) to primary retail streets, retain a scale that does not dominate the street, and setback additional height behind this street wall height.
 - f) Be sympathetic to and provide a transition in height to adjacent existing buildings, and public spaces that are unlikely to increase in height;
 - g) Minimise or mitigate impacts on amenity (e.g., overshadowing/privacy) of:
 - i) Adjacent residential accommodation and private open spaces;
 - ii) Any sensitive community facilities, school yards, parks, churches etc.; and
 - iii) Key public spaces (particularly where they provide outdoor seating, dining, or recreation spaces).

7.4.7 Building Design, Articulation & Facades

The design of building facades should relate to adjacent buildings and the streetscape character. Special consideration should be given to heritage buildings and development that adjoins them. Building design features and facades will change with time and changing functions of commercial buildings. New contemporary developments are not required to directly copy existing designs of historic buildings, but should integrate with the surrounding streetscape by incorporating significant design elements from neighbouring buildings which compliment it.

- 1) **Context:** Development responds to its context and the predominant streetscape qualities including building form, scale and character as well as local cultural or natural elements. Particular regard is given to buildings, streetscapes and localities of identified heritage significance.
- 2) **Orientation:** Buildings orient to, and be well-articulated when viewed from adjacent streets, parks and other public spaces to contribute to the safety, vibrancy and amenity of public spaces and have openings (and preferably access) to/from these spaces.
- 3) **Articulation:** Building elevations (especially for larger buildings or those facing public spaces or vacant land) provide horizontal and vertical articulation/variations (as required) in:
 - a) Building or wall setbacks (including projections or recesses);
 - b) Roof lines;
 - c) Openings (doors and windows);
 - d) Balconies, terraces and shading/projecting elements; and
 - e) Building materials, finishes and colours and detailing,to provide visual interest, reduce the perceived bulk and scale of the building, align with adjacent building scale and articulation, and create a sense of 'human-scale' when viewed from the public domain.
- 4) **Blank Walls:** Large expansive blank walls are avoided unless the applicant can demonstrate: the wall would not dominate or affect the amenity of adjacent use(s) or public space (e.g., it abuts the wall of an adjacent (or future) building with limited or no openings).
- 5) **Active Frontages:** Large retail or commercial floor spaces not requiring continuous connection to the street (such as large supermarkets or **specialised retail premises**), are located and design so as to enable smaller retail or business floor spaces to face the street and activate the street frontage or additional articulation/openings are provided that reduces the impact of larger inactive frontage(s).
- 6) **Activation/Safety:** Activation of main streets in town/village centres and improved pedestrian safety is encouraged through:
 - a) Minimal building setbacks to the street;
 - b) Encouragement of awnings in key pedestrian areas for weather protection in accordance with DCP Section 7.4.8 below;
 - c) Windows/glazing areas to the street to encourage casual surveillance and active retail frontages with well-lit views into the shop-fronts;
 - d) Well-defined and lit entrances with good sight-lines for safety and security;

- e) Addressing DCP *Section 2.7 – Designing for Crime Prevention* principles including materials & finishes that are graffiti or vandalism resistant;
 - f) Security grilles are see-through and not solid type structures, discreet, and do not dominate the shopfront whilst providing sufficient security.
 - g) Vehicle parking and servicing areas and fire exits/service cupboards etc. **are** located to the side or rear of developments (where possible).
- 7) **Corner Sites:** New commercial or retail development on corner sites with limited setbacks incorporate splays, curves, building entries and/or other architectural elements to reinforce the corner as a landmark feature of the street and activate both street frontages, whilst maintaining sight-lines for safety.
- 8) **Roof Types:** Roof types reflect similar types, slope and features to adjacent buildings (of similar use) or demonstrate that different roof types integrate with the character of an area. For example, in town centres a strong parapet façade may hide flat or skillion roofs behind.
- 9) **Shopfronts:** Shopfronts incorporate regular entrances and vertical articulation (breaks in the massing/glass) that align with the rhythm of subdivision and street fronts in the area, particularly in heritage conservation areas or historic retail streets.
- 10) **Colour Schemes:**
- a) External building colours and materials are used to express building massing, articulation and detail elements.
 - b) Colour schemes of buildings **are** sympathetic to the period and style of the building and/or adjacent buildings and contribute positively to the streetscape.
 - c) Bright primary or iridescent colours, corporate colours, or use of a single colour are not acceptable on large areas of a building.
- 11) **Utilities:** The visual impact of all external infrastructure/services (including air conditioning units, plant rooms, ducting, solar panels etc.) is minimised when viewed from a public place or road and integrated into the landscape, façade and/or roof design.

7.4.8 Structures over Public Footpaths/Roads (Awnings & Balconies)

The reinstatement of, or repairs to, original building structures over public footpaths is encouraged (where supported by heritage advice). Council may audit existing structures for structural safety.

Heritage advice may be required to determine the suitability of a new awning, balcony or verandah on any proposed building in a heritage conservation area or on or in proximity to heritage items.

Council's conditions of consent will require public liability insurance to Council's requirements and a Council license for verandahs, balconies or awnings over the public footpath.

*It is the responsibility of the building owner to ensure the structural capacity of awnings, verandahs, and works in the public domain and that they comply with all relevant standards e.g., **Australian Standard AS1170** and the **National Construction Code**. For further information see:*

- *Department of Local Government Circular to Councils No.99/33 (1999);*
- *NSW Government Planning Circular BS13-001 (8/3/13); and*
- *Association of Consulting Structural Engineers of NSW (2008) Practice Note No.18 – Inspection and Assessment of Existing Tied Awnings.*

- 1) **Locations:** Continuous street frontage awnings are to be provided for all new developments with a zero-front street setback that are adjacent to a building with an existing awning and/or in a high pedestrian activity area (usually along primary retail streets, at Council's discretion).
- 2) **Posts in Public Footpaths:** Posts required to support building extensions over public footpaths do not interfere with vehicle parking or pedestrian movement and safety and are structurally adequate such that if any one of the supporting posts were removed or damaged by vehicle impact, the structure would not collapse.
- 3) **Street Trees:** Building extensions are located to ensure no conflict with street trees.
- 4) **Design:** Building extensions are coordinated with building facades, materials and colours and be complementary in alignment and depth to the adjoining buildings and its building extensions over public footpaths.
- 5) **Dimensions:** These structures comply with the following dimensions, subject to advice from Council's engineers and the specific site circumstances:
 - a) A minimum soffit height of 3.3 metres above the footpath;
 - b) A low profile, with slim vertical fascia or eaves (generally not to exceed 300mm in height);
 - c) A setback minimum of 600mm from the kerb.
- 6) **Lighting:** Under awning recessed lighting may be required to facilitate night use and public safety (subject to Roads & Maritime Services input on arterial roads).
- 7) **Safety:** For new awnings, significant alterations and additions to a building with an existing awning, or when an awning's safety is brought into question – Council will request a **Structural Certificate** for the awning to confirm it meets current standards.

7.4.9 Food Premises

Food safety practices are essential for the health and safety of our community. The design, construction and fit-out of food premises is essential to satisfy relevant standards and ensure good food-handling practices, health and hygiene are maintained where food is prepared and/or sold. All food premises, including temporary food operators/stalls, mobile food vendors, tourist & visitor accommodation servicing food, home businesses, community service groups and charities are required to notify Council of their activities and obtain approval from Council in order to operate.

- 1) All food premises and food practices are designed and operated to meet the minimum standards for food safety in order to maintain the health and well-being of the community.
- 2) All food premises are designed, constructed and operated in accordance with the following requirements:
 - a) *NSW Food Act 2003 and NSW Food Regulation 2010; and*
 - b) *Australia & New Zealand Food Authority (ANZFA) Food Standards Code; and*
 - c) *Australian Standard AS4674 Design, construction and fit-out of food premises, and*
 - d) **National Construction Code (NCC).**
- 3) Applications that propose kitchen facilities provide a detailed layout on an appropriately-scaled drawing that adequately identifies the details of the proposed kitchen facilities, and addresses the requirements of *AS4674 Design, construction and fit-out of food premises*.
- 4) Temporary food stalls or vendors being provided as part of a community event provide all relevant details including a copy of the Public Liability Insurance, to the Event Organiser for inclusion in the Festivals and Events Application Form submitted by the Event Organiser to Council for events on public land.

7.5 Advertising & Signage

This section applies to all advertising and signage that requires a **development application**.

Signage can be for the purposes of advertising or navigation. Whilst businesses will often seek to maximise their signage to increase visibility, it can have a significant impact on the street character and result in signage clutter that creates visual impact and safety issues.

*State Environmental Planning Policy (Exempt and Complying Development Code) 2008 (**Codes SEPP**) outlines signage that is exempt from the requirement of obtaining development consent. The SEPP Code is available at www.legislation.nsw.gov.au. Proposals that do not satisfy the requirements of the **Codes SEPP** need to lodge a **Development Application (DA)** seeking approval from Council.*

The method to use this section is to review the following Sections of the DCP:

- a) Section 7.5.5 - General Controls for Advertising and Signage – to see the types of signs permitted for each use or activity; and
- b) Section 7.5.6 - Types of Signs – to see additional controls for each sign type that is permitted.

Objective(s)

- O1. To ensure that advertising and signage is consistent with the requirements of *State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)*.
- O2. To provide a consistent approach to provision of adequate and effective signage for the identification and promotion of events, buildings, and businesses that enhance the economy and employment in the **LGA**.
- O3. To ensure that signage is appropriately sized and positioned and minimises the visual impact and/or visual clutter caused by a proliferation of excessive signage (number, size or visibility) that is inconsistent with:
 - a) the land use zone objectives;
 - b) the street character and amenity;
 - c) the heritage character of the area or nearby heritage items;
 - d) the scale and proportion of the building and its architecture.
- O4. To ensure that signage does not compromise pedestrian, cyclist or vehicle safety.
- O5. To encourage signage that promotes ease-of-navigation.
- O6. To ensure that signs are structurally safe and well maintained.
- O7. To encourage signage of a high-quality design and finish with robust materials.

Control(s)

7.5.1 General

For new advertising signage and structures, it is important that the **development application** shows the proposed location, supporting structures, and size/area of advertising (including the location of any existing signage on the lot/building). Future uses can then apply (where required) for the actual signage within those locations/structures/areas.

7.5.2 SEPP No.64 – Advertising & Signage

Under *State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)*, Council cannot grant development consent to an advertising sign or structure unless it is consistent with the aims of the **SEPP 64** and satisfies the assessment criteria listed in Schedule 1 of **SEPP 64**. This policy is available at www.legislation.nsw.gov.au.

7.5.3 Prohibited Signs

The following signs are unlikely to be acceptable to Council for all uses:

- 1) Sky or roof-top signage (signage that extends above the roof-line of the building);
- 2) Third-party advertising (not related to businesses operating on the site) unless it is an approved highway or tourist navigation sign;
- 3) Advertising on street furniture or public facilities (unless approved by Council);
- 4) Any pole or pylon sign higher than 8m;
- 5) Flashing and animated (moving) signs that could impact on traffic safety;
- 6) Illuminated signs that cause light-spill to adjacent residential or sensitive development (see External Lighting controls above);
- 7) Permanent inflatable signs for commercial promotions (short-term events may be acceptable).

7.5.4 Location of Signage

- 1) Advertising structures may only be erected where they are used in conjunction with a permissible use and situated on the land upon which the use is conducted (unless they are an approved highway or tourist navigation sign).
- 2) Council may consider the erection of a directory/entry board for an industrial estate or larger commercial development upon public land subject to justification and where it is considered to benefit navigation for the wider community.

7.5.5 General Controls for Advertising & Signage

Land Use	Advertising and Signage Types Permitted with Development Consent
<p>1) Arterial Road Frontage</p>	<p>Where a site fronts onto or is visible from an arterial road (especially a State highway or regional road), the applicant demonstrates that the signage:</p> <ol style="list-style-type: none"> 1) Is integrated into the landscaping for the site so as not to detract from the amenity of the area or impact on safety of road users; 2) Is not the dominant feature of the site as viewed from the road, particularly at gateways to any settlement.
<p>3) Commercial and Retail</p>	<ol style="list-style-type: none"> 1) A single business premises is permitted to have a maximum number of signs on each street frontage of the building (in accordance with the controls below) as follows: <ol style="list-style-type: none"> a) One under awning sign; b) One top hamper sign or flush wall sign; c) One fascia or awning fascia sign; d) One A-Frame sign on the footpath; e) Historic building identification signage. 2) Window signs maybe provided in addition to the list above as long as it does not take up more than 20% of the street window or significantly reduce visibility between the inside of the shop and the street. 3) Each tenancy in a multiple tenancy in the same ownership or on the same lot may have the same signage as set out above (limited to one (1) A-Frame sign on a public street) as well as a single directory board /pylon sign naming the facility and listing some or all of the tenancies at or near the primary customer entrance.
<p>4) Industrial or Community Use</p>	<ol style="list-style-type: none"> 1) For each single occupant industrial site/building advertising signs will be permitted as follows: <ol style="list-style-type: none"> a) One (1) free standing advertisement within the front landscaped road setback; b) Two (2) advertisements integrated with the façade of the building (one per wall). 2) For each multiple occupant industrial site/ building, advertising signs will be permitted as follows: <ol style="list-style-type: none"> a) One (1) index board near the customer entrance or within the landscaped road setback; and b) Advertisements integrated within the façade of each unit that do not dominate the street frontage (e.g., window signs).
<p>5) Highway Services, Service Stations & Highway Restaurants/ Take-Away Food Premises</p>	<ol style="list-style-type: none"> 1) Up to three (3) facia signs, flush wall signs or logos integrated with the façade of the building (one per wall); 2) One (1) free-standing sign integrated into the front landscape or car-parking area of each street frontage of the site; 3) One (1) pylon sign at the primary road frontage boundary where the building is setback from the road, with a maximum height of 8 metres.

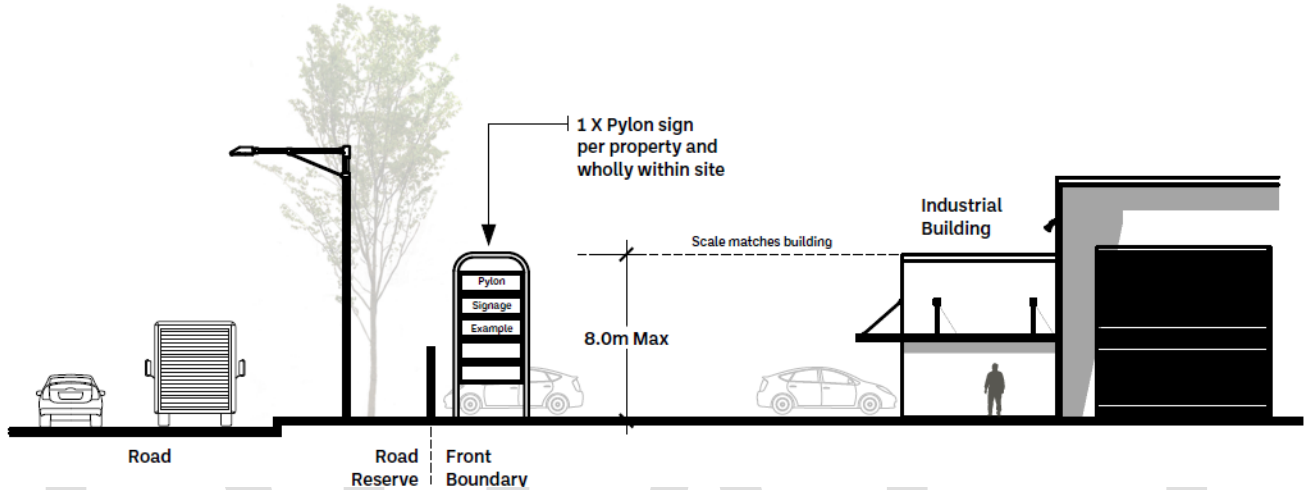
Land Use	Advertising and Signage Types Permitted with Development Consent
<p>6) Temporary Event Sign</p>	<p>Temporary signs facing on any road frontage are:</p> <ol style="list-style-type: none"> 1) Not to have a surface area of more than 6m²; 2) Located wholly within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall; 3) Not higher than 5m above ground level (existing); 4) Not permanently fixed to a building, fence or wall; 5) If advertising a commercial or retail event - not to be constructed or installed in a residential zone; 6) Not illuminated; 7) Not displayed earlier than 14 days before the event; and 8) Be removed within 2 days after the event.
<p>7) Home Business, Home Industry or Home Occupation</p>	<ol style="list-style-type: none"> 1) One (1) business identification sign is permitted per property to be constructed or installed in relation to a home business, home industry or home occupation. 2) Stand-alone signs are no greater than 600mm by 900mm. 3) Window signs have a maximum coverage of 20% of the surface of the window in which is displayed or 6m², whichever is the lesser. 4) The sign is not illuminated.
<p>8) Subdivision and Multi Dwelling Development</p>	<p>For multi-dwelling sites, major residential subdivisions, or mixed-use development with frontage to a major local road, the following signs are permitted:</p> <ol style="list-style-type: none"> 1) One (1) low-level free-standing sign located at the main entrance to the subdivision/ multi-dwelling development that does not interfere with pedestrian pathways, movements or sight-lines; 2) The sign is not more than 8m² in area (maximum 1.5m high or 5m long) excluding locality/entrance signage for large new residential subdivisions that is integrated into permanent entrance features; 3) The sign is not more than 2m above ground level (existing); 4) The sign is integrated with landscaping and designed as an entrance feature.
<p>9) Mixed-Use Development (with residential)</p>	<p>Signage for any commercial component within a mixed-use development is not to be located in or on any residential component of the development and does not interfere with residential amenity.</p>
<p>10) Rural and Environmental Zones</p>	<p>Advertising in rural and/or environmental zones (excluding Zone RU5 Village) is generally only permitted if there is:</p> <ol style="list-style-type: none"> 1) One (1) sign per business; and 2) Each sign advertises a facility, activity or service located on the land or directs travelling public to a tourist facility/building/place of scientific, historical or scenic interest within the area.
<p>11) Sign Face Area</p>	<p>means the display area bounded by the framework of a sign case, and includes such area on each side calculated separately if the advertisement has more than one side.</p>

7.5.6 Types of Signage

The following additional controls apply to specific types of signage:

A. Pole (or Pylon) Sign

Pole (or pylon) sign means a sign erected on a pole or pylon independent of any building or other structure.



Pylon sign example (Source: Dean Steward).

Pole and/or pylon sign(s) are:

- 1) Not to exceed one (1) sign per property street frontage;
- 2) Not located within the main retail streets of urban areas, except for Service Stations which may seek special permission from Council and TfNSW (former RMS);
- 3) A height that is consistent with the scale of surrounding buildings and is a maximum height of 8 metres;
- 4) Designed to reflect the scale of the building to which it relates and the streetscape characteristics of the area;
- 5) Contained wholly within the site and do not overhang any public space or land;
- 6) Not flashing (if illuminated).

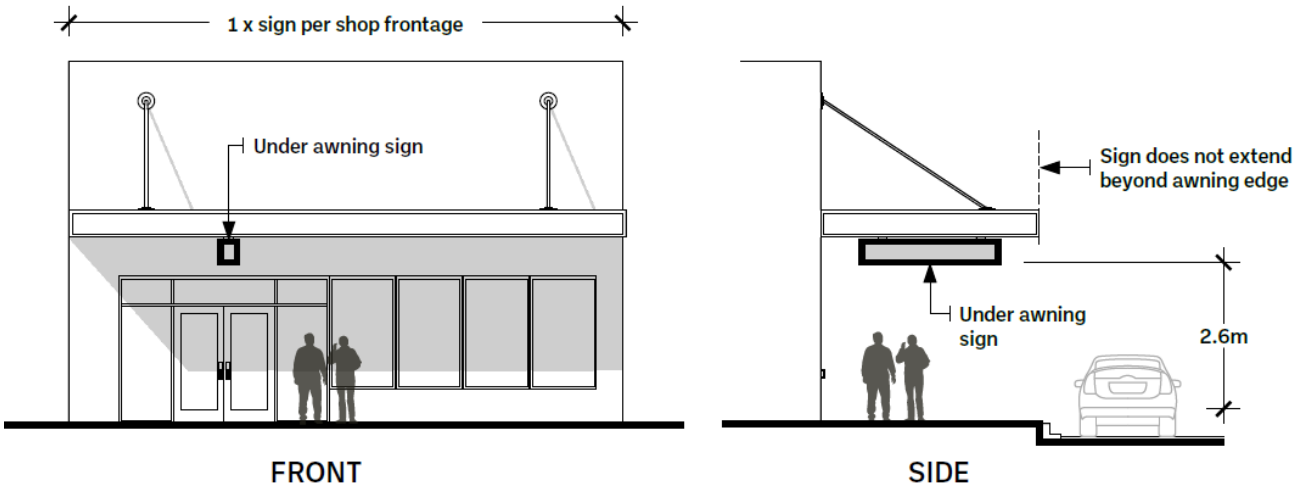
B. Under Awning Sign

Under awning sign means a sign attached below the awning of a building (i.e., attached to the underside of the awning).

Under Awning sign(s) are:

- 1) Not to exceed one (1) sign per property street frontage unless spaced more than 8m apart;
- 2) Attached to the building in which the business identified in the sign is located;
- 3) Not more than 1.5m² in area and not more than 2.5m² in length;
- 4) Erected with the lower edge at least 2.6m above ground level (existing); and
- 5) Not to extend beyond the edge of the awning or interfere with other street infrastructure or vehicles on the road or parking areas.

UNDER AWNING SIGNAGE



Sign example(s) only (Source: Dean Steward).

C. Above Awning Sign

Above awning sign means an advertisement which is attached to and located above an awning or verandah and includes the following:

- a) **Wall (flush) sign** – means a sign that is flat mounted or painted on the exterior wall of an existing building or on an existing boundary fence or wall).
- b) **Projecting wall sign** – means any sign attached to and projecting from a wall (can project no more than 0.3 metres from the wall).

Roof signage means an advertisement that is erected on or above the roof, parapet or eaves of a building. These are generally not supported.



Sign example(s) only (Source: Dean Steward).

Above Awning Sign(s) are:

- 1) Of a size that is consistent with the bulk and scale of the building and streetscape character.
- 2) Located at first floor level where the building is more than one level.
- 3) Where shop-top housing is part of the building, not to include illuminated above awning signs that would result in light-spill affecting amenity of the dwellings.

D. Awning Fascia Sign

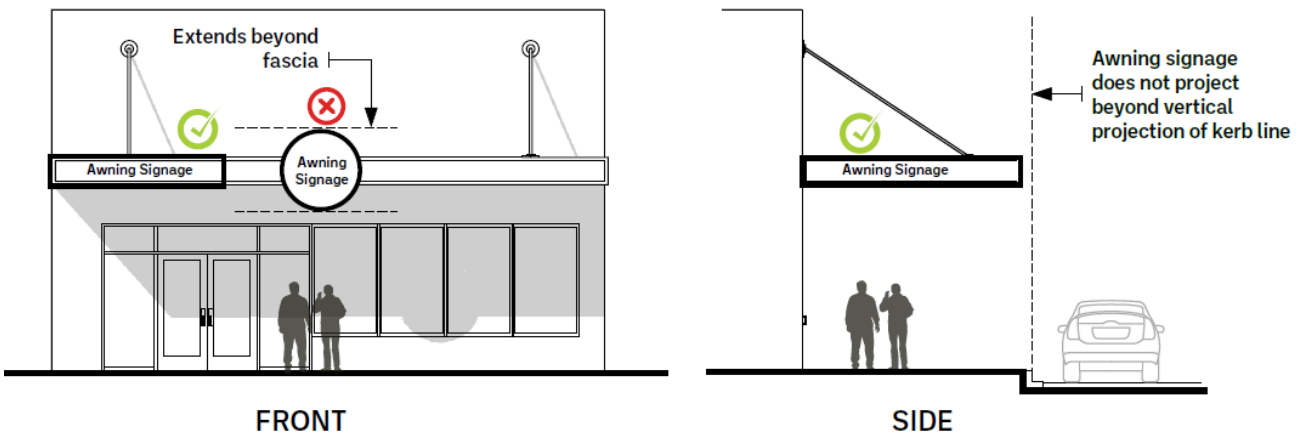
Awning fascia sign means any sign painted on, or attached to, the front or side face of an awning that doesn't:

- a) project above or below the fascia or return end of the awning to which it is attached;
- b) extend more than 100 mm from the fascia or return end of the awning; and
- c) extend or project beyond the vertical projection of the kerb line.

Awning (Fascia) sign(s) are:

- 1) Not to exceed one (1) sign per retail premises/awning fascia with a shopfront facing that street;
- 2) Not to project above or below the fascia to which it is attached; and
- 3) Located at least 600mm behind the alignment of any kerb within the adjacent road.

FASCIA SIGNAGE



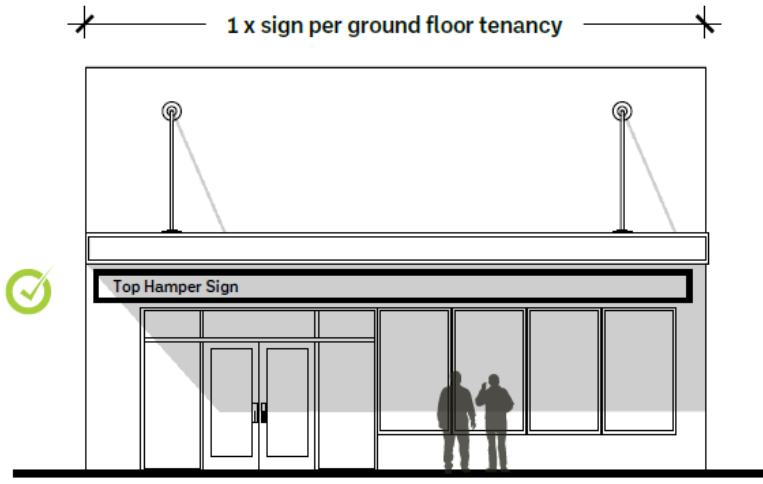
Sign example(s) only (Source: Dean Steward).

E. Top Hamper Sign

Top hamper sign means a sign that is attached above a display window or attached to the transom of a doorway in a building.

Top hamper sign(s) are:

- 1) Not to exceed one (1) sign of this type for each ground floor tenancy; and
- 2) Not to extend beyond any wall/boundary and/or below top of door / window head.



FRONT

Sign example(s) only (Source: Dean Steward).

F. Window Sign

Window sign means a sign painted on or affixed to the window of a building.

Window sign(s) are:

- 1) Not to exceed a maximum coverage of 30% of the surface of the window in which is displayed or 6m², whichever is the lesser;
- 2) Primarily for the purpose of business identification signage and may also include the hours of operation of the business;
- 3) Not flashing (if illuminated);
- 4) If it involves a sign advertising a home business, home industry or home occupation - not to exceed one (1) sign per premises.

WINDOW SIGNAGE



Sign example(s) only (Source: Dean Steward).

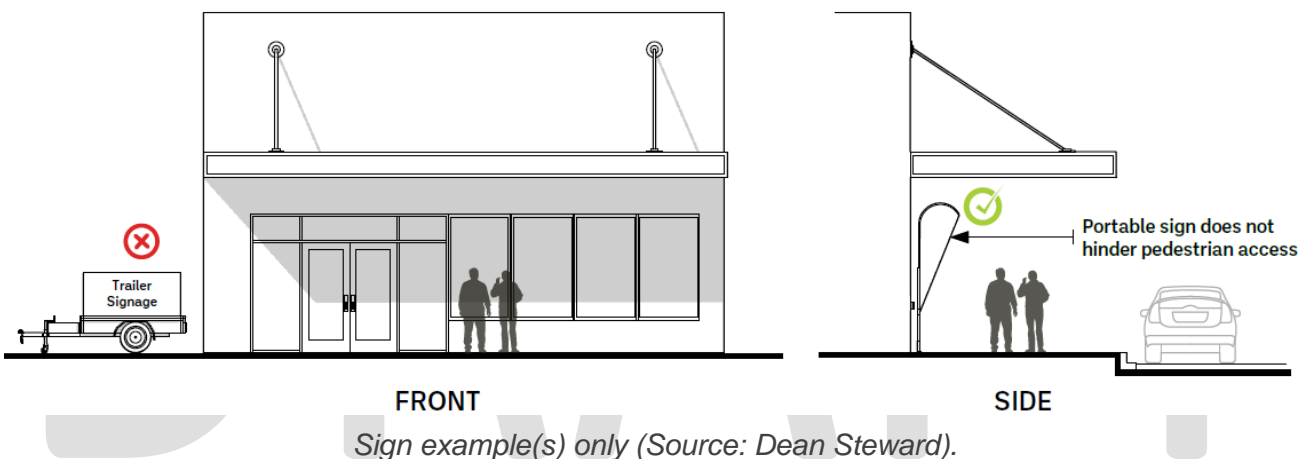
G. Portable Signs

Portable sign means signage that can be readily moved and includes portable flags, trailers and any similar device (not an A-Frame sign).

Portable sign(s) are:

- 1) Not displayed on the footpath of any road or in any public place unless the premises of the relevant business or person has direct ground floor frontage and direct ground floor access to that road or public place;
- 2) Not to unreasonably hinder or obstruct the access and use of the footpath or any road or of any public place; Be removed from the road or public place each day at the close of business;
- 3) If displayed on a trailer - not parked on any footpath, road related area, or road, whether attached to a vehicle or not, when the primary purpose for the placement of the trailer is for promotion or advertising.

PORTABLE SIGNS



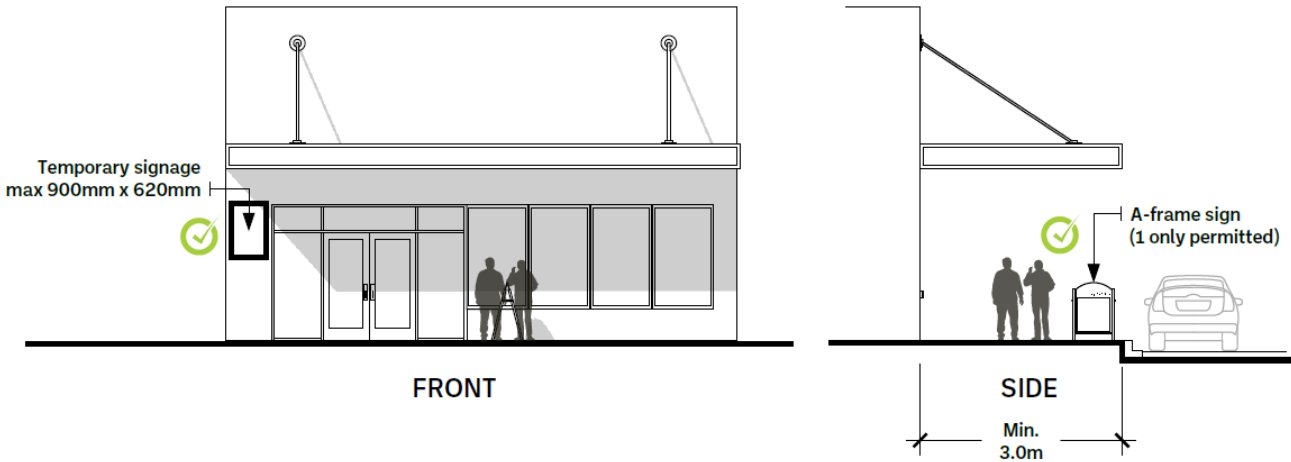
H. Temporary (Content) Sign or A-Frame Sign

Temporary content sign(s) (external to building):

- 1) May be a flush wall permanent sign e.g., blackboards which allow for temporary content such as weekly specials and deals.
- 2) May be moveable e.g., display specials to diners at a restaurant, but is not located on the road reserve at any time (or it will be treated as an **A-Frame Sign** below).
- 3) Have maximum dimensions of 900 x 620mm.

A-frame signs are more commonly known as sandwich board signs. A-Frame are free standing structures that are temporarily placed on the footpath outside the business to which they relate. A Footpath Trading Approval is to be sought separately from Council.

A-FRAME AND TEMPORARY SIGNAGE



Sign example(s) only (Source: Dean Steward).

A-Frame sign(s) are:

- 1) Not to exceed one (1) sign per commercial business;
- 2) Only to contain content that relates directly to an activity carried out on or associated with the related business premises;
- 3) Of safe and stable construction and comply with the diagram above;
- 4) Only placed on the street during the normal hours of trade of the business to which they relate.
- 5) Not illuminated;
- 6) Only located on footpaths with a minimum footpath width of 3.0m.

I. Other Signs

All other signage will be considered on its merits. This may include (if not prohibited above or exempt development):

Advertising structure means a structure or vessel that is principally designed for, or that is used for, the display of an advertisement.

Banner sign means a soft plastic, canvas or poly-canvas material bearing letters and numbers and/or pictures, that is visible from a public place. Banners are usually fixed to a solid frame or posts.

Bill-poster (or fly-poster) means a bill or poster attached to a wall, fence, power pole, traffic pole, street name sign, public furniture, public property or tree trunk.

Billboard/bulletin board means an advertisement that is painted or flat mounted on the outside of a building, or consists of two or more freestanding poster panels supported by one or more columns or posts.

Community sign means a sign for a community organisation erected to advertise a community event or place of community interest.

Free-standing sign means any sign not attached to a building or structure and includes any three-dimensional replica, object or shape.

Inflatable sign or structure means any fixed or captive balloon, blimp, kite or cold air inflatable or the like and includes lighter than air devices used for promotional purposes.

Moving sign means any sign, either illuminated or non-illuminated, including rotating, tri-vision, carousel, animated, computer controlled, moving display or message signs with a single or variable message.

Place entry sign means an identification sign incorporated into the landscaping and or retaining structures located at the entrance of a major release area or place.

Temporary sign means an advertisement for short term promotional purposes that:

- a) announces any local event of a religious, educational, cultural, social or recreational character or relates to any matter in connection with such an event;
- b) the event is organised by a charitable organisation, community group, sporting association or public authority;
- c) does not include advertising of a commercial nature (except for the name(s) of the event sponsor(s)); and
- d) is not displayed earlier than 14 days before the event and is removed within 2 days after the event.

Real estate sign means an advertising sign temporarily displayed in respect of a place, land or premises to which it is affixed which contains only a notice that the place or premises is for sale or letting together with particulars of the sale or letting.

Roof sign means an advertisement erected on or above the roof of a building that is wholly or partly supported by the building.

Variable message board means a device used to display a message by the display of lights that are capable of being programmed to deliver a message to passing pedestrians and motorists.

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